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**Agenda for the First Session of the Bombay Legislative Council
held at the Town Hall, Bombay, on Monday,
the 19th February 1923, at 2-30 p.m.**

I.—NOMINATION OF FOUR CHAIRMEN.

**II.—INTRODUCTION OF BUDGET FOR THE YEAR
1923-24.**

III.—GOVERNMENT BILLS.

(1) Bill No. XIX of 1922 (A Bill further to amend the Bombay Port Trust Act, 1879)—*Second Reading.*

Notices of amendments have been received from

- (1) Mr. A. Greville Bullocke, M.L.C.
- (2) Mr. G. B. Trivedi, M.L.C.
- (3) A. N. Surve, M.L.C.
- (4) Mr. S. K. Bole, M.L.C.

(2) Bill No. XII of 1922 (A Bill further to amend the law relating to public ferries in the Presidency of Bombay)—*Second Reading.*

Notice of amendments has been received from Sardar Khan Bahadur A. M. Dalal, M.L.C.

(3) Bill No. XXIII of 1922 (A Bill further to amend the Bombay Boiler Inspection Act, 1917)—*First Reading.*

IV.—GENERAL DISCUSSION OF THE BUDGET.

V.—MOTIONS TO AMEND STANDING ORDERS.

Motion No. I of 1923 for leave to amend Standing Orders—Rao Saheb D. P. Desai, M.L.C.

VI.—PRIVATE BILLS.

(1) Bill No. XXI of 1922 [A Bill further to amend the Bombay Hereditary Offices (Amendment) Act, 1886]—Mr. S. T. Kambli—*First Reading.*

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

**VII.—DEMANDS FOR GRANTS AND MOTIONS TO
REDUCE OR OMIT GRANTS.**

**VIII.—SUPPLEMENTARY ESTIMATES FOR THE
YEAR 1922-23.**

IX.—ELECTION OF NON-OFFICIAL MEMBERS OF THE COMMITTEE ON PUBLIC ACCOUNTS FOR THE YEAR 1923-24.

X.—MOTION TO APPOINT A FINANCE COMMITTEE FOR 1923-24 AND ELECTION OF NON-OFFICIAL MEMBERS.

XI.—DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

Resolution by Mr. D. D. Gholap, M.L.C.

1. "That this Council recommends to the Government the commutation of the Maharki vatan."

Resolutions by Mr. Ibrahim S. Haji, M.L.C.

1. "This Council recommends that Government should add the following conditions in the license granted to the Committee of the Western India Turf Club under sub-section (2) of section 4 of the Bombay Race-Courses Licensing Act, 1912 (Bombay III of 1912):—

(a) That the licensees shall cause to run 20 per cent. races of the country-bred horses in a season in Bombay and Poona respectively.

(b) That the licensees shall offer 20 per cent. of total stakes money for races of the country-bred horses."

2. "That in view of the fact that there are a sufficient number of Urdu students at the Deccan College, this Council recommends it to His Excellency the Governor in Council acting with his Minister of Education to appoint a lecturer in Urdu at that college from the beginning of the next academic term and put him in the same grade as lecturer in other vernaculars."

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

1. "This Council recommends to Government not to recover the amount of money—which is to be recovered—from the citizens of Bombay in connection with the disturbances that took place in November 1921 at the time of the Royal visit."

2. "This Council recommends to Government to take steps to popularise the use of Brunton's Lancet and to make it easily accessible in the districts and also to adopt such other measures as may be necessary to check the alarming mortality due to snakebites."

3. "This Council recommends to Government to adopt effective measures to prevent destruction of human life and damage to crops caused by wild animals by making adequate provision to give rewards for their destruction and deputing police parties to shoot them."

4. "This Council recommends to Government to declare the days on which general elections to the Legislative Council and the Municipal Corporation are held in the Presidency town to be public holidays."

5. "This Council recommends to Government to take steps to make attendance at schools compulsory to children employed as half-timers in the mills situated in the city of Bombay."

6. "This Council recommends to Government to take effective measures to prevent the atmosphere from becoming injurious by reason of over-humidity to the health of the workmen employed in the mills of the city of Bombay."

Resolutions by Mr. B. V. Jadhav, M.L.C.

1. "That this Council recommends to His Excellency the Governor in Council to put, when renewing the license of the Western India Turf Club, conditions as to giving greater encouragement to horse-breeding in this country by keeping more races for country-breds with substantial prizes and by allowing a few more days to racing if the Club asks for the same."

2. "That for the purpose of reducing the excessively high proportion of the advanced communities among the untrained vernacular teachers in the Central and Southern Divisions, this Council recommends to His Excellency the Governor acting with his Minister to pass an order to give during the next ten years preference to the duly qualified candidates belonging to the non-Brahmin backward communities including the Marathas and the depressed classes at the time of making temporary and permanent appointments in the two divisions."

Resolution by Rao Saheb Harilal D. Desai, M.L.C.

1. "This Council recommends that Government be pleased to rule that in municipal districts where by-laws have been framed with the sanction of Government under section 48, clauses (n), (o), (p), (r) and (s) of the Bombay District Municipal Act III of 1901, the control of the revenue authorities under the Land Revenue Code and the rules thereunder in so far as building operations are concerned should be withdrawn as superfluous."

Resolution by Mr. Kanji Dwarkadas, M.L.C.

1. "This Council recommends to the Governor in Council the introduction of legislation at the next session of this Council on the lines of the unanimous report of the Industrial Disputes Committee."

Resolution by Mr. Jehangir B. Petit, M.L.C.

1. "This Council recommends to the Government that, in view of the judgment of the Chief Presidency Magistrate and his remarks against Superintendent Carter in the case of Dr. S. P. Kapadia, Superintendent Carter be adequately punished in the interests of the good name of the police force and the safety of the public."

Resolution by Rao Bahadur S. D. Garud.

1. "This Council recommends to His Excellency the Governor in Council that toll bars on all provincial roads be abolished."

Resolutions by Mr. C. M. Gandhi, M.L.C.

1. "This Council recommends to Government that the procedure of making departmental inquiry into the conduct of police officers against whom strictures have been passed in judgments of criminal courts, and of revising the findings in the said judgments by evidence subsequently collected by the police *ex-parte* and in the absence of the other party concerned, as has been done in the case of strictures passed by the learned Chief Presidency Magistrate of Bombay against Superintendent Carter in the case of King Emperor *versus* Dr. S. P. Kapadia, should be revised as unfair and lowering the prestige of the said courts."

2. "This Council recommends to Government that they be pleased to take proper steps against Superintendent Carter of the Bombay police force to prevent the recurrence of abuse of power by a police officer in future."

3. "This Council recommends that in making appointments of officers of the Indian Educational Service either into the selection grades or as principals of colleges, the claims of the Indian members belonging originally to the old Provincial Educational Service should be duly taken into consideration, irrespective of the fact that their admission to the I. E. S. has only been of a recent date."

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

1. "This Council recommends to His Excellency the Governor in Council that the second revision settlement of the Malsiras taluka in the Sholapur district for the year 1920-1921 should be suspended altogether till the Nira Right Bank Canal comes into actual use for the agriculturists and the Barsi Light Railway actually begins to work in the taluka."

2. "This Council recommends to the Government that a committee of official and non-official members of the Council together with some prominent agriculturists of the city should be appointed to enquire into the scarcity of water-supply to the Sholapur city and to suggest the measures to be adopted to remedy the grievance as the Ekruk tank is full of mud."

Resolutions by Rao Bahadur R. R. Kale, M.L.C.

1. "This Council recommends to the Government that in view of the uncertain and unsettled state of law relating to public, charitable and religious trusts and endowments (existing and future) in this Presidency and in view of the need of ensuring proper and necessary safeguards to protect such trusts and endowments, the Government should at an early date introduce legislation making provision for—

(a) the registration of existing and future endowments and trusts declared for public, charitable and religious purposes;

(b) the submission of audited accounts of such trusts;

(c) making the trustees or managers of such trusts liable in the same manner as trustees under the Trust Act of 1882;

(d) securing the trust properties and incomes thereof to the objects of the trusts;

(e) the creation of district or other boards for the control and supervision of such trusts and endowments ;

(f) and for such other matters as may be necessary for preventing the alienations and misapplication of such properties."

2. "Having regard to the findings and the remarks made in his judgment against Superintendent Carter of the Bombay Police by the learned Chief Presidency Magistrate in the case known as Dr. Kapadia's case, this Council recommends to Government that adequate punishment should be meted out to Superintendent Carter with a view to afford security to the public against the abuse of exercise of powers by the police and inspire public confidence in the administration of justice."

3. "This Council recommends to Government that the system of paper-books containing typed copies of English depositions in all admitted civil appeals introduced in the civil courts of some districts and intended to be extended to other districts of this Presidency should be discontinued as being expensive and disadvantageous to the people and not conducive to a proper administration of justice."

4. "This Council recommends to the Government that it will be pleased to appoint a standing committee of the members of this Council consisting of officials and non-officials for the purpose of scrutinising and approving the rules and regulations made from time to time under the rule-making powers conferred upon the Governor in Council by the legislature in the various enactments passed by it, before they are finally sanctioned and have the force of law."

5. "In view of the hardship caused to the cultivating classes and the increase in the revenue courts for the work which properly belongs to the civil courts, this Council recommends to Government that the provisions of section 86 of the Land Revenue Code be so amended as to make it discretionary with the Collector to grant assistance for the recovery of land revenue only."

Resolutions by Dr. S. S. Bhatiwala, M.L.C.

1. "This Council recommends to Government that the procedure of making departmental inquiry into the conduct of police officers against whom strictures have been passed by criminal courts and of revising the judgment given by such courts on the strength of evidence subsequently collected by the police *ex-parte*, as has been done in the case of King Emperor vs. Dr. S. P. Kapadia, is unfair and such as to lower the prestige of British justice and should be abandoned."

2. "This Council recommends to Government that they may be pleased to take proper steps against the officer condemned by the judiciary in the case of King Emperor vs. Dr. S. P. Kapadia with a view to set an example against any such recurrence of an abuse of power."

Resolution by Mr. V. R. Gupte, M.L.C.

1. "This Council recommends to the Government that the Bhatghar Dam work should not be proceeded with till compensation for the acquisition of lands is paid to the owners."

Resolution by Mr. P. R. Chikodi, M.L.C.

1. "This Council recommends to Government the necessity of reimbursing such district local boards in the Presidency as may have suffered substantial loss of revenue due to any remissions of the local fund cess that may have been already sanctioned."

Resolution by Rao Bahadur D. A. Vichare, M.L.C.

1. "This Council recommends to Government that the right of ownership of reserved trees such as teak, sandal, etc., that are situated on the land for which the owner pays assessment shall be conceded to the owner unconditionally even if such trees be situated within the forest demarcation."

Resolution by Mr. Dipchand T. Ojha, M.L.C.

1. "In view of the remarks of the Chief Presidency Magistrate against Superintendent Carter of the Bombay Police Force in the case of *Emperor vs. Dr. S. P. Kapadia*, this Council recommends to Government that adequate punishment be meted out to Superintendent Carter in the interest of the safety of the public."

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

1. "This Council recommends to the Government not to enhance the survey assessments of lands in those areas of this Presidency where they have already been revised more than once."

2. "This Council recommends to the Government that the whole project of Sukkur Barrage be referred to a committee of experts for approval before putting it into execution."

Resolution by Rao Saheb L. V. Parulekar, M.L.C.

1. "This Council recommends to Government that in view of the importance of the Ratnagiri harbour and of the very great inconvenience and hardship existing in the above-said harbour in connection with the embarking and disembarking of passengers and cargo, and in view of the ample income derivable from the passenger traffic of that district, a deep-water pier be constructed in the said harbour as soon as possible and that a sufficient sum be set apart for that purpose from the Wharfage Fund or from any other source to be subsequently made up from that fund."

Resolutions by Rao Bahadur G. K. Chitale, M.L.C.

1. "This Council recommends to Government the desirability of taking early steps to construct as ordinary works such second class irrigation tanks in Ahmednagar district as would afford ample protection against famine and for which plans and estimates have been already prepared by a special officer appointed for that purpose."

2. "This Council recommends to Government the necessity of reimbursing such district local boards in the Presidency as may have suffered substantial loss of revenue due to any remissions of the local fund cess that may have been already sanctioned."

3. "This Council recommends to Government that a full, complete and open enquiry be ordered to be held into the alleged misconduct of Superintendent Carter of the Bombay police in what is known as Dr. Kapadia's case."

Resolutions by Mr. C. C. Hulkoti, M.L.C.

1. "That this Council recommends to His Excellency the Governor in Council that early arrangements may be made for teaching the full science course for B. A. (Honours) and B.Sc. examinations in the Karnatak Arts College at Dharwar, and provision for the necessary funds may kindly be made in the next year's budget."

2. "That this Council recommends to Government that a tolerably detailed statement of the action taken by the Government on the resolutions passed by the Legislative Council at each session be placed on the Council table at the next session."

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

1. "This Council recommends to the Government that they should take early steps to establish a Stores Purchase Department under a Minister and put it in charge of a capable Indian and that all stores required by Government should be purchased through that office as is being done in the United Provinces."

2. "This Council recommends to the Government that they should not remove the name of any Indian manufacturer or firm from the list of their suppliers on account of political view or for reasons unconnected with the intrinsic merit of the goods supplied such as quality, prices or delivery."

3. "This Council recommends to the Government that the right of inspection of liquor shops be given to non-official members of the excise advisory committees wherever they exist."

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

1. "This Council recommends to the Government that all the selection grades in the Bombay Educational Service sanctioned by Government of Bombay Resolution, Educational Department, No. 2880 of 2nd June 1921, be filled up to redress the grievances of that service by utilising the allotment already sanctioned by Government for this purpose to meet the expenditure on this account."

Resolution by Mr. G. C. Bhate, M.L.C.

1. "This Council recommends to Government that early steps be taken to prepare as complete a programme as possible for the removal of the admitted insufficiency of water supply even for drinking purposes during hot season in the Kolaba district by

- (a) boring in suitable places,
- (b) bunding the rivers and streams wherever feasible, and
- (c) such other means as may be deemed necessary."

XII.—PAPERS PRESENTED TO THE COUNCIL.

- (1) Minutes of evidence of the Prostitution Committee.
- (2) Report of the Select Committee on Bill No. XIX of 1922
(A Bill further to amend the Bombay Port Trust Act, 1879).
- (3) Report of the Select Committee on Bill No. XII of 1922
(A Bill further to amend the law relating to public ferries in the
Presidency of Bombay).

Monday, the 19th February 1923.

The Council assembled at the Town Hall, Bombay, on Monday, the 19th February 1923, at 2-30 p.m., the Honourable the President, Sir NARAYAN GANESH CHANDEVARKAR, Kt., LL.D., presiding.

Present :

ABDUL KADIR KHAN ABDUL AZIZ KHAN, Mr.
 ADDYMAN, Mr. J.
 ADHAV, Mr. P. N.
 BATLIWALA, Dr. S. S.
 BEDREKAR, Khan Bahadur I. M.
 BHATE, Mr. G. C.
 BHURGRI, Mr. J. M.
 BHUTTO, Khan Bahadur S. N.
 BULLOCKE, Mr. A. GREVILLE
 CADELL, Mr. P. R.
 CHAUGULE, Mr. ANNAPPA PHADEPPA
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 COCKE, Mr. H. G.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Mr. V. A.
 DADACHANJI, Dr. K. E.
 DALAL, Sardar Khan Bahadur ADARJI M.
 DALAL, Mr. D. B.
 DESAI, Saheb HARILAL D.
 DUBHASHE, Mr. SHANKAR BALKRISHNA
 DWARKADAS, Mr. KANJI
 FERNANDES, Major C.
 FERREIRA, Mr. D. J.
 GANDHI, Mr. C. M.
 GHOLAP, Mr. D. D.
 GHULAM HUSSAIN, The Honourable Khan Bahadur SHAIKH
 HAJI, Mr. IBRAHIM S.
 HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA
 HAVELIVA A, Mr. M. A.
 HAYWARD, The Honourable Mr. M. H. W.
 HEPPER, Sir LAWLESS
 HULKOTI, Mr. CHANNAPPA CHANVIRAPPA

JADHAV, Mr. B. V.
JENNINGS, Major General W. E.
KALBHOR, Mr. G. M.
KALE, Rao Bahadur R. R.
KER, Mr. J. C.
LALBHAI AMBARAM, Mr.
LALJI NARANJI, Mr.
LAWRENCE, The Honourable Mr. H.
LORY, Mr. F. B. P.
MEAD, Mr. P. J.
MEHTA, The Honourable Mr. C. V.
MODI, Sardar Davar T. K.
MOHOMED SALAHUDDIN K., Mr.
MONTGOMERIE, Mr. A.
MUKHI, Mr. J. P.
MURPHY, Mr. S. J.
MUTALIK, Sardar V. N.
NELSON, Mr. F.
NILKANTH, Rao Bahadur R. M.
PARANJPYE, The Honourable Dr. R. P.
PARULKAR, Rao Saheb L. V.
PATEL, Mr. B. P.
PATEL, Mr. J. B.
PETIT, Mr. JEHANGIR B.
PRADHAN, Mr. M. W.
PROES, Mr. E. M.
RAHIMTOOLA, The Honourable Sir IBRAHIM
SAHERWALA, Khan Saheb I. A.
SALGAR, Mr. R. G.
SETALVAD, The Honourable Sir CHIMANLAL
SHEPHERD, Mr. W. C.
SHIRRAS, Mr. G. FINDLAY
SINDORE, Mr. H. N.
SURVE, Mr. A. N.
THAKOR of AMOD, Sardar NAHARSINGHI
THOMAS, Mr. G. A.
TRIVEDI, Mr. G. B.
VICHARE, Rao Bahadur D. A.
WOODS, Mr. E. E.

The Honourable the PRESIDENT: Order, order. Are there any new members desirous of taking their seats?

The following members then made the prescribed oath of allegiance to His Majesty the King Emperor and took their seats in the Council—

Mr. W. C. Shepherd,

Mr. A. Montgomerie,

Mr. J. C. Ker.

The Honourable the PRESIDENT: I appoint the following honourable members to form for this session the panel of chairmen presiding in the order mentioned :—

Dr. K. E. Dadachanji,

Mr. A. Greville Bullocke,

Rao Bahadur R. R. Kale,

Mr. M. A. Havelivala.

The Honourable the PRESIDENT: Questions.

BRAHMIN AND NON-BRAHMIN TEACHERS IN SATARA DISTRICT.

Mr. P. N. ADHAV (Satara District): (a) Will Government be pleased to state the number of non-Brahmin teachers removed from service, dismissed or services dispensed with in November and December 1922 in Satara district?

(b) Will Government be pleased to state the number of Brahmins employed during the same period in the above district?

(c) Will Government be pleased to state the number of candidates taken in service as teachers who were cooks to some of the touring officers, Education Department, in the Satara district?

The Honourable Dr. R. P. PARANJPYE: (a), (b), (c) The information is being obtained.

VACCINATORS.

Mr. P. N. ADHAV (Satara District): (a) How many Brahmin and non-Brahmin candidates were trained for the vaccinator's posts at their own cost in 1920, Belgaum class?

(b) How many of them are still without employment, (i) Brahmins; (ii) non-Brahmins?

(c) How many non-Brahmin candidates are taken in service permanently since the Belgaum batch came out in 1920?

(d) What is the percentage on an average non-Brahmin to Brahmin vaccinators in the division under the Assistant Director of Public Health, Poona?

(e) How many non-qualified candidates, Brahmins, are entertained in service since the Belgaum class, first batch, came out?

The Honourable Dr. R. P. PARANJPYE: (a)—(e) The required information is being called for.

WATER SUPPLY IN THE KOLABA DISTRICT.

*Mr. G. C. BHATE (Kolaba District): (a) Will the Government be pleased to state whether the question of water supply throughout the

* This question was asked at the meeting held in February 1922, when an *ad interim* reply was given.

Kolaba district has been investigated by the Collector of Kolaba and the district board as stated in reply to my question asked at the September session of the last year.

(b) If so what is the result ?

The Honourable Dr. R. P. PARANJPYE : (a) Yes.

(b) A scheme for the water supply at Uran and the surrounding villages is being prepared. In the case of Roha town where there is much suffering in hot weather the construction of the dam would cost Rs. 40,000 for which neither Government nor the town can provide their share at present. The local board have purchased a boring machine and are letting it out to private persons. In many places there exist large old tanks which if repaired and maintained would much improve the water supply. This should be done as far as possible by the villagers themselves, and the president, district local board, Kolaba, has been asked to take up the matter. Government are at present unable to render any special help for want of funds.

Mr. G. B. TRIVEDI : Asked a supplementary question which was not audible.

Dr. R. P. PARANJPYE : The budget is before honourable members.

Mr. G. C. BHATE : I am not going to ask my next * question as regards allotment of budget grants to talukas in Kolaba district as there seems to be some misprint. The question relating to the local board budget does not appear in this question. There appears to have been some mistake either in my manuscript or in print.

MAHABLESHWAR-DHARAMTAR AND PIMPRI GHAT ROADS.

Mr. G. C. BHATE (Kolaba District) : Will the Government be pleased to state (a) whether the construction of bridges and culverts on the Mahableshwar-Dharamtar road has now been completed ?

(b) When is the Pimpri Ghat road to be taken up for construction ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :

(a) The information has been called for.

(b) The Pimpri Ghat road will be taken up for construction when the financial situation improves.

Rao Bahadur R. R. KALE : May I know when this information is to be available ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : This question does not arise out of the main question.

Rao Bahadur R. R. KALE : Has not the financial situation improved by means of the income derived from the levy of tolls ?

The Honourable the PRESIDENT : That is rather a matter of opinion.

*Budget Grants : Allotment to Talukas in Kolaba District.

Mr. G. C. BHATE (Kolaba District) : Will Government be pleased to state what allotments were made to the several talukas of the Kolaba district for their original budgets during the last five years ?

The Honourable Mr. H. S. LAWRENCE : Government do not allot budget grants separately to talukas.

Mr. G. B. TRIVEDI : It is, Sir, a question of fact.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Yes, to a certain extent.

COURT FEES AND STAMP ACTS.

*Rao Saheb HARILAL D. DESAI on behalf of Rao Saheb D. P. DESAI (Kaira District) : Are Government aware that the new Court fees and Stamp Acts were to come in force from 1st April 1922 ;

(a) that on suits admitted before that date higher fees (i.e., fees under the new Act) are charged in the mofussil courts and specially in Nadiad ; and

(b) that on the documents presented before that date higher stamps have been charged ?

If the reply to the above be in the affirmative, will Government be pleased to state whether any orders have been issued to refund the additional amount ; if not, will Government be pleased to state reasons for it ?

The Honourable Sir IBRAHIM RAHIMTOOLA : The Act as stated before came into force from 1st April 1922. No higher fees were charged on suits admitted or documents presented before the 1st April 1922 in any of the courts in the Presidency.

MALARIA IN LONAVLA AND KHANDALA.

*Rao Saheb HARILAL D. DESAI on behalf of Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to place on table a list showing total number of cases of and deaths from malaria in Lonavla and Khandala during the five years preceding March 1922 ?

The Honourable Dr. R. P. PARANJPYE : The accompanying statement † gives the required information.

PAY OF PRIMARY SCHOOL TEACHERS, GUJARAT.

Rao Saheb HARILAL D. DESAI on behalf of Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state whether it is a fact that primary school teachers in the municipal schools of Borsad and Dhandhuka and some other municipal towns in Gujarat have not received their pay for six or seven months past ? If so, will Government be pleased to state—

(a) when their attention was drawn to this fact,

(b) what were the reasons assigned by these municipalities for the breach of rule 2 under section 58 of the Bombay District Municipal Act, and

(c) what were the steps taken by Government to remedy the grievance of the primary school teachers ?

The Honourable Dr. R. P. PARANJPYE : Attention is invited to the reply to a similar question put by Mr. G. B. Trivedi.

* This question was asked at the meeting held in July 1922, when an *ad interim* reply was given.

† Vide Appendix A.

EXPENDITURE ON IRRIGATION WORKS IN SIND.

Rao Saheb HARILAL D. DESAI on behalf of Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state—

(a) what is the total amount spent on all kinds of irrigation works in Sind, and

(b) how much of this amount is productive at present ?

¶ The Honourable Sir CHIMANLAL SETALVAD, Kt. : (a) The total outlay on irrigation works in Sind during 1921-1922 amounted to Rs. 77,50,885.

(b) All this expenditure is productive, directly or indirectly.

TOLL BARS.

Rao Saheb HARILAL D. DESAI on behalf of Rao Saheb D. P. DESAI (Kaira District) : (a) Will Government be pleased to state whether their attention has been drawn to the hardship and inconvenience caused to the ryots by the reimposition of toll bars in this Presidency and to the abuse of rules by the toll farmers ?

(b) Is it true that the toll rates have been increased to double the old rates and that persons travelling on the same road have to pay the toll twice ? Please state in which districts this practice prevails.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (a) Government have received no complaint of hardship and inconvenience to the ryots or of any abuse of the rules by the farmers.

(b) The rates of tolls levied at several toll nakas are within the rates of the schedule annexed to the Bombay Act III of 1875 and the rule is that no toll should be levied within 10 miles of another toll bar on the same road.

NUMBER OF VILLAGE PANCHAYATS ESTABLISHED.

* Mr. D. D. GHOLAP : Will Government be pleased to state— (a) how many village panchayats are established within the Presidency proper and (b) how many members of the depressed classes were returned into them by election or by nomination ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (a) 300.

(b) 9 by election. There is no nomination of members (the patel of the village is an *ex-officio* member under the Village Panchayats Act).

WATER SUPPLY TO MAHARS AT KHANDALA.

† Mr. D. D. GHOLAP : Are Government aware that the Mahars of Khandala (G. I. P. Ry.) are bitterly complaining of the insufficient water supply although they are paying the usual water-tax ?

The Honourable Dr. R. P. PARANJPYE : It has been reported by the Collector of Poona that the Mahars of Khandala have no complaint about the insufficient water supply. They get sufficient water from a nalla running within easy distance of the gaathan.

* This question was asked at the meeting held in September 1922, when an *ad interim* reply was given.

† This question was asked at the meeting held in February 1922, when an *ad interim* reply was given.

Mr. G. B. TRIVEDI : Are they allowed to use the pipe ?

The Honourable Dr. R. P. PARANJPYE : I want notice of the question.

Mr. G. B. TRIVEDI : Is there any municipal water pipe at Khandala ?

The Honourable Dr. R. P. PARANJPYE : I want notice of that question.

Mr. D. D. GHOLAP : Sir, if the Mahars of Khandala are using water from the nalla.....

The Honourable the PRESIDENT : That is debating. Please ask a supplementary question if any.

Mr. D. D. GHOLAP : I want to know whether the Mahars of Khandala are paying the water-tax ?

The Honourable Dr. R. P. PARANJPYE : I want notice of that question.

Mr. G. B. TRIVEDI : Do Government intend to make inquiries into the matter ?

The Honourable Dr. R. P. PARANJPYE : Into what matter ?

Mr. G. B. TRIVEDI : Whether the Mahars of Khandala are allowed to get water from the municipal water pipe ?

The Honourable the PRESIDENT : The original question was, Whence do they get their water ? That question has been answered. But any question as regards their right to draw water from the municipal pipe being obstructed opens up another subject, viz., of untouchability. It should be put on paper.

Mr. G. B. TRIVEDI : If you will allow me, I will explain my point.*

The Honourable the PRESIDENT : This is not a time for explaining. This is question time. The question itself says they are paying the water-tax.

Mr. G. B. TRIVEDI : Yes ; they are paying water-tax and they are not allowed any water from the municipal pipes.

The Honourable the PRESIDENT : That opens up a different question on which a separate question on the paper ought to be put, so that the Honourable Minister may come prepared with details.

NEW PRIMARY SCHOOLS FOR BOYS OF DEPRESSED CLASSES.

* 3. Mr. D. D. GHOLAP : Will the Government be pleased to state—

(a) How many new primary schools have been opened for the boys of depressed classes within the Presidency proper during the current year, and

(b) How many scholarships have been given to the boys of the depressed classes studying in primary, secondary and higher classes schools and also in colleges ?

The Honourable Dr. R. P. PARANJPYE : (a) and (b) The requisite information is given in the accompanying statement.†

* This question was asked at the meeting held in February 1922, when an *ad interim* reply was given.

† Vide Appendix B.

**SCHOOLS FOR DEPRESSED CLASSES IN SOUTHERN AND
CENTRAL DIVISIONS.**

4. Mr. D. D. GHOLAP: Will Government be pleased to state how many applications for schools by the depressed classes from the Southern and the Central Divisions were received by the Educational Department during the last three financial years? Out of these how many applications were sanctioned, and how many rejected and for what reasons?

The Honourable Dr. R. P. PARANJPYE: The information is being obtained.

**ASSISTANT DEPUTY EDUCATIONAL INSPECTOR FOR DEPRESSED
CLASSES SCHOOLS.**

5. Mr. D. D. GHOLAP: Will Government be pleased to state whether the special assistant deputy educational inspector for the depressed classes schools in the Poona, Satara and Sholapur districts has been confirmed and, if not, when he is likely to be confirmed?

The Honourable Dr. R. P. PARANJPYE: The appointment has been continued for a further period of two years and the question of making it permanent will be considered in September 1924.

ANGLO-URDU HIGH SCHOOLS AND URDU TRAINING CLASSES.

*1. Mr. IBRAHIM S. HAJI (Bombay City): Will Government be pleased to fill in the following comparative statement for the head masters of the Anglo-Urdu High Schools at Poona and Hubli and Urdu training classes at Poona and Ahmedabad and state the individual pay and services under which they are classed at present:—

| Name of post. | Service B. E. S. or S. E. S. cadre. | Pay. | Course of Instruction followed. | | Staff and pay for each member. | | Number of students. | |
|---------------|-------------------------------------|------|--|---|-------------------------------------|-------------------------------|-------------------------------------|-------------------------------|
| | | | No. of classes taught in Urdu High School or Training Class. | No. of classes taught in Govt. Practising School. | Urdu High School or Training Class. | Govt. Urdu Practising school. | Urdu training class or High School. | Govt. Urdu Practising School. |
| | | | | | | | | |

The Honourable Dr. R. P. PARANJPYE: The requisite statement † is laid on the Council Table.

* This question was asked at the meeting held in July 1922, when an *ad interim* reply was given.

† Kept in the Secretary's Office.

ASSISTANCE SUITS UNDER LAND REVENUE CODE.

*Mr. B. V. JADHAV : (a) Will Government be pleased to state the number of assistance suits under sections 86, 87 of the Land Revenue Code instituted in the district of Satara in the years 1919-20, 1920-21 and 1921-22 ?

(b) In how many of these the full amount asked for by the superior holder was decreed and in how many was it reduced ?

(c) In how many of these decrees the discretionary fine of 25 per cent. was inflicted and awarded to the superior holders ?

(d) How many of these superior holders so rewarded were Brahmins ?

The Honourable Sir IBRAHIM RAHIMTOOLA : The appended statement† furnishes the required information.

WATANDAR TALATIS.

*Mr. B. V. JADHAV : Will Government be pleased to state how many members of the old watandar families are employed as talatis in the district of Satara and how many of these are working in their own villages or within ten miles of it ?

The Honourable Sir IBRAHIM RAHIMTOOLA : The number of members of the old watandar families who are employed as talatis in the Satara District is 215 and of these 137 are working in their own village or within ten miles of it.

ADMISSIONS TO TRAINING CLASSES AND COLLEGES.

Mr. B. V. JADHAV : Will Government be pleased to state :—

(a) the number of students admitted to each of the training classes in the Central and Southern Divisions ?

(b) how many of these belonged to the Brahmin community ?

(c) what was the number of students admitted into the three classes in the training colleges at Poona and Dharwar ?

(d) how many of these belong to the Brahmin community.

The Honourable Dr. R. P. PARANJPYE : (a), (b), (c) and (d). The information is being obtained.

APPOINTMENTS OF TEACHERS.

Mr. B. V. JADHAV : Will Government state—

(a) the number of appointments of teachers made in the past three years in each of the districts of the Central Division and Thana.

(b) and how many of these were given to Brahmins ?

The Honourable Dr. R. P. PARANJPYE : The information has been called for.

REQUEST FOR GRANT BY TALEGAON DABHADE MUNICIPALITY.

‡Rao Bahadur R. R. KALE (Satara District) : Will the Government be pleased to lay on the Council table the correspondence which passed

* This question was asked at the meeting held in September 1922, when an *ad interim* reply was given.

† Vide Appendix C.

‡ Notice of this question was received at the last session.

between the Talegaon Dabhade municipality in the Poona district and the Director of Public Instruction in connection with the request of the municipality for two-thirds grant under the Government Order No. 4510 of 16th August 1921.

The Honourable Dr. R. P. PARANJPYE : No useful purpose will be served by laying the correspondence in this matter on the table as it presents no special features.

Rao Bahadur R. R. KALE : Is it a fact that the municipality has made out a strong case for the grant. ?

The Honourable Dr. R. P. PARANJPYE : That is a matter of opinion.

Rao Bahadur R. R. KALE : Was any promise held out by Government ?

The Honourable Dr. R. P. PARANJPYE : What promise ? There is nothing in the question about it.

Rao Bahadur R. R. KALE : The answer is given that no useful purpose will be served by laying the correspondence on the table. My question is whether any promise was made by Government.

The Honourable Dr. R. P. PARANJPYE : No promise was made, so far as I know.

TENANTS' STRIKE.

* Rao Bahadur R. R. KALE (Satara District) : In how many villages in the Satara and Belgaum districts lands of the landlord class are left uncultivated by the tenants on account of the strike made for reducing the exorbitant demands of the landlords ? Is it a fact that the landlords there do not get any help from the village balutas as before ?

The Honourable Sir IBRAHIM RAHIMTOOLA : In the Satara district, there was a partial tenants' strike in 24 out of 1,356 villages and lands of certain Brahmin landlords were left uncultivated owing to alleged exorbitant demands. The situation has since materially altered and such lands are being cultivated again in some talukas. There are no instances in the Belgaum district of the kind referred to by the M. L. C., but in 5 villages in the Chandgad Mahal, there were some isolated cases of some lands of a few money-lending landlords remaining uncultivated owing to personal grievances of the tenants against landlords on account of money dealings. In the villages in the Satara district, those landlords who refuse to pay baluta do not generally get help from the balutedars. In the Belgaum district, no instances of the landlords not getting help from the village balutedars as before have come to notice.

The Honourable the PRESIDENT (after finding the honourable member for Dharwar, Mr. S. T. Kambli, absent when called on) : I ought to point out to honourable members that when they send questions and are not present to hear the answers, especially when the answers have been printed, I think it is disrespectful to the House if they do not write to the President why they are not able to attend and why they have not made

* This question was asked at the meeting held in September 1922, when an *ad interim* reply was given.

arrangements for some other member to ask the questions. Unfortunately I have no means of taking any action in the matter, but I am quite sure that the House agrees with me that conduct of this kind is disrespectful to the House itself.

INCREASED WORK OF MAMLATDARS.

* Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): (a) Are Government aware that in a large number of cases of assistance suits, discretionary fines are not imposed on the inferior holders, with the consequence that the number of assistance suits and the work of mamlatdars has increased?

(b) If so, have any orders been issued to check the tendency of inferior holders to delay the dues of inamdars?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) Discretionary fines are imposed on contumacious inferior holders in a large number of cases. There are no grounds to suppose that the non-imposition of discretionary fines has increased the work of mamlatdars.

(b) Already replied.

POST OFFICER IN CHARGE OF PUBLIC HEALTH LABORATORY, KARACHI.

Mr. IBRAHIM S. HAJI on behalf of Mr. DIPCHAND T. OJHA (Karachi City): (a) Will Government be pleased to state when the post of Officer in charge, Public Health Laboratory, Karachi, was created and what is the annual cost of the appointment?

(b) Is there sufficient work for this officer in comparison to the amount of cost entailed by the retention of this officer?

(c) How many Government officers connected with public health are stationed at Karachi and what is the cost of their establishments to Government?

The Honourable Dr. PARANJPYE: (a) From the 12th December 1919.

Rs. 8,320.

(b) Yes.

(c) Two, viz., the Officer in charge, Public Health Laboratory, and the Assistant Director of Public Health. The latter, however, is a touring officer; he has his headquarters at Karachi but is not permanently stationed there. The cost of their establishments is Rs. 6,471 and Rs. 15,246 respectively.

RYOTS TROUBLED REGARDING THEIR MONTHLY PROGRAMMES.

* Mr. B. P. PATEL (Ahmedabad District): Is the Government aware that (a) the ryots are put to a great deal of trouble by the district and taluka revenue officers for not framing their monthly programmes of their movements and publishing them in one of the vernacular newspapers in the beginning of the month?

(b) Is the Government aware that such programmes were some time back published in Surat district and now discontinued; if so why?

* This question was asked at the meeting held in September 1922, when an *ad interim* reply was given.

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) Already replied.

(b) The Collector of Surat reports that formerly local papers published of their own accord as an item of news the tour programmes of officers which were publicly posted in Government offices, but such programmes were never officially published in the papers.

FURNITURE OF DISTRICT LOCAL BOARDS.

*Mr. B. P. PATEL (Ahmedabad District) : (a) Is the Government aware that all the school furniture of the district local boards is made at Ahmedabad under the supervision of the Educational Inspector? What were the reasons of doing away with the old practice of making them locally in each district?

(b) What amounts were annually spent (from time this system is in vogue) after the school furniture, and

(c) Transit charges for the same.

The Honourable Dr. R. P. PARANJPYE : (a), (b) and (c). The Honourable Member is entirely misinformed. The present practice has been in vogue since 1870. Transit charges are paid by the contractor.

GIRLS' SCHOOL, AHMEDABAD.

*Mr. B. P. PATEL (Ahmedabad District) : Will the Government state whether the girls' high school at Ahmedabad was located in a separate hired building owing to want of accommodation at the Mahaluxmi training college? Was there any substantial increase in the number of pupils requiring this change?

The Honourable Dr. R. P. PARANJPYE : The inconvenience of the arrangement and the want of accommodation were the chief reasons.

No.

WATER WORKS AT GODHRA.

Khan Saheb I. A. SAHERWALA (Northern Division) : (a) Have Government received plans and estimates for water works to be executed within the municipal limits of the Godhra city?

(b) If so, will Government be pleased to say whether the works will be taken up during the current year?

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

(b) Not likely.

TRAINING COLLEGE, AHMEDABAD.

Khan Saheb I. A. SAHERWALA (Northern Division) : Will Government be pleased to state (a) whether a senior hand of the Urdu staff was made to work in the Gujarathi side of the Training College at Ahmedabad in 1922?

(b) Was the headmaster consulted in this matter, and if so, did he approve of the arrangement?

The Honourable Dr. R. P. PARANJPYE : Enquiries are being made.

* This question was asked at the meeting held in September 1922, when an *ad interim* reply was given.

MORAL COMPETITION AT AHMEDABAD PREMCHAND ROYCHAND
TRAINING COLLEGE.

Khan Saheb I. A. SAHERWALA (Northern Division): Will Government be pleased to state—

(a) whether a moral competition was held at Ahmedabad P. R. Training College in 1922 ?

(b) whether the Urdu scholars were allowed to join the competition ?

(c) who were the members of the committee for this competition ?

(d) what were the number of marks allotted to each competitor by the different members ?

(e) what candidate was ultimately given the medal in this competition ?

The Honourable Dr. R. P. PARANJPYE: The information is being obtained.

PONTAGE ON THE BHIMA BRIDGE.

*Mr. R. G. SALGAR (Sholapur City): Will Government be pleased to state from what year pontage is recovered on the Bhima Bridge at Pandharpur, Barsi Light Railway ? (a) What is the amount recovered each year up to now ? (b) When is it likely to be abolished ?

The Honourable Sir IBRAHIM RAHIMTOOLA: The pontage on the Bhima Bridge at Pandharpur is being recovered since 17th July 1915 (date of opening of the bridge)—

(a) The amounts recovered each year are as follows :—

| | | | | Rs. |
|---------|----|----|-------|----------|
| 1915-16 | .. | .. | .. | 33,728 |
| 1916-17 | .. | .. | .. | 63,436 |
| 1917-18 | .. | .. | .. | 59,337 |
| 1918-19 | .. | .. | .. | 80,208 |
| 1919-20 | .. | .. | .. | 1,90,867 |
| 1920-21 | .. | .. | .. | 1,96,366 |
| | | | Total | 6,23,942 |

(b) The pontage will be abolished at the expiry of the Barsi Light Railway Company's contract with the Secretary of State which is in the year 1954.

The Railway Company have however notified that with effect from the 1st January 1923, the pontage charge over the Bhima Bridge for all descriptions of coaching traffic will be reduced by three-fifths.

SALARIES OF MUNICIPAL SCHOOL TEACHERS.

*Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state whether their attention has been drawn to the complaints of the municipal school teachers of Dholera, Dhandhuka and Borsad municipalities that they have not received their salaries for several months ?

(b) Were other municipal servants paid regularly ?

* This question was asked at the meeting held in September 1922, when an *ad interim* reply was given.

(c) What steps have been taken to ensure regular payment to all servants by these municipalities ?

The Honourable Dr. R. P. PARANJPYE : (a) This part has already been answered.

(b) No.

(c) Pressure has been put upon these municipalities to make prompt payment, and advance grants have been given by Government to these bodies for the purpose. The Dholera municipality has since been abolished and replaced by a Village Panchayat (*vide* Government Notifications No. 2273, dated the 29th March 1922 and 28th October 1922, respectively).

Mr. G. B. TRIVEDI : After the grants had been given, have Government enquired whether payments have been made ?

The Honourable Dr. R. P. PARANJPYE : Grants had been made for giving these payments. No complaints have been received.

AGES OF STUDENTS IN PROFESSIONAL COLLEGES.

*Rao Bahadur D. A. VICHARE (Ratnagiri District) : Will Government be pleased to say whether the ages of students admitted to professional colleges are verified from some reliable documents, or were assumed as true from the applicants' statements ?

The Honourable Dr. R. P. PARANJPYE : The birth dates of students seeking admission to professional colleges are generally mentioned in the transfer certificates given by the principals of colleges previously attended by them. In cases in which that is not done, the statements made by the applicants themselves regarding their ages are taken as correct. Government are making further inquiries into this matter.

THIRD ENCLOSURE AT THE BOMBAY RACE COURSE.

Mr. IBRAHIM S. HAJI (Bombay City) : May I ask the Honourable the Home Member whether any decision has been arrived at by Government on my question with regard to the closing of the third enclosure ?

The Honourable Mr. M. H. W. HAYWARD : I have had no notice of this question.

The Honourable the PRESIDENT : The Honourable the Home Member will remember that when last time the matter was mentioned, it was postponed to this session in order to enable him to place the matter before His Excellency in Council and then to state to the Council in this session any decision that might be arrived at. It is in consequence of that, that the question I understand is now asked with a view to revive the motion for leave for adjournment of the House which the honourable member for Mahomedan constituency, Bombay, intended to make last session. It is competent to the Home Member to give any answer he likes now.

The Honourable Mr. M. H. W. HAYWARD : I am not aware, Sir, of any definite promise of that nature. I will look up the proceedings

* This question was asked at the meeting held in September 1922, when an *ad interim* reply was given.

and see exactly what was promised and, if I gave any such promise I will certainly fulfil that promise.

I understand, Sir, that a question has been tabled on this subject, to which an answer will be given in due course in this Council.

Mr. G. B. TRIVEDI made an observation which was inaudible.

The Honourable the PRESIDENT: The question has already been put upon the paper and it will be answered in due course. That is what the Honourable the Home Member says.

The Honourable Mr. M. H. W. HAYWARD: I understand, Sir, that the question has actually been put by the honourable member for Bombay City. He ought himself to know all about it and tell this Council.

Mr. IBRAHIM S. HAJI: But the question is not on the table now.

The Honourable the PRESIDENT: The Home Member I presume politely suggests that whatever arrangement was made last session has been wiped out by the action taken by the honourable member for the Mahomedan constituency, Bombay, himself putting a question upon Paper. However, there are so many opportunities for the honourable member to raise the question this session if he likes.

Is the Honourable the Finance Member prepared to open the budget discussion?

The Honourable Sir IBRAHIM RAHIMTOOLA: May I, Sir, make a suggestion? It is desirable that the financial statement should be made after His Excellency's speech. We therefore propose at this stage to take up for discussion part of the legislation which appears on the agenda paper till His Excellency's arrival. With your permission, Sir, I should like to move the first reading of the Bill further to amend the Bombay Boiler Inspection Act, 1917.

A BILL FURTHER TO AMEND THE BOMBAY BOILER INSPECTION ACT, 1917 (BILL NO. XXIII OF 1922).

The Honourable Sir IBRAHIM RAHIMTOOLA: Mr. President
 First reading. I beg to move that Bill No. XXIII of 1922 (A Bill further to amend the Bombay Boiler Inspection Act, 1917) be read the first time. The statement of objects and reasons clearly shows why this legislation has become necessary. At present the expenditure on boiler inspection far exceeds the income derived from fees which are charged for such inspection and the balance is defrayed out of the general revenues of the Province. On principle, I am sure the House will agree that when a service is rendered it should be made self-supporting. At present the total amount of income derived from this inspection is approximately Rs. 79,000 while the cost of boiler inspection to Government amounts to about Rs. 1,26,000. That shows a loss of about Rs. 47,000 per annum. The reason why this deficiency occurs is that under the Boiler Act the maximum amount of fees leviable is fixed and Government cannot therefore charge anything more than what is provided in the Act. It is, therefore, necessary to revise the maximum provided in the Act in order to enable Government to regulate their fees in such a manner as to recover

[Sir Ibrahim Rahimtoola]

the actual cost of inspection. According to the revised scale of fees that is proposed in this bill, the total amount that could be recovered is Rs. 1,51,000. The present cost is Rs. 1,26,000. The intention is that the full maximum fees provided in the Act should not be levied unless the expenditure on boiler inspection increases and justifies such a course. At present it is intended to charge such fees within the maximum provided in the Act as will defray the cost of inspection, that is to say, will yield a total revenue of Rs. 1,26,000. Further increases in the fees will only be made if the amount of expenditure justifies such a course. I am sure honourable members will agree that in rendering a service the general revenues of the province should not be made to bear any burden. The intention of this amendment is that Government should have power of increasing the fees leviable to such figures as will give them the amount required to maintain the department. I do not think that any further explanation is necessary. It is a question of principle as to whether this department should be self-supporting and that the amount of fees should cover the total outlay incurred upon it. With this object in view, the present bill has been brought forward and I trust that the honourable members will pass the first reading.

Mr. C. M. GANDHI (Surat City) : Sir, before leave to read this bill for the first time is given to the Honourable the Leader of the House, the Council is entitled to know what attempts have been made by Government to indianise the service so far as this department is concerned. Government has given an undertaking in this open Council that attempts will be made to indianise the service so far as this particular department is concerned. Therefore Government ought to satisfy the Council as to whether any attempts have been made to indianise the service so as to reduce the cost. Our effort should be to minimise expenditure so far as possible and if that is not possible, then only to go in for further additional burden on the people. The Honourable the Leader of the House tells us that the present cost of the department is Rs. 1,26,000 and within the limits now allowed Government may be able to raise Rs. 1,51,000, but the present income is Rs. 79,000, and the question is whether on Government trying to carry out the undertaking which they have given in this Council they will not be able to maintain efficiently the inspection of boilers without raising the fees. I therefore submit that before the Council gives the leave asked for, it is entitled to know from the Honourable the Leader of the House whether that is or is not possible.

Mr. G. B. TRIVEDI (Thana District) : Sir, I quite agree with the honourable member from Surat in the objections which he has raised and, further I want an explanation to this, namely, when this question was debated in this Council on the demand for increase of pay of boiler and factory inspectors, it was stated, if I remember rightly, by the honourable member, the Director of Labour, that in England boiler inspectors are paid by the insurance companies. If that is so (I do not vouch for its correctness), could not Government make some effort in that direction so that we would be spared and the industry would be spared a heavy

[Mr. G. B. Trivedi]

taxation of this kind. If the insurance companies can take this up—if that is the system followed in England, why should we follow a different system here and why should Government undertake this boiler inspection? I understand that Government have a duty in this matter for the protection of the public from accidents and other things. But if this inspection is carried on in a country like England by the insurance companies, why should it not be done in our country? Secondly, Sir, the industry is in a depressed condition—all industries are in a depressed condition at present. Therefore, it is but right that before you levy any fresh taxation on the industries, you should try all your means to retrench the expenses, and one way to retrench is, as has been shown, to indianise the service. So, before Government proceed with this bill, if they will give this House some information as to what steps have been taken by them to draw up a scheme to indianise the services and thus retrench the expenditure, then this House will certainly agree to the industry paying the present deficiency, because I am for the provincial budget not suffering that deficit. With these words, I resume my seat.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Sir, there is no doubt that one can hardly object to the principle that is sought to be laid down, that the expenditure to be incurred on the working of the Boiler Inspection Department should be borne by the factories which are primarily concerned in the inspection, and which indirectly benefit by such inspection. But, Sir, the Council would like to know from the Honourable Member in charge of this bill whether care has been taken to ascertain if the department is now being conducted as economically as it ought to be, and if the expenditure at present incurred on this department is as low as it should be, consistently of course with the efficiency of the department, and whether it would be possible, in view of the opinions that were expressed at a previous session of this Council, to decrease the expenditure without impairing efficiency; and if that is so, whether it is necessary at this stage to bring forward a bill of this character, with a view to increasing the maximum limit within which fees may be levied, which would enable Government to realise a larger amount than they are doing at the present moment. If I have understood the Honourable Member in charge aright, he has told us that the income that is being derived at the present moment is somewhere in the neighbourhood of Rs. 79,000, whereas the expenditure that has to be incurred on the department is something like Rs. 1,26,000, which results in a loss in the working of this department of roughly about Rs. 50,000; and that it is therefore now sought, by increasing the maximum limit of fees to be charged to factories that come under the purview of this measure, to so increase the total income as to enable the Government to make both ends meet. I take it that it is the intention of Government not to make any profit out of this department, but merely to see that the expenditure and income tally, and that there is no loss which will have to be met from provincial revenues. The point, however, that this Council would like to urge upon the attention of Government is that this Council has felt in the past, as I venture to think it feels at the present moment also, that this

[Mr. Jehangir B. Petit]

department can certainly be worked by Indian agency, and on a much cheaper and more economic basis than is the case at present. The Council would like to be assured therefore that the Government are prepared to put its recommendation into effect at an early date; and that advantage will not be taken of imposing the maximum amount of fees, merely because these limits will be so sanctioned by the Council under this bill, but that additional revenue will be realised from this department by means of these enhanced limits only if it is absolutely necessary to do so for the conduct and management of this department. With these reservations, Mr. President, I have much pleasure in supporting the first reading of this bill, to the principle of which I do not think any member of this House can possibly raise any objection.

Mr. J. ADDYMAN (Bombay City): Sir, I support the principle which is sought to be embodied in this bill.

I submit that, whether trade is booming or there is a slump, the principle sought to be embodied is no imposition on the manufactures of this Presidency.

The objection so far raised appears to me to be based on the fact that the inspection service or the department concerned has not been indianised. A promise has no doubt been given to indianise the Boiler Inspection Department, but that promise cannot be carried out until Indians sufficiently capable are obtainable.

From my knowledge of the situation, I claim that Indians capable of carrying on this important work are not yet obtainable and until they are, the work of the department referred to must be continued as at present.

I appeal to honourable members not to let the reasons put forward by the member for Thana to weigh with them but in the spirit of fairness support the first reading of this bill.

Mr. A. N. SURVE (Bombay City, North): Mr. President, I rise to support the first reading of this bill. Sir, labour is always anxious in seeing that the industrial machinery is always carefully inspected, and for want of inspection there are no accidents in which the labourers may suffer. For that reason, it is necessary that boiler inspection should be conducted in an efficient manner. From the Boiler Inspection Department Administration Report it appears that the number of boilers is increasing. In the year 1919-1920 the number of boilers in the whole Presidency was 2,377, whereas in the year 1921-22 it had risen to 2,574, and yet I think the inspecting staff has been the same. If the number of boilers increases and the inspecting staff remains the same, it means that inspection is not likely to be as complete as it should be, and for this reason it is necessary that the staff should be increased, and at the same time the burden of paying for that increased staff should not fall on the general taxpayers. Again, if the inspection is not properly carried on, there would be accidents and irregularities. It is to the interest of the capitalists that if their boilers are subjected to inspection, they will then have to pay lesser charges in renewals and heavy repairs than if they were not to be subjected to such inspection.

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In this report there is a case in which it is stated that the drum of a Lancashire boiler bulged on account of overheating. That is clearly an instance of negligence. Because the inspection of these boilers is not efficient, the capitalists are put to greater expense on account of the negligence of their own servants. Therefore, I think, they in their own interest will not oppose this bill. The honourable member for Thana referred to the carrying out of inspection by insurance companies. If the insurance companies can do that, I see no reason why Government should do it; but as far as my knowledge goes no insurance company is going to undertake that sort of work, and it would be more expensive to the capitalists than the machinery provided under this Act.

Another question was raised about the indianisation of the factory staff. I think that question is not relevant to the subject matter of the bill before the House. A provision is coming in our budget to make some modification in the pay of the officers of this department. That would be the proper time to raise the question whether the staff should be composed of Indians or Europeans. I think that in the interest of labour this bill should be supported. Accordingly I support the first reading of this bill.

Rao Bahadur R. M. NILKANTH (Ahmedabad District): Sir, as regards the inspection of boilers the Government ought to take some steps to see that the public gets their money's worth. There are several complaints by the managers of factories that they are being ill-treated by the inspectors and that exactions are made from them at the time of issuing certificates. It is necessary to prevent by legislative provision, if possible, this kind of treatment given to factory managers. Of course inspection ought to pay its own way. So far as that is concerned I support this bill for enhancing the fees.

Mr. LALJI NARANJI: Sir, that the number of boilers are increasing can be seen from the reports of recent years of the Industries Department and the Labour Department. If the number of boilers has increased, the cost of inspection must decrease rather than increase. I quite agree with the views expressed by some of the honourable members that the department should be self-supporting, and fully efficient; but I fail to see how the cost will increase with the increase in the number of boilers. If the honourable member in charge of the bill makes out a case and justifies it by figures, I will give my support to this bill.

The Honourable Sir IBRAHIM RAHIMTOOLA: Mr. President, there are three points raised in this debate. They are—indianisation, retrenchment and liability for this expenditure to be transferred to insurance companies. Before I deal with these specific points, there are some other points raised in the debate with which I propose to deal in the first instance.

In answer to the point raised by the honourable member representing the Millowners' Association, I wish to draw attention to the last line of the statement of objects and reasons. It is clearly stated there that the actual rates will be fixed by Government within these maximum rates so as to cover the cost of such inspection. That is the limitation he asked

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for and it is already provided for. I also stated in my opening speech that the intention of Government is to levy fees at such rates as will cover the cost of the department. Then, as regards the point made by the honourable member from Ahmedabad, I will simply point out that if there are any complaints against inspectors, this is hardly the occasion to raise it. That is a matter for executive enquiry and the factory managers can approach the superior officers of the department or the Government, who will carry out the necessary enquiries and see that there is no room for complaint by the factory owners. In answer to the point raised by the honourable nominated member representing Bombay Commerce, I may point out that the general principle which he enunciated cannot apply to this case. If the number of boilers increases, the number of inspectors will have to be increased. One inspector can efficiently inspect only a certain number of boilers and therefore any increase in the total number of boilers must lead to the employment of more inspectors and therefore increase the cost of inspection. The ordinary principle that increase of the volume of work reduces cost cannot wholly apply in this case.

Now as regards the three main points, first I shall take up indianisation. I will tell the honourable members that Government intend to carry out fully the assurances that were given to this House in regard to indianisation of this department as far as possible. But I would ask the honourable members to bear in mind this fact. There are at present a certain number of inspectors on the staff. They have been engaged on a certain minimum and maximum salary with increments. Indianisation can come in when vacancies occur and suitable men are available. When these conditions are present, effect will no doubt be given to the assurances referred to.

The second point which was referred to was in regard to the de-amalgamation of the Factory and Boiler Inspection Departments. That was urged for two reasons, *viz.*, indianisation and retrenchment. The Factory and the Boiler Departments were amalgamated with a view to secure efficiency and economy. It is now urged that it will conduce to greater efficiency if these departments were de-amalgamated, and that a certain number of posts which may be newly created will go to qualified Indians. The question of de-amalgamation has been very carefully examined, and it turns out that instead of any saving the result will be an additional annual cost of about Rs. 44,000. The reason is not wholly due to de-amalgamation, but as the honourable nominated member for Bombay pointed out, the number of boilers is increasing and additional staff is necessary to carry out efficient inspection. If the number of inspectors has to be increased it will mean increased cost. The scheme of de-amalgamation which is now under consideration shows increased expenditure. One of the new items in the budget is in regard to this question, and honourable members will have ample opportunity of discussing the whole question when that item comes before them. I do not think that it has any bearing on the present issue. The present bill merely requires authority to raise the maximum amount of fees

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leviable under the existing Act. In asking the Council to agree to it Government have given an assurance that such rates will be levied within the maximum which will merely cover the cost of the department. Therefore the question raised hardly arises.

The Honourable the PRESIDENT: Is the leader of the House likely to take some more time?

The Honourable Sir IBRAHIM RAHIMTOOLA: Only two minutes, Sir. I have got only one point left to deal with. His Excellency arrives only at 3-30.

The third point is the transfer of liability to insurance companies. A word of explanation is necessary to show that that point will have now to be considered carefully. Recently the Indian Legislature has passed what is called the Workmen's Compensation Act. Under that Act....

The Honourable the PRESIDENT: I think we must stop at this point. The House is adjourned till half past three for His Excellency's visit.

HIS EXCELLENCY THE GOVERNOR'S SPEECH.

His Excellency the Governor was met by the President on arrival and a procession was formed. His Excellency then took his seat upon the *dais* and the President took the chair at 3-30 p.m.

The Honourable the PRESIDENT: Order, order. His Excellency will now be pleased to address the Council.

Rising to address the Council His Excellency said:—

Gentlemen,—Since I last addressed this Council we have matter for congratulation in the fact that the improvement in the economic and political situation has been steadily maintained. A bounteous harvest has operated largely in securing the former advantage: and as to the latter, the trust which Government has steadily reposed in the sound sense of the people of this Presidency has been thoroughly justified.

The budget which will shortly be placed before you is the last which will be presented during my tenure of office, and the last with which this Council will have to deal. And I feel that the moment is therefore opportune for some general exposition of the policy which we have pursued with the aid and approval of this Council and of the results we have obtained.

Up to the year 1920 this Government had balances accumulated which amounted to over three crores of rupees. This accumulation was the result of the war, which made essential the strictest economy and the cessation, or at any rate the starvation, of all current works. The result was that roads and buildings had fallen into disrepair and that necessary improvements and expansions had been completely held up. Such was the state of affairs at the commencement of my period of office. We had on the one side large balances which, free as we then were from any liability on account of borrowings, we considered unnecessarily high; and, on the other hand, we had grave shortage of housing, lack of bridges, communications, offices, hospitals, gaols and so on—indeed a general paralysis of output. It had taken at the outset of the war a long time to

stop the ponderous yet immense normal stride of the Indian administrative machine; once it was achieved and the war over it seemed nearly impossible to start it again. It was clear that that was the proper moment to use our large balances of deferred revenue, and no less clear that a forward policy in many important directions was imperative. The next step was to see that revenue was properly applied and was not, as in the past, misused for works and undertakings that could more economically and profitably be financed out of borrowings. At the same time we laid down a loan policy for productive and non-productive works in a manner which not only amply safeguarded our financial interests but provided of course for proper amortisation. And we further took care that each borrowing department should be fully charged with the responsibility of its actions both as regards service and redemption of the sums borrowed. Such were the steps we took four years ago which have resulted in unprecedented activity in our public departments and real progress in almost every direction. But we did not fail to realise that if loan operations were vital to the progress and prosperity of the Presidency these operations demanded the accumulation and hypothecation of balances sufficient to maintain the credit of Government in the money market and with the investing public. With this in view a policy of retrenchment was inaugurated so early as 1920 and its results were laid before Council last year. It is true that Council insisted upon a faster rate of progress in retrenchment than we suggested, and I cannot pretend that I think from an administrative point of view the sudden and abrupt reductions we have had to make have not had some harmful effect upon the efficiency of the machine. It was inevitable. But we agreed to do what Council desired because we realised that the spirit which animated Council was laudable and just in principle, and that solvency and the credit of Government were even more important than administrative efficiency. And Government, from its highest to its lowest officers, has worked honestly and industriously to carry out the wishes of this Legislative Council with the result that we have effected a saving of 100 instead of 60 lakhs, and that in the current year we have a surplus of revenue over expenditure of 65½ lakhs and a total balance of over 3¼ crores to our credit. I desire here to say how grateful Government is to the work of the Finance Member (hear, hear) for the results achieved—and my honourable colleague the Finance Member will, I know, concur in a special tribute to the Finance Secretary, who in addition to his heavy duties as Chief Secretary to Government has devoted all his great talents and energies to carrying out the wishes of Government and of honourable members in the Legislative Council. (Applause.) It is not easy to measure how deeply indebted in this matter, as in most others, this Presidency is to the brilliant and devoted personnel of her main administrative service.

I claim, gentlemen, that in spite of these days of financial stress, when every Government in India is subject to the anxieties of the present financial situation, that this is a strong position for the Bombay Presidency, and that we should have done what was essential for the administration, that we should have done and be doing so much more that we considered essential for the health and prosperity of those committed to our charge

and that we should be able to present after four years of rapid development, a financial position which will compare favourably with that of any other administration in India, puts us, I think, in what is really an unassailable position.

I have no compunction or shame in putting before you the last budget of my tenure of office which I think leaves this Presidency in a strong financial position. (Applause.) It is also perhaps pertinent to point out, in these days when the Reforms are criticised as worthless and these Councils as ineffectual, that a Council which can insist upon a cut of sixty lakhs of rupees in the expenditure of its local government and actually obtain a cut of 100 lakhs is not so ineffectual as some people would like to think it. (Applause.)

Before I close my reference to the financial situation there are two other matters to which I will allude. The first is that while Government has done its utmost to meet the wishes of the Council in matters of retrenchment, I and my colleagues are no less sensible of the assistance which this Council has endeavoured to give to Government in its task, and I desire to express our recognition to the Council in that they have assented to new taxation in more than one direction—taxation which we have every hope will justify itself not only in its easy incidence upon the public at large but also as regards its productive value to the exchequer.

The second matter to which I desire to allude is the somewhat anomalous position of a Presidency Government in regard to the disposal of its balances. Under the present rules all our balances (with the exception of some 62 lakhs which are invested in the Famine Fund and carry interest) have to be invested with the Government of India who pay us no interest at all on these large sums. We propose to press the Government of India for an amendment of the existing rules (hear, hear) so as to enable this Government to invest a larger proportion of their balances in an interest bearing form. It is essential in our opinion that a proposal of this kind should be assented to by the Government of India in order to provide an incentive, which at present scarcely exists, for provincial Governments to pursue a policy of thrift and financial prudence.

I should like at this point to dwell at some length upon the other results which have been achieved by this Council during its two years of life, and the effect which its deliberations have had upon the political progress of the Presidency. While outside the reformed Councils political parties have achieved little more than a comparative tabulation of the methods of destruction, which has no doubt a certain academic value, this Council has been steadily carrying into effect the progressive measures which public opinion has long demanded. For instance, the Minister for Excise has introduced a policy of rationing which has reduced the consumption of liquor in one year by 5 per cent. in the mofussil and by 10 per cent. in Bombay city. (Hear, hear.) The Minister for Local Self-Government has with the assent of this Council placed on the statute book an enactment which greatly extends the franchise for the Bombay municipality and gives it a much larger elected member-

ship; and further enactments providing a wider franchise and largely increased powers for self-governing bodies in the mofussil. And lastly the Minister for Education has introduced and carried through the Council, which has also voted the necessary additional taxation, an Act which provides the necessary machinery for the introduction of primary education throughout the Presidency.

Nor has Government in the Reserved departments been slow to meet the wishes of this Council.

I have already mentioned the measures of retrenchment so thoroughly carried out in response to the demand made last year. In addition we have undertaken at the instance of this Council an inquiry into labour disputes; we have submitted to you proposals for amending the constitution of the Bombay Port Trust; we have prepared in response to your demands and have published rules for the formation of a separate division in our gaols for simple imprisonment prisoners.

This is a very valuable record of progressive work; when it is remarked that all this has been achieved in only two years, I think this Council may congratulate itself upon the success which has been achieved.

But there is another sphere of work in which I am doubtful if enough has yet been done by those who sit here. I refer to the responsibility which lies upon you, gentlemen, to educate your constituents and I am still anxious as to whether that responsibility has been adequately discharged. The elections are drawing near and before they are held it is your duty to see that your constituents are aware of the results they have achieved through you. It is your duty to see that they realise this, and to teach them the great power for good or evil which the right to vote places in their hands and the necessity of proving to the world at large that they are capable of using that power wisely.

In conclusion, gentlemen, I must refer to the great loss which this House will shortly experience in the retirement of Sir Ibrahim Rahimtoola (applause), the Leader of the House and my senior Member of Council. My honourable colleague is now the only member of my Council who was in office when I took charge of the administration, and throughout the difficult years that have followed, both I and my Government have constantly profited from his quick intellect, his ripe experience of public life, and the knowledge he has gained of public feeling at moments of difficulty. (Applause.) This Council will lose a Leader of unusual ability and of conspicuous power of debate. All these qualities, so conspicuously possessed by my honourable colleague, will make him indeed difficult to replace, and in the deliberations both of this House and of my Executive Council their loss will be most seriously felt.

Gentlemen, I trust that all your deliberations will be in this session, as previously, for the good of the Presidency and its people. (Applause.)

His Excellency having concluded his address, the Hon'ble the President adjourned the Council meeting to quarter past four.

(After recess.)

The Honourable the PRESIDENT: Order, order. I ought to mention to the House that complaints about want of quorum after the

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adjournments for tea are becoming frequent. I have hitherto been loth to explain the rule on the subject. Probably honourable members think that if for want of a quorum the House is adjourned, the motion under discussion stands adjourned for further debate. It is not so. If, for want of a quorum, the meeting cannot be continued and the debate cannot go on, then the whole motion and the debate fall through, and if the honourable member in charge of the motion wishes to revive it, he must take again all the steps required by the Rules and Standing Orders. This is in accordance with the practice in the House of Commons and the Speaker's ruling (see May's *Parliamentary Practice*, 12th Edition, page 234; and *Parliamentary Debates*, 5th Series, Vol. 151, Cols. 268 and 269). If it is Government business, Government ought to take care that there is a quorum. If it is non-official business, the member in charge of it ought to take care that a quorum is present; or else his whole motion and the debate fall through. It is not an adjourned debate. We have a quorum at present.

There is a little change made in the agenda—the orders of the day. The change is as follows:—

Tuesday 20th, Wednesday 21st and Thursday 22nd will be devoted to the general discussion of the budget. Friday 23rd, Saturday 24th and Monday 26th will be devoted to the amendments of the Standing Orders and to other non-official business.

BOILER INSPECTION ACT AMENDMENT BILL

Question again proposed: That Bill No. XXIII of 1922 (A Bill further to amend the Bombay Boiler Inspection Act, 1917) be now read the first time.

The Honourable Sir IBRAHIM RAHIMTOOLA: Sir, I was pointing out that the only point which remained to be considered on the first reading of this bill was the question raised as to freeing Government of any liability in regard to inspection work on the lines of the practice prevailing in England. In England this work, as was rightly pointed out, is done by insurance companies, but the reasons are these: there the liability for damages resulting from accidents is payable by the owner of the factory. To protect himself he naturally effects insurance against the risk. The insurance companies being liable for the payment of damages resulting from accidents employ a staff to inspect the boilers to prevent accidents and therefore the liability on the State ceases. The factory owners in either case have got to pay. In the case in India, Government maintain an establishment for the purpose of inspecting boilers in order to prevent accidents as far as possible and they are content to levy such fees as would cover the cost of that department. The insurance companies would naturally keep a margin for contingencies, but such is not the case with Government. I should like to point out that recently the Legislative Assembly has passed the Workmen's Compensation Act under which factory owners will be liable for compensation to those people amongst the workmen who suffer in consequence of accidents. Therefore, the factory owners will very probably try to insure their liability with insurance companies and when that process has developed, the question as

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to whether this work should not be transferred to the insurance companies will arise. It will then be for the factory owners to consider whether it is cheaper for them to have the work done at what amounts to cost price by Government as at present or whether they would resort to the other alternative which prevails in England. But this question cannot arise on the present occasion. The issue at present is simply this that Government should be authorised by means of this legislation to levy such fees as would cover the cost of maintaining the department, and I do not see that there can be any objection to the acceptance of that principle. I therefore ask the Council to pass the first reading of the bill.

Bill read a first time. Question put and agreed to.

The Honourable Sir IBRAHIM RAHIMTOOLA : I would ask you, Sir, to ascertain the views of the Council as to whether they desire that this bill should be referred to a select committee. The bill is non-controversial and there is no object in sending it to a select committee which would mean delay. Unless there is a feeling in the House in favour of such a course, I should like to proceed with the second reading of this bill.

Bill read the second time. Question put and agreed to.

Bill read clause by clause.

Clause 2 (*Amendment of Schedule A of Bombay V of 1917*) ordered to stand part of the bill.

Clause 3 (*Amendment of Schedule B of Bombay V of 1917*) ordered to stand part of the bill.

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

Preamble ordered to stand part of the bill.

The Honourable Sir IBRAHIM RAHIMTOOLA : I now move, Sir, that Bill No. XXIII of 1922 (A Bill further to amend the Bombay Boiler Inspection Act, 1917) be read the third time.

Bill read a third time. Question put and agreed to.

. PRESENTATION OF THE BUDGET.

The Honourable Mr. H. S. LAWRENCE : Mr. President, I rise to introduce the budget of the year 1923-24, and to review briefly for the information of the House the financial progress of the current year.

This House has heard from the address of His Excellency the Governor that this Presidency has good cause for congratulation in the present state of our finances. The outstanding feature of the situation is that we have succeeded in converting deficits into surpluses, both in the current year and in the coming year. In place of an estimated revenue of 14,02 lakhs and an expenditure of 14,10 lakhs, we have had in fact a revenue of 14,28 lakhs and an expenditure of 13,72 lakhs, resulting in the current year in a surplus of 56 lakhs ; and since this budget was printed we have secured from the Government of India

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after some negotiation a further sum of some 9½ lakhs for income-tax. In the coming year we have budgeted for a revenue of 14,37 and an expenditure of 14,32, leaving us a surplus of 5 lakhs. We have thus achieved the primary purpose of a solvent budget, to reduce the expenditure of the State within the current resources, and we are able to carry on for this coming year without asking this House for fresh taxation. I think that if this House would compare this condition of affairs with the condition obtaining in most Governments in this world, they will find considerable reason for thankfulness.

And it is not merely thankfulness for the past but also confidence in the future that I submit that this House will be fully justified in feeling; for we have now lived through two years of pretty serious disturbance, disturbance in the sphere of harvests, of prices, of trade, disturbance political as well as economic; and we are now in a far stronger position than we were when this House started on this new essay in 1921. To years of scarcity there has now succeeded a season of plenteous harvest; stores of grain throughout the country have been amply replenished; the price of food has in consequence fallen greatly; and this fall has been assisted by the process of deflation of currency which has been carried out with such skill by the financial advisers of the Government of India that the process has been scarcely perceived by the general public. I will not burden this House with many statistics, but in proof of these tendencies I invite their attention to the fact that the retail price of food in India in December 1922 was 57 per cent. in excess of the price of July 1914, while at the same date prices in the United Kingdom were 78 per cent. in excess, and in France and Belgium roughly 200 and 400 per cent. in excess. The decline during the last year in the price of food grains has been continuous until, now, the staple grain jowari is only 6 per cent. in advance of the price of July 1914.

After a period of serious depression trade is showing signs of revival, and our railways and docks are once more busy. It is true that commercial confidence received a severe shock, from which it will take some time to recover. We can only appreciate the measure of our good fortune in this country if we can picture to ourselves the disaster and distress that would ensue if the rupee followed the same course as the mark, or even the franc and the lira. We have seen how business was disorganised when the rupee moved up rapidly to 2/8d., and when it fell, again rapidly, to 1/4d. That episode gives us a measure and a standard whereby to test present events.

Broadly speaking, wages have risen, and with the fall in prices, the economic position of wage-earners is considerably improved; and there is every reason to hope that with the spread of economic contentment, the small remaining clouds on the internal political atmosphere will be dissipated.

If I may refer to my budget speech of last year, I would remind the House of the explanation then given of the manner in which we had during the war accumulated large balances. In order to assist the war finance of the Government of India we stopped practically all expenditure on

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public works, and accumulated nearly 5 crores of rupees. In order to make up this leeway, we had to spend the greater part of our balances; and while these balances amounted to 311 lakhs on the 1st of April 1921, they were seriously reduced during that year, and we were warned that our closing balance would, on the 1st of April 1922, have fallen to 87 lakhs. This House is aware that a sum of 2 crores is regarded by Government as the minimum balance for safety, and we were therefore conscious that we had reached a dangerous situation which required vigorous action. We took that vigorous action. We had already issued very stringent orders of retrenchment—I speak of the closing months of 1921—and in February 1922 we came to this House with a request for additional taxation in the form of stamp duties. This House recognised the gravity of the situation and sanctioned that taxation; and these combined measures have resulted in the restoration of our financial position.

We expect to close with a credit balance this year of 3,24 lakhs; that is, 13 lakhs in hand more than when this Council first dealt with the financial situation in February 1921. The note of the Chief Secretary sets forth the details of this great transformation, but it is, I submit, worthy of some further analysis.

The current year was reported in the Civil Budget Estimate, 1922-23, to open with a balance of 99 lakhs, and was estimated to close with a balance of 1,01 lakhs. (I quote the figures on page 19 of the Final Issue and confine the survey to the ordinary Provincial Budget exclusive of the Development Department.) We now know from the estimates which have been placed in the hands of the members of this House for the last fortnight, that our actual opening balance was not 99 lakhs but 1,85 and that our closing balance has been improved to 3,24. The difference between 3,24 and 1,85 is therefore an improvement of 1,39; and of this sum 60 lakhs is money deposited in our Famine Fund; which for account purposes was previously shown as expenditure, and 2 lakhs was the surplus previously estimated. The actual improvement over our estimates therefore amounts to 77 lakhs.

This sum of 77 lakhs consists of three parts: an increase of revenue of 26 lakhs; a decrease of expenditure of 38 lakhs; and a surplus recovery of loans advanced of 13 lakhs.

I take first the increase of revenue.

Our most important improvement is under Excise: an improvement which is the more welcome since it is based on a decrease of consumption, and on that valuable weapon in the cause of temperance, the increase of prices. The Honourable Minister has pursued his policy of temperance by enforcing rations, representing a decrease of 5 per cent. in the mofussil and 10 per cent. in Bombay city; and thanks to the admirable system which has long been established in this Presidency for the control of the trade in drugs and liquor, we have been able to abolish the deleterious drug known as charas, and to enforce an effective control over the consumption of liquor, and yet secure an improvement in revenue of 36 lakhs.

Next, there is an increase in Land Revenue and Irrigation, of 5½ lakhs in all. These two heads must be taken together, for our accounts have

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been undergoing revision and modification in various ways, and certain items formerly placed under Land Revenue are now being placed under XIII Irrigation. We had budgeted for the very high figure of 5,97 lakhs Land Revenue in addition to 23 Irrigation, total 6,20·5. We have obtained 5,82 plus 44, or 6,26. This sum of 5,82 Land Revenue, it will be remembered, has been abnormally increased by the collection of arrears from famine years; and we shall receive this fortuitous assistance for one year more only, after which we must drop down to the normal figure of about 5 crores; and it is this gap of some 70 lakhs that our successors in this Council will be faced with the responsibility of filling next year.

On the other hand, we suffered from the depression in trade, which affected especially Bombay city, where land values fell heavily, and there was stagnation in commerce. This affected our stamp revenue severely, and in spite of the increase granted by the House in stamp taxation, there was a fall of 40 lakhs under this head.

Under the head Miscellaneous Adjustments we have an increase of 14 lakhs. This represents money due to us from the Government of India in regard to famine expenditure, over which we have had some prolonged negotiations.

Other improvements are detailed in the note of the Chief Secretary, and represent smaller sums of from 1 to 5 lakhs.

In regard to the retrenchment of expenditure to the extent of 38 lakhs the House will no doubt take a peculiar interest. In the first place let me make it quite plain that this 38 lakhs is in addition to the 60 lakhs cut which was made from the budget as first presented to the House a year ago. That 60 lakh cut is no doubt fresh in the memory of the House: and if members will compare their copies of the preliminary issue of the budget with the final issue, they can satisfy themselves that the reduction was actually made in the final issue; and the comparison which I am now putting before this House is a comparison of the further reduction over and above the figures in the final issue, so that we may roundly assert that we have retrenched to the extent of one crore of rupees from the estimates first placed before this House a year ago. Now, Sir, while the Government desires to acknowledge with ample gratitude the encouragement and assistance which they have received from this House in making this retrenchment, I trust that this House will not fail to recognise that the Government, through all their members, by which term I mean not Members of Council only but Ministers and officers of every rank and degree throughout the Presidency, have co-operated most loyally towards the common end and purpose.

Honourable Members and Ministers will explain when they deal with their separate administrative departments, how they secured those economies which stand to their credit. It would be presumptuous in me to apportion praise or blame to my honourable colleagues on this bench: and I can do no more than hint at the inspiration and stimulation which we have derived from other quarters not to be named: but this House may rest assured that in all that we have done or omitted to do, we have been conscious of the message of encouragement in the cause of

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economy and retrenchment with which this House speeded us at the opening of this year. We have also had the assistance and advice of the Retrenchment Committee under the guidance, first of our late lamented friend Rao Bahadur Sathe, and now of Mr. Chunilal Gandhi; and their influence and suggestions have helped the good work forward in no small degree. The fact that this Committee began its labours in July 1921 will not have escaped the memory of this House; and Bombay, by its pioneer efforts in this field, set an example to the other provinces of India, not indeed for the first time.

The measures of retrenchment which we had already enforced and which we had in contemplation at this period last year were placed before this House in considerable detail, and various Members of Government explained that we had not been able to enter in the budget a definite estimate of the results of the retrenchment that would be secured in the current year. Upon the insistent request of this House we finally estimated this retrenchment at 60 lakhs; and it will no doubt be a matter for general congratulation that our measures have finally eventuated in a saving not merely of 60 lakhs but of a crore of rupees.

Establishments have been reduced in various departments. Formerly the State used to employ large numbers of men who cannot unfairly be described as part-time officials. Village accountants, for instance, lived in their own villages, cultivated their piece of ground, and kept the village accounts, so to speak, in their spare time. Schoolmasters did much the same. The country policemen often led a leisurely existence, and enjoyed much hospitality from the villages which they visited. The sterner needs of modern life have changed all this; whether for better or for worse. Every official is now required to pass severe tests, and to give his whole time and energy to the State; and in return he naturally demands a higher rate of remuneration. The policy of retrenchment has led to a close scrutiny of the day's work of many thousands of these public servants, and it has been found possible to dispense with certain superfluous functions and duties, and on the other hand, to widen the sphere of jurisdiction in many cases and thus to secure very valuable economies. It is impossible yet to judge whether the novel adjustments of machinery will prove effective for the purposes of the State. These will require constant supervision and vigilance in order that tyranny and corruption do not invade public business and add to the hardships of the poor.

Last year I put before this House a statement of the financial relations which the Government of India established in accordance with the proposals of the committee known as the Meston Committee, and this House has a right to be informed of the progress of the discussions which have taken place during this current year regarding our claim to a revision of that settlement and to a share of the income-tax. I should like to recall to the memory of the House the main features of the position in a very few words.

Nearly every province in India is dissatisfied with its share of revenue but on very different grounds: the industrial provinces of Bombay and

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Bengal because they collect respectively income-tax exceeding 8 and 7 crores, practically the whole of which is appropriated by the Central Government, while the main agricultural provinces, Madras, U. P. and the Punjab, collect little more than 3 crores of income-tax between them. On the other hand, these provinces, Madras, U.P. and the Punjab, from their other revenues contribute to the Central Government sums of $3\frac{1}{2}$, $2\frac{1}{2}$ and $1\frac{3}{4}$ crores, while Bombay and Bengal contribute half a crore only ; and in fact the Bengal contribution has been temporarily suspended. It will be observed that the complaint of the agricultural provinces is based on an exclusion from the discussion of the income-tax. If we take into account both the income-tax and other revenues, then the total provincial contributions work out as follows :

| | | | | | |
|--------|----|----|----|----------------|---------|
| Bombay | .. | .. | .. | 9 | crores. |
| Bengal | .. | .. | .. | $7\frac{1}{4}$ | " |
| Madras | .. | .. | .. | 6 | " |
| U. P. | .. | .. | .. | 4 | " |
| Punjab | .. | .. | .. | $2\frac{1}{2}$ | " |

Or, if we take the percentages of the total revenues collected within these provinces, as shown in the budgets of 1922-23, then the percentage payments of each province are as follows :

| | | | | |
|--------|----|----|----|----|
| Bombay | .. | .. | .. | 39 |
| Bengal | .. | .. | .. | 41 |
| Madras | .. | .. | .. | 31 |
| U. P. | .. | .. | .. | 26 |
| Punjab | .. | .. | .. | 24 |

The Meston Committee Report is an intricate document which few people have the leisure to study. I will try to explain in a few words the principal features that now concern us.

The Meston Committee redistributed the whole taxation resources of the Government of India and the provinces, allotting separate resources to the Government of India and to the provinces. After calculating the average revenue of the provinces, they found that this redistribution caused the Government of India to surrender to the provinces revenues in excess of the previous standard to the following amounts :

| | | | |
|--------|----|-----------------------|---------------------|
| Madras | .. | $5\frac{3}{4}$ crores | } in round figures. |
| U. P. | .. | 4 " | |
| Punjab | .. | 3 " | |
| Bombay | .. | 1 crore | |
| Bengal | .. | 1 " | |

They considered that the Government of India could not afford to surrender the whole of these sums at once, and they decided that of the sums above mentioned, $3\frac{1}{2}$, $2\frac{1}{2}$ and $1\frac{3}{4}$ crores in the case of Madras, U.P. and the Punjab, and $\frac{1}{2}$ crore in the case of Bombay and Bengal should be temporarily demanded from those provinces.

The agricultural provinces are not content with immediate increases of their resources by the difference ; viz.

| | | | | |
|-----------------------|----|----|----|---------|
| $2\frac{1}{4}$ crores | .. | .. | .. | Madras, |
| $1\frac{1}{2}$ " | .. | .. | .. | U. P., |
| $1\frac{1}{4}$; | .. | .. | .. | Punjab, |

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and they demand immediate possession of the total increases proposed.

If this explanation is not clear, I would attempt to illustrate it by a very simple analogy. Let us suppose that a rich merchant died and left certain legacies. To A, B and C he left Rs. 60,000, Rs. 40,000 and Rs. 30,000, and to D and E he left Rs. 10,000 each, and directed that each legatee should pay the income of half his legacy for a period of years to a certain purpose. The principal legatees complain bitterly of the injustice of their treatment, in that they have not received the full legacy intact immediately.

I think it is not unfair to say that this is a similar situation where A, B and C are represented by Madras, U. P. and the Punjab and D and E are represented by Bombay and Bengal. And while some of these agricultural provinces threaten the Government of India with their resentment, the two great industrial provinces have submitted to the loss of their income tax, and have continued to afford to the Government of India willing and rich subscriptions to their loans without which the administration of India would have come to a standstill or at least been seriously embarrassed. Our efforts to bring home to the Government of India and the Secretary of State the inequitable character of the treatment which they have accorded to us have failed : they have refused to contemplate a revision of the Meston settlement. We have accepted the situation with loyal resignation, but not without a protest, and we are glad that the Council were united in supporting our protest.

We are conscious that we have pared the administration to the quick : that we are unable to afford to the public facilities and amenities which are required in every civilised country. We are unable to develop agriculture, to prosecute medical research, to provide adequate means of communication, to assist higher education, and to further primary education, unless and until other means of taxation are provided by this Council. These are the results, as we conceive it, of the loss to an industrial province of the revenue which has been earned by its industrial development and efficiency. We have balanced, it is true, our revenue and our expenditure, but at the cost of retrenchment which has been pursued to an extreme limit, and which means the cutting off of services to which the public are entitled.

On the subject of the Income-tax, I referred last year also to the method which has been adopted by the Government of India, of assessing the share of this Government of an increase over a given datum line of assessed revenue. On this point also we have been conducting some negotiations, which have just resulted in the last few days in their acceptance of our calculations, upon which we are entitled to an allotment of another $9\frac{1}{2}$ lakhs of rupees in the current year making altogether $12\frac{1}{2}$ lakhs. This is all that we can save for the use of the province out of our taxation of $8\frac{1}{4}$ crores ; and this House will accept this sum with such gratitude as it may be able to command.

I come now to the question of the Famine Reserve. I explained to the House last year that we were compelled by statute to make a

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provision of Rs. 63½ lakhs for Famine, and that we hoped to save not less than 40 lakhs, which we should then put aside in our Famine Insurance Fund.

Our ryots had many anxious moments this last year.

There was the prolonged break in July, which caused great damage to the kharif crop in the Deccan. There was the dry month of October, when it seemed as if rabi sowings would be impossible, and the Presidency was threatened with widespread distress. Each time the situation was saved by rain almost at the last moment; and the almost unprecedented rain that came in November changed the whole aspect.

The province of Sind, on the other hand, experienced no such alternations of fear and hope. The canals obtained an excellent supply early in the year and gave all the water required till the end of September. Not only did this enable the kharif crop to be brought to maturity, but the excellent supply late in the season has enabled large areas of rabi to be sown.

We have thus been spared all expenditure on the relief of famine; and have begun to make provision against a future fodder famine by expending 3·60 lakhs on the construction of depôts for the storage of compressed and baled fodder. In consequence we have been able to set aside not 40 but 60 lakhs as the first instalment of our Famine Insurance Fund.

I should like to recall to the memory of this House the nature of this Famine Insurance Fund. This Presidency is more liable to famine than any other part of India; and on the records of expenditure of previous famines, the Government of India concluded that we should accumulate a fund of four crores of rupees. This fund is to be utilised for the relief of famine, for the construction of protective irrigation works or other works for the prevention of famine, and for the grant of loans to cultivators. The need for this large insurance fund can be judged when one remembers that in the great famine known as the Chhapan (1897-99), we spent 7½ crores in two years on famine relief; and further from the fact that at present our loans to cultivators are financed by a debt to the Government of India, which exceeds 2½ crores. This Famine Insurance Fund therefore is something quite different from the reserve balances of the Government, which are required for the financing of the daily administration.

In our closing balance of 3½ crores we have included 60 lakhs of this Famine Insurance Fund. On this 60 lakhs we now draw interest from the Government of India. In this respect it is more profitable to put money into the Famine Insurance Fund than into any reserve balances with the Government of India, for the Government of India refuse to pay us interest on our reserve balances.

In regard to these reserve balances, the House will no doubt remember the fluctuating character of our revenue. Our Land Revenue only two years ago, owing to an adverse season, fell to 431 lakhs, while this year we are collecting 582; our Excise has varied 50 lakhs in a year; our Stamps have fallen off 40 lakhs from the estimates. If we are to maintain that high reputation for solvency which is such an invaluable asset

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to this Presidency in the money market, we must be prepared to meet a combination of such unfavourable factors without depleting the exchequer. No one will dispute the proposition that if the harvest is bad, and there is a slump in trade, it may be impossible to borrow money except at exorbitant rates, and that it is a necessary precaution for a wise Government to keep such balances that it may not be at the mercy of the money market in a time of crisis. Viewed in this light, I trust that the policy which this Government have adopted will meet with the unanimous approbation of this House.

The excellence of the season was reflected in our finances in another way, in regard to our Advance and Loan Account. We had made provision for advances of 77 lakhs and recovery of 87 lakhs; we have in fact found it unnecessary to advance more than 35 lakhs, and we expect to recover 87 lakhs. Thus, where we had anticipated a surplus of 10 lakhs, we have now a surplus of 52; and from this sum we are repaying the Government of India 29 lakhs; for the Council will remember that we are indebted in this Advance and Loan Account to the Government of India to the extent of 3 crores; and the additional 13 lakhs is a windfall to our balances.

Before I pass on to the budget of the coming year, I should like to refer to the improvement of the closing balance of last year. Details are given in paragraph 3 of the note of the Chief Secretary. This closing balance, first estimated at 87 lakhs, improved to 99, by an addition of 12 lakhs on account of certain belated adjustments of income-tax made by the Government of India and has finally been reported to be 185 lakhs, due to an increase of revenue of 24 lakhs and a decrease in expenditure of 62 lakhs. While the major portion of the decrease in expenditure is due to Civil Works (29 lakhs) and Forests (15½)—and these two heads chiefly represent a postponement of construction of works and of exploitation of forests, and are not therefore, strictly speaking, in the nature of retrenchment—other items, under Education, Police, Stationery, Medical, Industries and so forth, may be said to result from the stringent orders for economy which were issued in the course of last year.

I now turn to the coming year. First as regards Revenue.

For Land Revenue we anticipate 5,75 lakhs, inclusive of some 70 lakhs of arrears.

For Excise 4,01, some 6 lakhs less than the current year; the policy of Government being, as before, to control and check the consumption of liquor and of drugs and to raise the price so far as possible without driving people to illicit methods of distillation and smuggling.

Stamps.—We have taken 2,06, of which 16 lakhs represents the new entertainments duties, and 1,90 is the figure of stamp duty which we hope to realise in the current year.

In Forests, we hope for some revival in the timber trade, and have taken an improvement of 6 lakhs, from 77 to 83.

Under Administration of Justice: we are providing some additional courts in order to obviate the delays of which complaint is now heard; and the prompter disposal of suits together with an increase in certain process fees will give us another 3½ lakhs.

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Other changes are of minor importance, and need not be reviewed in detail.

Taking Statement B before the Council, if we exclude Development interest, we find the revenue to be 14,37 lakhs; and if we add the loans shown in Statement C under head XL, viz., 2,56, we get a total for Provincial Revenue of 16,93. That figure 14,37 is of special importance.

I turn now to the Expenditure, Statement B, and will touch only on a few major points.

Land Revenue stands at 1,70. Owing to changes in accountancy, this should be taken with No. 22, General Administration, the two together amounting to 2,90. In 1921-22 the two together amounted to 2,87, and in the current year to 2,83. This increase of 7 lakhs is due partly to the time scale increments and partly to the severe retrenchment exercised in the current year which cannot be indefinitely prolonged without inefficiency.

Excise, 39.—This has gone up owing to the revision of our arrangements with certain Native States, which are entitled to larger payments.

Forests.—To the expenditure of 47½ should be added that shown under 52A as Forest capital outlay 6·7.

Police.—In 1921-22 the expenditure was 1,92. In the coming year it is 1,89. Very valuable work has been done by the heads of the Police Department in reorganising the police and in adjusting the strength to the localities where it is most needed and scrapping services that were not absolutely essential. When we recognise the growing demand for protection both in Bombay city and in the rapidly expanding suburbs, and the disorderly movements with which the police have had to cope, for instance amongst the Bhils and dacoits on our Northern Frontier, I think the House will express its gratitude to the department for the economy of their administration.

Education, 1,90.—The last budget was 1,74; and the increase is due to the introduction of compulsory education. It has been found necessary to check the expansion of expenditure on secondary education in consideration of the paramount claims of primary education.

If, now, we take the total of Statement C up to item 51, we find that this amounts to 14,32, leaving us a surplus balance of 5 lakhs. But it will not have escaped the vigilant eye of members of this House that our opening balance is entered at 3,24 and our closing balance at 3,36, and there is another 7 lakhs to be accounted for. This sum will be found under the heads of Famine Insurance Fund 2,50, and Loans and Advances by Provincial Government 77,42, total 79,92 on the Receipts side; and Loans and Advances by the Provincial Government 43,81 and Loans between Central and Provincial Governments 29, total 72,81 on the Disbursements side.

This last item of 29 lakhs represents another instalment of the repayment by this Government to the Government of India of the outstanding takavi loan which is to be reduced within 12 years from the figure at which it started two years ago, 3,17 lakhs.

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I now come to the subject of Loans, which is dealt with in the Chief Secretary's note, paragraphs 7 and 8. This has been the subject of very anxious consideration by the Government. The statutory rules give us power to raise loans to meet capital expenditure on the construction or acquisition of any work or permanent asset of a material character in connection with a project of lasting public utility if the proposed expenditure is so large that it cannot reasonably be met from current revenues. We have taken advantage of this new system last year and this year. The total amount borrowed up to the close of this year is 2,49 lakhs, and we propose to borrow in the coming year 1,76 lakhs, the distribution of which is shown under 52A, 55, 56A, 60 and 60A of Statement C.

Great care is necessary to see that expenditure on such purposes as the exploitation of forests and town planning schemes is limited to purposes which can be shown to be remunerative. The responsibility of departments in this respect is being enforced by the adoption of *pro forma* statements which can be examined from time to time in order to see that the outlay is in fact recouped. As an instance I may quote the Koregaon Town Planning Scheme at Poona, on which we expended seven lakhs, and recouped five and a half, and are now receiving a return of 20 per cent. on the balance of 1½ lakhs capital invested. The programme of such schemes must develop from time to time, for the outlay that will be found profitable is capable of expansion without limit.

• The situation in regard to public works is more difficult for these cannot be shown to be directly remunerative. But it is clearly right that the burden of permanent works of improvement should be spread over a generation. Colleges, hospitals, jails, roads and bridges are works the benefit of which will endure for many years; and in these cases also no programme can be final and complete.

In regard to the housing of our police force and officers of various departments, we are in a better situation, for we can see the end ahead. I mentioned last year that we had already housed two-thirds of our police force at a cost of 2 crores of rupees. We are pressing forward with the housing of the last 1,500 men in Bombay, which with the high cost of building in this city will require another 47 lakhs. This is a most important reform which has been undertaken during the present administration. The concentration of police in lines adjacent to the scene of their duties is not only conducive to efficiency, discipline and contentment, but is also economical in saving time and energy for their daily work, and thereby reducing the numbers of men required. Similarly for the police in the mofussil it is estimated that another crore will be required. Government consider that the early consummation of this policy is one of the greatest benefits that this House can confer upon the public. The majority of our officers are already housed, and the proposals of the Housing Committee appointed last year are awaited. In any case the cost will be on a much smaller scale.

I mentioned last year that the total value of public works in the charge the Public Works Department was estimated by that department at

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65 crores of rupees. All this great sum has been met from current revenues in former years. We therefore have the consolation of feeling that our administration is already well equipped, and there is no reason to suppose that the difficulties of the future cannot be surmounted by wise and courageous administration.

This wise and courageous administration is specially necessary in the sphere of irrigation. In the current year we borrowed 72 lakhs for the construction of irrigation works. Next year we propose to borrow 53 lakhs, and also to invest 32 lakhs of our Famine Insurance Fund for protective irrigation.

I would refer the Council to my remarks last year on the subject, printed on page 69, Vol. V, Part I, of the Legislative Council Debates. When we have finished the present projects at Bhandardara and Bhatgar, we shall have spent over 10 crores on Irrigation in the Deccan and Gujarat, and with arrears of interest the burden on this province will amount to 14 crores. On this great outlay we recover less than 3 per cent. In other words, with money at the present price of 6 per cent., 50 lakhs of rupees interest every year is presented to the fortunate holders of irrigated lands. Other schemes for the extension of irrigation in the Deccan have been prepared, but it is impossible to contemplate the expenditure of further vast sums until a proper system to render the schemes remunerative has been organised. The value of the present irrigated holdings has been immensely increased, and they can be let at very high rent. This is a problem on which it is necessary to arouse and educate public opinion, so that when Government produce their proposals to deal with this problem they may command a sympathetic hearing and the powerful support of this House.

The wise and courageous administration which I have postulated above has another important aspect for the consideration of this House.

This is the provision of further resources and taxation to meet the inevitable decrease in Land Revenue which is awaiting us next year, a decrease, to which I have already referred, of some 70 lakhs.

It is the fashion in some quarters to profess extreme pessimism regarding the financial position of this country. I do not think that these pessimists can have studied very deeply the shifts and devices to which Finance Ministers in other countries have been driven. This is not the occasion for a detailed comparison, and since we do not propose to ask for any further taxation, the less said on this painful subject the better. I would only invite this House to consider that our resources are far from being exhausted so long as in this country we are immune from death duties, and so long as no incomes derived from investments in land pay any income-tax. The problem of the adjustment of taxation to these sections of the public best capable of bearing the burden requires most careful scrutiny and consideration, and will have to be solved as the public demand with greater insistence a higher standard of administration and amenities provided by the State.

And in this connection I would refer to the Compulsory Education Act which this House passed in December, by the promotion of which

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this Government showed its readiness to undertake heavy financial responsibilities to meet the wishes of the people. This Act, combined with the Local Boards Act, makes the people of this Presidency, for the first time in their history, the arbiters of their own destiny in the matter of Education; and once again, Bombay leads India. We have accepted the principle of compulsory education to be enforced at the option of local bodies. Some critics no doubt wish to impose the whole burden on Government, the burden not only of levying the taxation necessary, but also of imposing and administering the measures of compulsion. But that policy would be a negation of the whole spirit that inspires the new reformed government, the spirit of self-government which is the basis of the British constitution. I submit, Sir, that the policy advocated by Government and accepted by this Council is the right policy, the policy of confidence in our local bodies.

I think I have now surveyed the principal features of the budget of the current year and of the coming year. I look forward with chastened expectation to the trenchant criticism which certain members of this Council will not fail to bestow. I have been warned that since public opinion has expected a large deficit in the current year, there will be grave disappointment at the nature of our announcement of a considerable surplus secured in the current year and a small surplus anticipated in the coming year, and that this Government may expect severe castigation at the hands of those who are so disappointed. I am told that whereas elsewhere in India there has been much talk of retrenchment and economy, we are seriously to blame because both the Retrenchment Committee and this Government have worked in silence and held their tongues. I must find what consolation is possible in the feeling that the proud motto of this Government is Deeds, not Words. We have not boasted to this House about our retrenchments, but we have searched every nook and cranny of the administration and we have presented this House with the accomplished fact.

Before I sit down, I think that this House would desire to have placed before them a comprehensive survey not only of their present commitments, but also of those which are still in contemplation.

Of the 10 crores of irrigational expenditure in the Presidency proper which I have just referred to, $7\frac{1}{2}$ have already been spent and $2\frac{1}{2}$ remain to be found in the next four years.

The situation in Sind is much more favourable. There we have an outstanding capital debit of $3\frac{1}{2}$ crores, and receive a return of 9 per cent.

This House will shortly be asked to give a decision on the Sukkur Barrage Project. I will not anticipate the explanation of the arguments for this work which will be put before it by the Honourable Member in charge of Irrigation, but for my present purpose I desire to mention the outstanding financial figures.

The project is estimated to cost 18 crores of rupees; and it will take six years to complete the barrage and to link the barrage up with the existing canals, and to construct the first section of canals. The objection put forward by certain critics that the barrage will stand idle for some years

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before the canals are ready to take water, is utterly without foundation. As soon as the barrage is completed, perennial irrigation on a vast scale will begin; but the network of canals that will eventually be required is so vast that work thereon will continue for another six years. The expenditure will be roughly at the rate of 2 crores a year for the first six years and 1 crore a year afterwards.

We propose to sell in the first six years some 160,000 acres, and in the subsequent years a million and a quarter acres; and we are confident that we could pay, and more than pay, for the barrage and canals from the sale of this land. But we recognise the political advantage of maintaining the old Sind tradition and granting to the local inhabitants as much land as they can profitably cultivate on the most reasonable terms. We propose therefore to adjust the sales of land to the effective demand that arises from year to year; and we consider that there will be no difficulty in developing the cultivation of Sind so as to produce a net revenue of at least 6 per cent. on the capital invested at the end of 17 years.

By such adjustment of the sales of land we propose to restrict the total capital borrowings to a sum of 16 crores. The Government of India have agreed to provide the necessary finance.

So far I have dealt only with the ordinary Provincial revenue and expenditure, but the picture will not be complete if the operations of the great public bodies in Bombay city, such as the Improvement Trust, the Port Trust and the Municipality, and of the Development Department, be excluded.

The Improvement Trust, the Port Trust and the Municipality have their own separate systems of finance, and the responsibility is in capable hands. Experience in England has often shown that public bodies, when their spheres of jurisdiction are intermingled, have their operations retarded, and sometimes wrecked, by the friction that arises from the conflict of interests or private ambitions. The city of Bombay is more fortunate than it recognises, in its freedom from these sinister influences. The harmony and concord which prevail between the members of these great public trusts and their officials betoken a public spirit which deserves the highest commendation. All are united in one common purpose, the welfare of the city of Bombay and its inhabitants as a whole.

The operations of these public bodies do not come before this House for survey and criticism, and are of course not included in our budget. But since we have established a system of joint borrowing, and the public are not in a position to distinguish accurately between the spheres of jurisdiction of the Provincial Government and these bodies, which are the creation of the Provincial Government, it may be of interest to indicate broadly the demand on the money market which will be made on their behalf by the Provincial Government in the next few years.

The development of the north of the island is in the hands of the Improvement Trust, and an area of 105 lakhs of square yards, representing

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a percentage of 15 of the total area of Bombay Island, is in course of preparation for building sites. These schemes are estimated to require 22 years for completion and an outlay of 864 lakhs of rupees spread over that period.

The Port Trust have laid out their reclamation estate at Sewri, and have completed their new cotton depôt at a cost of 163 lakhs, thus permitting of the transfer of that great industry from Colaba to its new home in the autumn of 1923. The same body is developing its grain depôt, so as to make it the centre particularly of the export grain trade. In the same neighbourhood a manganese depôt has been established, while an additional bund for coal is in course of construction. The Trustees have recently constructed a pier for the landing of petrol and kerosene at a cost of about 70 lakhs which will greatly facilitate the landing of these articles. Finally the Trustees have in contemplation the construction of new docks in the northern portion of the harbour, to meet the anticipated developments in trade.

The Municipality are engaged on the provision of an enormously increased water supply from Tansa; and have in hand schemes for completely remodelling the drainage system and for the improvement of public amenities in the way of roads and educational buildings. The total of their demands in sight are estimated to amount to ten crores spread over the next five years.

In regard to the Development Department, which is directly in the care of Government, much detailed information is placed before the House in the notes in the Blue Books of last year and of this. The net results may be summarised as follows.

The total expenditure on the Reclamation of the Back Bay and East Colaba is estimated at $8\frac{1}{2}$ crores, and will be completed in 1930-31. Large returns may be expected from 1927 onwards. In that year $2\frac{1}{2}$ crores are expected from the exchange of military lands. By 1930-31 the returns will amount to four crores, and by 1935 the whole expenditure will have been recouped; and we shall have still in hand for future disposal as net profit an area of some 6 lakhs of square yards: the value of which may be estimated at several crores.

This relates to Back Bay and East Colaba alone. For the Housing Scheme the expenditure is estimated at 9 crores up to 1928-29. It is hoped that the rent of the tenements will meet the cost of construction and maintenance of these houses, and any temporary losses will be met from the cotton cess.

The development of the suburbs will require an expenditure estimated roughly at 12 crores over a period of 15 years and can be regulated according to the financial success of the schemes.

As each programme progresses, the expenditure will be gradually recouped, and the total debt outstanding at any moment will not approach this figure of 12 crores.

If, now, we total these figures together, we see that the responsibility which this Government with the assistance of this Council has assumed or are being invited to assume is considerable. In the widest terms, it is

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divided into two equal parts, for Agriculture and for Industry :—

| | | | |
|----------------------|------|----------------------------|------------|
| Present Deccan | 7·5 | Irrigation | 30 crores. |
| Present Sind | 3·5 | | |
| Future Deccan | 2·5 | | |
| Future Sind | 16·5 | | |
| | 30 | | |
| Back Bay | 8·5 | Housing and development of | |
| Housing | 9 | Bombay city | 30 crores |
| Suburbs | 12 | | |
| | 29·5 | | |

We have every confidence that these vast schemes will be brought to a satisfactory conclusion in the next 15 years, and will create a standard of prosperity for large sections of our people upcountry and in this city, far in advance of anything that has yet been known. No human enterprises are free from risks, but this House may take encouragement from the conviction that these enterprises have been set on foot with anxious care and foresight and with the single-minded purpose of furthering the health and prosperity of the people of this Presidency. With these words I beg to introduce the budget.

A BILL FURTHER TO AMEND THE BOMBAY PORT TRUST ACT, 1879 (Bill No. XIX of 1922).

The Honourable Sir CHIMANLAL SETALVAD: Mr. President, before I move the second reading of the bill, I have to submit for your consideration and ruling a question that arises with regard to this bill. The Port of Bombay, being a major port, is a central subject, and therefore under section 80A, clause (3) no legislation affecting such central subject can be considered by this Council or passed by this Council without the previous sanction of the Governor General. In pursuance of that restriction on the legislative powers of this Council, the bill, before it was originally introduced in this Council, was submitted to the Governor General and his assent was obtained as recited in the preamble.

The Honourable the PRESIDENT: Governor General or the Government of India ?

The Honourable Sir CHIMANLAL SETALVAD: The section states :

“The local legislature of any province may not, without the previous sanction of the Governor General, make or take into consideration any law, etc.”

In pursuance of this section, before the bill was introduced in the last session of the Council, this Government sought and obtained the previous sanction of the Governor General. The bill was then read for the first time and referred to a select committee. In the select committee certain alterations were made in the provisions of the bill. We had again to seek the assent of the Governor General to those provisions as altered by the select committee, and we have obtained the assent of the Governor General to the bill as amended by the select committee.

Now, Sir, as you must have observed, various notices of amendments have been given by certain members in which they propose to make further amendments in the bill as amended by the select committee. My submission is that, under section 80A clause (3) to which I have already

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referred, these amendments could not be considered, unless the previous assent of the Governor General has been obtained. In any case, even if these amendments are allowed to be moved, it is certainly clear that this Council cannot finally adopt any legislation in that direction till the previous assent of the Governor General has been obtained. The position resolves itself into this: if the honourable members who have given notices of these amendments want to press their amendments, this Government will have to abstain from moving the second reading of the bill and go up to the Governor General to obtain his assent to these amendments being considered by the Council. Even if the second reading of the bill is moved, it cannot become finally law till the previous assent of the Governor General is obtained. The result therefore is this: if these amendments are moved and any of them adopted this bill cannot become law in this session with the consequence that the new constitution of the Bombay Port Trust, which the bill proposes to bring into operation on the 1st of April, cannot materialise, and we may have to wait indefinitely. Again, the Governor General may not give his assent to the further amendments that have been proposed. I would, therefore, put it to the honourable members who have given notice of amendments whether it would not be the best thing to pass the bill as amended by the select committee, and, if any further amendments are considered necessary, honourable members can bring them forward in the ordinary course in the form of private bills and move the Government to approach the Governor General to give the requisite assent. Such a course is most conducive to the immediate attainment of the new constitution of the Port Trust on the 1st April. That is my submission, Sir. You will give us.....

The Honourable the PRESIDENT: On what point of order is my ruling desired? Is the Honourable Member making an appeal to me for a ruling or to the honourable members who have given notices of amendments?

The Honourable Sir CHIMANLAL SETALVAD: I am doing both.

The Honourable the PRESIDENT: The Honourable General Member cannot do both at one and the same time.

The Honourable Sir CHIMANLAL SETALVAD: I submit that for consideration of these amendments the previous assent of the Governor General is necessary under Section 80A, clause (3). In any event, whatever view is taken on that point of order, I have made an appeal to honourable members who have given notices of amendments and pointed out the inconvenience of moving their amendments.

The Honourable the PRESIDENT: That appeal should come in, if necessary, after I have given my ruling. The two things should not be put together lest they complicate the question raised.

The Honourable Sir CHIMANLAL SETALVAD: It may necessitate my postponing the moving of the second reading of the bill, in order to place them before the Governor General for his assent to these amendments if he will give such assent.

The Honourable the PRESIDENT: Does the honourable member seek my ruling first?

The Honourable Sir CHIMANLAL SETALVAD: I am entirely in your hands. Either the bill should be passed as amended by the select committee thus enabling the new constitution to come into operation on the first April or the amendments may be pressed with the result that the second reading cannot be proceeded with in this session.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): I rise to a point of order, Sir. Is the Honourable Member in charge of the bill in order in seeking a ruling before presenting the report of the select committee to the House?

The Honourable Sir CHIMANLAL SETALVAD: I should have formally presented the report. It may be taken that the ruling has been sought for by me after the presentation of the report of the select committee.

The Honourable the PRESIDENT: I think the proper course is that I should give my ruling first. The question may arise whenever hereafter this Council will be called upon to undertake legislation relating to a central subject. It is a very important point of order. If I give my ruling first, that will assist honourable members who have given notices of their amendments to consider later on the appeal which the Honourable the General Member of Government has made to them. I hope my suggestion meets the wishes of the House? (Honourable members expressed assent.)

With reference to the point of order raised by the Honourable the General Member I am obliged to him for having appraised me of it last night and intimated that he would raise this point of order. I have bestowed careful thought on the point and now give my considered ruling. The section on which reliance is placed by the Honourable the General Member provides that no measure, no law, regulating a central subject shall be made or taken into consideration by the Council without the previous sanction of the Governor General. Now the argument of the General Member, as I understand it, is that this House, when it is called upon to consider a bill of this kind with the previous sanction of the Governor General, can consider it only in one of two ways, either by accepting the bill as it is brought with that consent, or by rejecting it, but that it has no power to consider any amendments proposed to be moved unless their consideration also has been previously assented to and allowed by the Governor General. I cannot assent to that argument. The word 'considered' is a well-known phrase in Parliamentary usage. May's *Parliamentary Practice*, which is the authority upon the subject, uses that expression in many places in its ordinary and more comprehensive sense. But before I cite that authority I should first refer to and rely upon a ruling of the Chairman of Committee of the whole House given with the concurrence of the Speaker in the House of Commons. The ruling will be found in Parliamentary Debates, 4th series, Volume 99, columns 139 to 162. There the question arose as to the meaning of

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the expression "submitted for consideration" of the House. That is the same as submitting a bill or motion to be taken into consideration by the House.

According to that ruling, to submit a matter to the House for consideration is to place it on the Orders of the Day for the purposes of an effective vote. A voting is made effective in one of the well-known ways, viz., (1) when the House agrees to a measure or motion or (2) when it rejects it, or (3) when it amends it. To take into consideration means, therefore, to debate the matter for all three of these purposes. A reference to Hansard and the Official Reports of Parliamentary Debates, House of Commons, supports that view. When a bill as amended in Committee is submitted to the House of Commons for consideration, the House considers it by a debate on new clauses and amendments moved; and if the latter are carried, the bill is amended accordingly. When a bill as amended in committee is placed before the House for consideration, a motion is made "that the bill as amended be now taken into consideration;" and if the House agrees to the motion, the bill stands for third reading on some future day and any honourable member "will be able to put down whatever amendments he thinks proper." (See Mr. Speaker's ruling to that effect in col. 345 of Hansard's Parliamentary Debates, Third Series, Vol. 318.) That being the plain meaning of the expression "to take into consideration," you cannot restrict it and deprive the Council of its inherent right of debate, effective vote and amendment unless the statute concerned cuts down that right in clear and unambiguous terms. Section 80 of the Government of India Act, which is the governing section on the point now raised, does nothing of the kind. Now to turn to May you will find at page 739 (12th Edition) :—

"When amendments are made by the House on the consideration of a bill, or verbal amendments on the third reading, and also when Lord's amendments have been agreed to, they are entered by one of the clerks in the Committee and Private Bill Office, upon the printed copy of the bill, as amended in committee. This copy, as amended, is signed by him and preserved in the office."

So also on page 369 of May :

"The Chairman proceeds to read the number of each clause which is thus brought under the consideration of the committee (of the House); and to call on the members who have given notice of amendments."

Thus, the House has every right to consider and amend afresh, if it likes, the bill as amended by the select committee and as assented. But at the same time it should be remembered that the Governor General under section 80 is vested with the right of previous sanction. That is in the nature of a prerogative of the Crown in regard to central subjects delegated by the Act to the Governor General. The rule as to that prerogative of previous consent on this head is that when Parliament is called upon to make a law on any subject in which the Crown is primarily interested and for which the Crown is primarily responsible the previous assent or sanction of the Crown must be signified at the various stages of the bill.

On this head May says on pages 542 to 544 :—

"A question of practice arose in the House of Lords on the 1st July 1844, on the third reading of the St. Asaph and Bangor Dioceses Bill to which the Government had

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not been instructed to signify the Queen's consent. A select committee was appointed to search for precedents, who reported that there were no precedents; but that the bill belonged to that class to which it had been the usage to give the consent of the Crown before passing the House: and that it had been the custom to receive such consent at various stages. The consent of the Crown was withheld and the bill was withdrawn. Again in 1886 on the third reading of the Black Water Bridge Bill, notice being taken that the Queen's consent had not been signified, Mr. Speaker declined to put the question. In 1868, the Peerage (Ireland) Bill was withdrawn upon the second reading, when it was intimated that ministers would not advise Her Majesty to give her consent to the bill at a later stage.

Another form of communication, similar in principle to the last, is when the Crown 'places its interests at the disposal of Parliament,' which is signified in the same manner, and at various stages of the bill by a minister of the Crown."

That is to say there is a special class of cases and here in India central subjects fall within that class so far as this Council is concerned, as to which the previous sanction of the Governor General under section 80 is necessary at every successive stage of the bill before the House proceeds from one stage to another and that because the Governor General is primarily interested in and responsible for those subjects. If I were to accede to the position maintained by the General Member of Government, namely, that this House has no option but to consider the bill only by way either of rejecting or accepting it, then I should be giving a ruling subverting the constitution altogether and depriving this Council of its rights and liberties. (Hear, hear.) To accept or to reject is the prerogative of the Crown and that for our present purposes is vested in the Governor General by the Act. When a bill passes the House of Commons and goes to the Crown for consent the Crown either assents to it or refuses its consent to it, but the Crown cannot say to the House: "You must submit your proposed amendments for my sanction before you consider them." Under these circumstances the proper procedure for the Council is this: the amendments of which notices have been given can be moved without the previous consent of the Governor General, provided they are in accordance with our Rules and Standing Orders. The House has every right to amend the bill or to accept or reject it as amended by the select committee. The Governor General has assented to the bill as amended by the select committee. That bill so amended and assented to is now submitted for the Council's consideration by way of second reading. If the Council on second reading amends the bill, then the previous sanction of the Governor General to the bill so amended shall have to be obtained before the bill can be proceeded with to the further stage of a third reading.

That is my ruling on the point of order raised. My ruling preserves to the House its rights and at the same time carries out the intention of the Act as to the previous sanction of the Governor General.

The Honourable Sir CHIMANLAL SETALVAD: On that ruling, Sir, may I now make an appeal to the honourable members who have given notices of amendment? As I follow your ruling, Sir, it is this: that if the amendments are otherwise in order according to the Standing Orders you will allow them to be moved. But if those amendments are adopted by the Council or if one of them is adopted by the Council which alters the bill as sent up by the select committee and assented to by the Governor General, then the final stages of the bill for passing it as an

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Act cannot be allowed to be proceeded with now, but that the bill will then have to go up again for the previous assent of the Governor General. The result of that will be as I have pointed out before that this Act cannot come into operation on the first of April and that it will have to go to the Governor General who may or who may not assent to the proposed amendments with the result that the new constitution will not be brought into operation for a considerable time. There is the further uncertainty that if the Governor General refuses his assent to the new amendments, we will have to take the bill again as it is. May I, therefore, appeal to the honourable members that the best course will be to go through the bill as it stands and to get the new constitution to work with the elected members as proposed and then for any further proposals for amendment they may take the necessary steps under the law. Otherwise the result will be that the bill will not come into operation for many months more or may not come into operation at all.

Mr. C. M. GANDHI (Surat City) : I am very sorry, Sir ; but in view of the uncertainty that prevails about the attitude we should take on this bill, I move for adjournment of the consideration of this question till to-morrow.

The Honourable the PRESIDENT : I am in the hands of the Council.

Mr. C. M. GANDHI : With your permission, Sir, then I move that the consideration of this matter be adjourned till to-morrow.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : May I know whether the discussion of the budget will be curtailed by the consideration of these negotiations ? It will be. That is a very serious debate.

The Honourable the PRESIDENT : The House will meet at 1 o'clock to-morrow. If the House desires that non-official members should have some time to think this matter over, it is but reasonable that I should comply with their wishes and we might take this up at 1 o'clock to-morrow—perhaps it won't take more than two hours—and then the discussion of the budget may begin.

Mr. LALJI NARANJI : We are prepared, Sir, to go on with this debate now.

The Honourable the PRESIDENT : Then, you have arrived at an arrangement ? Very well.

Mr. C. M. GANDHI : If the Bombay members are agreed, I have no objection.

The Honourable the PRESIDENT : I see that it is the general sense of the House on the non-official benches, that the discussion may go on.

The Honourable Sir CHIMANLAL SETALVAD : Then, we will proceed with the bill, Sir. I beg to move, Sir, that the Bill further to amend the Bombay Port Trust Act, 1879 (Bill No. XIX of 1922) be now read the second time. Honourable members are aware that this bill was introduced in order to meet the demand made by the public for the increase of

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Indian representation on the Port Trust board. In order to meet that demand, and to give adequate representation to the interests concerned, it is proposed in the bill to alter the constitution in this manner: to raise the present number of trustees from 17 to 21 and to allot 5 of these seats to the Bombay Chamber of Commerce, which has enjoyed that privilege all these years; to allot an equal number, that is, 5 seats, to the Indian Merchants' Chamber; to allot 2 to the Bombay municipal corporation; to allot 1 to the Bombay Millowners' Association, and leave the remaining 7 for nomination by Government. As I observed at the first reading of this bill, it is a considerable advance on the present constitution. At present we have only two members given for election by any such body as Government may consider to be representing Indian commercial interests. Then the municipal corporation under the existing Act has no seats allotted to it for election, but out of the nine nomination seats under the present Act in the hands of Government, Government decided a few years ago to ask the municipal corporation to recommend two people to be included in their nominations. Instead of that, the present bill proposes to give two seats to the Bombay municipal corporation for direct election. Also, as I have said, it gives one seat direct by election to the Bombay Millowners' Association. In that way it throws open in all eight elected seats to Indian interests out of a total of 21 as against the present two by election and three by nomination, but honourable members will remember that there is a considerable difference between nomination and election. The honourable member Mr. Trivedi shakes his head but he knows quite well, as do other honourable members, that there is a considerable difference between nominated members and elected members, and that any public body would prefer to send members by election instead of securing representation through nomination by Government. In that way, Sir, as I have pointed out, the present bill is a considerable advance on the previous state of things.

In the select committee the various objections raised by the spokesmen of several interests at the first reading were gone through and all those representations were duly considered. The select committee then came to the conclusion that it was best to adhere to the original scheme of the bill. One proposal was to make the Municipal Commissioner an *ex officio* member. The select committee did not accept that, I submit, rightly, on the grounds I stated on the first reading of the bill that although the Municipal Commissioner would ordinarily be a very valuable addition to the Port Trust and Government would ordinarily nominate him as they have done all these years, the choice of Government for their own nominations should not be fettered by laying down that a particular officer shall be nominated and therefore that was not accepted by the select committee. Then, a similar claim was made on behalf of labour and it was stated that labour should be allowed to elect one member. In the discussions in the select committee, the member who brought forward this proposal had a very hazy notion about what he wanted. He was asked to state to what labour and for what purpose that

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representation was to be given and he said "Oh, the Port Trust are employing so many labourers and therefore they ought to have representation on the Port Trust" meaning thereby that the labourers who were employed by the Port Trust should elect a member on that body. If you once grant such a claim, I do not know where you will stop. You will have to grant representation to other employees of the Port Trust to represent their interests and so on. Then, claims were made by various other bodies, the Piecegoods Association, the Grain Merchants' Association and other similar bodies in this city. Some of them, the Piecegoods and the Grain Merchants' Association, have, under the present Act, got representation by rotation in certain years, but the select committee rightly came to the conclusion that you cannot have different associations getting representation in that manner because you do not know where you will stop, if you do that, but that all interests must come and must get represented through a recognised general body representing the commercial interests in the city, and it was therefore decided that any Indian commercial or trade interest should seek representation through the Indian Merchants' Chamber to whom are allotted five seats. Any different interests concerned such as the Grain Merchants', the Piecegoods or any other associations, can seek representation through the Indian Merchants' Chamber as the domestic regulations of the Chamber can be so framed as to make it possible for various interests to be so represented. Similarly with regard to the Bombay Presidency Trades' Association. In regard to that, as I have pointed out on the motion for the first reading, if you once grant their claim, you cannot resist similar claims by the other bodies mentioned, namely, the Piecegoods Association, the Grain Merchants' Association and any other bodies of persons who may form themselves into Associations later on. A suggestion was made in the select committee by the honourable member Mr. Nelson, who is the Chairman of the Bombay Chamber of Commerce, that they might consider the feasibility of allotting one of their seats to the Trades' Association and it was pointed out in the select committee that if it was thought desirable or feasible it was open to the Bombay Chamber of Commerce to so frame their domestic regulations for this representation as to take the recommendation of the Bombay Presidency Trades' Association for one seat.....

Mr. F. NELSON (Bombay Chamber of Commerce): I said that it was impossible to do so.

The Honourable Sir CHIMANLAL SETALVAD: My recollection may be wrong, but I do not think it was stated that it was impossible and I do not see why it should be impossible for them to do so if they are so minded and want to do it.....

Mr. A. GREVILLE BULLOCKE (Bombay Trades' Association): It is impossible because the Bombay Trades' Association is not eligible to have a seat on the Bombay Chamber of Commerce.

The Honourable Sir CHIMANLAL SETALVAD: That may or may not be. I do not see why it should not be possible for the Bombay

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Chamber of Commerce to include among their five a person recommended by the Trades' Association. However, this Council is not concerned with that. As I said, if you give representation to the Trades' Association separately, why should other associations or bodies be denied a similar privilege? Therefore you must confine the elective franchise to recognised bodies, the Indian and European Chambers of Commerce.

There are other sections of the bill which have not excited much interest. They relate to matters of administration dealing with employees, their leave, disciplinary action and all that sort of thing. The bill proposes to empower the chairman of the Port Trust to delegate powers in that behalf to certain heads of departments, because departments have grown very much. A safeguard has been provided with regard to that by the select committee by providing that any decision of the heads of departments will be subject to the revision and control of the chairman so that any aggrieved person will have the opportunity of appealing to the chairman.

These are the main features of the bill as it has emerged from the select committee and I ask the Council to vote the second reading of this bill.

Question proposed: That Bill No. XIX of 1922 (A Bill further to amend the Bombay Port Trust Act, 1879), be now read a second time.

Mr. A. N. SURVE (Bombay City, North): Mr. President, this bill refers to the constitution of the Bombay Port Trust board. It relates to two interests, European and Indian, and there is a struggle as to who should have a greater number of members on it. Therefore it is incumbent upon me to refer to the various claims for these two nationalities, for doing which I hope I shall be excused. I hope also that it will not be supposed that I am trying to introduce racial distinctions into the consideration of this question.

The Honourable the PRESIDENT: Order, order. Did the bill as introduced and as it passed the first reading include the racial principle? Was the point raised on the first reading?

Mr. A. N. SURVE: I was just offering an explanation so that I may not be accused of raising racial distinctions. I shall not touch that point, Sir.

The Honourable the PRESIDENT: We must deal with the principle of the bill as affirmed by the first reading. The racial question is of principle. Therefore, was it in the bill as it passed the first reading?

Mr. A. N. SURVE: The report of the select committee.....

The Honourable Sir CHIMANLAL SETALVAD: I beg to point out that the bill as it was debated at the first reading did not contain any racial distinction at all. On the contrary, the bill strove to do away with it altogether. There was no racial qualification at all provided throughout the bill.

The Honourable the PRESIDENT: Then I think that principle is now foreign to and not within the scope of the bill.

Mr. A. N. SURVE: The report of the select committee states that it is not desirable to specify the nominees. The minority view is that it is desirable to do so, and I follow the minority view, because the present Act actually contains restrictions. If you refer to that particular section in the Act, you will see that the discretion of Government is actually restricted. The section says that one officer of the Bombay Brigade shall be nominated by Government. It further says that three of the nominees shall be natives of India. Thus, the restriction is there already in the section. So, if it is there already, why should Government now demur and say that the power of Government should not be restricted?

Sir, the tendency of the legislature is always conservative, and it is very shy of innovations. Here, we are running into innovations and we are not given any reasons for that.

The Honourable the PRESIDENT: I am afraid that although I gave my ruling, the honourable member is discussing the racial principle.

Mr. A. N. SURVE: I am simply stating that there are already those restrictions in the present Act. That is my point. I have illustrated that point and nothing more.

Then, the second point to which I want to refer is about the delegation of power by the chairman to the heads of departments. Sir, I beg to bring to the notice of this House that no machinery has been provided to draw the attention of the chairman to it if there is any miscarriage of justice. The report of the select committee goes on to say that the power of the chairman is not interfered with, and that he can, if he cares to do so, revise the decisions in those cases which are brought to his notice. But how are they going to come to his notice? In the Criminal Procedure Code, for instance, whenever a magistrate does anything, he sends a report of that to the Collector; thus the Collector can revise it. But according to the bill, if the heads of departments dismiss any servants, they will not notify that fact to the chairman, and the chairman will never have any opportunity of knowing if a man has been dismissed for good reasons or bad.

The Honourable Sir CHIMANLAL SETALVAD: Why should the dismissed person not appeal to the chairman?

Mr. A. N. SURVE: We have already been told that the chairman is overburdened with work, and if he is overburdened with work, can he have the leisure or the inclination to find out for himself if there is any miscarriage of justice or not?

The third point is that the aggrieved parties are very poor people, and are not able to engage the services of a lawyer to represent their case to the chairman. As they are very poor people, they cannot indulge in the luxury of engaging the services of a pleader to represent their case to the chairman; therefore, the power which is reserved in the chairman will, in practice, prove very illusory.

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Now, let us look at this question from another point of view. We are told that the heads of the departments can appoint, dismiss or suspend the servants under them. Sir, likes and dislikes are not always guided by reason.

The Honourable the PRESIDENT: May I make an appeal to the honourable member? I notice that he has already put on paper an amendment to this particular clause. I should like to know whether he is opposing the motion for second reading, or supporting it.

Mr. A. N. SURVE: Will I be permitted to move my amendment?

The Honourable the PRESIDENT: Why is that question asked? Is the honourable member afraid of its being out of order?

Mr. A. N. SURVE: I am under the impression that the amendments are not to be moved at all.

The Honourable the PRESIDENT: I have ruled they can be moved if they are in order. I thought the House understood my ruling.

Mr. A. N. SURVE: I am against the second reading of the bill? But there is a further opportunity.....

The Honourable the PRESIDENT: I have not interfered with the honourable member's right to speak. But it is my duty to put the honourable member on the right track. The honourable member's amendment, I may assure him, as at present advised, seems to be in order.

Mr. A. N. SURVE: I reserve my remarks.

The Honourable the PRESIDENT: The amendment does not effect the principle of the bill at all.

The Honourable Sir CHIMANLAL SETALVAD: I have nothing to reply to.

Bill read a second time. Question put and carried.

Bill read clause by clause.

Clause 1 (*Short title and commencement*).

(1) This Act may be called the Bombay Port Trust (Amendment) Act, 1923.

(2) The nominee and elective trustees holding office, at the time that this Act comes into operation, under the provisions of the Bombay Port Trust Act, 1879, shall continue in office until the 31st day of March 1923; and notwithstanding anything contained in section 9 of the said Act, the term of office of the said trustees shall expire on the said date.

(3) The term of office of the first nominee and elective trustees nominated and elected under the said Act as amended by this Act shall commence on the 1st day of April 1923.

(4) For the purposes of the first elections held under the said Act as amended by this Act the word "twenty-fifth" in section 10 of the said Act shall be deemed to have been substituted for the word "fifteenth".

The Honourable the PRESIDENT: I cannot put the whole of clause 1 but must exclude sub-clause (1) which relates to the title and has to be put after all the enacting clauses have been put. I must express my disapproval of the way in which in the title clause other clauses are put in,

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which are of an enacting character. The title clause should not be mixed up like that. I hope this kind of draftsmanship will be avoided hereafter.

Question proposed: That sub-clauses (2), (3) and (4) of clause 1 do stand part of the bill.

Mr. G. B. TRIVEDI: I wish only to point out a difficulty. We have not yet reached the consideration of sub-clause (3). The first clause says that the Act 'shall commence on the 1st day of April 1923'. There is no other day set apart for legislation. If we are not able to pass the bill within the time allotted, there will be a difficulty.

The Honourable Sir IBRAHIM RAHIMTOOLA: Sir, may I point out for the information of the honourable member that it has been intimated already that, if necessary, the Council will meet at 1 o'clock to-morrow. You will have time not only for this bill but for other legislation also. Three days have been allotted for budget discussion. The intention is that discussion on legislation should be completed early to-morrow and then to take up the general discussion of the budget.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Sir, I fear that if any of the amendments which are before us on the agenda paper is accepted by the House, the point may later on arise as to whether our acceptance of the provision that the 31st March is to be the date up to which the present constitution of the Port Trust should continue does not come in the way of the proper consideration by the Council of these amendments on their merits and prevent the Council from considering them if it so wishes.

The Honourable the PRESIDENT: It is a rule, an ancient rule, that the clauses of a bill should be put one after another in their sequence in the bill except the title and the preamble which have to be put last. It is an ancient rule observed for ensuring orderly discussion. That is the position in which I am placed.

Sub-clauses (2), (3) and (4) of clause 1 ordered to stand part of the bill.

Clause 2 (*Amendment of section 5 of Bom VI of 1879*).

In section 5 of the Bombay Port Trust Act, 1879, hereinafter called the said Act,

(a) in sub-section (1) for the words "seventeen", "seven" and "nine" the words "twenty-one", "thirteen" and "seven" shall respectively be substituted, and

(b) in sub-section (2)

(i) for the word "nine" the word "seven" shall be substituted; and

(ii) the last sixteen words shall be omitted.

The Honourable the PRESIDENT: Mr. Bole. (Mr. Bole was absent.)

Mr. B. V. JADHAV: May I be permitted to move my honourable friend Mr. Bole's amendment, Sir?

The Honourable the PRESIDENT: An amendment which requires previous notice under the Rules and Standing Orders can be moved only by the member who has given notice, because it is his exclusive property as it were. So, Mr. Bole's amendment falls as he is absent and no other honourable member is entitled to move it.

Mr. A. N. SURVE (Bombay City, North) : I beg to move :

That in clause 2 (b), after paragraph (i) the following clause shall be added :

“(ii) After the word “Brigade” the following shall be added, namely:—‘and one shall be a non-official representing labour.’”

Sir, here in section 5, paragraph 2, the Act reads thus :

“Of the nine nominee trustees one shall be a military officer serving in the Bombay Brigade.”

I want to add “and one shall be a non-official representing labour”.

The Honourable the PRESIDENT : The honourable member proposes to introduce something new into the Act. I am afraid I cannot allow that.

The Honourable Sir CHIMANLAL SETALVAD : A new thing altogether, Sir.

The Honourable the PRESIDENT : I have to deal with the bill as amended in select committee. I must rule the amendment out.

Then, Mr. Trivedi has got an amendment to clause 2 (b).

Mr. G. B. TRIVEDI (Thana District) : Sir, I beg to move :

That in clause 2 (b), omit the whole of the sub-clause (ii).

The Honourable Sir CHIMANLAL SETALVAD : I thought you were not moving it.

The Honourable the PRESIDENT : Your amendment is to omit the words : “(ii) the last sixteen words shall be omitted.” What are the last sixteen words ?

The Honourable Sir CHIMANLAL SETALVAD : The last sixteen words are “And not less than three shall be natives of India residing in the city of Bombay.”

The Honourable the PRESIDENT : I must rule that out of order, because in the bill as it was introduced no racial principle was there, nor was anything said at the first reading.

Mr. G. B. TRIVEDI : I had raised the whole point, Sir.

The Honourable the PRESIDENT : Then, did you obtain my permission to get the general assent of the Council that the point may be considered in the select committee and at the second reading ?

Mr. G. B. TRIVEDI : You have ruled that if the point is mentioned once, then it can be taken up.

The Honourable the PRESIDENT : Mere mention will not do. I must obtain the general consent of the House. A special permission must be obtained.

Mr. G. B. TRIVEDI : It is also in the minute of dissent.

The Honourable the PRESIDENT : I have nothing to do with minutes of dissent or assent : I have to deal with the bill as it is.

I have already ruled that as it is difficult in the early stages of a bill to find out what the principle of the bill is, it is open to any honourable member to bring forward any point he may wish to have discussed by the select committee and at the second reading, but he should take my ruling and I should get the general assent of the Council for the purpose of

[The President]

treating it as a matter of detail in the select committee and at the second reading. I have given that ruling so often that I cannot depart from it. If the question of the racial principle was not with the general assent of the House treated as a matter of detail, and was not included in the bill as it passed the first reading, I must rule it out of order.

Mr. G. B. TRIVEDI : It was in the original bill.

The Honourable the PRESIDENT : It is not the question of the original bill : it is the question of the bill introduced. What is the principle of the bill before me ?

Mr. G. B. TRIVEDI : Sir, you have ruled it out. If I am to be silenced in that way :

The Honourable the PRESIDENT : Order, order. The honourable member will recognise that I am bound by certain limitations. There are the Standing Orders and the Rules which say that it is the principle of the bill as affirmed on the first reading that should bind us.

Mr. C. M. GANDHI (Surat City) : Sir, may I point out that what the honourable member for Thana wants is the omission of a clause which the select committee has adopted and he is entirely within his rights to move the omission of a clause which the select committee has adopted. The select committee has said that the last sixteen words shall be omitted, and the honourable member for Thana wants that that clause should be omitted.

The Honourable the PRESIDENT : That alters the case. If the point is put forward in that way, then Mr. Trivedi seems to be in order.

Mr. G. B. TRIVEDI : Sir, I move :

That in clause 2 (b), omit the whole of the sub-clause (ii).

It being 7 p. m. the Honourable the President adjourned the meeting to next day (Tuesday, the 20th February) at 1 o'clock.

Tuesday, the 20th February 1923.

The Council re-assembled at the Town Hall, Bombay, on Tuesday, the 20th February 1923, at 1 p.m., the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

Present :

ABDUL KADIR KHAN ABDUL AZIZ KHAN, Mr.
 ADHAV, Mr. P. N.
 BATLIWALA, Dr. S. S.
 BEDREKAR, Khan Bahadur I. M.
 BHATE, Mr. G. C.
 BHURGRI, Mr. J. M.
 BHUTTO, Khan Bahadur S. N.
 BULLOCKE, Mr. A. GREVILLE
 CADELL, Mr. P. R.
 CHAUGULE, Mr. ANNAPPA PHADEPPA
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 COCKE, Mr. H. G.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Mr. V. A.
 DADACHANJI, Dr. K. E.
 DALAL, Sardar Khan Bahadur ADARJI M.
 DALAL, Mr. D. B.
 DESAI, Rao Saheb HARILAL D.
 DUBHASHE, Mr. SHANKAR BALKRISHNA
 DWARKADAS, Mr. KANJI
 FERREIRA, Mr. D. J.
 GANDHI, Mr. C. M.
 GAYASUDDIN JAUDDIN, Mr.
 GHOLAP, Mr. D. D.
 GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH
 GODBOLE, Dewan Bahadur K. R.
 GUPTA, Mr. V. R.
 HAJI, Mr. IBRAHIM S.
 HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA
 HAVELIVALA, Mr. M. A.
 HAYWARD, The Honourable Mr. M. H. W.
 HEPPER, Sir LAWLESS

HULKOTI, Mr. CHANNAPPA CHANVIRAPPA
 JADHAV, Mr. B. V.
 JENNINGS, Major General W. E.
 KALBHOR, Mr. G. M.
 KALE, Rao Bahadur R. R.
 KER, Mr. J. C.
 LALBHAI AMBARAM, Mr.
 LALJI NARANJI, Mr.
 LAWRENCE, The Honourable Mr. H. S.
 LORY, Mr. F. B. P.
 MEAD, Mr. P. J.
 MEHTA, The Honourable Mr. C. V.
 MODI, Sardar Davar T. K.
 MOHIDINKHAN, Khan Saheb HAJI HAZRATH KHAN
 MONTGOMERIE, Mr. A.
 MUKHI, Mr. J. P.
 MURPHY, Mr. S. J.
 MUTALIK, Sardar V. N.
 NELSON, Mr. F.
 NILKANTH, Rao Bahadur R. M.
 NIMBALKAR, Mr. K. B.
 PARANJPYE, The Honourable Dr. R. P.
 PARULEKAR, Rao Saheb L. V.
 PATEL, Mr. B. P.
 PATEL, Mr. J. B.
 PETTIT, Mr. JEHANGIR B.
 PRADHAN, Mr. M. W.
 PROES, Mr. E. M.
 RAHIMTOOLA, The Honourable Sir IBRAHIM
 SAHERWALA, Khan Saheb I. A.
 SALGAR, Mr. R. G.
 SETALVAD, The Honourable Sir CHIMANLAL
 SHEPHERD, Mr. W. C.
 SHIRRAS, Mr. G. FINDLAY
 SINDORE, Mr. H. N.
 SUFI, Mr. KALANDARBAKSH
 SURVE, Mr. A. N.
 THAKOR of AMOD, Sardar NAHARSINGHJI
 THOMAS, Mr. G. A.

TRIVEDI, Mr. G. B.

VICHARE, Rao Bahadur D. A.

WOODS, Mr. E. E.

PORT TRUST ACT AMENDMENT BILL.

Question again proposed that clause 2 do stand part of the bill.

Mr. G. B. TRIVEDI (Thana District): Sir, I beg to move the following amendment to clause 2 :

"That the whole of sub-clause (b) (ii) of clause 2 be omitted."

Sir, in moving this amendment at the very outset I beg to assure this honourable House that I have no intention at all of raising a debate on racial grounds. I am one of those who believe that all disputes about castes, creeds and races should stop if we want to attain to nationhood. Far be it from me, therefore, Sir, to say or do anything that would jeopardise better understanding between all races in this country. My object is to see that, when we amend the constitution of the Bombay Port Trust, a quasi-Government institution, we do not lose sight of the principle underlying the very reforms on which this Council is constituted of giving an increased opportunity to Indians in the administration of the country; much more, Sir, in the administration of a quasi-Government institution. This principle is recognized in the Government of this country both Imperial and Provincial, and executive as well as legislative. Taking my stand on that, I demand increased Indian influence in a quasi-Government institution like the Bombay Port Trust. Unless Indians are put in a position of being in a majority or at least in equality, how will that influence be felt? Take the case of our own Executive Councils. Here we have got equal representation of Indian and European element. If it is there, then is it sound policy to deny equality to Indians in the Bombay Port Trust constitution? It is not a racial question at all. It is a demand of self-assertion. In doing so, vested interests may suffer. But let us be guided by noble principles, the sole consideration is of giving increased opportunities for Indian interests to assert themselves.

Now, I will explain that by this bill as it stands we get only five seats certain. The rest three, or all or one or two may go to Europeans as the Millowners' Association is now represented by a European on the present board. The corporation having lost its right of having the Municipal Commissioner by nomination they may choose to send.....

The Honourable Sir CHIMANLAL SETALVAD: There is no such right and they have not lost any right.

Mr. G. B. TRIVEDI: They may choose to send the Commissioner by election as nomination is now not possible. If then we ask for the retention of the original stipulation of having three nominations reserved for Indians, we are not asking for much, so that the least number of Indians could be eight and the highest number of Indians could be eleven.

The Honourable the PRESIDENT: The honourable member is reading a speech. Surely he is quite competent to deliver an *extempore* speech in an effective manner.

Mr. G. B. TRIVEDI: As there was danger of drifting into racial questions, I thought it better to write out my notes.

So, Sir, there will be eight Indians sure, or at the best there will be eleven out of a board of 21. Is that asking too much? Eight at the least and eleven at the most. Is it asking too much? And what I say is that even Government by nomination can safeguard their right. But Indian interest is predominant and I will quote figures to show how this is so.

I have, Sir, looked into the report of the Bombay Port Trust for the year 1919-20, and I have only taken figures of import and export trade, and I find that Indians pay a revenue of more than one crore, out of a revenue of 2½ crores by import and export trade alone leaving aside the rent and everything paid by Indians. As against that, the shipping trade paid only thirteen lakhs for 800 steamers carrying trade and commerce. Whose interest is predominant, then, even by payment towards the revenue of the trust? I hope, therefore, that this House will be convinced that I am rather erring on the side of caution when I ask that we must have at least eight Indians and at the most eleven Indians out of a board of 21.

Being equally anxious with the Honourable the General Member to see the rapid passing of this bill into law and having it on the Statute Book, so that we may have the reconstituted trust from the 1st of April next, I am ready not to press this point if the Honourable the General Member on behalf of Government is prepared to give us an assurance that looking to all these things he will nominate, as there will be no restriction according to the Act, three Indians as opportunity might arise in order that we may have equality or at the most this small minority. With these words I beg to move my amendment.

Mr. P. R. CADELL: Mr. President, the honourable member who has just spoken said he was not speaking on racial grounds. He said he wanted to take out the racial question altogether. But it seems to me his speech was based entirely on racial grounds. However, in that respect I do not want to follow his example, beyond commenting on the practical illustration of the number of Indians which he has given. The honourable member laid stress on the point that the present chairman of the Bombay Millowners' Association, who is on the board of the Port Trust, is a European. That is perfectly correct. But he is also doubtless aware that in all the long years during which the Bombay Millowners' Association has been represented on the Port Trust this is the first occasion when that representative has been a European. On all other occasions he has been an Indian. So the presumption is that in nine cases out of ten he will be an Indian. Similarly as regards the municipal corporation. They will have now the right to appoint two members, and the honourable member suggests that one of them would probably be the Municipal Commissioner—so I understand him to say—and that he would probably be a European. As regards that, ever since the municipal corporation has been given the right of nominating or suggesting persons for nomination to the Port Trust, they have been, and very naturally, Indians. I think we may take it that they always will be

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Indians, and also that it is very unlikely that one of them will be the Municipal Commissioner. The honourable member has moreover ignored the point that some of the officers nominated may be Indians, and are very likely to be so in the future. However, I have only gone into that point because the honourable member raised it, and laid quite unnecessary stress upon it.

Now we come to the practical reasons why the amendment should not be accepted. First of all, I must take great exception to the suggestion that the Port Trust representation should be based upon the idea of giving Indians greater practice in self-government. There are no doubt other bodies on which Indians will be given those opportunities, but the Port Trust should be an entirely business body. It is a body intended entirely to look after the interests of the port and, through the port, of the city. It is not meant to give opportunities for practising administration. It is meant to administer the port. What we have to aim at is efficiency. Now, what would be the result of the honourable member's amendment? At present there are 9 nominee trustees. Two of them are going to be taken away and given to the municipality. That leaves seven. Of the present nominees there are six who may be described as experts. First of all, there is the Collector of Customs, who is very closely connected with the work of the port. Secondly, the Director of the Royal Indian Marine, who also is closely connected, because the Indian Marine has a great many rights in the port such as special berths and mooring grounds and he always must be on the Port Trust. Thirdly, there is the Municipal Commissioner, and I personally strongly hope that the Municipal Commissioner will remain a member of the Port Trust. I have been Municipal Commissioner myself and am now on the Port Trust, and I know how the discussion of matters connected with the port and affecting both the trust and the corporation is facilitated by the Municipal Commissioner being on the Port Trust. Then, the next two are the two railway Agents. They are very closely connected with the work of the port. The efficiency of the Port Trust depends very much on the manner in which the traffic is handled over the railways. It has been suggested that there need be only one railway Agent on the board. But, there are two great lines running into the port and we cannot make any invidious distinctions between them. They are both of very great importance to the trade of the port. Therefore, it is necessary and extremely advisable, if possible, that both of these railways should be represented. I might say the great necessity of having that kind of representation is at present especially felt, because there is a very long dispute, which I am sorry to say is not yet settled, between the Port Trust railway and the two railways about the rates to be charged for the terminal services which we render to them. Moreover, matters in general are greatly facilitated by the presence of the two Agents on the board. The port trustees have a railway, but they do not profess to be railway experts, and the advice of the Agents in matters concerning our own railway is constantly of use to us. The sixth officer is the General Officer Commanding the Bombay Brigade. I do not say he is an officer whose expert knowledge

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is essential to the administration of the port, but he has been placed on the board by the direct action of the Government of India, who have thought that the question of the defence of the port of Bombay is a matter of the first importance, and he will remain on the Port Trust, because it is not proposed to change the provision of the existing Act concerning him. That makes six members who are experts, and the port trustees feel so strongly that this expert element should remain that they unanimously decided that I as their representative should press for the nomination, *ex-officio*, of all these members on the board. That is to say, it should be specified in the new Act that these gentlemen should be *ex-officio* trustees. Well, that view was put forward in the committee by myself and was supported by the late chairman, Mr. Hatch, but we finally agreed with the Chairman of the Committee that the hands of Government should not be tied down in that way, for this reason, if for no other, that it might be possible to put in a greater expert or experts than even these officers. Therefore, we leave it to Government to nominate in the firm confidence that they will nominate experts. What would be the result of the honourable member's amendment if it was carried? There would be seven nominated members, three of whom would be Indians, and I presume the honourable member means they should be non-officials. That leaves only four, one of whom must be the General Officer Commanding the Bombay Brigade. That only leaves three for dealing with matters for which at least five experts are available. The services of all those experts are of great value to the Port Trust. I would repeat at the risk of repetition that the efficiency of the port depends a great deal on the efficient work of other bodies connected with the port, for the Port Trust is largely a loading and landing agency and the trustees' business is to see that the goods are shipped or landed in the manner most suitable not only for the good of the city, but for the good of the country in general. If this amendment were to be carried, it would greatly impair the efficiency of the Port Trust and for that reason I hope it will not be accepted by this House.

Mr. LALJI NARANJI: Mr. President, in connection with the observations which the Chairman of the Port Trust has made on this amendment, he has shown very clearly why he opposes it. He has made out his case that there are six out of the seven nominations which are reserved to Government which are for experts and that those should be the officers which he has named. There is no reason even to think that the Collector of Customs will not be there. The honourable member who has moved his amendment has never said that they should be officials or non-officials. He merely mentions in his amendment that they should be Indians. Now, the present bill, which is sought to be amended now, only proposes to give five elected seats to the Indian Merchants' Chamber to which all the members of the select committee and, I think, all the members of this House agree. The only difference that now remains to be settled is about the addition of three more nominated Indians. Of course, out of nominations three seats may be given to Indians, who may be officials or non-officials which is not stated in the amendment. I support

[Mr. Lalji Naranji]

the amendment of my honourable friend from Thana, but in view of the explanation given by the Honourable Member in charge of the General Department there remains a choice to this House whether we should prefer to get what we get to-day or we should wait indefinitely for more as required by these amendments. The mover of the amendment himself says that he is not pressing for it in view of the explanation, but he demands an assurance from the Honourable Member in charge that there shall be three nominations of Indians. I do not think, if that is so, he need press his point further. I can only say that if we are getting to-day five seats, which is equal to the seats enjoyed by the European commercial community and we are put on an equal footing with European commercial community so far as the Indian commercial community's representation is concerned, and if the Bombay municipal corporation gets two seats and if one seat is given to the Bombay Millowners' Association—whether the members elected by these bodies will be Europeans or Indians, no one can say—I would rather appeal to the honourable mover of this amendment that he will do well to agree to defer this amendment to some other time and to accept what is proposed to be given by the amendments suggested by the select committee for the present.

The Honourable Sir CHIMANLAL SETALVAD : Sir, I do not think there is much left for me to reply to, after the statement made by the Chairman of the Bombay Port Trust. The last speaker said that under the present Act it was obligatory to have three Indians among the seven nominated members and he asked why should the Indians be deprived of that right ? In saying that, he ignored altogether the framework of the present bill. Under the present Act seven members are to be nominated by Government and the Act provides that three of them shall be Indians resident in Bombay. Out of these three, two in practice.....

The Honourable the PRESIDENT : The Act says "not less than three." They may be more.

The Honourable Sir CHIMANLAL SETALVAD : I beg your pardon, Sir. At least three should be Indians. The present practice has been for some time to ask the Bombay municipal corporation to recommend two persons to be included among those three. So, the position is this that the three Indians at present nominated are made up in this manner :—two recommended by the municipal corporation and one outsider. Now, under the present bill two members are given by election to the municipal corporation. So it is not correct to say that two seats that are at present held by Indians by nomination are being taken away ; they are being handed over safe to the municipal corporation to be filled up by election. Similarly the third seat is again under this bill handed over to the Bombay Millowners' Association, so that the three Indian members at present nominated amongst the seven are still retained through these bodies, viz, the municipal corporation and the Millowners' Association. Therefore it is not correct to say that the present bill attempts in any manner to curtail Indian representation ; that is already there. It substitutes election instead of nomination for those three seats. But the bill goes further. It enlarges Indian representation by giving five

[Sir Chimanlal Setalvad]

elected seats to the Indian Merchants' Chamber as against the two at present given to Indian commercial interests by the present Act. Therefore the result, as I pointed out in moving the second reading, is that we are enlarging Indian representation by handing over three additional seats for election by the Indian Merchants' Chamber and I submit, therefore, that the Council ought to be satisfied with the advance made in this direction.

The Chairman of the Port Trust was perfectly right, I submit, in reminding the House that the Port Trust is not one of those bodies where experiments are to be made in order to give Indians an opportunity of learning administration and that there are other bodies for that purpose. As he said, the Port Trust is a body designed for the purpose of administering the affairs of the port in an efficient manner, and the first consideration there should be efficiency, and the constitution should be so framed as to serve properly the interests involved, as I said at the first reading in answer to certain observations made by the honourable member opposite on that occasion complaining that Indian shipping interests had not received that encouragement from Government, which they should receive. As I pointed out, that is a matter for debate in some other place and on some other occasion. I for one am quite as keen as anybody else to see that Indian shipping interests receive proper encouragement. But we must deal with facts as they exist in dealing with the administration of the Port Trust, and it cannot be denied that European shipping interests are overwhelming in this port at present. It may be that later on Indian shipping interests will acquire—and I hope they do acquire—a preponderance but at the present moment you cannot deny the fact that European shipping interests are very large and therefore those interests should be adequately represented. In order to harmonise those interests and the other interests involved and to give the Indian commercial interests their proper share and voice in the administration of the Port Trust, Government after great deliberation came to the scheme as put forward in this bill. I beg the Council to accept this as an earnest of the wishes of Government to meet the desire of the Indian public as regards the administration of the port.

Then, I would point out that when seven seats are to be nominated seats, there is nothing in the Act to prevent Government from nominating any suitable Indians available among those seven seats. As pointed out by the honourable member, the Chairman of the Port Trust, it may be that in course of time there will be Indians holding some of the posts the holders of which are brought in as experts, namely, the Collector of Bombay, the Municipal Commissioner, and very likely some other Indian officers will in course of time be appointed. If so, there is nothing in the bill to prevent Government from nominating those Indian officers. But what the honourable mover of the amendment wants is to tie down the hands of Government and to fetter their discretion and to make it obligatory on them to appoint three Indians whether suitable Indians are available for the work or not. That certainly, Sir, I and the Bombay Government cannot possibly assent to. The mover of the amendment said that

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if Government could give the assurance that among the seven nominated seats there would be three Indians, then he would not press his amendment. I cannot, Sir, give any assurance of that character. I cannot bind and fetter the discretion of Government as regards nominations. They must make and will make the best arrangements they think right in the interests of the port for the purpose of securing efficiency. If, in doing that, they do find Indians suitable for the purpose, they will not certainly discard them because they are Indians, but I cannot give any assurance of the character which the honourable mover requires from me that the Government shall nominate three Indians among these seven. If the honourable member wishes to have that made obligatory, he may, if he chooses, at any future date, bring in a private bill of that character, and it will be for the Governor General, if it is sent up to him, to give his assent to that bill or not. But I may at once say that as at present advised this Government cannot assent to any such proposal, nor will they be disposed to recommend its acceptance. I would therefore beg of the House, under the present circumstances, to accept the bill as it stands, for, as I pointed out yesterday, the effect of accepting any amendment of the character now moved would be that the whole bill would be blocked and the new constitution would not come into operation, as we are all anxious that it should come into operation, on the 1st of April, and the whole matter will be hung up indefinitely. There is again, I may say, the great probability of the Governor General not assenting to these proposals and the whole bill falling through. I would therefore beg of the House to reject the amendment.

Question put that the words "the last sixteen words shall be omitted" in clause 2 (b) (ii) do stand part of the bill and agreed to.

Clause ordered to stand part of the bill.

The Honourable the PRESIDENT: Before we proceed, I wish to explain to the House that the question that has just now been considered has engaged my very careful consideration since last evening. I have gone through the bill, and I think it was my duty to point out the vital principle of the bill, which is that it does away with the mode adopted for the racial principle in the existing Act. That Act threw upon Government the responsibility of nominating at least three Indians. The bill does away with that mode and safeguards the interests of Indians by giving certain Indian public bodies the right to elect eight instead of three members whether Indians or not. That really forms the framework of the bill. But hereafter the procedure which I shall adopt will be that when a bill comes for the first reading, the debate will be regulated with stricter regard to the framework and principle of the bill than we have paid hitherto. All this waste of time about amendments on second reading which affect the principle of the bill will be saved, and we shall get on much quicker.

Clause 3 (*Amendment of section 6 (1) of Bom. VI of 1879*).

For sub-section (1) of section 6 of the said Act, the following shall be substituted, namely:—

"(1) The elective-trustees shall be elected as follows:—
five by the Bombay Chamber of Commerce,

five by the Indian Merchants' Chamber and Bureau,
two by the Municipal Corporation of the City of Bombay, and
one by the Bombay Millowners' Association "

Mr. A. N. SURVE (Bombay City, North): Mr. President, the amendment which I propose is as follows :

In clause 3, line 5, after the words " of the city of Bombay " add the words " of whom one at least shall be an Indian ".

This amendment is about restricting the election by the municipal corporation. Under the bill, it has the right of returning two members, but whether those members shall be Europeans or Indians is not stated, and as the right which the municipality enjoyed till now of having its Commissioner nominated by the Government is going to be withdrawn, I think the municipality will have to return the Municipal Commissioner through election. So, only one seat is likely to be reserved for the Indians, and in order that the Indian element on the board should not be decreased I have proposed this amendment, and I commend it for the acceptance of this House.

Mr. V. A. DABHOLKAR: Mr President, I rise to oppose the amendment of Mr. Surve. At present the municipal corporation is given the right of returning two members of the corporation, conditionally that they must be Indians first and traders afterwards. The corporation does not like the idea that their hands should be fettered for election under the present bill and when the committee of the corporation met to consider the amendment of the bill, the demand made by the corporation was that it should be given the right of sending three members to the Port Trust of whom the Municipal Commissioner should be *ex-officio*. But the Municipal Commissioner has not been included as *ex-officio* member in this new bill as moved by the Honourable Member in charge. But as for the two seats that the Council is going to give to the corporation, I am quite sure we shall be satisfied with it. But Mr. Surve, by his amendment, is asking that only one seat shall be reserved for Indians. I am quite sure that in the democratic corporation that will exist from April next there will be a majority of Indians, and there will be hardly more than a few members of the European community, and as such, if the corporation chooses to send two Indian representatives, Mr. Surve is coming forward to stop that, and instead of having two Indian representatives, he wants to have only one. At the same time, in case the corporation finds that there is an expert member from the European community on the corporation who can be returned to the Port Trust, I do not understand why the corporation should not elect him. As far as the powers which are to be given to the corporation by this bill are concerned, Mr Surve should not pass a sleepless night on the racial question.

Mr. A. N. SURVE (Bombay City, North): Mr. President, my desire is that the municipality should not be in a position to return two European members. I am still under the impression that the Municipal Commissioner will not be nominated to the board as *ex-officio* member. Thus, out of the two seats allotted, one goes to a European and the other goes to an Indian, and if in addition to the Municipal Commissioner a European

[Mr. A. N. Surve]

is elected, then there will be no Indian representative from the municipality on the board of the Port Trust. That is my difficulty. My friend the nominated member from Bombay has said that the constitution of the corporation has been democratised, and under the new constitution the Europeans will not have the chance of returning a European member to the Port Trust. But some of the posts in the municipality go by rotation. Take, for instance, the post of the President of the municipal corporation. The honour of being the President goes to each of the communities by rotation. Similarly, they might come to an arrangement whereby in some particular year the municipality might return a European member, and my fear is that if the municipality returns two European members, the Indian element on the board will be reduced to a very serious extent. For this reason I think that, if the corporation is restricted to send in at least one, it will be to the advantage of the Indian community. When I place restriction I do not mean that the Bombay corporation should send only one, but what I mean is that it should not send less than one Indian member. That is my object in moving the amendment.

The Honourable Sir CHIMANLAL SETALVAD : Sir, I cannot but regret that the debate on this bill should have degenerated into a racial controversy. I, as an Indian, entirely repudiate that Indians require to be protected by legislation in the manner suggested. As an Indian I want to stand on my merits, I do not want any special favour shown to Indians, because they are Indians. I maintain that Indians have proved themselves fit in various walks of life and they will hold their own in any competition. I repudiate, on my own behalf and on behalf of Indians who think in the same manner, the suggestion that Indians require to be hedged in by protective enactments. We want no favour, we want equal opportunity, equal competition for all races and creeds. The corporation should be at perfect liberty to elect any person, who, in its opinion, is fit to safeguard its interests, be he a European or Indian or belonging to any community whatsoever. It will be a retrograde step to fetter the discretion of the corporation.

Amendment negatived.

The Honourable the PRESIDENT : Mr. Bullocke.

The Honourable Sir CHIMANLAL SETALVAD : Sir, with regard to Mr. Bullocke's amendment, I wish to point out that it cannot be moved now. The House has already adopted clause 2 of the bill under which the numbers are fixed.....

The Honourable the PRESIDENT : That is so, I am afraid. The amendment in the name of the honourable member (Mr. Bullocke) is out of order, as it is inconsistent with the decision already arrived at by the House on clause 2.

Clause ordered to stand part of the bill.

Clause 4 (*Amendment of section 19 of Bom. VI of 1879*) ordered to stand part of the bill.

Clause 5 (*Amendment of section 23 of Bom. VI of 1879*).

(1) In paragraph 1 of section 23 of the said Act for the word "three" the word "five" shall be substituted.

(2) To paragraph 1 of section 23 the following shall be added, namely :—

"and, subject to the regulations at the time being in force under section 22, the power of disposing of all other questions relating to the services of the officers and servants of the Board and their pay, privileges and allowances shall be exercised by the Chairman :

Provided that the Chairman may upon such terms as he shall think fit and subject to the aforesaid provisions and regulations and to the Chairman's powers of revision and control delegate to the head of any department for the time being all or any of his powers under this section in respect of officers and servants of the department whose monthly salary does not exceed three hundred rupees.

Explanation.—In this section the words "head of any department" shall include the Chief Accountant, the Secretary, the Chief Engineer, the Railway Manager, the Port Officer, the Docks Manager, the Manager, Land and Bunders Department, the Controller of Stores and the Chief Officer of any other department which may be constituted by the Board; they shall also include any officer acting for the time being in any of the aforesaid capacities."

Mr. A. N. SURVE (Bombay City, North): Sir, I beg to move the following amendment standing in my name :

"That sub-clause (1) of clause 5 be left out."

This clause proposes to give power to the chairman of the Port Trust to appoint, dismiss, suspend and to do various other things with regard to servants who draw a pay up to a maximum of Rs. 500. This clause seeks to transfer this power which was hitherto possessed by the board to the chairman who may very probably delegate these powers to the heads of departments. There is already a strong complaint that higher posts in the Port Trust should be thrown open to Indians. If the amendment just proposed by me is accepted this power will remain in the hands of the board, and if the amendment is rejected, this power which is at present enjoyed by the board will be delegated to the heads of departments. Thus the interests of Indian servants will suffer. For these reasons I beg to move my amendment.

Amendment negatived.

Mr. G. B. TRIVEDI (Thana District): Sir, I beg to move :

That in clause 5, sub-clause (2), line 8, omit the word 'he' and insert instead the words 'the Board'.

The amendment is small. The sub-clause says :

"Provided that the Chairman may upon such terms as he shall think fit and subject to the aforesaid provisions and regulations and to the Chairman's powers of revision and control delegate to the head of any department for the time being all or any of his powers...."

I want the board to determine the terms on which this delegation shall depend. We are already handing over the subordinates to their respective heads of departments and this will create some injustice, but, as it is pointed out that the chairman is very busy, and it is necessary to delegate his powers, I am willing to accede to that, provided the terms of the chairman's delegation are approved by the board. In other words, I want the board and not the chairman to determine

[Mr. G. B. Trivedi]

the terms of the delegation. I hope the Council will accept this amendment.

Mr. P. R. CADELL : Mr. President, the mover of the amendment has said that is a very small one, and doubtless it is not a matter of great importance. But if it were to be adopted, it might cause some quite unnecessary administrative inconvenience. It is proposed in the bill to give power to the chairman to delegate with certain limitations his powers of revision and control to heads of departments, and I understand that the honourable member does not object to this but recognises its necessity. The only thing he wants is that the terms of the delegation should be approved by the board. Now, the objection to that is that the terms must differ in the case of every departmental head. Some of them are more experienced than the rest and they will be able to exercise more extensive powers because they are more experienced. Therefore, the chairman would not be prepared to give the same amount of power to each head of department. The result of the honourable member's amendment, as I understand it, is that when the chairman delegates his powers he will have to say "I propose to give this officer so much power because he has got so much experience: I propose to give another officer a less amount of power because he has less experience, or less judgment." It would be rather invidious to have to announce this to the board. When you trust the chairman so far as to give him power of appointing, dismissing, suspending, etc., officers drawing Rs. 500 and less, I think you ought to trust him wholly and not specify the terms on which he can delegate his powers. I may say that the chairman is not an autocrat. Any member who has been on the board of trustees knows that every important paper is put on the table and can be seen by the trustees. Also there is the power of appeal to the trustees and, if in any case the trustees are not satisfied with the chairman's orders, the power is in their hands to revise them. Therefore, I do not think the amendment is one which should be adopted by this Council.

Amendment by leave withdrawn.

Clause 5 ordered to stand part of the bill.

Clause 1, sub-clause (1) (*Short title*) ordered to stand part of the bill.

Preamble ordered to stand part of the bill.

The Honourable the PRESIDENT : The bill is now read a second time.

The Honourable Sir CHIMANLAL SETALVAD : Sir, I beg to move that Bill No. XIX of 1922 (A Bill further to amend the Bombay Port Trust Act, 1879) be now read a third time. No amendments have been made at the second reading.

Bill read a third time. Question put and agreed to.

The Honourable the PRESIDENT : The bill has now passed the third reading. I declare the bill duly passed.

**A BILL FURTHER TO AMEND THE LAW RELATING TO
PUBLIC FERRIES IN THE PRESIDENCY OF BOMBAY
(BILL NO. XII OF 1922).**

(As amended by the select committee.)

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir,
Second reading. I beg to present the report of the select committee on Bill No. XII of 1922 (A Bill further to amend the law relating to public ferries in the Presidency of Bombay) and to move that the bill be now read a second time.

Sir, the object of the bill was to give power to Government to transfer such public ferries as they deemed proper to any local board or boards within whose jurisdiction they were situated, and to authorise the local board or boards to manage them. When the bill came before the House for the first reading, it was desired by the honourable members of this House that similar powers should be given to Government to transfer such ferries as they deemed fit to any municipality or municipalities in whose areas such ferries were situated for the purpose of management. This recommendation of the House was considered by the select committee, and the select committee have given effect to it, and have made provision for all cases, whether a public ferry is situated within the limits of a municipality or municipalities, or within the limits of a local board or boards or within the limits of a municipality and a local board. Government have now been empowered to transfer such ferries to the management of the local body or bodies jointly by the substitution of the words "local body or local bodies" for "local board or boards".

There are two amendments but I would prefer to deal with them when they are moved. I hope, therefore, this House will accept the second reading of the bill.

Sardar Khan Bahadur A. M. DALAL (Broach District) : Sir, I beg to support the second reading of the bill. I shall speak to my amendments when the time comes.

Bill read a second time. Question put and agreed to.

Bill read clause by clause.

Clause 2 (New section 2-A).

After section 2 of the Bombay Public Ferries Act, 1868, hereinafter called the said Act, the following section shall be inserted, namely :—

"2-A. *Vesting of public ferries in local bodies : Powers of local bodies in respect thereto.*—It shall be lawful for Government to declare by notification in the *Bombay Government Gazette* that any public ferry notified under section 2 shall vest in the local body or jointly in the local bodies, exercising authority over the area or areas as the case may be, in which such ferry is situate and thereafter such local body or bodies shall exercise in respect of such ferry all the powers specified in the Schedule to this Act :

Provided that the power of exemption under clause (d) of section 3 shall also be exercisable by Government.

Explanation.—For the purpose of this section 'local body' means a district local board or a municipality."

The Honourable the PRESIDENT : Question proposed that clause 2 stand part of the bill. Sardar Dalal will now move his amendment.

Sardar Khan Bahadur A. M. DALAL (Broach District) : Sir, the amendment standing in my name runs thus :

" In clause 2, the word 'may' should be substituted for the word 'shall' which occurs in line 14."

Sir, under the proposed section 2A, Government has the primary vesting power, and once the vesting order is made, the municipality is bound to accept it, irrespective of its financial difficulties. Owing to the financial difficulties in which the municipalities and the district local boards have been involved, it is natural that if they see that the public ferries involve them in a loss they may not like to have them vested in them. I therefore propose, Sir, the following amendment to clause 2.

" That in clause 2, the word 'may' should be substituted for the word 'shall' which occurs in line 5."

My object in proposing this amendment is that it should be optional on the district local boards and municipalities to accept or to decline the vesting of these ferries in them, and therefore I want the word " shall " to be changed into " may ", or that this vesting should be done with their consent.

The Honourable the PRESIDENT : But that idea will not be carried out by merely leaving out " shall " and inserting " may ".

Sardar Khan Bahadur A. M. DALAL : I want to add also the words " with their consent " in line sixteen.

The Honourable the PRESIDENT : But that was not in the notice of the amendment.

Sardar Khan Bahadur A. M. DALAL : I have stated this in my minute of dissent, and hope you, Sir, will permit me to add this to the amendment of which I have given notice. I have stated this in my minute of dissent. I have said there—

" I think, local bodies should have an option of accepting or rejecting the vesting of any public ferries in them. The words ' with its or their consent ' should, therefore be added between ' shall ' and ' vest ' in the new section 2-A."

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir, the honourable member has given notice of an amendment that the word ' may ' should be substituted for the word ' shall '. That is, he wants to make it optional for the local boards or municipalities to exercise the power given to them. Now the honourable member wants to insert certain additional words, but I think there will be no sense in inserting them between the words ' shall ' and ' vest ' as he proposes to do now. His object is that it should not be obligatory for the local bodies to exercise the powers that are given to them under the schedule, but that it should be left to them to exercise them or not.

The Honourable the PRESIDENT : The clause begins :

" It shall be lawful for Government to declare by notification in the *Bombay Government Gazette* that any public ferry....shall vest in the local body or jointly in the local bodies..."

Then follow the words " exercising authority over the area or areas, etc. " The honourable Sardar wants that the ferry should vest in the local bodies with their consent. So where is the difficulty ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : That is not the amendment of which he has given notice. He wants the word ' may ' to be substituted for the word ' shall ' in line 5.

The Honourable the PRESIDENT : All that the honourable member from Broach wants is that Government should not force the responsibility upon any local body but that they should vest the ferry in it if the local body consents. I only want to know whether Government agree to that. Have Government any objection to my allowing the addition of the words " with its or their consent " between the words " shall " and " vest " as now proposed by the honourable Sardar ? If Government agree those words had better come in as a proviso.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : I have no objection to your allowing him to propose the addition of those words.

Sardar Khan Bahadur A. M. DALAL : I am thankful to the Honourable Minister for allowing me to propose the insertion of those words.

Mr. J. B. KANGA : May I suggest, Sir, that the words " with the consent " be added after the words " It shall be lawful for Government to declare " ?

Sardar Khan Bahadur A. M. DALAL : Sir, no further remarks are necessary on my part in support of my proposed addition of these words. I hope I have made myself clear that this amendment is necessary on behalf of the district local boards in their present crippled resources. What I urge is that if the district local boards find that the vesting of a public ferry involves a loss on them, it should not be obligatory on their part to take it. Of course, if it is a small loss, they can take it, but if it is a big loss, they should have the power to reject it.

The Honourable the PRESIDENT : I have suggested that the words " with its or their consent " had better come in as a proviso.

The question proposed is : Leave out the word " shall " in line 5 of clause 2, to insert instead the word " may ".

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir, the position is, that all ferries are vested in Government at present. Government have been getting representations from local bodies for the management of their ferries and therefore it has considered desirable that the local boards or municipalities should have the power to manage their ferries. By this bill it was intended that Government should be empowered to transfer to local bodies such ferries as they thought proper. The question whether the local bodies have more revenue than the expenditure or more expenditure than the income in the case of their ferries does not arise. The point is simply that the bill authorises Government to vest in local bodies such ferries as they deem proper. Now, I would refer this House to section 4 of the Ferries Act. There the position as regards expenditure and income is very clear and we have not amended that portion of section 4 of the Ferries Act. It reads as follows :—

" It shall be lawful for Government "—now instead of ' Government ' we substitute the words ' local body '—" to provide for the appointment of Toll-keepers, Ferry-men, and other servants for the management and conduct of any Public Ferry : and the salaries of

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such persons shall be defrayed from funds raised under this Act, or from other sources of local revenue, but not from the general or imperial revenues, except with the sanction of the Governor General in Council."

Therefore, Sir, the position of the local boards or local bodies will be the same as before. The bill will in no way alter it. The position of the local bodies is the same whether the ferries are managed by Government or by themselves, because maintenance is the first charge on the income from the ferries. Therefore, by accepting the amendment of Sardar Khan Bahadur Dalal, we are not in any way improving the position. The position is the same as before. Suppose a ferry is run at a loss, then section 4 will meet the case and the present bill does not affect in any way the financial position.

The Honourable the PRESIDENT: What does "vesting" mean?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Vesting the management.

The Honourable the PRESIDENT: Will that mean that part of the management will be to provide for the appointment of toll-keepers, ferry-men, and so on?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Yes. Under the section, even now when Government manages, maintenance is the first charge on the funds, and it will be the same when we vest the management in local bodies.

Mr. C. M. GANDHI (Surat City): In case there are no funds with the local body, what will be the position?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: In the section it is stated "or from other sources of local revenue". The Honourable member ought to have brought in an amendment to section 4. This amendment will not avail in improving matters, because under section 4, as it stands, whether the ferries vest in Government or in local bodies, maintenance is the first charge on the funds and Government may consider any cases of deficit that may arise.

The Honourable the PRESIDENT: Does any other honourable member wish to speak to this amendment?

Mr. C. M. GANDHI (Surat City): Mr. President, I support the amendment, for, in spite of all the illuminating remarks which fell from the Honourable Minister in charge of the bill, I really fail to understand why Government should have the power to thrust on a municipality or a local board the management of a public ferry if the municipality or the local board is not inclined to take it up on the ground that it will entail on them further liability and loss?

The Honourable the PRESIDENT: Is it the case that all that this bill does is to invest a municipality or local board with the power of management, but no pecuniary burdens are thrown on either? Honourable members may read the Act and then criticise the bill by the light of it.

Mr. C. M. GANDHI: We have not got copies of the Act, Sir.

The Honourable the PRESIDENT : The Secretary tells me that copies of the bill and of the Act have been placed on the table and a copy supplied to every honourable member.

Mr. C. M. GANDHI : So far as I can see, one set was placed for use between two or three members.

The Honourable the PRESIDENT : So far as my office is concerned, a copy was placed for each member.

Mr. C. M. GANDHI : Sir, a reference to section 4 will tell us that Government may require such moneys to come out of other sources of local revenue.....

The Honourable the PRESIDENT : It says :

“ And the salaries of such persons shall be defrayed from funds raised under this Act, or from other sources of local revenue, but not from the general or imperial revenues.

So the bill does not at all propose any alteration in that, but it merely provides that instead of Government the local body shall manage. Is it not so ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Yes, Sir.

Mr. C. M. GANDHI : In one case we have “ when the expenditure exceeds income, the liability to pay the excess from local revenue.....”

The Honourable the PRESIDENT : I now see clearly that the honourable Sardar's amendment makes no sense if it means something different from the clause. The clause says Government by notification shall have power to vest. That is to say, it is left to Government discretion to vest or not. The honourable Sardar says that Government shall exercise that power by directing that the management may vest, that is to say, the direction should be to leave the question of vesting to discretion. Whose discretion ? If it is Government's discretion, the clause already provides for that. If it is not, the amendment carries no meaning.

Sardar Khan Bahadur A. M. DALAL : I withdraw the amendment then.

The Honourable the PRESIDENT : I cannot allow withdrawal of the amendment. I rule it out of order.

Sardar Khan Bahadur A. M. DALAL : My second amendment is,

“ The following proviso be added after the close of the main new section 2-A :—

‘ Provided that when a Public Ferry is situated within the areas of a district local board and of a municipality, it shall vest in the district local board only ’.”

My reason for suggesting this amendment is that it sometimes happens that a public ferry is situated partly in municipal limits and partly in a district local board area. It is so especially in the case of a ferry at Broach. On one side of the river in Broach there is a ferry which is situated in municipal limits and there is another ferry on the opposite side of the river which is in the local board's jurisdiction. That leads to a dispute often as to the ownership of the ferry and thus the management on the whole of the ferry suffers in the matter of payment for and construction of repairs and so on. This does not tend to efficiency or good management.....

The Honourable the PRESIDENT : That I think is provided for by what has gone before, that the vesting order shall be in the local body.

Sardar Khan Bahadur A. M. DALAL : My amendment is that whenever a public ferry is situated jointly in the jurisdiction of the local board and of a municipality, it should vest in the local board and not in the municipality. My third point is this that these ferries are primarily for the convenience and interest of the ryots who are the constituencies of the district local boards and therefore the district local board should be empowered to manage them.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Mr. President, the honourable member from Broach does not want to entrust the management of public ferries situated partly within the limits of a district local board and partly within the limits of a municipality to these bodies jointly because of the dual control. But at the same time he accepts the principle of dual control when a ferry is situated within the limits of two district local boards. In that case he does not say that instead of the ferry being vested in two bodies it ought to be vested in one body because of dual control. There he accepts the principle of dual control. Further, I would draw the attention of the House to section 46 of the new Local Boards Act, which authorises district local boards to appoint a joint committee with a municipality or other local body. Such a committee can be appointed and can farm out these public ferries. Further, section 46 of the Local Boards Act is clear in cases of difference of opinion. Suppose one body agrees to the appointment of a committee and another does not, the Commissioner of the division in which they are situated has the deciding power and can compel the concurrence of the other. Further, if there is any joint committee and if those bodies are situated within a Divisional Commissioner's jurisdiction, then in cases of any difference of opinion his decision is final and if they are situated in different divisions, the Government's decision is final. Therefore, I would make it quite clear to this Council that even if there is dual control, the two bodies can appoint a joint committee which they are authorised to appoint under section 46 of the Local Boards Act. Any difference of opinion can be decided upon by the Commissioner of the division or by the Government as the case may be.

Dewan Bahadur K. R. GODBOLE (Poona District) : Sir, I am inclined to support the amendment that has been placed before the House by Sardar Khan Bahadur Dalal. My reason is that ferries are mostly used by rural populations and not by city people. District local boards which manage a large number of ferries, have special facilities for managing ferries which municipalities have not got. District local boards are, therefore, in a much better position to manage ferries on the whole than municipalities, which may occasionally have charge of a single ferry only. In the interests of good management, therefore, it will be a distinct advantage if the ferries remain in charge of district local boards entirely.

Mr. B. V. JADHAV : Mr. President, I think I must oppose the amendment proposed by my honourable friend from Broach. When a ferry is used by passengers between a city or a town and surrounding villages, it is generally found that nearly half are from the city and the other half is composed of people from the villages except on bazaar days : and on those

[Mr. B. V. Jadhav]

days a larger number of people from the villages visit the cities to attend the bazaars. With the exception of very big cities, our towns, having municipalities are nothing but overgrown villages and there is not much difference between them and the villages. I must submit that the authorities of municipalities cannot be incompetent to manage the ferries when they are competent enough to manage their own affairs. I do not, therefore, see why they should be deprived of the right of having a hand in the administration and management of the ferries. I think that the provision made in the Local Boards Act to have a joint committee to administer the affairs of such ferries is an equitable one. This amendment, therefore, is quite unnecessary and should be thrown out.

Sardar Khan Bahadur A. M. DALAL (Broach District) : Mr. President, the argument has been advanced by the Honourable Minister that there is a distinct provision made in the Local Boards Act recently passed in respect of disputes between municipalities and district local boards. When you have such a provision in the Local Boards Act, why should there not be such a provision in this bill? Let that be distinct and definite in this bill; let it be provided that whenever two agencies meet and there is a clash of interests the district local boards should be the masters and administrators and joint ownership should be done away with.

As regards the argument advanced by the honourable member for Bombay that the municipalities are competent to manage the ferries, I attach greater value to the opinion of the honourable member from Poona (Dewan Bahadur K. R. Godbole). He is the president of a district local board, and is a retired Superintending Engineer, and he said that the local boards had greater facilities to supervise and manage these concerns than the city municipalities. Therefore, I hope the Honourable Minister will not object to the acceptance of my amendment.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Mr. President, I would like to point out that it was at the express wish of this House that provision was made for the transfer of ferries to the municipalities. Then naturally there arose the question, what should be done if there is a public ferry situated within two local bodies? And provision has, therefore, been made for that case also. I do not agree with the honourable member from Broach that only the district local boards are competent to supervise and manage the ferries. In the first place, I would like to submit that public ferries are generally leased out to contractors. Moreover, when the municipalities can manage the administration of big cities, it is absurd to say that they cannot supervise the work of contractors. I think it is casting a slur on municipal administration to say that a municipality cannot manage or supervise the work of a ferry. I have already pointed out that in case of dispute a joint committee can be appointed under the Local Boards Act.

Then, there is another difficulty. Under section 4, maintenance is the first charge, and if the funds are not enough, the deficit has to be met from other sources. Suppose we vest only in a local board a ferry, one end of which is within municipal limits and the other end in local board

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limits, will the local board be prepared to pay the deficit out of its own resources? I might then say.....

(Sardar Khan Bahadur A. M. Dalal here made an observation which was inaudible.)

But the difficulty that was pointed out by the honourable member from Broach is met by the provision in the Local Boards Act, and I therefore hope that the House will reject the amendment.

Question put :

That the words " Provided that when a public ferry is situated within the areas of a district local board and of a municipality, it shall vest in the district local board only " be added after the close of the main new section 2-A

and negatived.

Amendment lost.

Clause ordered to stand part of the bill.

Clause 3 (*Addition of Schedule*) ordered to stand part of the bill.

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

Preamble ordered to stand part of the bill.

The Honourable the PRESIDENT : The bill is now read a second time.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :

Mr. President, there are no amendments, and I move that the bill be now read a third time and

passed into law.

Bill read a third time. Question put and agreed to.

The Honourable the PRESIDENT : The bill has been read a third time, and I declare it duly passed.

PRESENTATION OF PETITIONS.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President, before we proceed with the regular business of the budget debate, I wish to present a petition on behalf of the inhabitants of Bhagat near Deolali.

The Honourable the PRESIDENT : That ought to come in during question time, and question time has passed. Will the honourable member kindly do it to-morrow as soon as the Council sits? It ought to be done before the regular business commences—during the first hour allotted to questions.

Rao Bahadur G. K. CHITALE : I thought there was not going to be any question time to-day.

The Honourable the PRESIDENT : Question time is fixed by the Standing Orders and that is the time to present a petition.

BUDGET DEBATE.

General discussion of the budget.

Mr. G. B. TRIVEDI (Thana District) : Mr. President, at the outset of this discussion of the budget, I take the opportunity of thanking His Excellency for the appreciation that he expressed of the work of this Council during the two years of its existence.....

The Honourable the PRESIDENT: I hope the honourable member will observe the ruling I have on more than one occasion given here that the name of His Excellency shall not be introduced in this Council for the purpose of influencing a debate, because, according to the Government of India Act and rules, he enjoys certain prerogatives of the Crown in relation to this Council. Therefore the same rule applies to him as to the Crown. The only exception to that rule that I can allow is the exception allowed in the House of Commons in the case of the Crown. That exception was put as follows by the speaker:—

“ But if the Sovereign's name is introduced by a statement of the member introducing it, such statement relating to matters of fact made not to influence the judgment of the House, the speaker was not prepared to say that with the indulgence of the House the member might not introduce the Sovereign's name into the statement.” (Hans. 3rd Ser: Vol. XXII: Cols. 136 and 2037).

Mr. G. B. TRIVEDI: Sir, the budget has been introduced under favourable circumstances, with an improvement in the opening balance as well as in the closing balance. So far it is satisfactory. Also the fact that there is no deficit is an occasion for thankfulness and the Honourable the Finance Member requires no assurance that there will be no disappointment in this House at least, because this House always wants to see that there is a good balance to start with. Now, referring to the opening balance he said that there is an improvement of one crore. It was a windfall and yet we were asked last year this time to sanction new taxation. It may be that the Finance Department did not know that the windfall was coming. The new taxation was introduced without seeing the possibility for substantial retrenchment.

As regards the revenue, the Honourable the Finance Member takes pride in saying that the excise revenue has improved and improved by 36 lakhs. Sir, it is to me rather a matter not for any satisfaction; on the other hand, it is a matter rather for humiliation. This Council, which is desirous of seeing an early fulfilment of the policy of prohibition, cannot view this improvement with any feelings of gladness or pride. The honourable the Chief Secretary to Government says that all the officials of Government tried to economise and increase the revenue by all means in their power, and this means that there were some hardships by which this increase has been brought about. I know myself two or three cases of hardship, but I will not go into details at present. When the demand for the Excise grant comes in, I will prove to the House that the Excise Department has been very sharp in increasing the revenue at inconvenience and trouble to the people.

The Honourable the PRESIDENT: May I make a suggestion to the honourable member? The budget discussion as distinguished from supply discussion is intended for discussing the question as to how the revenue is raised and how it should be raised, and any grievance bearing on that question of collection would be relevant to a budget discussion. The supply debate is intended to deal with the question of the expenditure of that revenue and grievances arising out of that expenditure. That distinction had better be borne in mind.

Mr. G. B. TRIVEDI: Thank you, Sir, for having given me an opportunity for dealing with those grievances here. First of all, I will mention the

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case of Government prohibiting the making of gul from toddy trees in my district. It was a flourishing industry of making gul from toddy trees. Government were afraid that these toddy trees, if tapped for the manufacture of gul, would come in the way of their increasing the revenue. Even now there are a number of untapped trees used by nobody. They are not used for drawing toddy, and Government would not allow them to be used for making jaggery. They said that it required new rules, and though it is now two years no rules have yet been issued. People are willing to pay if the Government allow them to use these toddy trees for that purpose, but the Government are afraid that there will be some illicit traffic in toddy drawing which will come in the way. This seems to me a 'dog in the manger' policy. Neither would they use it, nor allow others to do so. This matter requires careful attention of the Honourable Minister in charge.

Another case which is more harassing is this. There is a chemical industry for the manufacture of medicines. Up to now this preparation was imported from Bengal to Bombay duty free. There was no duty so far because it was manufactured in the country. Suddenly the excise officers with a view to find a new source of revenue have discovered that this chemical preparation should be taxed, not lightly, but heavily as foreign importation, as if it is imported from Germany or England. Government have issued a notification that, if Bengal would agree to tax on a reciprocity basis importation from Bombay into their province, the Bombay Government are prepared to tax Bengal preparation imported into Bombay on the same basis. I have seen the letter from the Bengal Government agreeing to the reciprocal arrangement, and yet the excise officers are not prepared, in spite of Government's resolution, to reduce their rate of taxation from the high figure of Rs. 21-14-0 per gallon to Rs. 5, the rate which they themselves have laid down. I have given these two instances just to show that it is not all by fair means that this revenue has been increased. The third instance is that of putting toddy to auction. Toddy, as we all know, is the poor man's food. It is said that fresh toddy is harmless and it is the poor man's food. Especially in my district many people use it like that. Government think that, as it is everybody's food, it should bring them more revenue, and therefore toddy which used to be very cheap is put to auction and sold to the highest bidder. As a result the price has risen and a tax has been imposed on poor people who consider fresh toddy to be a food. This is yet a third instance of the way in which Government raise their revenue. Sir, it pained me to see that while Excise is a transferred subject in the charge of our own Minister, he did not see to the moral side of the question. It may bring us revenue, but what about the public morals? Has Government no care for the morals of the people? There was not a word of regret for this, not a word of regret for the way in which excise revenue has sprung up. On the other hand, there is only satisfaction expressed that in spite of the reduced ration the revenue has gone up. I would rather see that the revenue goes down to the two crores of rupees that it was in 1916 or 1917.

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Then, Sir, I pass on to retrenchment. Retrenchment was forced upon Government by this House by rejecting the first taxation bill. At first Government made efforts to show that there was no possibility of retrenchment. These were the words used by the Honourable the Finance Member at the time of the discussion of the Entertainments Duty Bill in February last :

"After a full examination of the entire working of the system of administration in various departments I can see no glorious road to retrenchment."

In spite of that, when this Council insisted on a cut of 60 lakhs, Government did it, and did it with a vengeance, so that the cut amounted to not only 60 lakhs but to one crore,—38 lakhs more. I thank the Government for that, but at the same time I share the credit as a member of this House which forced that policy of retrenchment on Government. But we cannot be sure that all that was desirable to be done in the matter of retrenchment has been done. For, how has retrenchment been carried out? It was stated by the Honourable the Finance Member that Government had retrenched establishments, and if we look to the White Book, we find that the establishments reduced are subordinate establishments, peons and clerks. I have gone through the budget, and I find that no superior officers are retrenched. Only the armed and unarmed police have been retrenched.

The Honourable Mr. M. H. W. HAYWARD : May I point out that the honourable member is mistaken ?

Mr. G. B. TRIVEDI : I made a mistake : it was in the district police.

The Honourable the PRESIDENT : According to my ruling already given the budget discussion is for the purpose of discussing how the public revenue is raised, how it ought to be raised and whether it is improperly raised by putting unnecessary burden on the people. The estimates discussion is meant for discussing how the money is and should be spent. The question of retrenchment affects expenditure in particular establishments and a reference may be made to it in general terms now. Details may be gone into at the time of the supply debate.

Mr. M. A. HAVELIVALA : Could we refer to the budget item by item and say that this or that money ought not to be spent ?

The Honourable the PRESIDENT : No. I am not going to permit that at this stage. It is very difficult to draw the line exactly, but the honourable member is going into details which must be reserved for the supply debate. Otherwise, there will be a great waste of the time of the Council.

Mr. G. B. TRIVEDI : Sir, what I want to impress upon the House is that there are still possibilities of retrenchment and I hope that the Retrenchment Committee, which consists of experienced men like our honourable friends from Surat, Ahmednagar and Sind, will deal with them and will not be deceived by the good balance we have. We all welcome the balance ; we are glad to have that balance of 3½ crores, but on account of that we should not slacken our efforts to find out new sources of retrenchment. I know of a number of cases in which

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retrenchment can be made, but I will not detain the House with those details, because I am quite sure my honourable friends in the Retrenchment Committee will do that for me. Then, there is no retrenchment of departments. I am not speaking of officers. There has not been retrenchment even of departments which Government themselves think are useless. I will give you one instance, the Industries Department. Government themselves proposed and asked for the opinion of the advisory committee whether in their opinion the Industries Department should or should not be abolished. As a member of that committee I wish to state in this House that we gave the opinion that in the present circumstances the Industries Department is doing nothing and should be abolished. In spite of that advice sought and given, they have retained that department in this budget. That shows that Government are unwilling unless forced by this House to do away with their paraphernalia. We must point out to Government that we would have no objection in times of prosperity to have that department, and also if we are sure that the department is doing good; but at present that department is doing no good. It is a mere show. So here there is one instance to show that there are many departments which can be cut off, and which are good only for luxurious times if they are doing good work in their own way, and which are good and proper only in prosperous provinces. But here in this province we have no money to spend. Even in spite of this balance at our disposal, we cannot spare any money for the use and spread of education and sanitation and other things. When we have no money like that, how can we maintain luxurious departments? So there is possibility in that way.

Now I want to say one word about retrenchment. We made a cut of 60 lakhs and Government further cut down 38 lakhs. I do admit that some of these retrenchments have inconvenienced people generally and the public in a general way. I am ready to admit that and particularly I am ready to admit that the cut especially in Police and Education has inconvenienced the public most, at least in certain parts. And the recent incidents of the terror of Pathans in the Bombay city and suburbs is an instance to the point. We want more police there, and we want that Government should provide more police. But some Government officials turned round that time on the Council and said it is the Council who is responsible for this. Now I ask Government, did they not undertake these cuts themselves and tell this Council to leave these cuts to Government and that they would manage them? They advised the Council not to attend to these cuts themselves. Did they not say that? If they said so, then who is responsible for that? If Government that time had stood up and said that they could not do so much in the Police Department and that they were not prepared to have retrenchment at the expense of security, we would have preferred security and allowed more money. That was the note that was sounded by the Honourable Mr. Purshotamdas at the time of the last budget. He then said in clear words that, if it means insecurity, he would prefer to give money in order to have security. In face of this, how can members of this Council

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be blamed for the retrenchment in the police? It was open to the Government to come with a supplementary demand and say that they wanted so much police in the suburban district and so much in Bombay, and, if the Council had been convinced, they would have granted the amount. But at present as Government is managing these cuts amongst themselves, how can the Council be responsible for that? So I do admit that in certain parts of the province this cut in the police has inconvenienced people and I do want that Government should provide more police especially in the city of Bombay and the suburbs.

Now as regards education, it has suffered most by this retrenchment and I submit, Sir, that when the Honourable Minister agreed to have a cut in education of so much, I felt Sir, that he yielded too much. He ought not to have yielded, but should have represented and fought in the Cabinet and stated that Education was not a spending department, that Education was a building department and that Education could have no cut, that it ought to have more money. That ought to have been the stand that the Honourable Minister should have taken, and, if the Cabinet would not hear him, he should have come to the Council and asked for our support, and we would have given it. We could have maintained the grant that we were giving to secondary education.

The Honourable the PRESIDENT: Order, order. The honourable member forgets that it was the decision of the House that the cut of 60 lakhs ought to be proportionately divided amongst all the departments. It is out of order to criticise a decision of the House.

Mr. G. B. TRIVEDI: That was what Government asked of us.

The Honourable the PRESIDENT: The Government gave a pledge to retrench to the extent of 60 lakhs, dividing that amount proportionately over all the departments and the House assented. That is a decision of the Council, and the honourable member was a party to it.

Mr. G. B. TRIVEDI: Sir, I share my responsibility, but at the same time I say that the Minister is our leader in the matter of education and it was for him to make that bold stand and the Council would have stood by him. Now in the matter of secondary education how are we treated? Formerly there was a grant of 17 lakhs 40 thousand, and by the cut it was reduced to 11 lakhs 50 thousand, and now it is augmented by only one lakh, so that this year it stands at 12 lakhs 50 thousand. So aided schools as regards secondary education are to receive five lakhs less, when we have a surplus balance of three crores and a quarter. Is that satisfactory? I say, Sir, it is starving education. It is starving the nation building department. You are not giving us new facilities, but you are taking away what we have. Are we to close our schools? Are we to close them and say that this Council is not prepared to see secondary education and high school education flourish? In this connection when we discussed in October last this inconvenience, the Honourable the Finance Member gave us an assurance in these words. He said: "If the season should prove much more prosperous than the present indications suggest to us then no doubt especially at the time of preparing the budget next year, this House may be in a better position to ask for more liberality and generosity on the part of Government."

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Now, I ask, has not the season proved a good one? Have we not a good balance? And still where is that liberality, and where is that generosity? The generosity comes only to Rs. 1,00,000. And still the secondary education grant is less by four lakhs. This is the generosity, this is the liberality, shown to a nation-building department like Education.

Then, Sir, I pass to other things such as technical and industrial education. Government at the very outset of this new reformed Council appointed a committee presided over by no less a personage than Sir M. Visweswarayya. His report is out and is before the Government, and Government have taken no steps in the matter to make even a beginning for technical and industrial education. And why? Perhaps it was on account of financial stringency. But are we now with this balance of Rs. 3½ crores still in such predicament that we cannot make a modest beginning in technical and industrial education? In this matter I ask the Honourable the Finance Member whether he has found out by his researches whether Germany, which is a bankrupt country at present, has stopped all its educational progress, has stopped all its technical and industrial education and is devoting its attention merely to other departments. Is there no progress even in a bankrupt country like Germany in the matter of technical and industrial education? If there is evidence that Germany even in its bankrupt state is spending more and more money on technical and industrial education and in that way helps the country to prosper, how can our Finance Member fail to find the money for these most important nation-building departments? If he cannot find it, then I am inclined to say, Sir, that with this new balance at his disposal his policy is that of a miser who wants to hoard money by starving his children, especially his foster-children, the nation-building departments. Sir, the Honourable the Finance Member has said that usually 2 crores should remain for our closing balance and that we ought to have that balance. I agree with him. Although we were satisfied last year with one crore, I agree that we ought to have two crores. But what about the rest? Still we have 90 lakhs. Why not spend more out of this balance of 90 lakhs for technical education and other departments of the nation-building type which are starving, dying, for want of funds? And if they do not do that, I could charge Government that they are not caring for the transferred subjects, that they are letting them starve. You have the same prospect in the matter of medicine—hospitals. People are turned out for want of funds. You have the instance of Sir J. J. Hospital before you, where on account of financial stringency patients were turned out into the street. With this heart-rending prospect before you and with this closing balance of Rs. 3½ crores, is not this Council going to insist on Government that they shall find all the money that is needed not only for education, but for hospitals, for medical treatment, for sanitation, and other nation-building departments? Sir, it is only these departments that suffer. Even the Honourable the Finance Member makes an observation in his speech that retrenchment cannot go on for a long time without bringing about inefficiency of the departments. If he cares so much for the general administration departments that he wants to replace partially

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retrenchments cut down,—retrenchments which were arrived at between Government and the Council,—and wants to supply the needs of the general administration, how can he deny the rights of other departments for more money for the keeping of their life, rather than let them starve and die ?

Then, Sir, lastly I come to the Development Department,—that fascinating subject as the Honourable Minister observed last time. At the outset I would say that I do not want to be misunderstood. I am for development ; I believe in development. At the request of the head of the administration, we suspended all criticism for two years. Now we have the work of the department, of the schemes, before the public for two years, and what do we find ? I want specially to ask my honourable friends from the mofussil to give more attention to this department, because although the money is being spent out of loan account, it is they who ultimately are interested in a return on that loan. What are we going to pay this year ? Fifty lakhs for interest over and above the cotton cess that we are going to pay. Is it not to their interest to see that this department, this scheme, works on a sound financial basis ? Now, I said at the outset that I am not against development ; I am not against the scheme itself. What I say is the time has come to tell the Government “ You did everything on your own responsibility ; now this Council must insist that the time has come when an independent committee of all interests shall sit and examine whether our industrial housing scheme will be a paying thing, or whether it will entail more loss on the provincial revenues later on, and whether this suburban development, which is to spend 12 crores of rupees, will be a paying proposition by the works that are going to be maintained, ” and so on.

Now, if you just refer to the Honourable the Finance Member's speech, you will find that he makes the admission that the demand for land has decreased in Bombay suburbs. That tale is repeated by the Chief Secretary in his memorandum under “ Registration, ” receipts from which were less because there was less demand, and in the accounts of the Development Department itself we find that they estimated a return of 72 lakhs from land sales and have only realised 28. They explain by saying that more plots were not ready. That may be true, but it is only half true because buyers are not ready, people have not got money. Even if you make the plots ready, there will be no buyers, because the tide of prosperity on which the whole scheme of the Development Department was based has ebbed and people have lost money, people have no money, and the scheme is worked in such a costly manner that it will be impossible for middle class people to go in for purchase of those plots and build on them for many years to come, unless Government change their policy ; and that policy ought to be, as I will show later on when we come to the grants, to help individual builders by providing the finances ; otherwise there is no prospect of any substantial number of people of the middle class, for whom the suburban district is being developed, coming and taking up those sites. Therefore, I say let the motor car of the Development Department go slowly. Let the House insist on proper

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checks and brakes, and as regards this, I will say one thing, namely, there is no check--no practical check on the Development Department. There is the advisory committee, but it is merely advisory, it has no power even to ask questions, not even to ask for information which this House has. Are we then prepared to be satisfied with this state of things, to leave the Development Department alone to work in its own way and to pile up our interest charges, have less prospect of land sales and at the end to find that it was all a huge mistake in giving the Development Department a speed of 50 miles an hour?

I shall, before concluding, place one other matter before the Council. . .

The Honourable the PRESIDENT: I have power to put a time limit for speeches during the budget discussion, but I do not exercise that power just at present. If however I find that any speech is becoming interminably long, it may afford an opportune moment to interfere. I mean no reflection on the honourable member's speech so far.

Mr. G. B. TRIVEDI: The last thing is, we are asked to go to our electorates and to educate them. Some of us are doing that. I especially take some trouble in that matter, but I would tell this House what my difficulty is. My difficulty is that when we tell our electors that the Council is working well, that that is the right method of self-government possible for us, that we are making our influence felt on the administration and that slowly but surely we are getting what we want from Government, they meet us with a question, namely, how are the resolutions of the Council given effect to? And in this matter I have to make a complaint about the resolution of the treatment of political prisoners that was passed by this House in July last and for which modified rules are only out now. What are these rules? I do not want to go into details, but I ask this House whether they are satisfied with the poor effort placed before them. In face of such a thing, how can we go to our electors and say "Oh, we have made an influence on the Government. We have influenced them to treat political prisoners in whom the people are interested with the respect which is due to them for the position and esteem in which the public holds them"....

Mr. F. NELSON (Bombay Chamber of Commerce): I rise to a point of order as to what relevancy this point has to the point under discussion.

The Honourable the PRESIDENT: If the honourable member from Thana will take the suggestion, these questions he is raising may be more properly debated when the question of supply comes up.

Mr. G. B. TRIVEDI: I take your advice, Sir, and finish my speech.

The Honourable Mr. H. S. LAWRENCE: May I say one word in explanation, Sir? The honourable member for Thana charged me with inconsistency by quoting certain remarks which he said I made at the time of the Entertainments Duty Bill.

The Honourable the PRESIDENT: Was it a misquotation?

The Honourable Mr. H. S. LAWRENCE: It was not a misquotation but the fact is I never made any speech on that bill whatever.

Mr. G. B. TRIVEDI : I have got here the date and the copy of his speech.

Dewan Bahadur K. R. GODBOLE (Poona District) : Sir, it is a matter for congratulation that the current year's budget has turned out much more favourable as regards finances than anticipated when the budget was placed before the Council in February 1922 and that the revised estimates of 1922-23 are going to show a closing balance of 3 crores and 24 lakhs of rupees. It is a matter for congratulation also to this Presidency that even in the next year there is not going to be any deficit. On the contrary we are going to have a surplus of Rs. 5 lakhs. This is satisfactory. With reference, however, to the funds that will be available for expenditure, I want to draw the attention of the Council to the fact that loans are going to be raised which are going to be utilised for the construction of unproductive works. As regards the Development Department, a large loan has already been raised and is being spent, which, after 1931, is going to bring in large revenues, as explained to us by the Honourable the Finance Member yesterday. But as regards the expenditure of Rs. 1,75,67,000 that is going to be incurred from loans, on unproductive works and on works which are only partially productive, I think the policy is open to serious objection. Government propose to borrow this amount of Rs. 1 crore and 75 lakhs at the rate of 6 per cent. and they want to spend it partly on the execution of works which are not going to pay any return at all, and partly on so-called productive works, the productive character of which will come to a return of between 2 and 3 per cent. only, while the money is being borrowed at the rate of 6 per cent. The so-called productive works that are proposed to be carried out are works which will be unproductive for a number of years. The principle that the expenditure on such works should be spread over a series of years is correct, but, at the same time, the principle that must be adopted according to standing rules, that such expenditure should be covered by a sinking fund, is being departed from in this budget, and I think this to be a dangerous proceeding. What will be the effect? During the current year, I find that Government have borrowed Rs. 1 crore 59 lakhs and are spending it on works which are not productive, or are only partially productive. For the next year they are going to borrow Rs. 1 crore 75 lakhs and spend the amount in a similar manner, and on the 1st of April 1924 the interest charges on this expenditure will amount to Rs. 20 lakhs, and this we will have to pay from the revenues of this Presidency if there is no sinking fund attached, and if, as anticipated by the Honourable the Finance Member, the Development Department does not turn out as fruitful as the financial advisers of the Government think. The Presidency will have to bear this annual charge year after year. This, I think, is not a correct position. There must be a sinking fund, and I think the Council should insist upon a sinking fund being provided. The loan expenditure ought to be repaid at the end of 25 years or other specified period. This is a point which is very serious, and I hope the financial advisers of the Government will make the necessary corrections this year, and also in the next year in the budgets.

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As regards the expenditure side of the budget, I wish to offer some remarks. I come from the rural areas of this Presidency, and let us examine the budget from the point of view of these rural areas. What do they get? What does the rural taxpayer, who pays the whole of the land tax, who pays the considerable amount of stamp duties, and who pays the bulk of the revenue that is derived from excise, get in return for all the taxation that he pays? From the proposed budgetted expenditure we are going to get buildings in Karachi for the Judicial Commissioner, and residences for Government officers in Poona and Ahmedabad, but the poor cultivator who has paid his tax finds that he does not get the village office or *chavdi* which he needs. Gentlemen like the Chief Secretary (Mr. Mead) will bear me out when I say that the *chavdis* in our villages are miserable buildings mostly in a ruinous condition. In many villages there are no *chavdis* at all, and if you go and explain to the cultivators that we are constructing magnificent buildings for the Judicial Commissioner, for His Excellency the Governor and the Collectors of this and that district, what he says is "What are you going to give me from provincial funds to which I contribute for the *chavdi* of my village?" He finds that the village *chavdi* is in a ruinous condition; he complains to the Collector; the Collector says "There is no money, I can do nothing; there is no money and I am helpless"; and the poor man has to remain satisfied in that plight. Then again, in the villages the means of communication are so defective that if members of this Council were to see the way in which the villagers carry their produce and the difficulties which they experience in going from place to place, they will be surprised. There are several places in the districts where the villagers have to harness additional pairs of bullocks in order to take their carts on roads that are full of mud. It is no good telling the villager that we are providing 40 feet wide roads for motor cars in the Presidency, that causeways are being provided and that the Shaikh Sulla bridge is going to be constructed. "That is all right", he says, "but what about my difficulty? I cannot take my cart from the village to the bazaar; in crossing certain places I have to harness two or three additional pairs of bullocks in order to take my cart along the road". Such being the state of things, I think it is absolutely necessary that larger assistance should be given to the villagers from provincial funds for satisfying their wants. I find in the budget that there is a grant of Rs. 20,000 for the village *chavdis* of above 25,000 villages in this Presidency. With this small amount, will it be possible to do anything at all? Instead of Rs. 20,000 the grant ought to have been at least Rs. 6 lakhs. With regard to the question of local board roads, the Chief Engineer of the Public Works Department (Mr. Proes) will bear me out when I say that they are in a most miserable condition, that the cost of repair has gone up to three or four times of what it was before the War, and that the funds at the disposal of the district local boards and other local bodies being the same as they were in 1914, they can make no headway in improving these rural area communications. Eleven lakhs of rupees have been provided in the budget for grants to district local boards for the improvement of their roads. The

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Council can easily imagine the extent to which this grant will go in improving the communications in the districts. The Poona district alone has got 800 miles of roads in the jurisdiction of the district local board. The board has got its own fund of about Rs. 1,00,000 and from the Government grant the board gets another Rs. 50,000 or thereabouts. With these funds very little can be done towards the improvement of the board roads. I therefore plead that larger grants should be given to district local boards for the improvement of their roads, and that the colossal grants for making motor-car roads should be reduced.

As regards school-buildings, those of us who have had something to do in the district areas will bear me out when I say that the children of the village schools have to learn their lessons in the most miserable places and temples. When the *pujari* comes to the temple the school has to be suspended or closed. Under these circumstances, it is the duty of the provincial administration to provide much larger building grants than provided for in this budget. The budget provides an amount of Rs. 24,000 for grants to school buildings. It should have been in lakhs instead of in thousands.

As regards medical relief of rural areas what do we find? We do not find provision for a single new dispensary in our districts. The countryside is suffering from a number of diseases, from epidemics and influenza, and dispensaries are very badly wanted in large numbers. In a budget with an expenditure of 15 crores of rupees, that there is no provision for a single dispensary is not, I think, proper. These are the observations I had to make from the point of view of the rural taxpayer.

The general taxpayer also has many complaints to make with reference to the budget. As has been pointed out by the honourable member for Thana, there is no provision for expenditure on technical and industrial education. It is a vital subject and certainly in a budget of this magnitude provision ought to have been made for starting new technical and industrial schools.

Then again, Sir, in the forecast of the Honourable the Finance Member, there is no place for another developing agency which ought to have found a place in the forecast—I refer to the opening of new railways and tramways. Honourable members from mofussil will be able to point out that a number of railway schemes and tramway schemes are absolutely necessary for the development of this Presidency. Though it is now a provincial subject, I find no initiative, no steps have been taken to make provision for this great want. I regret that in the glowing forecast we had yesterday from the Honourable the Finance Member, he did not refer to this matter.

As regards famine insurance fund, this is a welcome fund for this Presidency, which has been suffering off and on from famines in the past. I will suggest two directions in which this fund can be usefully employed. Firstly, it can be employed in constructing irrigation wells where canal irrigation is impracticable. I think Government should encourage

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construction of irrigation wells and when a successful well has been constructed by an irrigator he should get a subsidy for the same, and the amount of such subsidies should be debited to the famine insurance fund. These irrigation wells will be a protection against famine. Again this fund can be employed in constructing tanks for raising the sub-soil water level—tanks of the description referred to by my honourable friend from Ahmednagar. Small tanks should be constructed at the heads of nullas and when these tanks hold up water they will raise the sub-soil level of water of lands on both sides of the nulla. Such works will provide against famine.

Last year I pointed out one of the departments of Government which could safely be abolished. This is in addition to the department already referred to by the honourable member from Thana : I refer to the Stationery and Printing Department. In a province like that of Bombay can it be argued that there are no firms to supply the stationery required by Government offices and there are no printing presses which can print all the printing that has to be done by Government ? I think Government should not maintain the department I am referring to at a cost of 21 lakhs of rupees. In my opinion after a few years of curtailment this item should find no place in our future budgets.

Then, Sir, I have to refer to a point which may lead to considerable savings in the expenditure of this Presidency. As pointed out by the Honourable the Finance Member yesterday, the price of jowari is now very little above the level of 1914. When we revised the salaries of officials in this Presidency, the prices stood high and the high minimum salaries that we fixed in those years might prove capable of considerable reduction now. I may tell the Council how this reduction is practicable. In the Poona district I find that the Education Department are just at present trying to get schoolmasters in the last grade of Rs. 15 per mensem, and I find that candidates are coming forward to take up the places, on that salary. I think, therefore, that the minimum salaries that have been fixed on the basis of the high scale of prices in 1918 and 1917 might prove capable of reduction. A lot of expenditure that goes out in the shape of salaries may thus be saved. The matter should therefore be further considered.

It is a matter of great satisfaction to me that the Education Minister is going to add agricultural classes to five selected primary schools in this Presidency. I think this is a step in the right direction. It has been the complaint that the education we give to the countryside is unsuited to the rural population and that it gradually drives them away from their countryside and they flock to the cities and become industrial workers. That is a thing that ought to be avoided. Therefore, the step that the Minister proposes to take in adding agricultural classes to primary schools is a step in the right direction and highly commends itself to me.

In conclusion, Sir, I want to emphasize that every encouragement should be given to increase the production of this Presidency and that can be done by the Department of Agriculture. There is research work being carried on by that department, and that research has already borne

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fruit in the matter of seeds that yield high outturns in cases of rice and cotton. Similar researches should be carried on and the outturn of the Presidency should be increased by all possible means. One other means which we must adopt for increasing production from our lands is the stoppage of the minute sub-division and fragmentation of holdings. I have been crying loudly in this Council for a number of years that something ought to be done as regards the abatement of this evil. The only real solution, as I have stated to this Council before, is the recognition of a new holding to be called the impartible holding. Below a certain area no further sub-division is to be allowed : as soon as the limit is reached, the holding becomes impartible and it goes by the inheritance of primogeniture. Unless something is done on these lines by means of legislation, the yield of our agricultural lands will not come up to what it should be. If the existing sub-division and fragmentation is stopped, then the yield of the countryside will be double of what it is to-day. The Minister will do well, therefore, to go on with the work which he has already taken in hand, and I would advise him to be bold and not half-hearted in the piece of legislation that he will propose.

Again, Sir, I want to point out that the members of this Council have no idea as to the extent to which crops are lost on account of the wild animals and stray cattle. The Minister has placed me in charge of a committee which is going into this matter, and enquiries have shown that in some tracts adjoining forests nearly three-fourths of the culturable areas have gone out of cultivation. I would instance the case of Mundgode Petha in the Kanara district, where we found that nearly six thousand acres of good rice land was simply lying fallow on account of the trouble of these wild animals and on account of the malarial climate. This must be improved and the Agricultural Department must be got to do whatever is practicable to prevent such land from lying idle. In the interest of the Presidency we ought to make every effort to increase the yield of the soil. With these remarks, Sir, I resume my seat.

After recess.

Mr. G. B. TRIVEDI (Thana District): May I rise, Sir, to make personal explanation? In the course of my speech I referred to the Entertainments Duty Bill and said that the Honourable the Finance Member said so and so. It was really speaking the Chief Secretary and I therefore make this correction.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, it is our annual field day on which we indulge both in praise and blame. Only yesterday praises and encomiums were showered on our own Government officers and also on this House, and members of this House are all thankful for the good fortune in having a very large surplus which was not contemplated by the House when it began its first sitting in 1921. This is our last budget, and the present Councillors are responsible for the enunciation of any policy that will tell financially on posterity. Now what is the position? The position, Sir, is that our revenues in about

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1908-09 were about 8·8 crores. We have almost doubled that amount in the last twenty years. And also it does appear that whatever little balance we were able to add by starving useful departments was spent after the war and we found ourselves in a financial distress, and we have to retrench a lot of expenditure and lot of our activities in several departments which are useful and vital to the people. Now, in the meanwhile what have been the large questions of policy which this Council and the Government have made themselves responsible for? One departure from the policy—the financial policy—is that in olden days we always had our current revenues to go upon and to build all our property, as the Honourable the Finance Member told us, out of our current revenue; that is to say, in old days we have spent 65 crores from our revenues, and if the usual principle, namely that one is rather generous with the amount that he borrows, but is not so generous in spending his own money, applies to the public finance, I must say that the inauguration of a policy of meeting the productive and unproductive nature of loans beyond certain limits is fraught with great risk—a point which I hope to dilate upon a little later. Especially so when, as a matter of fact, we find that we have already spent about 6 crores on the improvement of our public works, namely, roads and buildings, and 2 crores have been spent on making adequate provision for the police, that is to say, all our available balances have been spent, and any expenditure of this nature which is intended to be made from the loan funds will have to be more carefully scrutinized, very carefully scrutinized, because already there are commitments for which this Council is not responsible. I wish, therefore, this Council will remember that the policies which have been enunciated by a former Government of building, of development or projects of irrigation are policies for which we are not responsible, the commitments for which amount to the extent of about 44 crores which are spent on irrigation and on development of greater Bombay for which this Council, I say, cannot and has not made itself responsible, but the commitments have been made and this House, of course, takes the legacy of seeing that this amount is paid to the people or to the Government of India who have paid up that amount. I would, therefore, ask this House that as already we have borrowed 44 crores of rupees, and in the near future, before we make our last commitment, I would ask you to consider the effect of this on our current revenues at least till the debt is paid and till we see that these commitments yield a net revenue. It will be for this House to consider whether it would be right for you to commit yourself for the next 25 years by following a policy which may be very sound, but very questionable on our present slender financial base. You have, as I said, bound yourself to spend 44 crores and, as far as I can see, this amount will not fructify to any extent in giving you a very large balance by way of net revenue in the next ten years. I speak subject to correction, but, after all, facts are facts and you have to give weight to them. There is another factor which we have to take into consideration, and it is this that, as I said last year, there are certain fixed charges which no Government or Council can avoid. Fixed charges in the shape of the

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following items. Contribution to the Government of India that we have to pay, as the Secretary of State is not going to let loose his hold. We have famine insurance, which forms the first charge. Then, we have interest on irrigation works constructed from capital borrowed by Government, which costs Rs. 49 lakhs by way of interest alone. Then, we have agreed to repay takavi loans in the next 12 years by an instalment of Rs. 29 lakhs a year. Then, we have superannuation and pension charges, which show a figure of Rs. 55 lakhs, out of which you might say about Rs. 10 lakhs are paid back. Then, we have interest on loans contracted for productive and unproductive purposes. So far, that amount comes to two crores and a quarter. We will let alone development.

You will find, therefore, that on our revenues we have a net charge of at least three crores which we cannot avoid. Then, we have to pay our services. We find, according to my calculation, that the Services take up about Rs. 6·23 crores and they are made up in this way. All-India services, consisting of about 490 officers, cost about Rs. 97·52; provincial services cost about Rs. 79·50; clerks and other establishments cost us about Rs. 4 crores; servants, etc., cost about Rs. 31 lakhs. In all, I speak again subject to correction, but I have verified my figures as far as possible, Rs. 6·23 crores a year. Again you have to add to this by way of annual or periodical increments to salaries. You have one department, namely, Land Revenue under General Administration, which you have estimated this year to cost Rs. 7 lakhs. So the total of this amount is not yet stabilised. We need not take exactly what the salaries given to several officers ultimately cost us, but I take it, having regard to the experience we have had, that the cost will very nearly be 6·50 crores. That is to say, on our revenue we have a fixed charge of about Rs. 3 crores by way of payments which we cannot avoid and we have got Rs. 6½ crores on our Services. That is to say, about Rs. 9½ crores are pledged. Now, the total of the average revenue is, I might say, roughly Rs. 14 crores. Under land revenue, about Rs. 70 lakhs will not be realized from next year. But taking the excise at the normal figure, it will be say 3·75. This naturally gives you only about Rs. 5 crores for all your other purposes. You have made a provision for paying your Services on a scale which, unless it is changed, you have to meet, and you have got about Rs. 5 crores left for meeting the needs of your several departments. I wish to point out, therefore, and emphasize the slender margin that you have. And let us see what effect it will have if you go on lengthening your loan bill to any appreciable extent. I would look to a period of say ten years. Perhaps most of us may not return to this House next year, but we should give our advice to Government, along with whom we are making ourselves responsible for our revenues and expenditure. I therefore would first emphasize this phase of our budget that in a normal year we have about Rs. 14 crores of revenue and 9·50 or Rs. 9 crores of revenue which we have pledged, and we have got only about Rs. 5 crores with which we have to meet all our wants. Now, the Honourable the Finance Member had warned us, and rightly warned us, that this Presidency being situated as it was, was more or less

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in such a predicament that it could not be stated with confidence in any year what the financial position would be until the end of November. It was in September last year that the Finance Member told us that the situation looked rather bad and gloomy. But we have had a normal year with a bountiful harvest, for which we are all grateful to God, and not to the Finance Member; otherwise, I am sure the balance would have been on the other side altogether. It has been calculated by a reference to previous budgets and previous years' figures that any bad season would let us down by about 3 crores. There will be lesser collection of land revenue; there will be lesser collection in all other sources of revenue; such as excise. And this source of revenue is to be given up. I hope for the next ten years it will not be given up, because otherwise it will upset all my calculations altogether, as there would be no margin to go on, and if people feel that that revenue should disappear, then other sources of revenue must be found. They should not complain against any revenue being given up which any member from the Honourable the Finance Member down to any councillor that may speak may wish to appropriate for the budget. However, Sir, that is one phase of the budget.

I am going to say all that I want to say on the budget as this is the last budget which we councillors have the opportunity of commenting upon. We may get that opportunity next year, or we may not get it. That depends upon the choice of the electorate whom we are asked to educate. And when we are asked to educate the electorate, we are told that a heavy responsibility lies on our shoulders; and then again what shall I say next? I do not see any piece of constructive statesmanship, except the new Local Boards Act and the Compulsory Education Act. In the first place, let us not be quite sure and let us not build large hopes on the mere passing of the Compulsory Education Act. Even if it has got potentialities, how far are we going to make it popular; how far, if at all, would it make an impression on the general prosperity of the country? I wish, therefore, to distinguish these two things first. Compulsory education in a country where the whole education is in one language is certainly quite a different thing than where we have to educate our children in two languages. If any of the councillors have an impression that the learning of the three R's in the first four standards is going to bring about a millenium, I am afraid that there will be a good deal of disillusion and there will be disillusion in no distant future. All that we may get is that our boys will know exactly where we stand and will be able to pass some examinations and, therefore, this dangling of the Compulsory Education Act, or the Village Panchayats Act, or the Local Boards Act or the Municipal Act will not impress them very much, unless and until they find as an object lesson that the economic condition of the rural areas has made considerable improvement through the efforts of Government activities.

Then, again, Sir, leaving that aside, let us now go on and see how far we have progressed. As I have said, our term will expire next year, this is the last budget, and one-third of the probation of ten years has been

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nearly finished. After this probationary period of ten years is over, some examiners are going to come and see our work, and then give us a report and if it is good, they will give us a reward by way of further steps in self-government. Now, I might refer, Sir, to some of the remarks of the Honourable the Finance Member. Last year he took a rapid survey of the activities under the main heads of revenue and expenditure, and reminded the Council to recall to memory some of the new policies and new ways of administration, and contended that on the whole they conduced to a contentment and well-being of the people, and eloquently pleaded for the perfection of their policies rather than embarking on any large and sweeping changes. You will find there the Honourable the Finance Member telling us to support him in the policies that he has initiated and not to embark on any large and sweeping changes. As I say, one-third part of the probationary period is going to be over and this may prove to be our last chance to criticise this Government's budget. Let us know exactly how we stand at present under the Reforms Act. We know that a certain amount of responsibility has been introduced, that in the higher rungs of Government there is a larger number of Indians and we know that we have five Indian members now on the Government who are supposed to bring pressure on, and put the Indian point of view for the consideration of Government and they must be doing their best in putting their views before Government. I have no doubt that they have come up to all expectations formed of them, but, as far as the actual rank and file is concerned,—after all, the five Indians at the top are either Ministers or Executive Councillors,—may I ask what arrangements have been made in the last three years to associate competent Indians in the task of making this labour of Ministers and Executive Councillors easier? Under the Government of India Act the Bombay Government could have appointed a Secretary for the Transferred Departments along with the Finance Secretary. That appointment is not made. There was a further opportunity of associating standing committees, which have not fructified. In the apex of the administration we have got only one Indian civilian introduced into the Secretariat which consists of about fourteen Secretaries and Deputy Secretaries. We are asked to believe that our Presidency is foremost in every branch, not only of the administration, but of progress. If this progress satisfies you in the first instalment of our probationary period of three years, there is nothing more to say, but, as far as the rank and file is concerned, we are as conservative as we were in the olden days. I wish to emphasise that fact because, unless Indians are trained in the art of Government not only from the top but from upwards and downwards, this experiment of self-government cannot be said to have been successful. No effort appears to have been made, no other effort appears to be likely. It is a very sad commentary to think and to be told that in our splendid provincial service we have not got competent men to take the places of either Secretaries or Deputy Secretaries. I do not myself say that I am the best judge, but I say that the reforms cannot be allowed to go on an inch more unless and until there is a larger association of Indians in responsible posts. If Indians

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are tried and found deficient, then that will be another matter, but to my great regret I must say that this is the opinion of every responsible officer of Government, that there is not one competent man in the provincial service, in the whole range of the provincial service, who can serve either as a Secretary or a Deputy Secretary of any department of Government. If that is so, as I say, that is a very strange commentary on the efficiency of our several departments.

Then again, you find that there is no progress made whatsoever in the indianisation of the services. That is rather a large question beset with a certain amount of difficulty, but the way in which the Government has tided over that difficulty is not the right way. It is no use saying that in order to obtain a particular percentage in a particular department you must have a certain number of Europeans, whether they are able, whether they are competent or otherwise, in the all-India services. If you say you have cut the proportion down, I say an emphatic "No" to that. Is it not again a sad commentary on the running of these departments when we are bluntly told that not one Indian could be had to fill up these places? I say, if that is a fact, why spend so large an amount on having fourth-rate institutions which are not able to cope with the necessities of the administration? Better close them up, and have new ideas of spreading educational institutions in such a way as will equip us with men for the rank and file which is necessary, without which, I say again, you will not be able to run and accomplish ambitious programmes chalked out by the Honourable the Finance Member. You will again find, Sir, that later on the Finance Member told us and asked us to believe—I hope I am not misquoting—that the transfer of power has been more complete than is yet realised by many. If you agree with that view, all that I can say is that I do not. He also told us that our Government combines many features of socialism and gives us some of the aspects of communism. I fail to see any sense of communism in it. He says that state ownership of land is a scheme of socialistic visionaries, but which is accomplished in this country. Surely, not by the Reforms and it is very doubtful, after all, whether the state ownership of land is a real advantage. However, I will not quarrel with that view. We were also told that the state ownership of railways and the state control of liquor is an unrealised dream of reformers in many countries, while they exist here, and then he went on to tell us that our forests are managed for the state, with large communal rights of forest grazing and other forest products, and that our hospitals, our schools, our roads, our canals, our sources of water supply are in the largest measure provided by the state and managed by the state. This is the claim which he put forward as the basis of the reformed Government, and asked us to believe that we are very near socialism if not of communism, and at the same time appropriately told us that all that is worth giving over has been given by Government. He wants to enunciate, therefore, that all these things have been very good, and he told us, "Do not cry for sweeping changes; be satisfied with what you have got, consolidate that, and be content," I want to emphasise that phase rather in a marked manner, because

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it is reflected throughout the budget, as I will go on showing, irrespective of the fact as to who pays and how much you get back. In one of the fine and eloquent parts of his speech, he told us " We have been so very careful and so very impartial that we want to spend Rs. 30 crores on Bombay, Rs. 30 crores for Sind and the Deccan " and he wanted to disarm criticism. I am likely to be misunderstood on this point by my honourable friends from Bombay. Before passing any more remarks on that head, I hope that they will appreciate the point of view which I wish to put before them. There is no doubt that Bombay city contributes very largely by way of income tax and other taxes and also largely by way of excise or stamps. But, after all, as far as provincial revenues are concerned, I am not sure how much we get altogether from Bombay city alone. I am not unmindful of the fact that the citizens of Bombay pay a good deal for their own municipal amenities, the Port Trust, the Improvement Trust and the rest, but I am not quite sure exactly what they pay towards the finances of the provinces. Now, may I know how much out of these Rs. 14 crores Bombay city has contributed? I believe the land revenue is insignificant; of course, under the head of excise there is some revenue, but as regards the other sources, I am not able to trace that a very large portion of these Rs. 14 crores comes out of Bombay city. Taking stamps and excise, it may come to a certain figure, but, after all, let us see what is spent for Bombay city. I am prepared to concede that the city of Bombay must be the premier city of the Presidency, that the amenities of life must be a little more and that all other civilising influences ought to be more; but I wish this House to appreciate the spirit when we, coming as we do from the mofussil, want to emphasise our claims on the expenditure. We do so because we contribute so much the more, and if Bombay city has lost its battle in not getting its proper share of income tax, it is for them to make up the amount. The point of view that I wish to place before this House is this, that Bombay city used to contribute a great deal to the former Government, when that Government used to take a half share of the income tax revenue, because that was a divided head. As soon as that source of revenue was not made available to us, the provincial revenues lost that money, and my calculations show—I speak subject to correction—that roughly we get a total of about Rs. 3 crores from Bombay from excise, stamps and land revenue, i.e., roughly one-fifth of our income. If the Honourable the Finance Member or the Chief Secretary would point out that I am mistaken in my calculations, I shall be very much obliged. I have verified my figures as far as I could. I sympathise with the claim and the fight which the local Government put up with the Government of India and the Secretary of State for an adequate share of our income-tax revenue. My main point is that the claims of the mofussil are not negligible, and you cannot starve them in the way in which you intend. I will take you first to what the Chief Secretary says :

" It is absolutely essential, if the present scale of expenditure is to be maintained, and the present facilities and public services provided, that our normal revenue in eight should balance our expenditure figure. Our present balances are no more than sufficient to provide the necessary security against which we borrow for our major schemes

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of development, to provide against future famine, and to meet in any year the inevitable drop of revenue under all heads when a bad season comes. We have in fact a breathing space during which we must consolidate our position, pending a return of commercial prosperity, the effect of which can only be roughly gauged in advance."

He then goes on and makes trenchant remarks on subjects which are vital to us.

"Progress in education, so far as primary education is concerned, is secured by special taxation recently accepted by Council: and provision has been made in the educational figure for expenditure to the extent of the anticipated net receipts. For a further advance in secondary education, medical relief and sanitation, agricultural research and demonstration, additions to courts of law, police stations and establishments, and all the various branches of General administration, we must wait till further sources of revenue are disclosed."

Now, Sir, I must ask what is the effect of all this? Shall we put this before the electorate and educate them? That is the position which the Chief Secretary as head of the Finance Department has put before us. Now let us see what the Honourable the Finance Member says. In his speech on page 40 he says:

"We are conscious that we have pared the administration to the quick: that we are unable to afford to the public facilities and amenities which are required in every civilised country. We are unable to develop agriculture, to prosecute medical research, to provide adequate means of communication, to assist higher education, and to further primary education, unless and until other means of taxation are provided by this Council."

The Primary Education Act will cost us about a crore and a half. It is stated that, if we do not provide the source, we must go without it. Now I have put my case on these points as clearly as I can. It will be for the Council to consider if they are satisfied, and if they are not satisfied, what shall we do under the reformed Council? As a matter of fact, we are groaning under these disabilities. Apart from that, so far as revenue is concerned, we have a margin of about 5 crores of rupees, and if the abkari policy is to take shape, then the balance is so small that it will not be sufficient to meet the obligations we have undertaken. I have already told you that there is already a commitment of 44 crores of rupees from which there is no getting away. In this connection the question of loans is a very important matter which requires very careful consideration. The Honourable the Finance Member deals with this aspect and says:

"I now come to the subject of Loans, which is dealt with in the Chief Secretary's Note paragraphs 7 and 8. This has been the subject of very anxious consideration by the Government. The statutory rules give us power to raise loans to meet Capital Expenditure on the construction or acquisition of any work or permanent asset of a material character in connection with a project of lasting public utility if the proposed expenditure is so large that it cannot reasonably be met from current revenues. We have taken advantage of this new system last year, and this year. The total amount borrowed up to the close of this year is 2,49 lakhs, and we propose to borrow in the coming year 1,76 lakhs."

Remember that the whole amount comes to 4.25 crores. It seems to me that part of this amount comes from our famine insurance fund. If my impression is correct, we have been able to put 60 lakhs by way of investment. That is to say, we had to provide for about 189 lakhs for the last three years at the rate of 63.5 lakhs a year. Out of this we have spent on protective irrigation works and we have now a small balance of

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60 lakhs to invest. On the one hand, we have about 3·36 crores in our pocket, but we have gone on borrowing to the extent of 2½ crores, that is a crore less, and propose to borrow from the Government of India about 175 lakhs more, making a total of 4½ crores. The Honourable the Finance Member is right in saying that there is no use accumulating balances, because under the present rules the Government of India do not pay us any interest. Now, if that is so, may I ask why by one stroke of the pen the balance that is left out of this 3·36 crores after providing the safety balance of 2 crores, that is 124 lakhs, could not have been transferred to the Famine Insurance Fund? You could then have got interest on the 124 lakhs. I cannot understand why that has not been done. Our opening balance was estimated at 99 lakhs, but it has improved to 185 lakhs; and therefore the opening balance is better by about a crore. We may get similar windfalls in future.

Mr. P. J. MEAD : Sir, may I rise to a point of explanation? The course which the honourable member for Ahmednagar proposes, namely, to invest in the Famine Fund the balance left out of our balances after providing for the safety balance of two crores, is the course we have ourselves proposed to take.

Rao Bahadur G. K. CHITALE : I am not apportioning blame to anybody. It is my duty to put before this House what I think of the budget and it is for the Council to judge.

The Honourable Mr. M. H. W. HAYWARD : The Government is responsible.

Rao Bahadur G. K. CHITALE : I do not care who is responsible. I am going to make out the point that it is bad financing altogether. There was this balance every year of about 63·5 lakhs. We ought to have put all this in the Famine Insurance Fund. The Government of India could not forbid us to do that. I say that if we had set aside this 63·5 lakhs a year as Famine Insurance Fund and had not spent anything out of it to finance our irrigation works, it was possible to make about 1½ crores out of which we could earn interest. I wish to make myself quite clear. I say that under the Government of India Act we have to set apart every year 63·5 lakhs by way of famine insurance. If we had put by 63·5 lakhs every year for the last three years, we would have saved 189 lakhs. The method we have pursued of financing our irrigation works out of this has led to the result that we have accumulated it in the provincial balances and the Government of India have forbidden us to take interest. The fault is not that of the Government of India's rule, but your own. You might say that we have met famine expenditure out of these 189 lakhs. You have spent in the first year in all 33 lakhs. That 33 lakhs was a legitimate charge because that was expenditure that you had to meet to relieve the famine of 1920-21. If Government had known that the Government of India were not allowing any interest on our accumulated balances, they should have resorted to a subterfuge and said that we shall put 120 lakhs of our balances in the Famine Insurance Fund and keep it there.

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Then, Sir, for carrying on the administration we require a safety balance of two crores, and we also require about 3 crores for our famine insurance. That is to say, if we accumulate 5 crores we have a safe road to go on. The policy of borrowing for irrigational and other expenditure in the last two years is a policy which does not commend itself to me at all. We have taken about 4½ crores. On the contrary, it is a policy which is fraught with serious risks. It is a policy in which certain heads of expenditure are camouflaged in a manner not easily discovered. So long as such projects were financed from loans, I say it is fraught with serious risks, because that gives the departments several loopholes. For instance, we find that in our Presidency we had mono-rails. (The honourable member here was interrupted) I know : I won't make a statement without giving proof. I am told that we had gone in for expenditure on Dandeli Light Railway and invested about 12 lakhs of rupees which brings us no return. This railway could then have been sold to the Government of India and thus no loss would have been incurred. Similarly if you look to our forest revenue in the days of war, you will see that one department has raised the produce, namely the Forest Department, and sold it to the military department and so everything appeared to be a profitable bargain. No ordinary competition was possible and we are still told that forest is such an asset, as the Honourable the Finance Member said, that we are sure of funds there, that the income from that would surely run into crores. That may be, so far as other parts of India are concerned, but so far as our Presidency is concerned, there is only a small margin of profit and yet we are told that the only commercial asset, so far as Government is concerned, is forest.

Now I have put before you the whole picture. First of all, I have said that this is a very risky policy to go on borrowing and then go on spending. You have a programme of works to be constructed out of loan funds as shown in detailed estimates. You will find from them that we are not satisfied with an expenditure of about 6 crores on public works and 2 crores on police buildings spent in previous years, but we want several more crores for police buildings and a crore and more for other buildings. I say, halt, to that policy. We have already spent all our resources, about 6 crores for Public Works Department and 2 crores for housing our police to the extent of two-thirds of our strength. Though further expenditure may be very desirable from the point of view of administration, all that you can do is that you can say that we cannot afford to do it. It is not a sound policy, therefore, to embark upon an expenditure from loan funds because, as I have said, we have reached the limit. I wish to make my position clear. It is this, that I am not against borrowing or financing large projects from loan funds. All that I say is that that policy must be proportionate to the length of our purse which we are prepared to balance from our margin of profit. For instance, if in any year you find that you can liquidate a loan within the next ten years—I do not want to take a longer term than ten years—then you might go in for it if there is a sinking fund and interest charges paid for, so that there may be no going back after ten years. All that I have been saying is that so

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far there is no present prospect of that margin for financing building programmes on such terms, and therefore this policy on which the present Government have embarked is fraught with very great risks, and if any scheme of theirs were unfortunately not to come up to the expectations, I am afraid it will be pledging the revenues of our Presidency, slender as they are, and making us bankrupt.

Now, Sir, I have dealt with this case at considerable length and I shall, therefore, skip over several things very shortly. We were told, Sir, that the Government has done its best by having a cut of 60 lakhs at the end of the year. Now I wish to invite your attention to that. How much have we saved out of recurring expenditure is a very important factor. From my point of view we have saved no doubt, but mostly from out of non-recurring charges. We have cut down the building programme. We have cut down the salaries of peons, etc., and thus or perhaps looked into nooks and corners only, and it was said we have saved about a crore of rupees. It will be for you to consider whether that is a cut which we can always expect. For a cut in order to be useful it must be a cut of normal expenditure. If that is so, by all means we are fit for encomiums and praises. But it would be a mistake to give a very large surplus fund in the hands of Government. I will give you an instance. I hope I am not again letting out a secret because it is no more a secret. I have been on the Retrenchment Committee and I lay that claim because I may be misunderstood. I have not missed any meeting of it, I have attended all its deliberations. Government agreed so far to the abolition of certain posts of huzur deputy collectorships, but in the meanwhile we were unfortunately flushed with money and now we are told that Government have decided to retain those posts. Now, Sir, that is the result of Government being in charge of plenty of money. Because we are flushed with money now they thought that there is no need of having any assistance from the Council, that they had enough and to spare and that they could spend. Now, I am not sure whether the House would like it, and I am not at liberty to say what the labours of this committee have been, and to what extent their recommendations go. It is not that I want to divulge any secret. I will not do that, but in fairness to the efforts that I have been making so far, I may assure the Council that the cut in the way of non-recurring expenditure in that way is of no use. As regards the Retrenchment Committee, I may say that their recommendations are made and the report will soon be in the hands of Government by the end of this month. All that I was driving at is this that let us not be carried away with the notion that a cut of one crore has been effected, but, as I say, I will certainly congratulate the Government if the recommendations of this committee are taken into consideration and if, instead of having words, we will have deeds. I know, Sir, that the problem is fraught with many difficulties. I know that the Government may not be its own master, because you will remember that all-India services cost about a crore of rupees. All-India services mostly have given us their best. I appreciate them. I appreciate their singleness of purpose. I appreciate all that they have

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done so far. But I cannot forget that if they are costly—and they are bound to be costly in the long run—it does appear to me that our slender balances will be entrenched upon and we will be asked to take away larger slices for the services, because the Royal Commission is not very far distant. It is appointed with the object of doing justice to the services in such a way that it would suit the pockets of the all-India services. I have nothing to say against that. All that I am afraid of is that when we are talking of a large scheme of expenditure, both productive and unproductive, we may be unmindful of the effect of a bigger cut which is not very far distant. The point that I wish to make is that our balances though satisfactory to look at are not really satisfactory from the point of view which I am putting before the House. On the other hand, I say that there are likely to be bigger cuts, and I think even if the recommendations of the Inchcape Committee are accepted, it is very likely that we may have to face bigger cuts from our balances for the services. Now, under these circumstances, Sir, I do not wish to be misunderstood—I say again. I am not at all in the way of the all-India services' demand. I have no quarrel with them. But there may certainly be the Indian aspect of the matter. There are many officers in those services who have given their best to the country in the different parts of their careers and it may not be fair to say to them, whatever their circumstances, they must serve the State; it won't be fair. But surely, I think it is necessary to say to this Council that whether this particular appointment of a Royal Commission is likely to achieve the object desired is more than one can say. I wish you to appreciate that they have taken months to work out the terms of reference of the Royal Commission. It will take months for the Commission to come over here and give us their findings. It may be a year hence that that finding will be given, and in the next two or three years we will be asked to meet the bill for the services, just as you know from the 1st of December 1919 we have been asked to meet the bill due to the last Royal Commission. So also it is possible that the balances may not be even sufficient for their purposes and it will, therefore, be necessary to meet the bill from the expenditure side. Well, the Honourable the Finance Member will say that in the next year after providing for all expenditure there will be a surplus balance of about Rs. 5 lakhs. But he omits from his consideration the interest and the sinking fund that will be necessary to redeem the large loan of Rs. 4 crores. I believe it is not fair to the future generations not to provide for this and I know this Council will not bind itself hand and foot on the basis of our present riches.

I think, Sir, that I should now conclude. I hope I have not tired the patience of the House.

The Honourable Sir IBRAHIM RAHIMTOOLA : You have omitted to say anything so far about Bombay city. Perhaps the House would like to hear something about it.

Rao Bahadur G. K. CHITALE : I thought I was too long and did not want to prolong my remarks (Honourable Members : Go on : go on). As I told you, Sir, Bombay city is the key of the whole of India. Our

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Port Trust, our Improvement Trust, our municipality, are models, which deserve to be copied by other places and provinces. When I draw that picture, I do so with a very good grace. As far as I know, even though special distinctions are sometimes sought to be made here between the city and the mofussil, on the whole, the Council is not in a mood to listen to such things and usually the discussion is cut short. Our city's expenditure is something enormous. Let us take primary education, for instance. At present our grant-in-aid stands at Rs. 5 lakhs. It will very soon be ten or twelve lakhs. Then our police charges, our medical institutions. I do not say, Sir, that there is extravagance. If you understand me from my comments that I say there is actual extravagance, it will not be correct. But the expenditure is really enormous. Here is land improvement which costs more. For instance, 47 lakhs are needed to house 1,500 policemen. That is to say, for one policeman it means Rs. 3,000. He will be very happy if you give this Rs. 3,000 to him and ask him to look after his own housing. Then, you will find even the construction of roads adds enormously to our bill. We have taken some chawls from the Development Department and we have to pay Rs. 15 per room. Capitalise that. That means Rs. 180 rent annually. That is to say, everything is costly in this city. We want beautiful roads. The municipality is spending crores on those roads. It is too much for us from the mofussil to understand either Bombay or its finance. All that I am saying, Sir, is this that if the Honourable the Finance Member and the Chief Secretary could give me the amounts spent on behalf of Government, I am sure that we will find that we are surely on the wrong side by at least a crore or two. I know that it is rather tactless for me to make these remarks. I thought it over as to whether or not I ought to introduce that in my speech, but I decided that it was perfectly fair for me to claim for the rural areas and say, when Government and the Chief Secretary said "No more; after all, you have got your dues so far; give us more taxation and then we will see", that Government has not been judicious in expenditure. I wish to be understood from that particular point of view. I wish to be understood to maintain that in allocating revenues that they get from different sources of income, they should be more discriminating and then we will give them much more than can ever be expected. Everything here is on a huge scale, everything is in lakhs and crores. In the mofussil, we are satisfied with much less. The Honourable the Finance Member said that they are spending 30 crores for one city of Bombay, and 30 crores on Sind and the Deccan. The transactions are in crores of rupees, and one wrong step—mind you, one wrong step—will eat up the whole revenue of the province. What little margin there may be will be swallowed up by that one single wrong step. I say, therefore, that this Council should be most careful not to fritter away their time on small things this year. We must learn a little, we must learn to conserve our attack. It does not matter if a thousand more police is employed; if Government wants them, let them have them; it is, after all, a small thing. Let us do our best to accumulate our energy and concentrate our attacks and deliver a frontal attack—not a side attack—

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and tell the Government that we will not give them money on particular items of the bigger kind. If we cannot touch the all-India Services, let us cut out their clerical establishments. That is only an instance, of course. We must show fight at this last stage of our existence and, as I say, we are not impotent, we can make ourselves felt, if we use the powers we wield; let us show that the reforms are worth having, that is the test. If we fail, that is another matter. But let us not say, before trying, that we are powerless, that we have no influence, that we cannot successfully curtail the budget. Let us not be afraid of that. Let us make up our minds and act. As an instance, let me tell the Council that Government is perpetuating a wrong famine policy—an absolutely wrong policy. I am prepared to show that it is not the right policy. You know that there is a lot of jowar fodder which could be had for a very small price—smaller price this year—but Government is embarking on an expenditure of three lakhs of rupees in storing worthless fodder of grass and they are spending about twenty to twenty-five thousand rupees on constructing a building in which to store that fodder which is worthless and useless, and of an altogether bad quality. I feel so strongly on that point because the grass that they are purchasing is so useless and worthless. The committee of which I was the president agrees with us and I want to tell the Council that the recommendation of that committee, although unanimous,—I am not quite sure what the Honourable Minister in charge will say,—has not been forwarded to Government by the head of the department. I hope the Honourable Minister will come out with the truth. He says he has nothing to do with it. I say he has something to do with it. I am told Government is going to buy that grass at the rate of Rs. 13-8 per thousand pounds. There is no doubt that somebody is going to benefit, we do not care who is going to benefit, whether the contractors or anybody else. The grass is worthless, useless. The Government say they want it as a reserve. I say, why not lay in a reserve of a good quality of fodder of which there is any amount in Sholapur, Ahmednagar and other district such as Poona? That will serve you as an incentive—a very good incentive—to concentrate all your effort and attack, and to say that if Government is not prepared to take out that item, we are not prepared to give them certain officers or establishments. Let the responsibility be the Government's. In this illustration you find that there is a great scope for economy. In the past mistakes have been made. They want now to perpetuate the mistakes. Let us say those mistakes must not be repeated. This has been a very good year of harvest. There is plenty of cheap fodder of good quality to be had for a very small price. They can get it in the very famine area which they want to protect. That will save enormous transport charges, but all the same the Honourable the Finance Member is not prepared to buy that. He says they have got contractors to whom Government are pledged. I say let the contractors go to the dogs. I say that policy of frittering away the finances of the province is not the correct way of tackling things. Not only that. What has made me almost sad is that the unanimous recommendation of the committee had to be sent through

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the head of the department and that head of the department refused to send it on. It was a very clear thing. A committee was appointed by Government on which Government was represented by a forest officer and another officer of the Agricultural and Veterinary Departments, with a few non-officials. Such a committee unanimously recommended that famine fodder, *viz.*, rabi, is available in plenty in Sholapur, Ahmednagar and Poona and other districts this season very cheaply. The head of the department was asked to send the letter on at the earliest possible opportunity. That letter was not to be seen anywhere. I was hunting up this department and the other department, but I could not trace the letter. The Honourable the Forest Minister said he had not got it, that he knew nothing of it, and ultimately I found out that the head of the department had decided in his discretionary power that the letter need not be forwarded to Government. I say that that is a case which you can make a test case of. If you cannot do so, it is no use sitting in this House.

Mr. KANJI DWARKADAS : Mr. President, it must be gratifying to the Honourable the Finance Member to have been able to present a budget which will close this year with a very good surplus. He always puts his arguments with such sobriety and clearness that, if one differs from him, one has to treat his arguments with the greatest respect and courtesy, and when one agrees with him, it cannot but give one the greatest pleasure. In the remarks which he has made with regard to the provincial contributions to the Government of India not only the honourable members of this House, but every one who understands the conditions and who understands the injustice done to this Presidency by the Meston Committee will not only agree with all that he says, but will give him all the support that he can give so that this glaring injustice might be removed ; however, I am surprised to see a statement in his speech which is quite unlike him. He says that "the Government of Bombay have accepted the situation with loyal resignation, but not without protest." Knowing full well the personnel of the Bombay Government, knowing also that if there has ever been any unanimity on any question among the eight members of the Government it is on this important question, knowing full well that the eight members of the Government are unanimously agreed on this question and feel very strongly on it, I cannot understand how it is that the Honourable the Finance Member comes and tells us that "they have accepted the situation with loyal resignation". I expected, and I still expect, that the Honourable the Finance Member and the Government of Bombay will still continue their efforts.

The Honourable the PRESIDENT : But what should they have said ?

Mr. KANJI DWARKADAS : That they do not accept the situation, but that they are still continuing their efforts to get the injustice removed. I maintain, Sir, that all the resources that are at the disposal of the Government of Bombay and this Legislative Council have not been exhausted. There is no failure in this world except when you cease to try. So long as we continue our efforts, there is always hope and there will be success in the end.

The Honourable the PRESIDENT: The honourable member had better get into the discussion of the budget.

Mr. KANJIDWARKADAS: With regard to this question, efforts were made in the Legislative Assembly by the honourable member from Bombay who moved an amendment that the injustice should be removed. The Government of India have, in this question, been able to play off one Presidency against another, and in spite of the efforts of the official representative of the Bombay Government on the Legislative Assembly.....

The Honourable the PRESIDENT: I hope the honourable member will not speak of what happens in another House, because that may lead us into controversial matters which those concerned are not here to answer. It is one of the courtesies of debate.

Mr. KANJI DWARKADAS: My point is that the Government of Bombay should still continue their efforts, and I am sure that the people of this Presidency will be with the Government of Bombay in all that they do.

Then, with regard to the question of retrenchment, the Honourable the Finance Member says that Government have done everything that they could have done. If I remember aright, this is exactly what they said last year when they presented the budget, but inspite of that they had to agree to the cut of Rs. 60 lakhs, and with further efforts, for which they deserve congratulations, they have added to this figure another Rs. 38 lakhs. The Finance Member says that everything that could be done has been done. Still, I may humbly point out to him that there are many other ways where retrenchment is possible. In regard to this, I want to draw the attention of this House and of the Government to the fact that whilst in the pre-Reform Government we had only three Members of the Executive Council, now we have four Executive Councillors and three Ministers.....

The Honourable the PRESIDENT: The appointment of Councillors is not in the hands of this Government or of the Finance Member. The honourable member had better tackle the Finance Member so far as his own powers are concerned, and so far as the powers of the Bombay Government are concerned.

Mr. KANJI DWARKADAS: With regard to this, I may, with great respect, point out that the Government of India last year said that on this question of the number of Executive Councillors they had invited the opinions of the provincial Governments. Therefore, I feel quite justified in referring to this matter, in view of the fact.....

The Honourable the PRESIDENT: Has anything been said upon that point by the Finance Member in his speech?

Mr. KANJI DWARKADAS: He has not referred to that, but since the opinion of the Government of Bombay has been asked for, according to the statement of the Honourable the Home Secretary of the Government of India, I think I am quite justified in referring to this point. My submission is that the Government of India have referred this question to the provincial Governments—and one of them is the Bombay Government

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where we have four Executive Councillors—and in view of the fact that there is going to be one vacancy, I want to bring to the notice of the Government that the time has now come when there should be only two members of the Executive Council. With regard to this, the Joint Committee also recommended.....

The Honourable the PRESIDENT : That is well known. The House does not require the recommendations of the Joint Committee quoted at any length.

Mr. KANJIDWARKADAS : As you say, Sir, that this is well known, I shall not read the quotation, but shall content myself with saying that the Joint Committee has said that there should ordinarily be two members of the Executive Council. Now, if the Government of Bombay in this case agree with the public opinion so forcibly expressed already, and agree that the vacancy that is now to occur will not be filled up, we shall be saving not only thousands, but lakhs of rupees, because with the disappearance of the Member will also disappear the numerous clerical staff and many other details which unnecessarily cost the Government and the people of Bombay a good deal of money.

Well, Sir, there are many other points of small details which I think I would not be justified in touching, but I hope that Government will not agree with the suggestion made by the father of the House (Dewan Bahadur Godbole) that the pay of the menials should be reduced. He referred to the salaries of 1914, and from one instance of the price of jowari, given by the Honourable the Finance Member, he concluded that as the old times have now come back we should again get back to the old rate of pay in the case of menials. No more absurd claim was ever made. The wages paid to these menials in 1914 were so absurdly low that we can never get back to those times, and to do so would be an impossible task. Coming to the subject of expenditure from loans on which my honourable friend for Ahmednagar (Rao Bahadur Chitale) has been so eloquent and so impressive, may I submit that because we are spending from borrowed money we should not spend money on big and gigantic buildings. The greatest economy and the greatest simplicity are required, so that money can be most economically used.

With regard to the expenditure on committees, I wish to point out to the House that the Industrial Disputes Committee submitted its report as long ago as last year. It is now twelve months since that committee has reported. I want to know from the Honourable the Home Member why it is that Government so far has not taken any action on that report. The Industrial Disputes Committee was appointed in 1921. Since then references have been made to industrial disputes by His Excellency the Viceroy, last year by His Excellency the Governor, and again by His Excellency yesterday. The committee has submitted a unanimous report on the question of industrial disputes. They have suggested certain legislation. Will Government please say why no action has been taken on that report and why no legislation has been brought forward as recommended by that committee? That is a very serious question, and

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Government have to be responsible for their action and for their sins of commission and omission.

Then, Sir, last year and the year before last we sanctioned some money for an expert lady doctor to enquire into the question of maternity benefits. That lady doctor has submitted the report and the report appeared in the September number of the *Labour Gazette*. She has brought out the facts which represent a scandalous state of affairs. Out of one thousand children born in Bombay as many as 670 die within the first year. Compare this figure with the figures of other big cities in the world. The number of deaths under one year per 1,000 births in 1921 was 281 in Madras, 146 in Vienna, 140 in Cologne, 135 in Berlin, 95 each in Paris and Hamburg, 80 in London, 71 in New York and 54 in Christiania, while in Bombay 670 out of every 1,000 children born die within the first year; and yet the Government of Bombay will not do anything. They appointed a lady doctor to report on the question: the lady doctor has submitted the report that 670 children out of every 1,000 born die within the first year, and further that 98 per cent. of the children born in the industrial area are drugged with opium. Labour women going to their work leave their children at home drugged with opium, so that the children may not cry for milk, etc., while the mothers are away at work and this drugging is one of the principal causes of the heavy infant mortality in Bombay. The Government of Bombay will do nothing in the matter in spite of the fact that it has been recommended by the International Labour. I am referring to the Washington Convention on Maternity Benefits Conference so far back as 1919, that legislation should be introduced for maternity benefits. If Government will only introduce legislation and enforce regular maternity benefits on the employers of labour, this state of affairs will cease to exist. I do hope the Government will rise to the occasion and put a stop to this kind of murder which is being carried on in the city of Bombay.

I am very glad to note that Government have after all made up their mind to appoint a full-time certifying surgeon for the city of Ahmedabad. The Chief Inspector of Factories has been reporting year after year that because there was no full time certifying surgeon the exploitation of child labour was continuing. In his report for the year 1921 he says:

"The Inspector in Ahmedabad again reports that the employment of young children as half-timers seems common as a number of young children below 9 years of age are found inside the mills. He also complains that a number of children are working in two mills with two certificatea. To remedy this he suggests that a full-time certifying surgeon should be employed and that half-timers should be compelled to attend schools which the mill-owners should be required to provide."

I am glad that the Government have made up their mind to have a full-time certifying surgeon. It is also very gratifying to note that Government are re-organising the factory inspection and are thus fulfilling the promise made last year.

Coming to the question of development, I have again to draw the attention of the Government to the serious complaints made here and outside with regard to the new chawls erected by the Development Department. The attention of the Government has already been drawn to the fact that

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there are no *nhanies* nor shutting or opening windows in these chawls which make it impossible for people to live in. I hope the Government will attend to these grievances and remedy them.

There is one other item in this budget to which I want to refer. The Government are taking up 120 rooms on a rental of Rs. 15 for each room from the Development Department, as has been pointed out by my honourable friend for Ahmednagar, for housing the police constables. At present these police constables whose pay is about Rs. 28 a month get a house allowance of Rs. 7 each; and the proposal seems to be that this allowance should be taken away from them and that instead a room costing Government Rs. 15 should be given to them. This means that a police constable who was so long getting a house allowance of Rs. 7 will now get instead a room for which Government will pay Rs. 15 and thus the police expenditure will go up proportionately. Now, Sir, these chawls were primarily built for the working classes, who according to the *Labour Gazette* pay anything from Rs. 3-12 to Rs. 4-8 per room per month. I should like to know from Government how they expect the working classes to be able to pay a monthly rent of Rs. 14 or Rs. 15. I think it was said somewhere that full economic rent will not be charged to them. But now to our greatest surprise, to our greatest disappointment and dissatisfaction, we find that Government propose to charge a rent of Rs. 14 to Rs. 15 a month per room. I should like to know from Government if they have received any applications from mill workers or other working classes for the renting of these rooms, and if so, what rent has been offered. Surely, it does not require much common sense to realise that people who pay rent from Rs. 3-8-0 to Rs. 4-8-0 cannot afford to pay Rs. 15 a room. Therefore, I want to draw the attention of the Government to this most important point which has caused great dissatisfaction amongst the working classes.

Then, Sir, we are spending about a lakh of rupees on the Labour Office. I have often heard people outside this House asking: "Is this expenditure worth the work of the Labour Office? Is it necessary to continue this Labour Office?" To that my emphatic reply is this: "Yes: it is absolutely necessary that there should be this Labour Office. It has done very splendid work." But I have also to add that much more work could be done by it. If the House spends a lakh of rupees on this Labour Office, it has every reason to expect more work out of the Labour Office. If you ask why this Labour Office is not doing enough work, my reply is that Government will not concentrate all labour questions in the Labour Office. Labour questions, like workmen's compensation, industrial disputes, factory inspection, trade-union legislation and various other things are distributed all round and different Members of the Executive Council deal with these departments. How can any work be done satisfactorily if it has to pass through a maze of Secretaries and Deputy Secretaries, from one Member of Council to another Member of Council, and so on and so on? It is absolutely necessary, in the interest of economy, in the interest of efficient work, that questions of labour should be concentrated in the Labour Office.

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With these words, Sir, I resume my seat.

Mr. IBRAHIM S. HAJI (Bombay City): Mr. President, I fully agree with what has fallen from the honourable member from Poona, who has made a searching criticism of the budget. The Honourable the Finance Member has placed the figures in such an intelligible manner that one ought not to find any difficulty in understanding them. At the time the first budget was presented to this Council, we were faced with a deficit, and I congratulate the Honourable the Finance Member on having succeeded, in the last budget that we have to deal with, in leaving to the future Council the legacy of a surplus budget. At the same time, if one reads between the lines of the statement made by the Honourable the Finance Member yesterday and also the notes submitted in the Blue Book by the Chief Secretary, one sees a cloud of disappointment. The Honourable the Finance Member has himself said that the important departments, and particularly the transferred departments of this Government, are not properly equipped with moneys and establishments. He has suggested two sources of raising revenue to supply these departments, which were described by the honourable member for Ahmednagar as the nation-building departments. Sir, the Honourable the Finance Member said yesterday that our resources are far from being exhausted so long as this country is immune from death duties. Sir, if these are the ways by which Government propose to carry on with their financial policy, I submit that the House and the country will not co-operate with the Government, because the country will suspect that the Government will go on with their expenditure and even increase it and will not curtail that expenditure. Hereafter, the financial policy of this Government should be to economise and retrench as far as possible and only then resort to fresh taxation.

Last year this Council was asked for additional taxation, but this year this Council is not asked for any additional amount. But, Sir, looking to the budget we find that the Government have embarked on a policy of borrowing. Sir, this appears to me to be a questionable policy. This Government will have in future years to repay these loans. Not only this Council, but future Councils are committed by our present policy. The expenditure is spread over 15 years. I consider that the Government are absolutely unjustified in raising these loans.

Sir, I must add a few more remarks in connection with what has fallen from my honourable friend from Nagar. He was rather envious of the position that this city has enjoyed as compared with the mofussil towns. I need not praise the city which I represent, but I shall tell honourable members from the Mofussil that this city is not only by itself in the features that it has, but that it forms part of the whole Presidency and that it is resorted to by people of other parts of the Presidency. And in doing so I am sure Government will bear in mind that whatever amount we spend over this city is not spent merely for the beautifying of this city, but it is spent for the great population that lives in this city and that whatever beautifying takes place in this city is to achieve this end which I have just described.

[Mr. Ibrahim S. Haji]

As regards the remarks made by the honourable nominated member from Bombay who represents labour, that Government will be ill-advised if they do not recommend to the Government of India the curtailment of two members of the Executive Council, I most regretfully say that the honourable member has not read the remarks of the Joint Report, and I may also quote the remarks that are printed under the joint signature of the then Secretary of State for India Mr. Montagu and the then Viceroy of India, Lord Chelmsford. In their report they themselves have expressed the need of representative Executive Councils and that remark has not only been adhered to in order to bring that view in the body of the Act which governs this Council and the political constitution of this Council, but the Act itself says that the provincial Government shall not have more than four Executive Councillors, and I beg to submit to this House as opposing what has fallen from my honourable friend representing labour that that section which describes the formation of the Legislative Councils should be adhered to in its very letter and spirit; and that the Government of Bombay shall bear in mind that great injustice will be done if they propose any reduction in the members of the Executive Council simply to save a couple of lakhs at the most from the exchequer. The Executive Council, Sir, I take this opportunity of suggesting, shall be made as far as possible representative in order that it shall very well guard the interests of all the people in this Council and outside, and I must say Government will not fail to do justice to those interests.

Sir, before I end my remarks, I must express my views on the raising of revenue and the means which Government have now been following of raising revenues from the country. I am quite sure this House very well remembers that the Honourable the Finance Member, the Honourable the Home Member and the whole Government gave an assurance that they will soon embark upon a policy of raising revenues from the race-course, and I am disappointed to see that the Government have not framed the bill which they wanted to do at this session of the Council. I am quite sure, Sir, that the Government before taxing the poor people would consider the matter, because I am sure, if they tax the poor people, they will become very unpopular. Their present revenue from the races is very low and it ought to be resorted to at once, and as soon as possible before Government considers the problem of raising taxation from the poor people. The revenue from the races would be, I am sure, not less than Rs. 30 lakhs a year and that too depends upon the incidence that the Government would fix. If it is allowed on this side of the House to frame the bill, I am quite sure that this House will be able to raise 30 lakhs and Government have therefore failed to discharge the onerous duties that they had to do to make the compulsory education, the policy of improving the public health, medical resources, a successful one; they would have been able to discharge those duties if they had resorted to this legislation this year. I am quite sure, the Government will not fail to do their duty, as they are bound to do by the promise they made to this House, very soon—at the next session of this Council.

[Mr. Ibrahim S. Haji]

In conclusion I will say, Sir, that this budget and the financial statement of the Honourable the Finance Member have been prepared with great tact and that this House is obliged to Government. I therefore congratulate the Honourable the Finance Member for having adopted this policy and I only hope that he will continue to bring his future budgets in the similar manner.

Dr. K. E. DADACHANJI (Bombay City, South) : Mr. President, this is the third budget presented to the Council since the introduction of the new reforms. It is very gratifying to find, Sir, that every successive year we find a sort of progressive improvement in our revenues. Whatever the opinion of honourable members of this House as regards the several departments, the Development Department, the police and others, I will reserve my remarks till the demand of grants for these departments is made.

Mr. President, the whole credit of this, I must say, is due to the Finance Department, and I find that it is my pleasant duty to congratulate and thank the Honourable the Finance Member and the Honourable Finance Secretary for their great achievements in this matter.

Now, when I see the Council proceedings in other provinces, they all complain about their financial position and there the whole blame is attached to the costly reforms. Bombay Presidency, Sir, has taken the lead in many respects and in the matter of working of the reforms successfully it has also taken the lead and shown to the whole country at large that if the finances are properly handled and resources properly husbanded, you will achieve the desired result. I must say that the Council was also very sympathetic and willing to assist the Finance Department and the whole Government department in their efforts. When I say, Sir, that the whole credit is due to the Finance Department, I must prove my case. In the year 1921-22 we had a surplus of 86 lakhs (24 on the revenue side and 62 on expenditure side), which was not anticipated. In the year 1922-23, there being a surplus of 64 lakhs and the anticipated deficit of 8 lakhs, by the judicious working of Government departments, this deficit has been converted into a surplus of 56 lakhs. That is a very good thing. I think if we always work on this basis alone, there will be more than expected surpluses in the hands of Government every year. By working judiciously, up to date we have built up a reserve of Rs. 3,24 lakhs and, Sir, by working similarly in the next year we will be building up a substantial closing balance of Rs. 5,35 lakhs. Then and then, Sir, we will be in a position to spend after what are known as the nation-building departments, that is, agriculture, sanitation, public health, education, and what not. Of course, Sir, we are asked to spend a good deal on these departments. We must have good balances to do so. According to our municipal Act our minimum surplus should be only one lakh of rupees. Here it should be two crores of rupees. Unfortunately, it is not made compulsory by law that two crores should be the minimum surplus of the Government of Bombay. After having a good surplus, we must certainly spend after what are called the nation-building departments. One cannot make bricks without straw.

[Dr. K. E. Dadachanji]

Mr. President, there is another gratifying feature of the budget, and that is that we have been enabled to put aside a sum of about Rs. 60 lakhs and 23 thousand for famine insurance fund. In this connection, I think the famine insurance fund which is deposited with the Government of India earns small interest. I do not know what that sum is, but there will be certain interest on it. If that, Sir, is the case, I think it is not beyond the devolution rules that a portion of this fund should be spent after paying takavi grants and for advancing loans to agriculturists. This suggestion of mine, I hope, Government will seriously consider.

Another thing that I find in the budget is that hitherto all the expenditure incurred with the aid of loans was voted separately, but now from the introductory remarks in the budget I find that it will be included in the charges to the departments for whose benefit the loans have been raised. It is a very nice proposal. But, Sir, going further to paragraph 5 of the introductory remarks, I find that one right that has been given to us is being taken away. I will point out what that right is. Up to now, Sir, as regards amounts to refunds we were asked to give our vote. Now we find that this practice is to be discontinued. If it is discontinued, I must say that these refund amounts go to reduce our revenue estimates. I do not know the cause of this. Perhaps we will know some explanation of it hereafter.

A very welcome innovation in the present budget which we find is that as regards votable expenditure incurred in England, it will be separately placed before the Council for its vote. This is also a very good innovation. But, Sir, at the same time I find that under the head "Stamps" "Reserved" there is an amount shown of Rs. 6,32,000 in the Blue Book. Well, Sir, in the White Book at page 56 it is put down as Rs. 1,46,000 (expenditure incurred in England), and that, Sir, is included in the amount of 6,32,000 under reserved and not to be voted separately as votable expenditure in England. Why this is so, requires an explanation. Another thing, Sir, is the matter of loans. Of course, as has been ably pointed out by Dewan Bahadur Godbole and others, I must say that there is another discrepancy in the budget. Besides the loans for general purposes of Government there are Development loans amounting to 1,025 lakhs, out of this 405 lakhs for development purposes, and 735 lakhs paying to various local bodies as the Bombay municipality, to the Improvement Trust, Port Trust, and so on. The total of all that comes to about 1,140 lakhs. You have to deduct for payment of interest on those loans about 1 crore and 40 lakhs. Where is that sum to be obtained? There is evidently some error or there is something else. I know in the Finance Department there are able accountants and there will be no mistake in their arithmetic. If that is so, there must be some explanation for it. I have been going into all the previous years' reports and figures and I fail to see from whence the Finance Department will bring 115 lakhs. There must be this balance somewhere but I do not find it.

The Honourable Mr. H. S. LAWRENCE: Please see page 103 of the Blue Book. There is an item of 115 lakhs there.

Dr. K. E. DADACHANJI: Very well. But there will be no sinking fund as regards the Development Department loan. I do not know whether this is a sound financial policy. I agree with previous speakers that there ought to be a sinking fund established to pay off these loans. It is assumed that development surpluses will fall in and these loans will be repaid from time to time. Suppose they fail to fall in, what will be the condition? In the town already prices of lands and rents of development buildings are falling down and there is still further chance of depreciation in the future, and, Sir, at that time it will be very difficult to pay and repay the debt incurred from the advances of Government of India. I do not know why a sinking fund has not been insisted on by the Government of India.

On a review of the actuals given in the budget for the last five years, I may be permitted to say that the present estimates are very high. Should there be a fall in the recovery of arrears, what would be our position? I hope we will realize these high figures of the revenue. The Honourable the Finance Member has already hinted that though under the head of Land Revenue we show signs of prosperity, owing to the recovery of arrears next year we shall have a stationary land revenue. My another suggestion is that we have got what are called reappropriation funds. In statement No. 2 supplied to us it appears that there is a sum of Rs. 21,81,927 out of which Rs. 9,72,000 and other sums have already been sanctioned. We do not know exactly what the balance will be under the head of reappropriation charges. We do not know whether that balance is sufficient to meet all charges to be placed before us. There are other charges which we will be asked to sanction by way of reappropriated funds. In the Bombay municipality we have always a memorandum given in which the whole sum is given; sum already spent is deducted; sum to be sanctioned is shown and the amount to be reappropriated is also indicated and the net balance for reappropriation, I think, by way of suggestion, if that practice is followed by the Honourable the Finance Member, we shall be in a position to understand the figures more intelligently than at present.

Now, as regards the cotton cess, in the budget it is put down at Rs. 18,50,000. How this is arrived at, we do not know; but we know one thing that our share of the cotton cess is larger than the share of the Bombay municipality. In the Bombay municipal budget $\frac{3}{7}$ th share of the municipality is put down at 12 lakhs, and calculating on this figure $\frac{4}{7}$ th share of the Government will come to 16 lakhs. I think it is always better for the heads of the two departments to put their heads together and to come to a definite decision as regards the prospective income from the cotton cess.

As regards the complaint made by the honourable member for Ahmednagar, I am bound to say that I have also received various complaints during the last two years about the administration of our forests. The forests, we are told, are worked through contractors; the contractors do anything they like; they ask for time and under one excuse or other they have their own way of postponing the payments and there is also arrears of revenue. I am not prepared to say what would be the causes, but the

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complainants are there. Last year I visited some of the forests as Peint in Nasik district, Khardi and Atgaon forests and the Dangs in Surat district. The complaints do not seem to have ever been enquired into and rectified where necessary. The Honourable Minister in charge gave us in his first year's speech a promise of what a millenium his department was going to bring about. So far as the practical experience goes, it is only in name and on paper. Now let us see what is the income derived from the forests. It is five annas and one pie per acre from the 1,500 square miles of forests in this Presidency. In the United Provinces the income from their forests is eight annas and still the councillors there are saying " Oh, eight annas is too small an income ; we must have more ". What would those councillors say if they knew what our own income from the forests is ? There must be something wrong somewhere. My friend, the Honourable Minister in charge of Forests, is perhaps busy laying out big and new schemes of development. He must come before us with a cut and dried scheme, with a comprehensive scheme, with a concrete real scheme, if he wants really to develop the forests and if he expects the Council to put faith in his promises of glorious forest development and he will make a name in exploring the hidden wealth of the province.

The Honourable the PRESIDENT : The Council is now adjourned till 2 p.m. on Wednesday the 21st February 1923.

Wednesday, the 21st February 1923.

The Council re-assembled at the Town Hall, Bombay, on Wednesday, the 21st February 1923, at 2 p.m., the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

Present :

ABDUL KADIR KHAN ABDUL AZIZ KHAN, Mr.
 ADHAV, Mr. P. N.
 BATLIWALA, Dr. S. S.
 BEDREKAR, Khan Bahadur I. M.
 BHATE, Mr. G. C.
 BHURGRI, Mr. J. M.
 CHAUGULE, Mr. ANNAPPA PHADEPPA
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. F.
 COCKE, Mr. H. G.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Mr. V. A.
 DADACHANJI, Dr. K. E.
 DALAL, Sardar Khan Bahadur ADARJI M.
 DALAL, Mr. D. B.
 DESAI, Rao Saheb HARILAL D.
 DUBHASHE, Mr. SHANKAR BALKRISHNA
 DWARKADAS, Mr. KANJI
 FERREIRA, Mr. D. J.
 GANDHI, Mr. C. M.
 GARUD, Rao Bahadur S. D.
 GAYASUDDIN JAUDDIN, Mr.
 GHOLAP, Mr. D. D.
 GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH
 GODROLE, Dewan Bahadur K. R.
 HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA
 HAYWARD, The Hon'ble Mr. M. H. W.
 HEPPEL, Sir LAWLESS
 HULKOTI, Mr. CHANNAPPA CHANVIRAPPA
 JADHAV, Mr. B. V.
 KALBHOR, Mr. G. M.

KALE, Rao Bahadur R. R.
KASSIM, Mr. G. H.
KER, Mr. J. C.
LALBHAI AMBARAM, Mr.
LALJI NARANJI, Mr.
LAWRENCE, The Hon'ble Mr. H. S.
LORY, Mr. F. B. P.
MEAD, Mr. P. J.
MEHTA, The Hon'ble Mr. C. V.
MODI, Sardar Davar T. K.
MOHIDINKHAN, Khan Saheb HAJI HAZRATH KHAN
MOHOMED SALAHUDDIN K., Mr.
MONTGOMERIE, Mr. A.
MUKHI, Mr. J. P.
MURPHY, Mr. S. J.
MUTALIK, Sardar V. N.
NELSON, Mr. F.
NILKANTH, Rao Bahadur R. M.
NIMBALKAR, Mr. K. B.
PARANJPYE, The Hon'ble Dr. R. P.
PARULEKAR, Rao Saheb L. V.
PATEL, Mr. B. P.
PATEL, Mr. J. B.
PAWAR, Shrimant J. A.
PETIT, Mr. JEHANGIR B.
PRADHAN, Mr. M. W.
PROES, Mr. E. M.
RAHIMTOOLA, The Hon'ble Sir IBRAHIM
ROTHFELD, Mr. O.
SAHERWALA, Khan Saheb I. A.
SALGAR, Mr. R. G.
SETALVAD, The Hon'ble Sir CHIMANLAL
SHEPHERD, Mr. W. C.
SHIRRAS, Mr. G. FINDLAY
SINDORE, Mr. H. N.
SUFU, Mr. KALANDARBAKSH
SURVE, Mr. A. N.
THAKOR of AMOD, Sardar NAHARSINGHJI
THOMAS, Mr. G. A.

TRIVEDI, Mr. G. B.

VICHARE, Rao Bahadur D. A.

The Honourable the PRESIDENT : Order, order.

PRESENTATION OF PETITIONS.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President, I desire to present a petition on behalf of the inhabitants of Bhagur, which is a village near Deolali cantonment, a couple of miles away from Nasik. It appears that that village has now been taken in the cantonment area, and they say that octroi and other charges are being levied from the villagers. They have a grievance, and they have wired to say that their grievance ought to be remedied. They say in the telegram that they have been on strike for the last 50 days since the commencement of this year and they have also done their best to bring their grievance to the notice of the authorities, but no relief has yet been given to them. I therefore present this petition by the inhabitants of the village of Bhagur.

The Honourable the PRESIDENT : Is the transfer of the village of Bhagur to the cantonment area an act of the Bombay Government or of the Government of India ?

Rao Bahadur G. K. CHITALE : I believe it is in the powers of the local Government.

The petition was ordered to be laid on the table.

CONGRATULATIONS TO THEIR MAJESTIES ON THE BIRTH OF FIRST GRANDCHILD.

Mr. B. V. JADHAV : Mr. President, I beg to propose a resolution on behalf of this Council, which I am quite confident will be supported by all members present. Last year we congratulated Her Royal Highness Princess Mary on her marriage, and I now want to offer congratulations on the first fruit of that marriage. I need not make a long speech ; we are all loyal subjects, and I shall therefore do my duty by simply reading this proposition :

" That this Council offers its loyal congratulations to Their Gracious Majesties on the birth of their first grandchild and felicitations to Princess Mary and Viscount Lascelles on the joyous event."

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : Mr. President, I rise to support the proposition.

Mr. G. B. TRIVEDI (Thana District) : Mr. President, while joining in the expression of congratulations, I would rather that on such occasions the proposer ought to have private consultation beforehand with other members before bringing such a proposition before the House. In the case of the present proposition there is nothing wrong, but it may be that we might be put in an awkward position. With these words, I heartily associate myself in the expression of congratulations.

Dr. K. E. DADACHANJI (Bombay City, South) : Mr. President, I heartily associate myself with the expression of congratulations to Their Majesties on the birth of a grandchild. These are all complimentary resolutions that require no previous consultation

Mr. A. N. SURVE (Bombay City, North) : Mr. President, I associate myself with the remarks that have fallen from the honourable members who have spoken before me on this resolution.

The Honourable Sir IBRAHIM RAHIMTOOLA : Mr. President, I wish to associate with the resolution on behalf of Government.

Question put and carried unanimously, all members rising in their seats.

The Honourable the PRESIDENT : I take it that the House authorises me to take the necessary steps to communicate this resolution in the constitutional manner.

(Budget Debate resumed.)

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association) : Mr. President, I feel that I cannot preface my remarks on the budget better than by congratulating the Honourable the Finance Member, his very able Secretary and his entire department upon the very satisfactory budget that they are able to place before us, in spite of the many ominous indications to the contrary, that manifested themselves about this time last year, when we were discussing the budget estimates for that year and were considering the future in the light of those estimates. I confess that the budget estimates now before us have come to me as a very pleasant surprise, inasmuch as an estimated deficit of eight lakhs of rupees has converted itself into an excess of Rs. 64 lakhs under the head of revenue, and a surplus cash balance of a little less than a crore has risen to the respectable figure of three crores and twenty-four lakhs, with a proportionate and concurrent improvement all along the line under the different heads of revenue, to an extent which had not even been dreamt of, much less anticipated last year; and that too, in spite of the big cut of Rs. 60 lakhs made by the Council last year, a circumstance which must have tried the patience and tested the ingenuity of the different departments concerned almost to the point of exhaustion, not only in making the two ends of the budget meet, but also in producing the very satisfactory result which we see embodied in the estimates before us. I think the congratulations of this House are therefore due to the Finance Department and to the Honourable the Finance Member who so ably presides over it for this very satisfactory result, and I am very happy to be able to express that satisfaction on behalf of this House.

But, Mr. President, when we go over the details placed before us in the budget, we must confess that the one great and imposing fact that arrests our attention in all departments is the circumstance that our administration, like that of the Central Government, is top-heavy and exceedingly extravagant. It is far too expensive for the requirements and means of the Province; and we ought not to rest content with the satisfactory result that we have obtained for the moment, but should steadily go on avoiding unnecessary expenditure and aiming at further economy and retrenchment in every possible direction. When, however, we come to consider the directions in which retrenchment has already been effected, we cannot help regretting the fact that the pruning-knife has been applied a bit too severely and, if I may say so, rather unwisely, to items of expenditure which concern the poorest of the people—I mean the agricultural classes, that form the largest proportion of the population

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of Bombay as of all other provinces in this country. When we turn to the second paragraph on page 5 of the Honourable the Finance Member's speech, we find that he has brought out this fact in unequivocal though polished language. But, Sir, when we read his remarks between the lines, we see the exact effect of the retrenchment he has been able to make and the economies he has so successfully effected. He tells us :

Establishments have been reduced in various departments. Formerly the State used to employ large numbers of men who cannot unfairly be described as part-time officials. Village accountants, for instance, lived in their own villages, cultivated their piece of ground, and kept the village accounts, so to speak, in their spare time. Schoolmasters did much the same. The country policemen often led a leisurely existence, and enjoyed much hospitality from the villages which they visited. The sterner needs of modern life have changed all this ; whether for better or for worse. Every official is now required to pass severe tests, and to give his whole time and energy to the State ; and in return he naturally demands a higher rate of remuneration. The policy of retrenchment has led to a close scrutiny of the day's work of many thousands of these public servants, and it has been found possible to dispense with certain superfluous functions and duties, and on the other hand, to widen the sphere of jurisdiction in many cases and thus to secure very valuable economies."

All these have now been cut down. A closer examination of the figures must drive us to the conclusion that they have been so cut down that the pinch of the reduction will be very acutely felt in the villages and in the more remote parts of the Presidency, far from the urban areas. This, Sir, is a circumstance which this Council cannot help regretting ; and I venture to express an opinion, which I know is the opinion of this Council, that in future, whenever it may be found necessary to do so, the pruning-knife should, as far as possible, be applied more to the higher grades of service and to such heads of expenditure as principally affect the higher classes, than those which have been affected by the operations that are described in the paragraph that I have read out, to the prejudice of the poorer classes of the people. It is true, Sir, that we have shown an improvement in our finances and that we are now in a better position than we were at the beginning of the last year. But we cannot forget the fact that no provision has been made in the budget estimates before us for any constructive programme of nation-building activities. These activities are very much the same as they were on previous occasions ; and no attempt appears to have been made either to enlarge them or to improve their efficiency and effect, except perhaps the provision for the spread of primary education, which, as we are all aware, has benefited to the extent of a few lakhs, and that too at the expense of secondary education which has been curtailed in several important directions in view of the cut of 60 lakhs made last year. It must be remembered however that this progress in primary education has been effected out of the additional revenue, which this Council has enabled the Government to realise by new taxation. It is unfortunate in the extreme that, in view of the difficult circumstances under which the Government have to work, our top-heavy administration, and the heavy ratio of our expenditure, the Government should have to plead their helplessness in moving faster and more effectively in the several directions that I have indicated. We cannot however help regretting the omission to provide for the extension of medical relief, which is so

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woefully deficient in the Presidency and to which my honourable friend, the member for the Poona district, alluded so effectively ; as also for the improvement of agriculture, public health, public works and similar other heads of constructive work. The Honourable the Finance Member unfortunately holds out no hope of undertaking a programme of constructive work of a nation-building character unless we put our hands deeper into our already over-drained pockets. I shall refer the Council to the second paragraph on page 7 of the Honourable the Finance Member's speech, where, in equally polished language as before, he says that we must not expect any development in the constructive departments so closely connected with the comforts, the happiness and the education of the people, unless a more satisfactory understanding has been arrived at between us and the Central Government as to the share of our provincial contribution payable to them, or unless we are able to realise more revenue from sources other than those which have already been tapped. To my mind, it makes a very sad reading ; and I cannot help saying that the Government in committing themselves to this expression of opinion, have filled this House with despair. At present we are being taxed at a rate of taxation which is far heavier than we should be legitimately called upon to pay. We are at the same time paying more than our proper share of taxation to the Imperial revenues, which in its incidence is equally harsh ; to say nothing, so far as the inhabitants of the city of Bombay are concerned, of the fact that they make an additional contribution of as high a figure as Rs. 16 per head for the maintenance of the city and for meeting the extra responsibilities entailed in view of her Imperial position. I take this opportunity of referring the House to the paragraph to which I have already alluded. The Honourable the Finance Member says :

"We are conscious that we have pared the administration to the quick ; that we are unable to afford to the public facilities and amenities which are required in every civilised country. We are unable to develop agriculture, to prosecute medical research, to provide adequate means of communication, to assist higher education, and to further primary education, unless and until other means of taxation are provided by this Council."

I repeat, Sir, that the paragraph embodies a very sad confession on the part of the Government. I hope, Sir, they will take the Council into their confidence and with its help and co-operation, take steps to improve their financial position, by still further substantially reducing expenditure and by making drastic economies, for both of which there still is very considerable room in numerous directions. When we think, Sir, of our constructive and nation-building departments, we cannot fail to be impressed with the fact that the amount we spend on them is hardly commensurate with the importance and magnitude of those activities ; and this will be painfully realised by the House by the one instance I shall quote, the instance of the Education Department. A reference to the figures will show that we are not spending as much even on this important department as we are spending on the Police Department. The one is a department of convenience, even if necessary for helping the administration in maintaining peace and order ; the other is inseparably connected with the progress and contentment of the people. And I put it to the House to judge for itself whether the fact that the provision

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made in the current year's budget for Education is less even than that made for the Police, is indicative of a proper appreciation on the part of Government of the educational needs of the Presidency.

Mr. President, when I referred the other day to the substantial surplus we shall have in hand at the end of the current year instead of the deficit we had anticipated last year, I omitted to tell the Council that we should at the same time take account of the fact that under the new system of accounts that we have recently introduced we have enabled the Government to debit to capital account large items of expenditure which in past years were being debited to revenue account. The present system has consequently released large sums of money and enabled the Government to spend them annually for the ordinary current purposes of the administration. Whilst we are pleased with the result that the Finance Department has been able to show, we cannot forget the fact that they have been enabled to do so by reason of the fact that they were thus able to use this large sum of money which used formerly to be spent out of revenue but which we have now made it possible for them to debit to capital account. That sum, I understand, amounted in the last year alone to 175 lakhs of rupees in round figures. The point I am trying to make is that if the old system had been continued and if the Government had been compelled to debit this expenditure to revenue account as before, they would have had to substantially curtail their items of current expenditure. The new system, while quite accurate from the accountant's point of view, has thus released this large amount this year and is likely to release similar amounts in future years and place them at the disposal of the Finance Department for being spent in other directions. The system must therefore necessarily have the effect of easing their financial situation to that extent from year to year. When considering the satisfactory condition of our finances, I want the Council to bear this fact in mind, because the House has got to realise that the Government have had a free use of this sum and will similarly have a free play of very large amounts year after year.

Coming, Sir, to the propriety and justice of our share of the contribution to be made to the Imperial Government, I think the Honourable the Finance Member has echoed the sentiment of this Council when he said that a fairer and more equitable arrangement as to the payment of our share to the Imperial exchequer was not only urgently needed, but would, when agreed to by the Government of India, very substantially relieve our stringency and enable the Bombay Government to devote more of their resources towards the development of those constructive departments to which I have already alluded and which under the present circumstances are unfortunately being starved. It is the deliberate view of this Council that the Government should not rest until a more equitable adjustment of the payment to be made by us has been secured. If the Government will take steps to put this view again before the Central Government and will ask this Council to supplement their representation either by a resolution or a memorial, this Council will only be too pleased to do so in the most emphatic and unequivocal terms.

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There is another remark, Sir, which the Honourable the Finance Member made in his speech, and which I believe was also made by His Excellency the Governor in the course of his address, to which I would like to allude.

The Honourable the PRESIDENT : The honourable member I think cannot go into that. He must confine himself to the Finance Member's speech.

Mr. J. B. PETIT : I will not, Sir, allude to the head of the Administration, but will only refer to the remark which the Honourable the Finance Member made in his speech, namely, that an attempt should be made to secure for our surplus cash balances lying with the Government of India from time to time, interest at a rate which should be fair and in accordance with the prevailing rate of interest in the country. It is most inequitable and unfair to a province which is thoughtful, economic, foresighted and wise, and which lays by a large surplus, if it is not to be allowed a fair rate of interest on that surplus, which under the present Act, has perforce to be kept with the Government of India. It may either be a surplus resulting from an excess of revenue over expenditure, kept for an emergency, or be a large unspent balance of a loan or loans which may have been raised by a province for a specific purpose or scheme, to be carried out and maintained from loan works and which may not have been spent for the moment. It stands to reason, Sir, that whilst we ourselves have to undergo a good deal of inconvenience for creating a surplus out of revenues and have on occasions even to pay a very heavy rate of interest on a large portion of that surplus, we should also expect to be reimbursed not only to the extent of the amount of interest to be paid by us but for the inconvenience sustained and sacrifice made by us with the object of building up such a surplus. I submit that even when the surplus balances are the result of an excess of revenue over expenditure, we are entitled to get interest on these large sums, which under the Act, we are bound to deposit with the Government of India. If I am not mistaken, Sir, a similar restriction existed years ago with regard to the investment of the funds of the Bombay municipal corporation. It was only after a very strenuous fight and lengthy representations to the Government of India that the restriction was ultimately done away with and the municipality was allowed to invest its surplus funds with good and substantial banks and thus earn interest on them. It is a point which the Government of Bombay ought to make ; and I have no doubt that if it is properly urged, the Government of India are bound to see its justice and ultimately allow us interest at a rate which will not put us to any unnecessary loss.

But, Mr. President, I cannot accept the reasoning of my honourable friend, the Finance Member, that pending the settlement of these two outstanding questions it would be impossible for him to undertake the improvement and expansion of the constructive departments of the Government without further taxation. I am inclined to think, Mr. President, that the taxable capacity of this Province has already been reached and that it will be a fatal blunder to think of taxing it any

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further. Even assuming for argument's sake that the limit has not yet been reached, I put it to the Council whether it is advisable to add to our ratio of taxation and complete our limit, and whether it is not wise to keep a fair margin in hand in order to meet sudden emergencies which are bound to arise in the course of an administration of the size and importance of the Government of Bombay.

If we look at our figures as they are at present we find, Sir, that so far as our provincial taxation is concerned, it gives an average of Rs. 5-5-6 per head. The Imperial taxation applicable to the Presidency, gives an average of rupees six per head. And, at least in the case of the city of Bombay, the municipal and other local rates, constitute a very severe burden which is as much as Rs. 16-8-5 per head. These figures if totalled up, give an average rate of taxation of as much as Rs. 28 per head; or in other words, a figure nearly equal to the total average income of Rs. 30 per head, as ascertained by the Government of Lord Curzon some twenty years ago. Even assuming however for argument's sake that there is now a substantial increase in the average income per head because of the change of conditions since that time, I am perfectly certain that not one honourable member of this House will say that the average could possibly have gone up in these years to so high a figure as Rs. 56 per head. But even assuming that this figure is correct, which I doubt very much, is it wise to think of imposing new burdens when the incidence of the present taxation works out to an average of as much as 50 per cent. of the total earning capacity per head of the population of the Province? Before we do any thing, I beg therefore to urge, for the serious consideration of the Honourable the Finance Member and his colleagues in the Government, the desirability of taking early steps of looking into this important matter and of ascertaining whether or not we have already reached the maximum taxable limit in this Presidency. If there is any doubt as to the figures I have given—and I admit that there is bound to be considerable doubt when figures are compiled in this rough and ready manner—I venture to suggest for the consideration of the Government, the appointment of a small committee to examine and report upon this important question in all its bearings. Until that is done, Sir, I think it would be unwise to expect this Council to agree to impose fresh taxation on this Presidency in the manner suggested by the Honourable the Finance Member, even for the purposes he has in view.

I will not allude at length to the two principal sources of additional taxation which he has incidentally suggested in the course of his speech. I take it that they are mere indications of heads, and do not necessarily imply their approval by Government. But if these two heads, to which he has alluded, are to be taken as an indication of the direction into which, proposals for fresh taxation, if any, are to move in the future, I beg to enter my most emphatic protest against them. These two sources to which he has alluded by way of mere indication will have the effect, if resorted to, of preventing the accumulation of capital, which, in spite of what faddists may say, has its value in the economy of life and contributes in no small measure to the progress,

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contentment, happiness and beautification of the world. The only right and proper way, Mr. President, in which our financial position can be improved, is to adopt a rigid and uncompromising policy of economy and retrenchment from one end of the administration to the other; and the initiation of this policy cannot be better and more effectively made than by its immediate application to the higher grades of the services. I am sorry, Sir, I am coming to a question on which there is bound to be some difference of opinion, but when we come to look at our administration and to examine the figures, we find that as much as 35 per cent. of our total revenues are consumed by our services. I admit, Sir, that the figure includes all grades and also the Indian branches of the services; but, Sir, when I attack the higher branches of the services, I do not differentiate between Indians and Europeans. If the cost of our administration as a whole is capable of reduction and is to be attacked, I mean that the pruning-knife should be applied equally to the Indian and the European branches thereof, without any distinction or favouritism, inclusive also of the Indian Civil Service, which must be attacked, wholly and solely from this stand-point and not from any racial consideration. I venture to think that if an honest and searching attempt were made to reduce the cost of our administration, it would certainly be possible to do so without impairing the efficiency of the machine. I have been told that the cost of the European branch of the Civil service comes to only 4 per cent. of the entire cost of our administration. I must say that it is an exceedingly small figure, compared to the large amount that we have to spend on our administration. I am not quite sure if it is accurate, but I have obtained it from the Chief Secretary to the Finance Department, and I take it that it is correct. But when considering big figures running into crores, it is often safe not to be guided by the percentage but by the amount that such figures actually indicate. Four per cent. of our total revenue though a small figure in percentage will come to 60 lakhs of rupees per year which amount, I venture to think, is not negligible; and which, if properly utilised and distributed, is bound to give a sufficiently large margin for use in other important directions.

Then, Sir, there are important directions, even under the heading of services, where, I venture to think, substantial economy and reductions can be effected without imposing any hardship upon any one concerned. I shall only give one instance in passing; and that is of the very anomalous and extravagant rules framed for giving salaries to Civil Servants on leave. I will allude to it only to illustrate the point that I am making. There is a rule in the Civil Service Leave Regulations under which Civil Servants when on leave in England, are allowed to draw full salaries at a rate of exchange which is much higher than the prevailing rate. I believe it is 1s. 6d. to the rupee, at which they are allowed to draw their salaries in England. The result is that there have been cases in which members of the Civil Service have drawn, in England, whilst on leave larger salaries than they would have drawn had they been serving the country while here. I have got a concrete instance of this kind before me which I shall be very pleased to place before the Honourable the Finance Member, if that will

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help him to understand the point that I am illustrating as to the manner and the directions in which the country's money is being frittered away. This is only one of them in which retrenchment can effectively be made without imposing any hardship upon any class of public servants. That is the only point that I am endeavouring to make. I wish I can make it clearer to the Honourable the Finance Member. I will give him the instance of a Parsi gentleman in the Central Provinces who happens to be in the Indian Civil Service, and who is drawing a particular salary. When he was on leave, he happened to go to England and was thus allowed to draw his salary there at the rate of 1s. 6d. to the rupee, with the result that he got a good deal more per month in England than he would have got here in India even when he was actually in service. The gentleman at the present moment is in Bombay on leave and I shall be very happy to produce him before the Honourable the Finance Member in order that he may be able to explain the position to him better than I can do. But, Sir, this is only an instance by the way.

The Honourable the PRESIDENT : Are you going to produce him in the House ?

Mr. JEHANGIR B. PETIT : Yes, if the House wishes it.

The Honourable the PRESIDENT : Unfortunately, the rules do not permit the production of material objects in the Council.

Mr. JEHANGIR B. PETIT : I did not mean, Sir, his physical production here. The only point that I wish to make is that there are numerous directions in which substantial reductions can be effected. Reductions can also be effected among other means, by reducing the number of Executive Councillors and by lowering the salaries of our Ministers as has already been done by some of the provinces. I will not, however, pursue this subject further ; but only wish to point out that if the matter is referred to a small committee appointed by this House, or even to the Retrenchment Committee, (Honourable Members : The Retrenchment Committee has finished its labours), it will be possible to indicate numerous directions in which substantial economy can be effected without materially impairing the efficiency of the administration.

Referring to the allusion my honourable friend Dewan Bahadur Godbole made to the desirability of having a sinking fund for loans raised....

The Honourable the PRESIDENT : I have ruled that no member ought to be mentioned by name during the debate.

Mr. JEHANGIR B. PETIT : I bow, Sir, to your decision. The honourable member for the Poona district made a point of that and I think with very great force. I wish to add that I entirely agree with him that it is always necessary and desirable to have a sinking fund for loans out of which they may be paid off at the end of a given period. But, Sir, I am assured, and I am perfectly certain that the Finance Secretary, when he rises to speak, will bear me out in the course of his remarks, that the statement made by the honourable member for the Poona district that no sinking fund is provided, is not accurate. There is a sinking fund, but it is being kept and maintained only by book entries in the adjustment of accounts. If that is so, I venture to think it is quite correct and we ought not to make difficulties

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about the method. There is only one difficulty that presents itself to my mind, and that is that if these book entries are made from year to year, how will it be possible for the Government to pay off a loan at the end of a given period allocated to it? If there is a loan, say, of two crores, and if instead of setting aside cash you go on making cross-entries and adjustments in the books and thus satisfy all the requisitions of the law, how are you going to have in hand, at the expiry of the loan, the requisite amount which it will be necessary to possess to pay it off? You will have, on the due date of the loan, either to provide for that entire amount from your revenues for that year, which must mean an unnecessary burden on that generation, or to raise another loan at that time for a given period to enable you to pay off the loan then falling due. I should like to have a definite explanation of this matter from the honourable the Finance Secretary. But, whatever the explanation may be and whether the Council agrees to it or not—although personally I see no objection to the system—there is only one slight risk to which this method is exposed and it is this, that it enables the Finance Department with the help of book entries, to make use of the money which should be reserved for the purpose of building up a sinking fund, out of which the loan might be paid off when due. The system thus gives the Finance Department enormous control over large sums of money, ear-marked for the purposes of a sinking fund—a control which is likely to be misused unless the Council is very vigilant. There will always be thus the danger of the Finance Member running away with the money—not physically of course—and using it for purposes other than those for which they are primarily intended. Unless therefore a satisfactory answer is given to this difficulty, I for one would like to see this amount properly invested from time to time, provided of course that some arrangement is arrived at with the Government of India by which we may be allowed to earn interest on our surpluses. The argument that is at present urged against my suggestion is that it will unnecessarily entail a regular annual cash contribution to the sinking fund year after year, which in the course of a few years will amount to a very big figure and upon which we cannot under existing arrangements, earn interest, whilst meanwhile, in view of the stringency of our finances, we would be compelled to raise further loans in order to finance our current administration. The point is a very good one and I confess, has weighed with me very considerably. I admit that there is no advantage in building up a sinking fund and investing it in a manner which earns no interest and at the same time raising a loan, carrying a heavy rate of interest on it and incurring further costs on it by way of sinking fund charges. There is very great force in this argument; and, as a businessman, I would be prepared to accept it provided it is shown that a provision can be effectively made to find the money necessary for paying off the loan on the due date without imposing additional burden upon the generation during whose life-time the loan may happen to mature.

Then, Sir, looking at the figures of the budget, I find that this time a new system has been introduced by which several departments are grouped together and their expenditures met jointly. I am told that this

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has been done in view of certain instructions received by the Finance Department from the Government of India. I do not know why that has been done. There must be some reason for it; but the new system places the members of this Council at a certain disadvantage. In the budgets for the previous years, each item was shown separately, and it is difficult for us to compare the items of this year with those of the previous years because the estimates are now only given in groups. If it is possible for the Finance Department to do so, I should like them to mention the individual items of each department separately as in previous years, in order to enable the members to compare those items with the figures of the previous years; for, without these figures shown separately in different columns it is impossible for them to compare them, owing to this new group system.

Before, Sir, I conclude, I should like to reply very briefly to my honourable friend from Ahmednagar, who told us yesterday in the course of his speech that the city of Bombay was not making a contribution to the provincial revenues commensurate with the advantages that she was deriving from those revenues. I think it was a very breezy and inaccurate remark to make; and if my honourable friend had studied the whole position a little more carefully than he seems to have done, I am perfectly certain he would not have made a remark so grossly unfair to the city and so inconsistent with facts.

I am afraid, Sir, that my honourable friend from Ahmednagar absolutely lost sight of the fact that Bombay is an Imperial city and has got to bear, besides her own very heavy obligations, responsibilities of an Imperial character, which, I am sure even my honourable friend from Ahmednagar will be prepared to admit, the inhabitants of the city are bearing to the best of their ability and in a manner and spirit which would do credit to any other city in the world. We are, as I have pointed out, not only paying more than our proper share of the taxation both to the Imperial and Provincial coffers, but also to the civic administration on a scale which is certainly not wanting in dignity and is such as would stagger the imagination of my honourable friend. I do not think it was right that he should have spoken of the city of Bombay in the manner and the spirit in which he did.....

Rao Bahadur G. K. CHITALE (Ahmednagar District): May I know what amount is paid to the provincial administration?

Mr. JEHANGIR B. PETIT: If my honourable friend from Ahmednagar will examine the figures of income-tax carefully and will also as carefully go through the statement of.....

Rao Bahadur G. K. CHITALE: I am asking about the provincial figures only.

Mr. JEHANGIR B. PETIT: If he will have a little patience and listen to what I say, I am sure he will be ultimately satisfied. If, as I say, my honourable friend from Ahmednagar will go through the income tax figures, he will find that Bombay city contributes a very substantial portion of the payment to be made by the Province to the coffers of the

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Imperial Government, which, failing Bombay's contribution, would otherwise have had to be paid by the other parts of the province, and a very substantial portion of which used formerly to be paid out of land-revenue. I hope my honourable friend realises that point, and

Rao Bahadur G. K. CHITALE : It is paid indirectly. I want to know how much is paid directly.

Mr. JEHANGIR B. PETIT : A tax is a tax, whether direct or indirect ; and I have yet to learn that a tax in order to be a tax must only be direct. If that were so, Sir, all our indirect revenues would have to be left out of account in any consideration of the taxation that might be found necessary for running the administration either of this province or of the country. I beg to remind my honourable friend from Ahmednagar of the fact that indirect taxation, even though not often perceptible at first sight invariably turns out to be more severe and cruel in its incidence than direct taxation, because its effect is hidden and can only be seen or felt in an indirect and insidious manner. The honourable member must also remember that the city's contribution to the Provincial revenues under the heads of Excise and Stamps is not negligible and runs into crores.

With these words, Mr. President, I have very great pleasure in supporting the adoption of the budget.

Mr. P. J. MEAD : Mr. President, I wish to acknowledge the scrupulous fairness with which this budget has been criticised in this House and the breadth of view displayed in dealing with the various points arising from it. There are one or two points, in clearing which I hope to be able to give some assistance and these points, as raised by various honourable members, are of considerable importance. One, in particular, which occurred to my honourable friends from Bombay and Poona, as indeed it must have occurred to every one's mind in this House, is the question of a sinking fund—the question whether we have made no provision for a sinking fund at all. In order to avoid confusion, I would like to impress upon the House that there are two preliminary questions which must be discussed and considered quite separately. The first is, are all our uninvested balances sufficient and only just sufficient for our needs ? The second is, is the expenditure that is proposed to be met from the loan funds absolutely essential in the interest of the administration ? These are two absolutely separate questions which must be considered separately, discussed separately and answered separately. Assuming for the sake of argument that these two questions are successfully answered, then the position is this, namely, it is useless to borrow in order to invest. What I am asked to do is to provide for a sinking fund, that is, to invest money. Obviously the rate of investment will be lower than the rate at which we borrow. That is certain to lead to a loss to Government. That, I think, is a self-evident proposition.

Now, as regards these two questions which are now asked, I propose first of all to deal with the question of our uninvested balances. I refer honourable members to the Devolution Rules under which no interest is at present allowed except in the special cases covered by rule 22 and

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in the case of the Famine Fund. The honourable member for Nagar made a suggestion which almost tempted me to believe that I myself had made a hypnotic suggestion to him or that he had been discussing it with the Honourable the Finance Member, because it coincided so entirely with our views on the situation. The honourable member's suggestion was that two crores of uninvested balances were permissible and that anything over two crores should be invested. I entirely agree. What is the procedure which, under the rules as they stand at present, the Finance Department has to go through in order to arrive at that sum? Seventy-six lakhs would have to be transferred to the Famine Fund. Under schedule IV it is directed that 'any portion of any assignment which is not spent on the relief of famine or the construction of protective irrigation works or other works for the prevention of famine shall be transferred to the Famine Insurance Fund of the province'. You will note that this is what we have done in the current year, when providing the full statutory amount for famine, though certainly not anticipating a famine requiring the expenditure of Rs. 63,60,000. We have thus transferred our 60 lakhs to the Famine Fund, all earning interest. It is a cumbrous procedure resulting from the rules as they stand and we should welcome a resolution of this House pressing for the suggested amendment in this matter, which would undoubtedly entirely meet with our views also, but, as things stand at present, the provision of about 63½ lakhs cannot be exceeded and only the unexpended balances can be transferred to the Famine Fund. We propose to press for a wider discretion in the coming year and I hope we shall meet with success. All that we can do under amended rules will no doubt be done.

The next point as to whether the capital expenditure which is suggested is essential or not is not mainly a point with which the Finance Department can deal. That is in the province of the Honourable Members and Ministers in charge of the various departments. It is for them to show that this and that expenditure is essential for the proper development and administration of their respective departments. Let me remark here that the function of the Finance Department is to criticise, and criticise very closely, all demands from the various departments and further to keep them within the limits of our general revenues which, as stated by the honourable member from Bombay, is so essential. The opening balance in the year 1920-21 was, as the House will find, Rs. 444 lakhs. Four hundred and forty-four lakhs were accumulated by years of war during which every single department was starved, all building works were suspended and in every possible manner large expenditure was curtailed. It is not, therefore, extraordinary that we should find ourselves, in this year of grace with considerably more than Rs. 4½ crores of leeway in expenditure to make up. I would just suggest to members like my honourable friend from Ahmednagar that before turning down these demands for capital expenditure on the general ground that all such expenditure is dangerous, they should hear arguments both for and against each particular grant, and treat the matter not according to one uniform standard, because honourable

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members will admit that a standard which would be entirely applicable to the district of Ahmednagar, with which my honourable friend is particularly acquainted, would hardly be suitable in the case of this important city of Bombay. Further, it will be explained that much of this expenditure on jails like the Arthur Road prison and expenditure on the Karachi courts is counter-balanced by considerable revenues which are expected. I wish to remark in this connection that it is precisely that point of applying rural standards to urban conditions which is the main gravamen of our charge against the Government of India and the Meston settlement. It is because this industrial province is treated on the same lines as rural areas like the United Provinces that we complain that we have not been allowed to spend on a higher standard which is more in consonance with our revenues and our real needs.

Now, I have said very little to the honourable member from Bombay as to what steps we propose to take to watch this expenditure which we are suggesting, and I have given no indication as to what the figures may be. Those figures are still under preparation, and I hope in a very few days to put them before the Council, and show the Council exactly what the real revenue expenditure of this Government is, and also to show in detail against each department what the expenditure is, but I can roughly indicate what the figures are in this budget year. I omit, in the first place, as I have stated in my printed memorandum that the whole question of Deccan irrigation has still to be fully considered and all irrigation accounts revised, any consideration of irrigation loans. I have made a reference showing that, roughly speaking, Deccan irrigation is an extremely expensive necessity—I decline to class it as a luxury—while Sind irrigation is productive. But taking the two together, there is not much to complain about. Omitting then Deccan irrigation and those works which are really productive, the annual charge in the present budget comes to about Rs. 1,75,000, and in next year's budget the additional bill will be Rs. 1,67,000. The total therefore comes to 3,32, and my honourable friend from Bombay naturally says "Very good, but where are these 3,32 to come from?" Now, we have already put before the Government of India a programme of repayment not only of our most important borrowings,—the borrowings of the Development Department,—but also of borrowings on ordinary account, and without going into great detail, I may say that Rs. 761 lakhs, roughly, had then been advanced for development and general purposes. Of that, Rs. 256 lakhs will be due to us from the Government of India for Colaba lands, while the balance of Rs. 505 lakhs which is proposed to be paid from revenues, is expected to be repaid, as a result of development operations, at the rate of Rs. 35 lakhs a year from 1931 to 1934 and Rs. 90 lakhs from 1936-1939. But I must anticipate that my honourable friend from Bombay will say "This is all very well; that may be true so far as the Development Department is concerned, but as a matter of general principle, general revenues should be utilised for general purposes". Well, I am prepared to agree to that, but I would remind the House that our annual commitment for sinking funds on borrowings now suggested is only Rs. 3,30,000.

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while our normal increase of revenue must be considerably higher even under the reforms. We have not yet enough experience to work this out with certainty but our normal annual increase of revenue for the pre-reform years could be worked out fairly safely. The last time it was calculated it amounted to about Rs. 40 lakhs a year. I feel that the mouths of honourable members must be watering. Unfortunately the situation has now changed and I would hesitate to take so high a figure now. The reason is simple. Under the Meston settlement, as all honourable members are aware, one of our most rapidly growing sources of revenue, income tax, has been taken away. I think calculation will show that our present normal increase per annum is about Rs. 20 lakhs. If honourable members will refer to the figures, they will, I think, find that there is a difference of Rs. 30 lakhs between last year's budget and the present year's budget in revenue, and if they take the figures from 1917-1918 to 1919-1920, they will see that in those two years there was an increase of revenue of Rs. 1,50,00,000. These calculations are extremely rough, and I should certainly have to check them again, but I offer the suggestion that whereas it is Rs. 40 lakhs for the pre-reform years, it is fairly safe to assume that it is Rs. 20 lakhs now.

That represents all that I have to say on these two doubtful points. Honourable members have before them the detailed figures. We have delivered our tale of bricks and if the expenditure is inadequate to meet their requirements, as has already been pointed out, we must depend upon honourable members to indicate whence we are to get more straw.

The Honourable the PRESIDENT: Just a little while ago, I saw a regular phalanx of honourable members rising to catch my eye. Will they oblige me by standing up again? (Several honourable members rose). That shows that I must now impose a time limit. I propose that it should be twenty minutes for each honourable member, unless in the case of any particular honourable member the House is desirous of listening to him further.

Mr. M. W. PRADHAN (Thana District): Sir, I rise to congratulate the Honourable the Finance Member and through him the Government of Bombay for presenting to us the significant statistics of a solvent budget. Sir, this time last year, our financial position was gloomy enough and we then realised that the misfortunes never come singly. Our harvest was poor, the prices were high, the trade was depressed; and may I say deliberately made to depress, but things have changed rapidly this year. Our thanks are due to Gods for well-distribution of the rains, and they also are due to the Honourable the Finance Member for bringing about a credit balance of 324 lakhs, and this in spite of stagnancy in commerce which has cost us a loss of about 40 lakhs by way of stamps. Sir, the most striking feature in the budget is not only the steady solvency but the *bond fide* policy of Government to make the reforms a success. Firstly, although there were difficulties for earmarking a certain portion of revenue for a particular object, the Government have scrupulously kept up to their promise of utilising the entertainment tax for the benefit of primary education. The second *bond fide* is that the House insisted on a cut of 60 lakhs

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and Government were very diffident whether it was at all possible and one Government Member after another appealed to the House not to corner them and not to pin them to any particular amount, but the Council insisted on Government and Government very reluctantly accepted the order and what is the result? The Government did not stop at 60 lakhs but carried it to one crore. If Government were half-hearted, they would have stopped at 60 lakhs. The third instance of their *bonâ fide* is that the 20 lakhs of reserve which was meant for all departments was allowed to be used by the transferred departments, in the current year. These are the few direct instances which go to show that the Government are co-operating whole-heartedly to make the reforms successful.

The budget speech of the Honourable the Finance Member is a faithful picture of the existing state of the Presidency in all its main bearings. The Honourable the Finance Member has shown that the development of agriculture, medical research, adequate means of communication, higher education and furtherance of primary education are some of the main items which will have to suffer for want of funds. With regard to the development of agriculture, it has been pointed out that the yield of agriculture can be doubled provided there are funds to do so. As regards medical research, I am very glad to note that a beginning is to be made in that direction for I am of opinion that, if the *vanaspati*, i.e. Indian medical herbs and drugs of India, are properly researched the most wonderful medical relief to mankind will be the certain result. I do believe that Government will be creating a very handsome source of revenue by the sale of such rare drugs—I can give an instance. Grimult's syrup is prepared out of the juice of the fruit of cactus mixed with honey, which will cost the manufacturer four annas only. One bottle of that syrup is sold for three rupees or so. If you can prepare such mixtures in India which are so efficacious and so largely used throughout the world it will be an additional source of income. This is only one instance of what Indian *vanaspati* is.

As regards assistance to higher education may I suggest that serious attention should be directed towards the enquiry whether advancement could be made in modern science by a closer and more expert study of ancient Sanskrit literature. I am told that Germany has benefited a lot by this. Another point which I would press on the attention of the Government is to ponder over means of providing for education necessary for the defence of this country. I mean the military, the naval and the air force education. Things are quite at a stand-still in this direction. Let some beginning be made somewhere. These notions of nation-building emphasise the wisdom of starting the compulsory primary education in such a manner as to make the pupil eager not only to be trained into his own calling but also to become an expert in it. As regards adequate means of communication may I on this occasion bring to the serious notice of Government the embarking and disembarking arrangements that are witnessed outside the heavenly harbour of Bombay. A visit to coasting places makes one suspicious as to whether one is living in the British era of 150 years old or in pre-British times. More comment is unnecessary. In fine, Sir,

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the want of piers throughout the Presidency to which coasting steamers can and do go cannot wait long. They must be treated among very urgent major works, the postponement of which is highly undesirable in the interest of the poor labouring masses of this Presidency.

Sir, when these pressing necessities have to be denied to the people of this Presidency simply for want of funds, how can we be deprived of our 8½ crores of income-tax? This House at the last budget did assure this Government of its unanimous support to insist upon getting back, if not the whole, as much as we want for our dire needs. And I believe Government need no further assurance that this House, as pointed out by the honourable member representing the Bombay Millowners' Association, will ever continue to stand by them in their admirable efforts to secure for this Presidency what is its due.

As regards the dire necessity of sufficiently manning the police and making adequate provision for the same, I think the 'Pathan' has done more than any convincing arguments for it in this Council.

Sir, with regard to the concluding portion of the Honourable the Finance Member's speech, which mainly deals with the Development of Bombay, by the four distinguished bodies, namely, the two Trusts, the municipality and the Development Directorate, I do strongly believe that the in season and out of season critic, if he only stands on the western end of the harbour and places his hands on his conscience and has the gratitude of an Indian, must acknowledge that the creation of the second city in the Empire is not the work of mere birds of passage who do not take any interest in the development and progress of Bombay or its port, but it is the work of those farsighted and enterprising commercial magnates and statesmen who have at their back the uninterrupted modern civilization of 1,500 years and whose guidance and sympathetic co-operation India of to-day can ill-afford to lose at any cost. Sir, with reference to development, a point has been made of the commitments to the extent of 44 crores. May I say that these are the inevitable cost of building up an Empire in India? Bombay must be acknowledged as the second city in the British realm. Now, may I ask how did this Bombay come into existence out of the original seven scattered islets? It came into existence because the Government of Bombay from the very beginning was able to get it developed on the most progressive lines. And shall I say, that in the development of Bombay, Government also developed the nation-building instincts in the people by providing for them the facilities toward progress on the lines of a civilised country? I mean schools, colleges, university and so forth. The existence of these facilities attracted to Bombay from the very early times people from all parts of India. Therefore, Government do deserve the best thanks of this country for their bold and farsighted schemes of development. For to my mind the topographical development of a place automatically leads to the mental and material progress of the people residing in that place.

Sir, in conclusion I would allude to the question which was asked as to what we shall say to the electorates. In my humble opinion what

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every member of this House must tell the electorates is that they should never again allow themselves to be hoodwinked by promises of *swaraj* in a year....

The Honourable the PRESIDENT: What has this to do with the budget discussion?

Mr. M. W. PRADHAN: A reference was made yesterday to this, and we were asked what the members of this Council can tell the electorates.

The Honourable the PRESIDENT: That is outside this discussion.

Mr. M. W. PRADHAN: If the President will not allow me, I shall not refer to that. I will only say that if honourable members have faith in the working of the reforms, let them go before the electorates and impress upon them the benefits of peace and tell them that by peace only will they be able to progress and that the salvation of India of to-day really depends on the constitutional working out of the Reforms.

With these words, I resume my seat.

Mr. A. N. SURVE (Bombay City, North): Mr. President, it is a matter for congratulation that this year there is not going to be any fresh taxation. It is a matter for special congratulation because the term of this Council is shortly to end, and the honourable members will have to appear before their electors, and if they were obliged to do so with the burden of fresh taxation, their position would have become very difficult. The second point is that taxation generally falls upon the agricultural classes and to them it will be a matter of great satisfaction that at least this year they are free from fresh taxation. Another matter for congratulation is that we have been able to balance our budget before other Presidencies have been able to do so. I doubt, however, whether it is a matter for congratulation because if we have balanced our budget it is because we have subjected ourselves to fresh taxation from which—I say, subject to correction—other Presidencies are free. (Some honourable members expressed dissent.)

Then, another point is that our opening balance is greater than we expected by nearly 223 lakhs.

The Honourable the PRESIDENT: Does the honourable member realise that his statement of fact has been impugned by several honourable members of the House?

Mr. A. N. SURVE: What I say, Sir,—I have already stated—is subject to correction. It is customary for Government to appropriate a sum as reserve amount to meet unforeseen expenditure. A sum once sanctioned for this purpose is at the disposal of Government to spend in any way they choose on condition that they keep the House informed of the manner in which it is spent. Government need not obtain previous sanction for expenditure out of this sum, but they have often asked for it, that shows their good faith. Again the Government, instead of asking 20 lakhs for that purpose, could have asked for 25 but they have boldly come forward and stated that for this year 15 lakhs would be sufficient.

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Then, I would thank Government for the fact that the Reserved Departments have resigned their claim in favour of the Transferred Departments. They have not stood upon their right and said that that amount belonged to the Reserved Departments and that they would not give that amount to the Transferred Departments at all, even though the needs of the transferred departments be pressing. Thus they have not sought to paralyse the activities of the Transferred Departments.

Then, the next point is that last year a great point was made that the income derived from fresh taxation should be appropriated towards the promotion of primary education. Government at that time stated that according to the Fundamental Rules there was a technical difficulty, but it is a matter of congratulation that at least to a certain extent they have respected the wishes of this Council in earmarking 16 lakhs which is the expected income to be derived from the entertainments duty, for the promotion of primary education.

Now, as I have praised Government, it is my duty also to give a word of praise to the Government officers who have been carrying out the orders of Government and giving effect to them in the matter of recovering advances under the tagavi system and also in the matter of recovering assessment without resorting to oppressive measures. It is a very great thing where agriculturists are concerned. I must say that so far as I am aware the agriculturists have not raised any complaints or said that they were oppressed, and for that I think a word of praise is necessary so far as the Government officers are concerned.

Then, Sir, I come to the windfalls. The Honourable the Finance Member has said that the happy situation in which we find ourselves at present is due to windfalls. Last year when the budget was presented to us we had expected to have 99 lakhs as our opening balance at the commencement of the next year. But this figure of 99 lakhs in less than six months rose to 176 lakhs and now it stands at 185 lakhs, and when the accounts are finally adjusted, I shall not be surprised if the figure mounts up much higher. The expectation was that we would be able to save only 99 lakhs. If we were to realize our expectations to the full, that is, if we were to get about a crore of rupees from fresh taxation. But we did not realise one crore from fresh taxation and yet our opening balance for next year instead of standing at 99 lakhs stands over three crores. That leads one to two conclusions: one is, that in order to obtain our consent to fresh taxation all the cards were not shown, i.e., some information was withheld from this House, or the other is that the Honourable the Finance Member was unduly nervous. Whichever conclusion is right, the fact remains that it was not necessary to subject the Presidency to fresh taxation.

Then, Sir, I would refer to the Deccan irrigation. We are told that 32 lakhs are earmarked for irrigation in the Deccan. That would be certainly a very good news, if we are not told at the same time that proposals for increasing assessment are under consideration. Sir, in the Deccan, irrigation does not always prove to be a blessing but on the contrary it is a curse at times. The reason is that in the Deccan irrigation is not

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perennial and is dependent on the amount of the rainfall. If the rain falls in sufficient quantity then it is good, but if there is failure of rainfall,—which is often the case—then the canals are nearly useless. Moreover, agriculturists do not get sufficient water, and at the proper time. Syndicates receive preferential treatment at the cost of agriculturists with the result that the money invested by them in cultivation is very often in danger of being wholly lost, without any remedy against Government. Therefore it is not possible to increase assessment unless matters are mended, but we have been advised by the Honourable the Finance Member and the honourable the Chief Secretary to educate the agriculturists in the Deccan to submit to fresh taxation. Sir, I must say that we cannot do that for the reason that the complaints of the ryots are not removed. If Government takes the responsibility of supplying them water in sufficient quantity at the proper time, I think the agriculturists will very willingly submit to increased taxation,—if it is raised—but not otherwise. Then, Sir, a very pessimistic view is held by some people about the finances of the Presidency owing to the uncertainty of rainfall. But I do not think that view is justified, because our Presidency is so situated that it is very rarely that there is total failure of rainfall throughout the Presidency. It is true that every three years there is deficient rainfall in one part or other of the province, but the province as a whole is very rarely visited by famine. The consequence is that our land revenue rarely falls below four crores. Therefore, I think it is not a source of anxiety or grumbling. It is said that in India land revenue is a gamble in rains. I do not think that remark is thoroughly accurate as regards our province. Now, Sir, the Honourable the Finance Member said that Government is not able to make any great improvements in agriculture unless we submit to fresh taxation. With great respect to him, Sir, I say that even without fresh taxation, if Government is serious about it, there is ample scope to improve agriculture. First of all, it is very well known that in this Presidency the land is divided into such small plots that economically the cultivation of them is not profitable. Government know that, and yet, what steps have they taken to remove that evil? Sub-division of land, minute sub-division of land, is still going on unchecked.

Then, India is an agricultural country and depends mainly on the aid of cattle in respect of cultivation. What provision have they made to see that sufficient land is available for grazing purposes? They have not done that, but on the contrary they are trying to encroach upon it and we have an instance of that even in the demands for grants which are to come before us for sanction. For instance, item No. 4 under Land Revenue (Reserved). Government want to turn certain pasture land in Khandesh into survey land. They want to divide it into survey numbers and give it to the agriculturists for the purpose of cultivation. Thereby the consequence will be that the land which is at present available for grazing purposes will be no more available for that purpose and it will lead to starvation and deterioration of cattle. Sir, in these two things, if Government want to help the agriculturists, they can do so even without

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subjecting the Presidency to any fresh taxation. Have they done it? They have not. Then, for improvement of agriculture what help have they given to introduce improved implements or labour-saving implements required for agriculture? They hold a few shows, but I do not think that they are very fruitful, because agriculturists do not generally attend at these shows. Then,.....

Mr. C. M. GANDHI (Surat City) : May I draw the attention of the Chair to the fact that there is no official member on the official benches?

(The Honourable Minister Mr. C. V. Mehta, who was in the House, rose in his seat).

The Honourable the PRESIDENT : Unfortunately I cannot compel any Government Members to be in their places.

Mr. C. M. GANDHI : The result of that, Sir, may be that non-official members might clear away when Government business is going on.

The Honourable the PRESIDENT : The honourable member is free to do that. I should remind the honourable member from Bombay (Mr. Surve) that his twenty minutes are up.

Mr. A. N. SURVE : Sir, as my twenty minutes are up, I do not want to take much longer time and I shall wind up by giving a few reasons why I say.....

The Honourable the PRESIDENT : But the honourable member's twenty minutes are over. I see the honourable member the Registrar of Co-operative Societies wishes to speak.

Mr. O. ROTHFELD : With your permission, Sir, I may take a little longer than twenty minutes in view of the importance of the subject. Perhaps you will permit some other honourable member to speak now.

The Honourable the PRESIDENT : Does the Director of Labour Bureau wish to address now?

Mr. G. FINDLAY SHIRRAS : I wish to speak, Sir, after the Registrar of Co-operative Societies.

Mr. C. M. GANDHI (Surat City) : Mr. President, while I have listened carefully to the speeches of the several honourable members who have spoken, I regret I cannot bring myself to a frame of mind to join in the chorus of congratulations either to the Honourable the Finance Minister or of thankfulness to the Government of this province. For, Sir, as he himself put the case, our singular good fortune this year is due more to fortuitous circumstances than to any very real effort at economy made by officers of Government. No doubt plentiful harvest has helped us. I must also admit that attempts have been made to loyally carry out the cut. But, after all, what is the net result of that cut? When we, Sir, compare the figures, we find that in 1921-22 the expenditure was 16 crores. In 1922-23 in the Preliminary Issue it was 15 crores and 70 lakhs. In the Final Issue it was 15 crores and 12 lakhs; and in 1923-24, the present budget, it is 15 crores and 74 lakhs !! So that, so far as any permanent economy is concerned, that is wanting. Consider that specially with the figures

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that the Honourable the Finance Member himself has supplied. He said that the estimated expenditure in 1922-23 was 1,410 lakhs; the actual expenditure was 1,372 lakhs, i.e., a saving of 38 lakhs was effected. For the current year the budgetted expenditure is 1,437 lakhs so that the result is that we go up a little over the expenditure in 1922-23. That is, I think, a result on which we cannot very well congratulate either the Honourable the Finance Member or join in thankfulness to Government. No doubt, a certain amount of saving was effected by cutting out non-recurring grants, but so far as permanent economy in the administration was concerned, nothing really is done and the complaint in the country is that no doubt attempts have been made to cut out certain menials and a certain number of clerks and certain outposts, so far as effective economy in the higher branches of the services is concerned, nothing really very much is done. I agree it may be difficult to do. We cannot cut out the permanent officials, but certainly Government can arrange that the posts which are not reserved for any particular service under the Government of India Act should not be filled by members of that service as soon as the posts filled by them fall vacant. I refer the House to the schedule attached to the Government of India Act. We find there that only a certain number of posts are ear-marked for the Indian Civil Service, but not only are all those posts occupied by members of the Indian Civil Service who are now untouchable in a sense as we cannot touch their salaries, I am told (here I speak subject to correction) that about 40 posts outside that schedule are held by members of the Indian Civil Service in.....

Mr. O. ROTHFELD : In India or in Bombay ?

Mr. C. M. GANDHI : In Bombay, including the post of the Registrar of Co-operative Societies which under the Act is not reserved for the Indian Civil Service. My point therefore is that if the cost of administration is to be reduced, one way of doing it is to reduce the number of posts which are now occupied by the Indian Civil Service to the narrowest possible limit as enjoined by the Government of India and to fill them up by Indians recruited on the provincial basis giving them about two-thirds salary. That will certainly effect a very great retrenchment and the complaint which is heard in the country so vehemently will to a certain extent disappear.

Taking the budget from another point of view, I think it is not very satisfactory. Compare the treatment that is being given to the reserved subjects with the treatment given to the transferred subjects, and you will find that the latter are not getting their fair share of the expenditure allotted to them. I have only taken the trouble hitherto to find out what the expenditure for the last three years is. In 1921-22 the expenditure on reserved subjects was 987 lakhs and for transferred subjects it was 616 lakhs. In 1922-23 for reserved subjects it was 1,035 lakhs, whereas on transferred subjects it was 534 lakhs. In 1923-24 expenditure for reserved subjects is 1,059 lakhs, while on the transferred subjects it is 515 lakhs, and if you omit sixteen lakhs which have been now provided for education out of the entertainments duty receipts, the

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expenditure on the transferred subjects comes to only five crores. In other words the transferred subjects have lost ground and 116 lakhs less have been allotted to the transferred subjects. That is a hardly satisfactory position so far as the proper working of the transferred subjects is concerned, and I do feel that unless and until the provision made in the Government of India Act is carried out, namely, that when circumstances require it a joint Financial Secretary should also be appointed for the transferred subjects, that with all the best intentions of the Chief Secretary who has to cater to two departments, the more powerful always will get the better hand. Therefore I submit that from these points of view the budget as presented to us is not as satisfactory as it should be and it is therefore with very great regret that I am unable to join in the chorus of congratulations of the Honourable the Finance Member whose presentation of the budget, I must say, is certainly very luminous.

Then, Sir, examining the subject a little more closely, look at the principal subjects with which the transferred departments have to deal. Education in 1920-21 had 174 lakhs; in 1922-23 175 lakhs and in 1923-24 188 lakhs including 16 lakhs from the Entertainments Duty receipts. Take away that and you see it has not made very great progress. Public Health in 1921-22 had 26 lakhs, in 1922-23, 22 lakhs and in 1923-24, 15 lakhs. Agriculture had 28 lakhs in 1921-22, Rs. 26,70,000 in 1922-23 and has Rs. 23,81,000 in 1923-24. Industries came down from ten lakhs to five lakhs. Therefore looking at the principal subjects over which the transferred departments preside, we find that from year to year those departments have suffered considerably, and I think that time has now come when this Council should, even at the expense of having to meet a larger expenditure in the salary of a joint Financial Secretary, ought to insist upon having a Finance Secretary for the transferred departments so that their interests may be properly and effectively watched.

Then, I turn to the subject of stamps and court fees. We were told that our financial situation was so bad that unless and until we gave the Government a large sum of money by way of fresh taxation in the shape of stamps and court fees, Government would collapse. We therefore voted.

The Honourable the PRESIDENT: As the honourable member is opening a new subject we had better adjourn as usual for half an hour and resume the debate at 4-30 p. m.

After recess.

The Honourable the PRESIDENT: Order, order.

Mr. C. M. GANDHI (Surat City): Mr. President, when the Council rose for tea, I was pointing out to the Council how under the impending calamity of a financial collapse we were asked to sanction taxation of one crore of rupees so far as stamps and court fees were concerned. It appears from the budget supplied to us that it was afterwards expected that we would get Rs. 60 lakhs instead of Rs. 80 lakhs from court fees and stamps. As a matter of fact, the results show that we have only recovered Rs. 26 lakhs. Now, as regards these Rs. 26 lakhs which have been added

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to the revenue, we find that there is an expenditure of Rs. 6,32,000 towards stamps, of which Rs. 2,19,000 are for stamp and plain paper supplied from Central Stores, and Rs. 2,77,000 or perhaps more is the cost of superintendence and charges for sale of General Stamps, etc. In this connection, I want to submit for the consideration of the Honourable the General Member and the Government whether it is not possible to introduce a system which works very well in Native States, and probably to a large extent in Bombay, whereby the system of selling stamps can, to a large extent, be avoided. In Bombay, I understand, conveyances for large sums of money are written out on plain paper, and submitted to the Superintendent of Stamps for being stamped. The same system could be very conveniently introduced in the mofussil towns, where at present stamps for Rs. 50 and above can only be sold at the treasury. If it is arranged that when a man wants to purchase a stamp for Rs. 50 or more, he has to supply a plain paper on which the necessary stamp could be given, a large amount of cost would, I submit, thereby be avoided. Now, in cases of Civil Suits the plaints are to be presented to the Registrar of the Court, and if, as in Native States, the Registrar is made to recover the court-fees duty on it in cash at the moment, by way of printing the stamp, etc., cost of superintendence could be avoided. I submit that that is a matter which should be looked into. I do admit that with regard to cases of small stamps, some chance of fraud may arise, when we know it, as a matter of fact, that it is very important to find out the day on which a particular stamp is purchased in order to find out whether a fraud is subsequently perpetrated or not. With regard to all stamps for Rs. 50 and above and court-fees stamps, I think much of the cost could be avoided, if the system in vogue in Native States is followed, and which, I am told, is in vogue in some European countries only.

While I am on this question of court-fees, may I remind the Honourable the General Member of the promise that he held out to us that he would look into the question of the enhancement of court-fee stamps in the Bombay High Court? Nothing seems to have been done, and I am afraid probably nothing will be done (because the vested interests there are far too powerful) till this Council sits tight over the matter at the end of two years when Government will ask for an extension of the Court-fees Act. I think it is a matter which requires looking into at a very early date and the promise which Government held out to us redeemed.

A further point which I want to impress on the attention of the Honourable the General Member is the promise that he held out to us as to looking into the question of process fees when the rules were made. At the time of the passing of the Court-fees Act I pointed out to the Council and to him that the High Court was contemplating the levying of very heavy process duties, and he informed the Council that nothing would be done by the High Court without Government sanction. What is the position now? The High Court has issued rules, according to which a process fee of Rs. 5 for every notice in case of probate for Rs. 5,000 is to be levied. What is the situation that has worked out where a Parsi in the mofussil has to apply for letters of administration or probate? Under the

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Court-fees Act, he will have to pay Rs. 10 on application, Re. 1 for *vakil-patra*, Rs. 190 for pleader's fees, Rs. 100 probate duty, and if he happens to have three or four relatives then for notices on them he will have to spend about Rs. 30 on notice fees. So, even in a non-contested case of probate, the expenditure will come to about Rs. 340. That, I submit, is rather a heavy charge on people who have to apply for probate compulsorily, and I think the matter requires to be looked into. In cases where the amount is small, the proportion may, to a certain extent, be reduced.

Then, coming to the Excise and Forest Departments, I only want to invite the attention of the Honourable Minister in charge to page 79 of the budget. That shows that the income in 1921-22 was Rs. 74,94,000, the budget estimate for 1922-23 was Rs. 88 lakhs, the revised estimate only shows a revenue of Rs. 77 lakhs or an increase of only Rs. 2 lakhs, and the budget provides for Rs. 82 lakhs. That is rather a very inadequate return for all the money that we have expended. Rs. 10 lakhs were spent last year from loan account and about Rs. 6,68,000 are proposed to be spent, on that this year. Is Rs. 2 lakhs the only return for all that? Of course Rs. 82 lakhs is estimated, but as we find that an estimate of Rs. 88 lakhs dwindles down to Rs. 77 lakhs while the revised figures come in, the matter is a very serious question and requires to be looked into, for we always find that year after year the authorities say that the money is well spent and that they are investing the money for the purpose of better results. That is what I find said in the year 1912, and onwards perhaps the same sort of report continues, without any appreciable results. I hope the Honourable Minister in charge will look into it and see that the system of trying to exploit the forests departmentally is a success. We can see the results in cases where timber is removed by Government agency and where it is done by private contractors. It is stated that it is very difficult to get consumers or purchasers to undertake the transport of timber, and therefore Government has to do it. But I do believe that if it is made worth the while of enterprising consumers, if they are given contracts for a long term of years, and if they, as business men, are made to feel that at the end of a certain number of years they will be able to realise the investment which they make, I am quite sure that the business men of the Bombay Presidency will see their way to go in for it. A Government department can never succeed in doing a thing which can only be done by a commercial man.

Then, I wish to speak on one more department, namely, General Administration, and I only want to say that in that there are items of expenditure.....

The Honourable the PRESIDENT: The honourable member has exceeded his time limit.

Mr. C. M. GANDHI: I shall omit it, Sir. I shall have another occasion to speak on it. We have been told that 10 crores have been invested in irrigation in the Deccan and 18 crores are proposed to be invested in the irrigation in Sind. I am asking for a very small

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investment of money in minor irrigation works in Panch Mahals which are absolutely necessary to save that district from three famines in four years. Small irrigation tanks or wells scattered over the district will save it in times of famine, and I hope Panch Mahals will receive some little consideration in respect of its irrigation.

Mr. O. ROTHFELD : Sir, before I approach the budget I feel I should express my gratitude to the last speaker on the very nice personal compliment to myself that he was kind enough to make. He referred to the department which I have the honour to hold and said that the appointment of Registrar was not reserved for the Indian Civil Service. He therefore left the House to infer and, no doubt, affected by his personal feelings of friendship intended it to infer that I had gained the appointment by sheer merit, in a fair field without favour, apart from my claims as a member of the service. I again thank him for the reference. In the speech made by the honourable member for Thana, who took the part of the leader of the opposition in this House, I hope he will allow me to make a correction. He told us that Government in the Development Department had taken no steps to provide for advances or loans to individuals for building houses. I invite his attention to page 89 of the budget where he will find that 10 lakhs have been provided for this purpose and to page 79, paragraph 6, where he will find another 5 lakhs have been provided for the same purpose. Both these items make up 15 lakhs provided for the purpose of granting loans to individuals desirous of building houses. It is true the condition is attached that they must be members of co-operative societies; but I hope the honourable member will not object to Government providing this elementary safeguard in regard to the use and against the abuse of money so lent or advanced.

Coming to the speech delivered by my honourable friend for Ahmednagar, I believe all agree that the speech he made was extremely interesting and extremely instructive. He addressed his speech in a spirit of seriousness and gravity to issues of the broadest public policy, issues reserved for examination by the members of the Legislative Council. Throughout his speech the loan policy of the Government formed the main topic; and at the commencement of his speech he exhorted the members of this House to exercise extreme watchfulness and caution in dealing with this subject. I am sure the members of this House either on the Government benches or on non-official benches fully endorse that view. It is an unfortunate fact that people dealing in borrowed money, whether they be individuals or corporations or governments, are apt to be more careless than they would be when dealing with money derived from revenue. So far every one will agree with what the honourable gentleman has stated. But he went further and said that he had noticed in the past inadequate attention being paid to schemes financed from borrowed money. I do not know that any of the past actions of this House justifies that assertion. I am sure in future, with the system of accounting which the Government have now adopted, there can hardly be any room for the charge of insufficient attention to projects which are to be provided for

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from loans. The honourable member went on afterwards in the spirit of the fat boy in the Pickwick papers to try to make our flesh creep. He went on drawing pictures of the danger which the loan policy is likely to involve us in and repeated the figure of 44 crores of rupees in awful and terrifying accents. These are our commitments for the present he explained. But, I would ask is there any item in our present commitments that can be said to be in excess of what this Presidency wants, or has a right to demand? Personally I confess I am doubtful rather whether our present commitments are at all adequate to the needs or commensurate with the resources of this Presidency. Absolutely and in the extreme I should be inclined to think them inadequate. But taking into consideration the state of public opinion as it is and relatively to public feeling and financial instruction, I am not prepared to assert that the present commitments are too small, though I would maintain that they are in fact smaller than the ideal requirements of this Presidency.

I now approach the question of what is actually meant by a loan policy; and in so doing I must begin by asking the House seriously to consider what exactly happens when a public loan is taken, and, first and above all, to consider what is really meant by money, and how the revenues of a Government are to be regarded. I have, I am afraid, on previous occasions already iterated and reiterated this point: it has not only a scientific interest, but it is a serious point of practice. I do ask every one of this House to try to follow me when I say that the money we are dealing with must not in any sense be confused with coin: the real, essential meaning of money is service, contracts for service. The rupee, the note, whatever it is that we use is merely a shorthand formula for the expression of those services. There are innumerable contracts within the nation to perform services which he who holds a particular symbol, whether it is a cheque, a note, or a coin is in a position to demand to that extent. If the honourable member for Nagar will realise that it is these services, these contracts for service, with which the citizens of this Presidency and with which every public body has to deal, I think he will then begin to feel that the view he holds relating to what is known as money is too narrow and too circumscribed to be applied to the conditions underlying every administrative work and every administrative policy. What you have to deal with in public revenues, in the budget of a Government, is a certain portion of the national income of that year collected and brought into one account for the sake of the performance of a certain amount of public service. And to this extent I fully agree that the two sides should balance, namely, that the accounts must balance as far as possible and if there is any margin between the two the margin should be in favour of the receipt side compared to the expenditure side. But you must realise what the ultimate concrete facts actually are. The real picture of the work that is being done in this Presidency, the labour wealth of this Presidency, is one of a broad and perennial river flowing down. On the banks of this river, the Finance Department of Government puts as it were certain sluices, certain locks, certain feeding channels, through which the diverging streams of water

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fertilize the adjacent fields. Now, if you accept this image of the meaning of money, and accept the fact that the value of everything depends on labour, then I think you will be prepared to admit that at any juncture the issue is whether the labour services will be better used at the moment for the future wealth and benefit of the country or should be left over to flow on and be wasted in the distant sea, whether in fact they should be canalized to enrich the country. The loans taken and expended I have pointed out are drafts that are drawn upon the total income of the country—may I say on the total wealth of the country—and not merely upon the actual revenues taken therefrom by Government? Now what are the figures? The member for Ahmednagar calculated 44 crores as the present commitments. The Honourable the Finance Member in his speech has put 60 crores including the present and the future. I would beg to ask the members of this Council to compare those figures with the annual income of this Presidency as far as it can be known. I do not think that any one knows exactly what the income of this Presidency is on the industrial side. We do not know that at present. There is a large income being produced by the machine industries and a still larger income by the handicrafts of the Presidency, but we do not know anything accurate of its magnitude. In regard, however, to the very specific industry of agriculture, it is comparatively easy to estimate what the annual income of this Presidency is. The annual land revenue of this Presidency is 5·07 crores; the irrigational revenue is 75 lakhs; and the assessment of alienated lands amounts to 93 lakhs—assessment of alienated lands of course covers lands on which the rent or revenue is obtained by other persons: in other words it also covers productive labour. Thus the total is 675 lakhs of land revenue. Now, I think any person, whether he be a revenue officer or any private landholder with any experience of the agricultural conditions of this Presidency, will agree that the gross produce of the fields cultivated for which assessment is paid, at the very lowest estimate, is not less than 12 times the assessment. In some places it is lower, and in many places it is considerably higher, but I think, taken on the average, twelve times is a low estimate. If you assume this figure—and I am sure that it will be admitted by most persons having experience of agricultural conditions in this Presidency—it will give an income of 80 crores per year. I may add that investigations taken from a different point of view, the point of view of agricultural produce per acre, correspond roughly with this estimate, based upon assessment alone. I therefore ask you to take this view: that you have at the most commitments which amount to slightly more than two-thirds and less than three-fourths of the annual income from the industry of agriculture alone in this Presidency. And I ask you to say whether you consider that there is anything unsafe at all in these commitments that we have undertaken. In England the national debt is more than three times the whole national income. In France, I am not equally certain of the figures because the figures are placed in a different manner, but I think I am correct in saying that before the war the national debt of France was equal to the annual national income and that at present

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it is about four times the national income of the country. And in France I may incidentally point out you have another very interesting phenomenon, namely that the greater part of that national debt is held in Government paper which is perpetual and which is not to be redeemed. I will also invite the attention of the honourable member for Ahmednagar to what happens in a movement in which he is as much interested as myself, namely, the co-operative movement. He is himself the head of a large and very flourishing co-operative bank and he knows as well as I know that it is considered to be in every way consistent and safe in such a bank to lend to any cultivator up to one-third of his assets—not one-third of his annual income, but one-third of his total assets. Moreover, like every other bank, his bank as well as every other co-operative bank assumes liabilities up to eight times the share capital, and he knows also that without liabilities of this kind it would be impossible for them to derive a profit. I do not suggest that Government should assume such a large liability, but I do suggest and I ask the House to follow me, that loans can be taken to a very considerable amount, indeed to a very considerable share, let us say, of the whole annual income, and yet it will fructify and be more profitable to the country than if you try to put everything in a revenue and expenditure account. I should also like to try to point out that as a matter of fact the use of loan funds for productive works does to a very considerable extent increase the wealth and prosperity of the country. The reason is that the use of loan funds by any Government implies the use of those funds upon works which employ labour, where labourers are paid and labourers are trained, and it gives a stimulus, and an impetus to production, to trade and to invention. As long as you do not reach a point at which you pledge to excess, not the mere revenues of Government as suggested by the Hon'ble Member, but the wealth or income of the whole country, you are actually increasing your wealth and increasing at a rate of geometrical progression the future advance of the country.

In regard to sinking funds about which anxiety has been expressed, I will only say this that the sinking fund amounts involve, at the present moment, on an average, one lakh and 75 thousand, and it is, I understand proposed in future to show these accounts clearly in statement C instead of the capital amounts thereby allowing every honourable member of this House to follow from year to year exactly how the sinking fund is growing and how far it corresponds with the previous years. I will ask you to remember that there is also one other factor to bear in mind in connection with this, and that is that the higher the rate of interest, the lower is the sinking fund. The rate of interest which prevails at present is six per cent. which is the general market rate of interest on money, and with this interest the rate of sinking fund to pay off a given sum in 40 years is only about 1·7 per cent. To pay off a hundred rupees in 40 years requires only an annual payment of about Re. 1-10-0. These are very moderate amounts and in that respect anyhow in regard to the raising of loans, I think, the Presidency is happy in the opportunity of its liabilities.

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In regard to the point about investment which has been raised by the honourable member for Ahmednagar district, I think every honourable member of this House will naturally agree that if the Government of India is prepared to pay interest on sinking funds we shall be very pleased to let them have them, but the difficulty which occurs is the concrete case that they do not wish to pay interest. Hence in the actual facts of the case I think it would be very difficult to suggest any more economical method of utilizing the sinking fund than by reducing by that amount the loans which have to be incurred. It is obvious that there is a considerable margin of profit to this Government in such a procedure, a difference between a little more than four and six per cent.

The Honourable member for Ahmednagar district raised one other point in regard to loans to which a reply has already been given by the honourable member representing the Bombay Millowners' Association, but on which I would like to say one or two more words. He objects to the fact that the loans were raised for the purposes mainly of the Bombay city and not the mofussil, and looking to their relative size he says the commitments upon these loans for the city should have been less. Now, Sir, I ask him a question. Taking it for granted that the commitments in Bombay are relatively high in any way, do they exceed the requirements of the city of Bombay? We have not heard a single word of criticism to show that these loans which are being spent in the Bombay City are excessive in relation to actual requirements, and I challenge honourable member to point out where there is undue preference shown to Bombay city in this respect. Sir, the point which he had in his mind and the point which he ought to have made is quite different. He really meant the reverse of what he actually said. He should not have said that the commitments in Bombay were too large but he should have urged his own argument as far as it touches this point that the commitments in the mofussil are too small for the requirements of those districts. I have considerable sympathy with the last honourable member who sat down when he said that insufficient money is usually spent on tanks and irrigation in Gujarat. I know of other cases which in my humble opinion deserve attention. For instance the improvement of communications, particularly the forest roads in Khandesh where we have a profitable forest cut off to a large extent from access may be mentioned as deserving attention in this respect. There are such other instances too—any number of them—and I think the proper line to take for any one who wants to complain about undue preference is to educate public opinion to the acceptance and management of further liabilities in the mofussil districts. The mofussil has in this matter to be educated to assume the liability for such improvement loans and must be carefully prepared to undertake the management and conduct of the works which would be nourished by such loans. At the present moment I am not convinced myself that the mofussil is neglected beyond the actual conditions of the situation so far as these commitments are concerned. In a word, therefore, Sir, when the honourable member complains of excessive commitments, I think he is doing disservice to the future of the country. On the

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whole I think the Government of Bombay is doing its best to move on carefully and methodically to the greater advantage and progress of this Presidency.

The honourable member exclaimed dramatically that he cried a halt. I will not myself call for a charge forward ; but I would certainly say that, with every necessary precaution, with scouts thrown out, after careful reconnaissance with every mapping and preparation of the terrain, it is our duty to march, march onward.

Mr. LALJI NARANJI : Sir, before I proceed with my remarks on the budget proper I would refer to certain remarks in a pamphlet which was presented by the Under Secretary of State for India on the 20th of February 1922 to Parliament. In the introductory remark in the first chapter of that pamphlet headed "Separation of Central and Provincial Finances" it is stated :—

"The Government of India Act, 1919, was designed *inter alia* to secure a greater measure of independence for Provincial Governments, and to this end provision was made in the Act and the Rules subsequently published under the authority of the Act, for the delimitation of the functions of Government, as between the Government of India and the chief Provincial Governments of specific revenues of their own."

Well, Sir, the object of the Government of India Act, 1919, as clearly stated by the Under Secretary of State, is to secure independence of finance between provincial Governments and the Central Government. How far that object of independence has been achieved during the last two years, it is for this Council to say. This question leads me to certain matters which the Honourable the Finance Member has referred to. In the first place, the Honourable the Finance Member in his speech has referred to several points briefly and very inexplicably. We cannot therefore understand them and this is not the time or place, in his opinion, where we should discuss those points. He said that the comparative food prices of India compare favourably with those in other countries. He has compared those prices with the prices prevailing in France and Belgium. He has also referred to the deflation of currency and has also referred to the exchange policy of the financial advisers of the Government of India. Of course, these are very important matters to us which will take a long time to deal with. I am not going to discuss these policies now, but I will only refer to them briefly as they are referred to by the Honourable the Finance Member. This House has no control on these financial policies. To-day we are concerned with the discussion of the budget and we have to pass the items which will come up for discussion in connection with the budget. But there are very important policies that the Honourable the Finance Member has touched upon and on which depends the prosperity or otherwise of this province and the general condition of Indian finance. If by the Government of India Act, 1919, which is known as Reforms, they wanted to secure a greater measure of independence of the provincial Governments, certainly they would have given freedom at least to the Government of India, with whom the provinces are concerned, and not to the Secretary of State who controls primarily and mainly the fate of Indian finance at present. The

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Honourable the Finance Member has tried to compliment the Government of India and their financial advisers for the deflation of the currency, for the exchange policy, and he even says that they have saved us from the fluctuations of the mark and the lira. Of course, I am not going into that controversy—he has himself thrust it on the House—but I think it is necessary to make a few remarks about it, so that this Government, or the Government of India, or the Secretary of State, or the people of England may not misunderstand us by our silence. Therefore, I am going to make a few observations on it. These points have been repeatedly touched upon by the Indian commercial community and by the representatives of the Indian Merchants' Chamber, and several representations have been made by the Indian Merchants' Chamber to the Government of India and to the Secretary of State, to which I do not think any heed is at all given by the Secretary of State. Hardly anything lies in the hands of the Government of India. Now, when the Central Government themselves are helpless in this financial policy, and if the control is always kept with some sort of vengeance in the hands of the Secretary of State, against the representations of the Government of India themselves for several years, how are you going to secure the object for which the Government of India Act is enacted, for which big things are said about the Reforms Scheme? Of course, everybody from the platform is declaring that it has been a very great success. But there will be no success whatever, gentlemen, I can assure you, unless the finances are at least placed in the hands of the Government of India, if not the provinces themselves. Howsoever the Government of India may be constituted, so long as it consists of honest people, even though they may be from England, I have every faith that if all these powers are taken away from the hands of the Secretary of State, and if he really looks to the independence of this country, he must give independence on the financial side and not any other sides so much, because the finances are the backbone of everything and every country. Let the provinces be independent in financial matters, let the Government of India be independent in financial matters, and free from the control of the Secretary of State, and then only you can talk of success. I do not like that a question should be raised in this House of a comparison between the mofussil and the Bombay city. If Bombay people are doing anything, they are serving the mofussil people and they are giving their services, for which, if they are paid, they are paid for the work that they do for the mofussil and not for anything which they do not do. But I deprecate such sort of comparison, because we all work here for the good of the Presidency as a whole, and not for the good of one part of this Presidency. In the same way I should say that this Presidency has to work for the good of the whole of the Central Government, and if the finances of the Central Government are better, we will always be called upon for less in the form of contributions to the Central Government.

Of course, I do not grudge the compliments that are given either to the Honourable the Finance Member or to the Government. But I would say that compliments or congratulations are to be given when you are

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able to say that you are going to reduce the taxes. When you are able to do that, when any Finance Member is in a position to do that, the people will look at that budget with pleasure and not only will they give compliments and congratulations from the bottom of their heart, but they will put up signs of memorial for such Finance Members who would bring forward such budgets to reduce taxes which have reached the maximum. This way of budget is simply, I must say, a deceit on the minds of the public and nothing else but a deceit. Though these budgets may appear to be satisfactory or prosperous, we exact money from the people. Is this the only thing to do? Has this House not the privilege of doing anything else but exacting money from the people, under the new reforms? I certainly welcome a change on the lines I indicate. Are the reforms only for the control of the purse which we may not exercise? We are learning, we are being educated, as the President has several times told us, to control our own purse. But have we done anything, or has Government done anything, to reduce the taxes? That is the most important point that Government should bring before us, and everybody will then congratulate them and appreciate their efforts from all our hearts. I will not go on with the points in any detail, because the time is short. The Honourable the Finance Member made a comparison between the food prices in India and in Belgium and France. He tried to show there is only a 6 per cent. rise in the price of jowari here. May I disabuse his mind there? You have to see what is the value of the coin in each country? Of course, this is rather a very technical subject. Is the value of the coin in India the same as the value of the coin in other countries? And when you are ascertaining the prices of the food-stuffs in each country, you have to compare the value of the coin in each country. The value of a particular coin may be 10,000 in marks, but you have to compare and see how our rupee compares with their mark or their lira. The comparison which the Honourable the Finance Member has made is not a fair comparison and I only want to draw attention to a matter with which we are not really concerned. It is attempted to show that we are flourishing, while we are not. It is an attempt, I think, to induce people to believe that they are better off than other people. If you want to make a comparison in these things, you have to compare several things, for which this is not the occasion. But I trust the Finance Member will not make such comparisons again and I say emphatically that this is a sort of comparison which ought not to have been resorted to, for it is misleading.

Then, Sir, there are certain important points about our own currency, about the currency of our own country. How has the Government of India dealt with the question of giving value to our own coins even by artificial means? It is a debatable question, but I think so far as a considerable portion of the European commercial community is concerned and almost all the Indian commercial community is concerned, Government have by the Act of 1920 given false value to our coin by making it equal to ten rupees. Of course this subject closely affects our finances, because the Act of 1920 hampers the importation of money from England.

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You will see that in England there is $2\frac{1}{2}$ to 3 per cent. interest rate, while it is eight and nine per cent. in India. They may have to resort to the emergency measure of borrowing five crores on the credit of the Imperial Bank of India. Why should we have to seek the protection of such an emergency measure if you are in such a flourishing condition? If one province is in a flourishing condition, the whole of the Government of India will be also in a flourishing condition, as much depends on the artificial value of the money. My next complaint is that the false value given to the pound sterling by keeping the Act of 1920 on the statute book is hampering the progress of India. Several representations have been made to the Secretary of State but nothing is done and on the other hand in the last session of December, I think, all the European commercial community by their joint associated chambers represented the other way—there is a great difference of opinion in their own associated chamber.

Now a word or two about the cost of transport. If you will refer to the same memorandum which the Under Secretary of State placed before the Parliament last year, you will see how the revenue is sought to be increased in the railway heads. Of course we are not concerned with the province of railways, but it will be interesting for you to learn something about the transport charges. If you pay high transport charges, as actually you are now paying, the cost of living becomes dearer and the country is affected considerably by selling your own products. How the country's finances are affected I will show just now. The subject of transport charges is a very important subject to which every one should devote his close attention, because our country is a country producing raw products—we are not a manufacturing country, but we are producing raw products and if they are carried at a reasonable cost, we can get all the profit from these transactions. If the honourable members have cared to watch the progress of every country to which the Honourable the Finance Member has referred, they will see that in every country an attempt has been made (especially in England) to reduce the transportation charges. Do you find anything of this sort here? On the other hand, every assistance is given to the companies concerned; the companies may be owned by the State—they may be managed by the State—and one may argue that the profits go to the State. If the profits are going to the State, where are we exacting them from? We are exacting the profits from those people who produce and from those who consume goods in this country, and that is why the matter of transport charges closely affects us.

Now there is the tariff policy. The tariff policy affects the industries of India. I will refer to it briefly. The chief heads of our revenue are the land revenue and the industries. The Honourable the Finance Member has himself in one of the paragraphs of his speech said that the spirit of self-government is the basis of the British constitution. I quite agree with him there; I welcome that remark and I say that this spirit is carried out by the people of England. If self-government is given to India without fiscal independence, I do not care for it for one moment.

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So long as the fiscal control and the control of India's finances is left with the Secretary of State or with the people most interested in England, the Secretary of State may be advised by those people in England who are controlling the big finances of England. That is a well-known fact, Sir.

I divide our budget into two heads, namely, land revenue and industries. This is my first time in the Council. Hitherto I contented myself merely with reading newspaper accounts of the Council proceedings, I never troubled to go deeper into the budget figures. I expected a statement showing what Government have done to improve land revenue and to improve industries. I expected to see a statement showing what expenditure has been incurred to improve the land revenue and to improve the industries. At the end of his speech the Honourable the Finance Member has given some idea of capital expenditure of some 30 crores on irrigation schemes and a similar amount for other industrial developments. But from his budget, people are not able to see just what has been done by Government towards improvement of the land and towards the development of industries. The method of preparing accounts again affords material for some thought. I shall quote the words of the Honourable the Finance Member himself. He says :

"I do not think that these pessimists can have studied very deeply the shifts and devices to which Finance Ministers in other countries have been driven."

I quite agree that Finance Ministers have to resort to shifts and devices. I am sure he has not proved an exception. The way in which he has drawn up the accounts shows that. I, as a business man, look at them as a business man should. I expected a capital statement showing the different items of expenditure on different departments. As a business man should look upon its budget, so should this Council consider this budget. They should get two statements, one capital account or balance sheet showing what are capital costs added or written off during the year and another statement of revenue account or profit and loss account, showing what were pure revenues and what was the expenditure under different heads. It is no use taking one item from the capital account to the expenditure account and from the expenditure account to the capital account. It may be a safe policy, but let it be distinctly understood by the House from me that they can intelligently criticise the budget very briefly and to the point, if it is prepared on that line. I should even plainly say here again further and make it clear to this House that if rules require the accounts to be prepared on the mode in which they are prepared now, I am ignorant of such rules.

Then, Sir, I refer to the main point, and that is about the borrowings.

The Honourable the PRESIDENT: That is a point which surely might be mentioned on the motion for the appointment of a finance committee. Of course, I do not say that it is not pertinent now, but it would be still more pertinent when there is a motion made, during the session, for the appointment of a finance committee. It is for the Finance Committee to really take up that suggestion, if there is anything in it.

Mr. LALJI NARANJI : I have waited up to this time. I did not take part in the discussion earlier, as I wanted to hear some of the members of the Finance Committee and the Retrenchment Committee, to see whether they could enlighten me any further. I have heard enough, and this is the most important point.

The Honourable the PRESIDENT : If the suggestion is to be made effective, and the House is to be asked to move in the matter and bring pressure to bear on the Finance Committee, it is on the motion for election to the Finance Committee which will come during the session that the honourable member may address the House.

Mr. LALJI NARANJI : I will do it, but this is the most important point, and I give more importance to this point, because two honourable members from the Government benches said.....

The Honourable the PRESIDENT : I do not know whether it would come within the sphere of the Public Accounts Committee.

Mr. LALJI NARANJI : I am referring to the general borrowings which are referred to in the budget. Two members of the Government, the Secretary of the Finance Department and the Registrar of Co-operative Credit Societies, have made a special point to defend the policy of big borrowings. They have even tried to give a reply to the honourable member from Ahmednagar, with whom I agree. He has made out a clear case, giving the figures, and he has asked very clearly what is the margin on which Government is going to make such borrowings. Nobody has disputed those figures, and no member from the opposite benches has given any figures to convince the House to the contrary. Now, this is a very serious thing, and the House should give their attention to these borrowings. There is a big programme of borrowing, to the extent of several crores of rupees. When you are borrowing, you have to consider and to compare certain things that exist in other countries, with which the Registrar of Co-operative Societies has tried to compare this country. Take England, or France, or any other country. I will put to him one question.

The Honourable the PRESIDENT : The honourable member's twenty minutes are over.

HONOURABLE MEMBERS : Let him go on.

The Honourable the PRESIDENT : The House is listening to him with rapt attention ; I am not going to interfere.

Mr. LALJI NARANJI : As regards this question of borrowing, when a country borrows, I think there are three main points which it has to bear in mind, whether their manhood, their manufactures and their money are utilised for schemes of such borrowings. I will touch each point separately. So far as our borrowings are concerned, any country can borrow, not Rs. 40 crores, but Rs. 400 crores, if it has got the credit. But will any honourable member tell me that that country is not utilising its manhood, is not utilising its manufactures, and its money ? This has been a very long-standing complaint of Indians, and they ask, what attempts are made to utilise the manhood of India in all these departments ?

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I do not mean indianising the particular services only, and I do not want to bring in the question of racial distinctions as between Englishmen and Indians; but can any one point out any other country where its manhood is not utilised? Of course, for particular reasons, or technical jobs of a temporary character, it may be necessary to import men from outside temporarily, but will they point out one instance where a country depends entirely for its main services on men from outside? This question of the services is important, because it is the services which can make or mar the progress of a country besides pocketing large sums for their services, because the power is given to the services. No doubt, this House has a certain amount of power, but it is not executive; executive power is different from legislative power. This House can prevent certain things happening up to a certain point, but they can never watch the every-day work of the executive government. The chief executives of each department must be manned by Indians themselves, and if the manhood was going to be utilised in this way, I should have no objection to any sum being borrowed, provided you have the credit. Then again, Sir, not only nothing has been done, no attempts have been made for developing the manhood of the country, but definite steps are taken to withhold chances from them for an indefinite period. You do require in all the departments men with technical knowledge. But during the 150 years of British rule in this country, has any attempt been made to secure Indian men from this country for all the purposes for which developments are required? I do not deny that there may be great room for development; the country wants progress, and I do not want to stop the progress of this country or any other country, and no man who has any regard for his own country would ever come in the way of the development of its resources. We are several times asked "Do you want to develop your country, or do you want to leave it as it is?" To that we should positively say "We do want to develop it, provided our manhood, our manufactures and our money are utilised for it;" and if you go on on these lines, you will never have to repent for it. Now, I have said that very little is done towards improving the manhood of this country, that sufficient attempts have not been made to secure, in these last 150 years, the manhood of the country wherever it is required, and that no encouragement is given to its manhood.

With regard to manufactures, what has been done towards utilising the manufactured products of this country? I think compared to what is being done in other big countries, we have done nothing. We may be represented on the League of Nations, or this or that or any other conference, and this outward appearance is always sought to be made capital of, in order to show that India has got big rights. She may have a representative on the World Labour Conference, but India is not the master of her own finances. What is the use of being represented by people whom India may not choose to elect, and in whose representation they have no independent voice at all? They in some cases voice the opinions of the Governments who send them to discuss such questions, and India is not popularly represented in those quarters. With regard to the question

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of our manufactures if you compare the policy of any other Government with what is being done here it will be seen that the policy of the Government in regard to tariff, transport, shipping, getting control of the banking, and insurance companies—banking, shipping and insurance are the main things that we want for the furtherance of our manufactures—is not in the interest of the country. Government always depend on the foreign banking and foreign insurance companies, or companies which are controlled by people who are not Indians. I assure the House again that I do not want to bring in the question of racial distinction, but should we not, in these big matters of banking, shipping and insurance, see that they are manned by Indians, their supplies are made by Indian manufactures and run by Indian money? On the other hand, I find that every attempt is made by the Government of India to help those people who are opposing Indian banking, shipping and insurance concerns. Of course, these are central subjects, and I do not wish to say anything on them, but I am quite prepared to convince the House that definite attempts are being made to help our own competitors in our own country at our expense, who desire that if anybody in this country has started such concerns they should be starved or stopped, and Indians should not own them in any way.

Then, with regard to the question of money, money is the chief thing that you require in borrowing; of course you borrow money, you do not borrow anything else; and you can borrow any amount if you have got sufficient credit. Why are the people of other countries so anxious to advance such big sums to India? Why is India being invested with money from outside? I remember having recently read the opinion of a person with regard to the question of the reparations that are being demanded by France from Germany. He is a very wise and foresighted man, for whom I have great regard, and when the question of reparations was being discussed he said in very clear terms, that if he wanted to demand indemnity from any country, he would make it one of the conditions in the agreement that all the surplus money of his country should be invested in the other country, and he must have the first charge on the industries of the other country which is defeated and which has to pay indemnity or reparations. The French people who have won the battle want to take a promise from the defeated aggressor that they should invest their surplus on secured assets of the industries of Germany. From this you see how important the investment of money is. When once you have made money it is very difficult to invest it in good security. To do that how the policy in this country of exchange, tariff and similar other matters, with which we are not concerned in this House, is adopted at the dictation of the Secretary of State, though we are part of the Empire! But we have got to go into these things and consider them carefully, because, though a province, we are part of the whole. Now, if the Government of Bombay come before this House and satisfy that they are going to utilise Indian manhood, manufactures and Indian money, by all means we shall approve of their policy of borrowings. If we are told that our developments will have to wait, I will ask where is the hurry for

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it. Can we not await our developments till our manhood, manufactures and money are available? Is it at all necessary that we should go on to other countries for borrowing? Is borrowing made for our development only or to help the unemployment of England and to find a market for the manufactures of other countries, chiefly England? May I know what is the necessity of England to try to pay off the debt due to America as soon as it is possible? It is a big debt, they have not recovered the debts due to them from their Allies, and still they made the settlement all at once, for so long as it remained it affected their exchange rate which will become normal in the near future. America and England are great friends, but when the pocket of either is affected, each one looks to its own interests. Even if the House agrees to the proposal of Government to borrow, let me point out again what is the margin of profit on your revenue account. As pointed out by my honourable friend for Ahmednagar the margin of profit is very slender; if you analyse it a little more closely you will see that there will be a deficit. Those who have taken money in the market know how difficult it is to repay loans if sinking funds are not provided. But the honourable the Finance Secretary asked what the use was of borrowing at a high rate of interest and invest in sinking funds at a lower rate. I agree with him. It supports my theory that Government ought not therefore to borrow. The heads of departments change; at one time there will be a banker, another time there will be a lawyer. Are we to be guided by their caprices, and are we to commit ourselves to this without consideration? We must be very careful in committing ourselves to these things. This Council cannot consider and give a decision without considering the various aspects of the proposal. I, therefore, urge upon the House to exercise their power of the purse.

I will only say a few words about retrenchment about which congratulations were showered on the Honourable the Finance Member. I do not really understand whether these are cuts or postponements till a certain time; whether it is retrenchment or stopping wastage of public money up to a certain time. I do not call it a retrenchment. I do not want to dilate on the question whether certain appointments are necessary or not, as it is a matter of opinion. Retrenchment is real if certain departments are abolished or portions of certain departments are reduced or certain activities are curtailed. I do not see anything of the kind here. The departments of the Director of Labour, the Director of Industries, the Director of Information have not made out their case. At the time of grant each department must justify the demand it asks for by pointing out the necessity for its existence, and the work it has done. The Director of Industries must show that our industries have reached such a stage that it is necessary that we must have a Director of Industries. The Director of Information must come forward and do the same thing. I think that it would not be possible otherwise to get all the work of such departments by making it obligatory on the industries to supply such statistics. I really believe that the work of all such departments, e.g., Directors of Labour, Industries and Information is conducted efficiently. But the question is whether it would not be

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possible to do this work more efficiently by adopting other methods from industries concerned, as above stated. Are you going to continue all these costly departments ?

There is one more point which I want to mention and that is about our relations with the Imperial Government. I think the Honourable the Finance Member has made out a very convincing case. The question is, are we going to stop here ? It is the noisy boy that always gets more from the master, and we must again protest against this arrangement. We feel, Sir, that this is a deep injustice that is done to us. As the honourable member for the Bombay Millowners' Association has pointed out, the Bombay man pays more taxes than the men of the other provinces. If we take the exact figures of the taxes raised in all the provinces, the incidence per head in other provinces will be much less than that in Bombay. Why is that so ? It is because Bombay is performing special services ; it may be due to its geographical position or it may be due to other causes, but whatever the reason, having regard to the fact that we have to perform these special services the other provinces should not grudge if our contributions are entirely remitted.

Another most important point is the most unbusinesslike way in which the Government of India are dealing with us in the matter of the big cash balances that are lying with them unproductive. If under the Devolution Rules the Government of Bombay are made to keep two crores of rupees with them, and if on these balances they do not give us any interest—I do not mean the interest that we pay them, but let it be a reasonable rate of interest which may be agreed upon between the Government of India and the Provincial Government—if they do not pay us any interest, it is a serious loss to our province. In view of the big borrowings that our Government is going in for, and in view of the big undertakings that our Government is taking in hand, this Council cannot afford to lose interest on such big balances. If we develop Bombay, we develop it for the good of the whole of India and not for the good of Bombay city and Presidency only. Let them consider this point. I hope further representations will be made and the Honourable the Finance Member will be able to inform the House that the Government of India have agreed to pay us interest. If they do not agree to that, let us ask them to allow us, as we allow our local bodies, to invest our surplus in banks approved by Government of India. The justice of this is quite apparent and I do not think that the Government of India can grumble about it, when this Presidency is meeting such big capital charges.

Then, there is the apportionment of the income tax between the province and the Government of India. A good point has been made out by the Finance Member that we are paying a large amount by way of income-tax and that we are deprived of that revenue. That is a point that our Government should press in their representations to the Government of India. With these words, I resume my seat.

The Honourable Dr. R. P. PARANJPYE : (Stands up.)

The Honourable the PRESIDENT : As five or six non-official members have been allowed to speak without any time limit, I will allow the front

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Government benches to speak without any time limit—only the front Government benches. Government Members and Ministers have to reply to so many criticisms that it is not reasonable to fetter them by a time limit.

The Honourable Dr. R. P. PARANJPYE: Sir, I thank you on behalf of the members of this bench for the liberty you have been pleased to give us for taking as much time of the House as we like. But I may assure you, Sir, that I am not going to take much time, and my only reason is that honourable members have not attacked my department at any rate too much, and I can answer the few points that were raised in a very few words. Indeed, so far as the Education Department is concerned, honourable members will see that in the budget we have got as much as we budgetted for education last year, together with the 16 lakhs which the Council voted for education. The main principle of this budget is that every department is practically confined to their rationed figure of last year, allowing for the cut of 60 lakhs, and every department is practically asked to confine its activities to that standard at least until the resources of the Government show a distinct and satisfactory rise. Having accepted that principle last year, I do not think that you can say in a general sense that the departments committed to my charge have been unfairly treated. I would certainly say that I would have liked a good deal more, but seeing that the budget is just balanced at present, I can hardly ask the Revenue Department for very much more. Honourable members will therefore understand that any improvements or revision in any department can only be made by a rigorous examination of all the expenditure on various items under that department of Government. They will find from the list of new items that I propose to spend a great deal on several new items. All that amount has been obtained by a rigorous retrenchment in directions in which retrenchment was really possible, and it is in this way that I have been able to make provision for these new items of expenditure. You will find that last year when the Council insisted upon a cut of 60 lakhs I had to take my share of that retrenchment. I had at a moment's notice to make provision for those cuts, and last year one of the bad cuts was in my opinion the reduction of grants to secondary schools. I took care that not a single pie should be reduced from primary education even under the dire necessity of the Council's cuts, and therefore I had to my regret to get the reduction by retrenching the grants to secondary and higher education. This year, after a rigorous examination of other items of expenditure I shall be able to spend a little more on secondary and higher education. You will find among the new items a lakh of rupees more assigned for grants to secondary schools and a certain amount more to be spent on higher education. What is intended to be done in the case of secondary schools is that schools on which the grants are not spent with the greatest efficiency will be discouraged. My own point is that struggling schools which have only a few students in the higher classes and for which the proportion of expenditure is too high will be discouraged and only schools which have a fair number of students in the higher classes and in which therefore the teaching capacity of

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the teachers is best utilised will be helped with maximum grants. In fact along with the rule of a certain maximum proportion of grants it is intended to have a scale of grants also limited by the number of pupils. This will, therefore, make the smaller and struggling schools to try to confine themselves to the lower classes rather than attempt to manage higher classes also in which they have only a few pupils. It is really, I believe, a waste to find teachers of the seventh standard in some of the aided high schools teaching a class of five or ten boys when they can easily manage a class of thirty or thirty-five boys. So in this direction a certain amount of economy is to be made. In other directions also economies will be insisted upon. But it is hoped that by allowing such methods interests of secondary education will not be sacrificed to any large extent. So far as I understand the opinion of this Council, its foremost desire is the expansion of primary education. If therefore we are asked to choose between the relative needs of primary and secondary and higher education, I think retrenchment should come in the last case first and last of all in primary education, and in fact there we have not at all retrenched. I can only assure this Council that any benefit of the close scrutiny of all expenditure will be utilised towards primary education. I cannot ask Government at present, until its resources have improved, for any expenditure on secondary education, until at any rate our programme of primary education is well in hand. I hope we have made a beginning and I hope we shall be able to show some results at the end of this year. So far as the programme of primary education is concerned, we intend to spend at least 16 lakhs of rupees and to get a good return. The proposals are well in hand and I hope that within a month or two we shall be able to see something in that direction.

My honourable friend the honourable member for Poona district asked us what we are doing about technical education. On that question, I am afraid, it has not been possible to do at present very much. I shall not say that we have not been able to do anything because only at the last session the Council sanctioned a grant of 4 lakhs of rupees for the Victoria Jubilee - Technical Institution. (An honourable member : For the building.) That is so, but at any rate the grant is for the purpose of technical education. I should have liked to do a great deal more, but the Council will see that technical education is a very difficult subject and nothing can be done by only saying that we want it, but that they must be prepared to make many sacrifices for it, and I shall not be a person to draw back if the Council is keen on it. As regards the consideration of the report of that special committee which was appointed to consider the question of technical education, I have been in great difficulty because the report is practically no report at all. There are two distinct reports, one by one party and the other by another party, and for all practical purposes I have got to write a report for myself so far as technical education is concerned.

On another point the honourable member for Poona district referred to, namely, the one as regards the pay of teachers, that complaint, I believe, will soon disappear when the control of teachers and the

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conditions of their employment will be left to the district local boards themselves. In the beginning, of course, the teachers that we have at present have to be engaged on their present terms, but these teachers will disappear in a few years and those local bodies will then be able to make any practical economy in this direction. We have allowed those district local boards who have asked for it to engage fresh qualified teachers on Rs. 15.

I am glad the honourable member for Poona district welcomed the small beginning that we are going to make about the introduction of agricultural classes or rather the giving of an agricultural bias to elementary schools in villages. I do wish that this experiment will be a success and that we shall be able to introduce an agricultural bias in all the schools in villages. At present what we have done is to send a certain number of teachers coming from rural areas to an agricultural school to get some definite and formal instruction in agriculture. After these teachers have had six months or a year in this agricultural school they will be sent to some schools and they will be asked to colour their teaching in the direction of agriculture. The teaching of agriculture is probably difficult in the case of little boys of ten or eleven, but it is proposed to teach the boys in the higher classes in these schools actual farming and thus to train their ideas in the direction of agriculture. A small farm will be attached to these schools and the boys will be given some work on the farm and some practical lessons in agriculture.

The honourable member for Poona district also complained that no money was given for school buildings. We have had a long discussion about this when the Primary Education Bill was being discussed and while we feel that school buildings are desirable, still in the interests of the expansion of education we need not wait till we have ideal buildings and it is desirable to hold these schools in any ordinary buildings that we can get. It is possible in certain cases that the villagers themselves will come forward to provide buildings if the local boards are prepared to give them teachers and other expenses. We shall see how far the matter succeeds and if we see that buildings are absolutely necessary, we shall give them. However, at present we think that it is possible to economise on buildings in the straitened state of our finances and therefore I have not been able to put down any amount for that purpose. What would have happened if I wanted to spend any amount on buildings is that I should not have been able to get the necessary amount for teachers and schools.

The same is the case with regard to the other departments in my charge. It is true that we have not got very much more money to spend on new dispensaries, but I am afraid the honourable member for Poona's statement that no new dispensary has been opened is not quite accurate, because two or three dispensaries have been provided for. In one of these cases the villagers themselves collected twenty thousand rupees and asked for a dispensary, and in cases like that dispensaries have been started; and one dispensary has been started in the district of my honourable friend from Ahmednagar. Here it was thought better to spend nothing

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on new institutions, but use our resources on making the present institutions as efficient as we possibly can. Honourable members will remember some discussion about a certain hospital in Bombay. I am not going to consider that matter just now. Newspaper reports are far too exaggerated in that matter and have been coloured in a manner which is not right in the interests of proper and fair public controversy. But, allowing for that, I might mention that last year on account of the stringent retrenchments we had to retrench our expenditure on these things also. But the case is not different in other countries. I was told that in England some hospitals had to close one-third or even two-thirds of their wards on account of the fact that they were not able to meet their expenditure. I have tried to reduce as little as possible provisions on this head and in the new year you will find that there is a good deal of provision made for those purposes. I do not know what my honourable friend from Thana understood from the item when he mentioned something about our going on with a research into indigenous drugs. The item is not properly described in the budget. What we intend, if the Council accepts that recommendation, is to depute an officer, for the purpose, not of conducting researches into indigenous drugs, but of seeing in what way Government would be able to help researches into indigenous drugs. We are told to take various steps for the purpose of encouraging the indigenous system of medicine. We want to see how many places there are in which fairly good instruction is given. We want to see in what way State aid could be given in order that encouragement might be given to the practice of the indigenous system of medicine. It is only this limited work that the officer named there will be deputed to do and he will not be able to conduct any researches himself. Perhaps he might be able to suggest the directions in which researches might be made. But let us not build too much on that small item of Rs. 15,000 mentioned there. I only mention this in order not to raise the hopes of my honourable friend from Thana in regard to this item too high. As regards further medical relief, of course I should like to do very much more than I have been able to do. But I might also say that this medical relief is one of the directions in which private charity works in other countries. I feel that in our towns, in our country towns at any rate, resources of private charity are not always directed towards medical relief. Well, in regard to a resolution that is to be brought forward by my honourable friend from Satara district about the organization of private charity, I often think that it would be a very desirable thing indeed if some of the charities could be diverted in the direction of medical relief or extension of sanitation and education. In any case, I think that, if private people or private bodies come forward for contributing to a greater extent for medical relief, Government might be able to help them to a certain extent as they have done in Kolaba district, for instance. But I hope that the public will be educated in this direction, because the proper object of charity is the relief of suffering and I do hope that the public will come forward with certain contributions themselves in order to help Government to come forward in the direction of providing more medical relief.

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Finally, there is the question of the Department of Industries about which several of my honourable friends have given their views. I might mention at once that at present the Department of Industries is not able to do a great deal, because while we have got the framework of the Department of Industries, in order to carry out its activities we shall have to spend a great deal more. My honourable friend who represents Indian Commerce himself has indicated the directions in which activities should be carried out, but every one of those directions will probably require Government to spend much more than they are doing at present. Well, on this point Government have not at present come to a final decision. We are considering that question once more whether to close down the framework of the Department of Industries which we have and be prepared for a public demand in a year's or two years' time for re-starting a department of industries when we have more money, or whether to keep the department in the lowest possible state at which existence is possible, in the hope that in two or three years' time we may have more funds available.....

Mr. LALJI NARANJI: May I point out to the Honourable Minister that both the European and the Indian representatives of commerce sitting on the advisory board have expressed their desire for the abolition of this department?

The Honourable Dr. R. P. PARANJPYE: I hope to provide certain literature on the subject to the honourable members before that department comes to be considered, and I will leave it to the Council to consider the question of that department further. But, as regards the advice of the advisory committee, I believe the opinion there was divided. After all, the Indian merchants may want to abolish the department for one kind of reasons and the European merchants may want to abolish it for another kind of reasons, as my honourable friend himself perhaps knows. Whether these two kinds of reasons are to be allowed to have effect against each other, or whether their effects are to be added to each other, I leave it to my honourable friend to consider. But, so far as I am at present advised, it might be possible to allow the department to exist. The department has also got a few other activities, as for instance, boiler inspection and other kinds of activities; so that the department cannot, without further changes, be abolished immediately. Again, the department is doing something in the direction of encouraging the starting and maintaining of weaving schools and they are carrying on a fair amount of activity in that direction in various towns, and from the reports I have received they have introduced new looms and other improved machinery in many parts of the Presidency. In any case, the question is at present under consideration and I wish honourable members of this House to come to a conclusion not in a moment of dissatisfaction, but after taking all the circumstances into consideration.

I do not think that I need detain the House very much longer. Honourable members will agree that while other provinces have had to face deficits—only in this morning's papers we read that one large

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province has a deficit budget—our Presidency has had a budget which balances the revenue and expenditure. I think in circumstances of that kind we ought to congratulate ourselves on the matter. Of course, everybody likes at times to take a pessimistic view of things and I will not blame honourable members for taking that satisfaction. At the same time, I may say that the Presidency may congratulate itself on having a budget which, if not absolutely satisfactory, is far more satisfactory or far less unsatisfactory than some honourable members feared. With these words, Sir, I do not wish to take any more time of the Council.

Mr. B. V. JADHAV: Mr. President, I think I ought not to grudge congratulations to the Honourable the Finance Member, if for nothing else, then at all events for the fact that he had not this year to come before this Council to ask for increased revenue in the shape of new taxation. It is a matter for satisfaction to know that our budget has balanced itself and that we have got no deficit to face as some other provinces and some other countries have to meet. It is also a matter for satisfaction that the rainfall this year has been very seasonable, and although it held off earlier in the season, it made up the deficiency in the later downpours and the crops on the whole were satisfactory. The finances of the whole of India are a gamble in rain. Satisfactory rains give us prosperous years while one does not know when some portion or other of a province will be visited by a famine. It is therefore necessary to make a good provision for famine insurance and it is a matter for satisfaction that the Government has provided a large sum of money for the Famine Insurance Fund and that fund is such as will bring in some interest from the Government of India which is noted for taking an unfair advantage of legal enactments to evade payment of interest. The Government of India, as we know or as we have been told, do not pay us interest upon the balances that are banked with them. I speak subject to correction, because I do not know as a fact whether Government actually charges interest on the loans granted under the Agricultural Improvement Act. It is generally supposed that the Government of India charges a high rate on money advanced to this Government, and that they are not ready to pay us any interest on the large balances that are kept with them by this Presidency under a statutory obligation. I think the Government of Bombay deserve our sympathy and support in claiming or demanding some interest from the Imperial Government. At the same time I think we ought to lend our support to the Honourable the Finance Member and the Government of Bombay in their demand for the revision of our contribution to the Government of India which has been determined by the Meston Committee. It was an unfair arrangement. We can see that the income-tax has been wholly taken away by the Government of India. That is the tax which gives the largest income to Government and is gradually expanding. That tax has been diverted to the Government of India, with the result that the finances of the Bombay Presidency have been greatly crippled. So I think we ought to make a united effort to

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push this question forward and the Council ought to give its full support to the Bombay Government in this matter.

As I have pointed out, our finances depend on the nature of the rainfall and therefore famine insurance is quite necessary. To have a big Famine Insurance Fund is very useful in times of scarcity. There are various other forms of famine insurance which ought not to be lost sight of by Government. One is irrigation. Government, I know, are planning big irrigation schemes such as the Sukkur Barrage which will cost something like eighteen crores and there are some big ambitious schemes costing two or three crores each. But I think Government ought not to neglect smaller irrigation works which will be also productive or at all events protective, and bring relief to many afflicted centres. Side by side, along with big irrigation works now being planned, Government, I think, ought to provide dams in suitable areas. They will benefit directly the lands commanded by them. As has been stated here yesterday, they will also indirectly benefit the country as they will bring in more water to the wells that are below them. At the same time Government ought to make some provision for helping the agriculturists in sinking more and more wells and in deepening wells wherever necessary. For this purpose a scheme will have to be drafted and brought into operation.

As has been stated by the Honourable the Finance Member, there are certain town-planning schemes and extensions in contemplation. He says :

“As an instance I may quote the Koregaon Town Planning Scheme at Poona, on which we expended seven lakhs, and recouped five and a half, and are now receiving a return of 20 per cent. on the balance of 1½ lakhs capital invested. The programme of such schemes must develop from time to time, for the outlay that will be found profitable is capable of expansion without limit.”

There is no doubt about that, but may I say that Government sometimes is very usurious ? Government is pocketing a return of 20 per cent. In the district of Satara I know of an instance where Government purchased land at the rate of Rs. 150 per acre on which they have been collecting a rent of Rs. 480 per year. I do not know how long this profiteering will be continued : I do not know when Government will give it up. In certain respects I must say Government is the greatest profiteer to take an annual rental of Rs. 480 on an investment of Rs. 150.

All these town-planning schemes and all these famine insurance funds and irrigation works will be of little avail if the agriculturist is not better equipped mentally and materially by means of professional and literary education. At present the agriculturist is ignorant and very poor and therefore his labours do not bring him the return which is his due and the country is also a loser thereby. There is much wastage and a great loss. Unless he gets education, both literary and professional, much cannot be expected of him. It is good that the Education Department has at last awakened to its responsibilities and is trying to give an agricultural or a professional bias to village education.

As pointed out by several honourable members, the prosperity that has been pictured is not real but merely showy. Government accumulated large surpluses during the war time through necessity to help the Central

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Government. These sums were liberated and Government had to spend them. But much of this amount was taken up by the revisions of services. Unfortunately these revisions were made at a time when prices were at their highest. The prices have, as already pointed out, begun to take the downward course and the rates for jowar are now only six per cent. above the rates of 1914. The Honourable Minister for Education has pointed out that he has given instructions to employ qualified teachers on Rs. 15 per month.

The Honourable Dr. R. P. PARANJPYE: I have issued no such instructions, but I have given permission to do so.

Mr. B. V. JADHAV: I think there will not be a lack of candidates. This shows that the lowest salary fixed for a teacher, namely, Rs. 25, is rather high. But we have sanctioned it, and it is difficult to go back. This simply goes to show that Government were rather in a hurry to revise the pay, and we have to bear the consequences.

The success of the balancing of the income and expenditure is also due to the larger revenue that we have derived from increased levies on stamps, and that duty has fallen almost, if not entirely, on the rural population. As has been pointed out, the city of Bombay is left out entirely from the increase and although it was promised that the matter will be taken into consideration and the injustice made up, it is a matter of regret that Government have not done anything during the last twelve months. I hope Government will rise to the recognition of their duty, and the mofussil will not have any cause for complaint on the point of enhanced stamp duty to be borne by them only.

Reference has been made to the Indianisation of services. I am not against that principle, and I support it whole heartedly. I do claim that more important posts ought to be given to Indians. But, at the same time, I think it my duty to bring to the notice of this House a resolution passed about a fortnight ago at a meeting of the untouchables in the Central Provinces. Similar resolutions might at any time be passed in this Presidency also. That resolution is that when there is a criminal case in which the parties are touchables and untouchables, such a case ought to be sent for trial before a European magistrate. Comment is unnecessary. The untouchables have been feeling the injustice that has been done to them up to this time by the so-called touchable classes. As long as they were dumb and did not find their tongue, nobody paid any attention to their grievances. Now they have been holding conferences and airing out their grievances, and this is the result. I put this before the Council and before some of our honourable members so that they may see what the skeleton in the cupboard is. That skeleton had been hidden from our eyes so long, and we have been closing our eyes to that up to this time. But that skeleton has now been infused with life, and it has now begun to cry, and unless we hear the cries and redress the grievances, I think the result will not be so very pleasant as we contemplate.

There is an improvement in the excise revenue. I think it must have been a very great shock to the Minister on the opposite bench as he has

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been sincerely working for the consumption of spirituous liquors to go down, and I must admit that it was also a shock to me, because I do not want that people should take more spirituous liquors. But the facts are there; we cannot suppress them. Liquor drinking, it appears, cannot be stopped only by repressive measures. The moral stamina of the people has not improved and I think until that has improved, mere legislative measures will not be able to do much. The Honourable Minister has tried the rationing of liquor, but I have found that in certain localities this system has given an encouragement to the sale of foreign imported liquor, and as people know, foreign stuff is many a time more harmful than country made liquor. So matters are going from bad to worse, and I think this rationing system will have to be discontinued at least in such places as have foreign liquor shops, because, as every one knows, the quantity supplied to a foreign liquor shop is unlimited, while the quantity supplied to the country liquor shop is always limited, and when you.....

(The Honourable Mr. C. V. Mehta here made an observation which was inaudible.)

Mr. B. V. JADHAV : If the honourable member will turn to the figures for Mahableshwar, he will find that this is so. This is one instance which I give from memory. The same is, I think, the case in Bombay city too.

The Honourable Minister for Education has described his policy about secondary education. He says those schools which have got a sufficiently large number of students in all the classes will henceforth be helped, while those which cannot show such good attendance will be starved. I beg to differ from the Honourable Minister. I think whenever a school is opened, first of all.....

The Honourable Dr. R. P. PARANJPYE : Not in the beginning, for the first two or three years. The permanent efficiency will be considered.

Mr. B. V. JADHAV : I thought the policy was to be followed from the beginning.

The Honourable Dr. R. P. PARANJPYE : No, no.

Mr. B. V. JADHAV : Then the Honourable the Finance Member says that it has been found necessary to check the expansion of expenditure on secondary education in consideration of the paramount claims of primary education. That is a very good principle laid down by Government, and I hope it will be strictly adhered to, but some remarks of the Honourable Minister for Education are, in my humble opinion, inconsistent with the principle laid down here.

I need not take up the time of this House in going over other matters, but I must say a few words about the Industries Department. It is a matter for regret that the Industries Department in this Presidency is not doing well. This Presidency is noted for its indigenous industries, and we have got large merchant princes and captains of industry. With all that, when a Government Department of Industry.....

The Honourable Dr. R. P. PARANJPYE: The Industries Department has nothing to do with the cotton industry.

Mr. B. V. JADHAV: It has got something to do with it.

The Honourable Dr. R. P. PARANJPYE: No.

Mr. B. V. JADHAV: The Honourable Minister just stated that the department gave encouragement to weaving.

The Honourable Dr. R. P. PARANJPYE: Giving encouragement to small weavers.

Mr. B. V. JADHAV: Weaving is certainly connected with cotton. It is a matter for regret that in Madras they have made the Industries Department a success, while here the department has lagged far behind. If Government are sure that they cannot make that department a success, they should better abolish it. If it is to be continued, let it be really useful.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Sir, I shall not, as the honourable member for Surat, be sparing in my congratulations to the Finance Member on the budget he has presented to this House. Last year we had a deficit budget and this year we are able to commence with a good balance. We shall be able to make both ends meet and meet any contingency also. I must congratulate the Government on the striking economy they have effected and on the fact that they have loyally carried out the wishes of the Council not only to the extent of the promise made but also to a greater extent—an additional reduction of about 38 lakhs, thus bringing the total retrenchment to one crore of rupees. Of course it must be admitted that retrenchment must have worked some hardship on the departments concerned. As the Government and the Council co-operated fully, we have been able to achieve this result of a good balance in our budget. While I offer my congratulations on the good balance in our budget, I must say that the method by which this has been achieved does not do any credit to the Honourable the Finance Member. He has whipped every department for collection of arrears and our outstanding loans. This balance is a legacy left to us by the previous Government. This balance is made up of some extraordinary items—70 lakhs from arrears, 30 lakhs from loans and 14 lakhs from adjustments. Therefore, there is no reason for the Honourable the Finance Member to be proud of.

Coming to the expenditure, I think, I shall not be far wrong when I say in comparison with our pre-war budget, departments of a nation-building character have been starved. Analysing the budget, the net deficit, as compared with the pre-reform expenditure and the heads on which expenditure was incurred, comes to the extent of 2 crores of rupees, and this amount ought to be provided by retrenchment or by the expansion of revenue if we are to balance our budget. In the budget of this year it is proposed to have 240 lakhs extra—70 lakhs from arrears of land revenue and 177 lakhs from fresh loans. I must say that it is not sound principle to finance works from borrowed money. We have thus expended what balances the previous Government had left for us, and built our balance on them and not from our own savings. We have also to provide

[Sardar V. N. Multalik]

for interest and sinking fund on constructive works, inherited by this Government from the pre-reform Government, which constructed buildings out of current revenue.

We are told that retrenchment reduces efficiency. My view is that the Government machinery has yet to digest a strong dose of retrenchment. I do not think that retrenchment will reduce efficiency, when worked out judiciously. No doubt, the machinery will have to be adjusted and acclimatized to the new force, and even if further retrenchment is made, I am sure that all the departments will go on in the same efficient way as they have done hitherto.

Sir, the Honourable the Finance Member has also asked us to be optimistic about the future finances of this country. But in the same speech he has held out a dark cloud which may expand in the near future. This year he has not asked us for fresh taxation, but he has prepared the ground for future taxation and has hinted at sources of further taxation in this Presidency. Now, as regards this further taxation, I must say a few words. Let us analyse what is the incidence of taxation in this Presidency. On an average, Sir—I believe I am not far wrong, but I speak subject to correction—I think that the incidence of taxation per head in this Presidency works out as follows : Rs. 7 for Provincial revenue; Rs. 14 for Imperial revenue ; and Rs. 3 for local taxation ; which gives the total of Rs. 24. Now, consider the income per head. It was calculated before the war that the income per head was Rs. 30. Making allowances for increase in prices on the one hand and wages on the other, I think I shall not be far wrong if I say that the income per head will not be more than Rs. 45 per annum. That is, out of the Rs. 45 earned by the poor agriculturists of Bombay, we are taking Rs. 24, or about 55 to 56 per cent. In this respect we must remember that we are apt to be misled by the mere consideration of percentage : we must also consider the effect of that percentage, that is how much the agriculturists can afford to pay. If a man has got Rs. 1,000 income and if you tax him Rs. 500, I suppose he can still live comfortably ; but if a man who gets Rs. 45 a year is taxed Rs. 24, then we can imagine to what stress the poor man will be reduced. Then the question is : Is this Government entitled to ask him to pay more ? Fortunately for the poor man, the Labour Bureau has worked out the minimum cost of living for a poor man at Rs. 8. This Rs. 8 is required to feed him. On that basis we shall require for our poor man Rs. 96 per year. So, the population of this Presidency is not only half fed but is quarter fed. In this connection we must also take into consideration the dismal figures disclosed at the last census, which show an actual decrease in population. That goes to prove the contention that our population is being under-fed. This decrease, you may say, is due to influenza and other diseases, but we cannot forget the fact that the deaths from influenza were due to the low staying power of the people, which in turn is due to their being under-fed.

The Honourable the PRESIDENT : The honourable member has taken altogether 17 minutes : he has only 3 minutes more.

Sardar V. N. MUTALIK : I was saying, Sir, that in view of the heavy incidence of taxation in this Presidency the Government is not entitled to ask for more. In view of the claims of Government for further taxation, let us see what the Government are doing for the betterment of the population. Let me quote the figures from the budget. We are spending, Sir, according to the present budget one rupee per head for educational purposes, higher, technical, primary and so on ; five annas to keep them free from diseases ; the grand sum of two annas per head to help agriculture in all branches, including co-operation ; on industries scarcely a pice ; and one rupee for communications. This is the achievement, Sir, of the reformed Government.

I was extremely disappointed at the speech delivered by the Honourable Minister for Education. We expected that the Ministers would put up a very strong fight with Government for the nation-building departments : on the contrary, far from having put up a strong fight, they have submitted themselves to the Finance Department—if I may be allowed to say so—like slaves.

The Honourable the PRESIDENT : I think the three minutes are over : the honourable member has exhausted his twenty minutes. The Council is now adjourned till 2 p.m. to-morrow Thursday, the 22nd February 1923.

Thursday, the 22nd February 1923.

The Council re-assembled at the Town Hall, Bombay, on Thursday, the 22nd February 1923, at 2 p.m., the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

Present :

ADDYMAN, Mr. J.
 ADHAV, Mr. P. N.
 BATLIWALA, Dr. S. S.
 BEDREKAR, Khan Bahadur I. M.
 BHATE, Mr. G. C.
 BHURGRI, Mr. J. M.
 BHUTTO, Khan Bahadur S. N.
 CHAUGULE, Mr. ANNAPPA PHADEPPA
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 COCKE, Mr. H. G.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Mr. V. A.
 DADACHANJI, Dr. K. E.
 DALAL, Sardar Khan Bahadur ADARJI M.
 DALAL, Mr. D. B.
 DESAI, Rao Saheb HARILAL D.
 DESAI, Rao Saheb DADUBHAI P.
 DUBHASHE, Mr. SHANKAR BALKRISHNA
 DUMASIA, Mr. NAOROJI M.
 DWARKADAS, Mr. KANJI
 FERREIRA, Mr. D. J.
 GARUD, Rao Bahadur S. D.
 GAYASUDDIN JAUDDIN, Mr.
 GHOLAP, Mr. D. D.
 GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH
 GODBOLE, Dewan Bahadur K. R.
 GUPTA, Mr. V. R.
 HAJI, Mr. IBRAHIM S.
 HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA
 HAYWARD, The Hon'ble Mr. M. H. W.
 HEPPER, Sir LAWLESS
 HULKOTI, Mr. CHANNAPPA CHANVIRAPPA

JADHAV, Mr. B. V.
 KALBHOR, Mr. G. M.
 KALE, Rao Bahadur R. R.
 KAMBLI, Mr. S. T.
 KASSIM, Mr. G. H.
 KER, Mr. J. C.
 LALBHAI AMBARAM, Mr.
 LALJI NARANJI, Mr.
 LAWRENCE, The Hon'ble Mr. H. S.
 LORY, Mr. F. B. P.
 MANSURI, Khan Saheb A. M.
 MEAD, Mr. P. J.
 MEHTA, The Hon'ble Mr. C. V.
 MODI, Sardar Davar T. K.
 MOHIDINKHAN, Khan Saheb HAJI HAZRATH KHAN
 MOHOMED SALAHUDDIN K., Mr.
 MONTGOMERIE, Mr. A.
 MOTIRAM, Rao Saheb RUPCHAND
 MUKHI, Mr. J. P.
 MURPHY, Mr. S. J.
 MUTALIK, Sardar V. N.
 NELSON, Mr. F.
 NILKANTH, Rao Bahadur R. M.
 NIMBALKAR, Mr. K. B.
 OJHA, Mr. DIPCHAND T.
 PARANJPYE, The Hon'ble Dr. R. P.
 PARULEKAR, Rao Saheb L. V.
 PATEL, Mr. B. P.
 PATEL, Mr. J. B.
 PAWAR, Shrimant J. A.
 PETIT, Mr. JEHANGIR B.
 PRADHAN, Mr. M. W.
 PROES, Mr. E. M.
 RAHIMTOOLA, The Hon'ble Sir IBRAHIM
 ROTHFELD, Mr. O.
 SAHERWALA, Khan Saheb I. A.
 SALGAR, Mr. R. G.
 SETALVAD, The Hon'ble Sir CHIMANLAL
 SHEPHERD, Mr. W. C.

SHIRRAS, Mr. G. FINDLAY

SINDORE, Mr. H. N.

SUFI, Mr. KALANDARBAKSH

SURVE, Mr. A. N.

THAKOR of AMOD, Sardar NAHARSINGHJI

THOMAS, Mr. G. A.

TRIVEDI, Mr. G. B.

VICHARE, Rao Bahadur D. A.

WOODS, Mr. E. E.

The Honourable the PRESIDENT : Order, order. I have to announce to the House that the last day for nominations to the Public Accounts Committee and to the Finance Committee will be the 10th March 1923. On or before the 10th March notices of motions for the nominations must be sent.

Mr. IBRAHIM S. HAJI (Bombay City) : Mr. President, I beg leave of the Council to move to-day after the question hour for the adjournment of the business of the Council for the purpose of discussing an urgent and definite matter of public importance, namely, the arrest and imprisonment of Khan Saheb Sher Muhammad Khan Karam Khan Bijarani, a member of this Council representing the Mahomedan rural constituency of Upper Sind Frontier, on the 15th February 1923, raising the question that such arrest and imprisonment was *ultra vires* and unjustifiable, calling for his immediate release from jail and for an open and independent inquiry by a committee of three—one official and two non-officials—to be appointed by the Council.

The Honourable the PRESIDENT : Has the Honourable the Home Member anything to say ?

The Honourable Mr. M. H. W. HAYWARD : I have had no notice of this motion, Sir, and I have no information. I have had no opportunity of obtaining any information.

The Honourable the PRESIDENT : Well, then, the proper thing will be that the Honourable the Home Member should obtain information by cable, and the motion may be renewed either to-day, or to-morrow or the day after.

The Honourable Mr. M. H. W. HAYWARD : I will do it, Sir.

Mr. IBRAHIM S. HAJI : Leave of the House for the motion may be obtained now and the matter discussed later.

The Honourable the PRESIDENT : I cannot put the motion now as the Home Member says he has no information. He has promised to make immediate enquiries and obtain information. The House can be asked for leave only when both parties are prepared with their information. That is the rule. "The whole House would wish to know what the facts are. I cannot grant an adjournment and have the honourable members say 'we want the facts.' The matter is not a definite matter until we know the facts. There must be enquiry and as soon as the enquiry is held, and the facts are laid before the House, should the honourable member

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desire, he will have an opportunity of raising the matter." (See the Speaker's ruling in columns, 224, 225 and 44 of Parliamentary Debates : House of Commons : V Series, Vol. 122.)

Mr. IBRAHIM S. HAJI : What I suggest is that leave may be obtained now and the discussion taken up after the information is received.

The Honourable the PRESIDENT : The honourable member does not appreciate my point. He has information, he is ready with his evidence. But the Honourable the Home Member must have his information and that from official sources and must be ready with his evidence, and then only I can put the motion for leave to the House. If the matter must be brought home to Government through its Home Member for the purposes of censure, the honourable member asking for the leave must prove that the Home Member has official knowledge of the definite matter or default before he can found a charge upon it (Parliamentary Debates : Vth Series : House of Commons : Vol. 34 : columns 1003 and 1004). I hope the honourable member asking for leave (Mr. Haji) understands the position.

Mr. IBRAHIM S. HAJI : Yes, Sir.

General discussion of the budget resumed.

Rao Bahadur R. R. KALE (Satara District) : Mr. President, this is the third and the last budget which has to be considered by honourable members of this Council. Some honourable members have approved of it ; some others have disapproved of it. For my part I must say that I am disappointed, not disappointed in the sense that the Honourable the Finance Member ironically suggested towards the close of his speech over the deficiencies of the budget, but I am very much disappointed, because, Sir, I think it is a budget which lays down no sound financial policy. It is plain that the Finance Member has given us a surplus opening balance and, secondly, he has given us more income from revenue and also by means of retrenchment. But I am constrained to observe, Sir, that throughout the speech of the Honourable the Finance Member I have been able to find no indication of a policy of sound finance. The essence of sound finance is that there must be a balance between normal revenue and normal expenditure. I think unless such a policy is laid down, it cannot be said that you have succeeded in achieving any progress worth the name under this reformed constitution. We look in vain in this budget for any indications of wise statesmanship or foresight, and I shall now proceed to point out, Sir, that what is claimed as a good feature of the budget is really not so at all. For instance, the first point that is brought forward in favour of this year's budget is that we have a large surplus and an opening balance. Now, Sir, if we look at the speech of the Honourable the Finance Member which he made last year, you find that this opening balance was said to be 87 lakhs. Well, in the present speech the Honourable the Finance Member says that the opening balance which was shown as 99 lakhs is actually found to be 185 lakhs. Now, Sir, a reference to the Blue Book will show at page 25 that it is stated that there was improvement on the revenue account during the last months of 1921-22 while the

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budget was under discussion. Now, Sir, if there is such a great discrepancy between the opening balance as shown in February 1921-22 and now and it is discovered that the opening balance is 185 lakhs, I must express my surprise that there should be such a great discrepancy in this opening balance which is expected to be more or less an accurate though a rough account. But to say first it was 87 lakhs, then that it was 99 lakhs, and now that it is found to be 185 lakhs really shows that there is something wrong somewhere. Well, I am curious to know why the Honourable the Finance Member wants to shift the responsibility on the Civil Estimates. He quotes the figure given at page 19 of the Final Issue as if the responsibility of this figure is to be placed on the head of somebody. I do not know how that can be done. At least the House takes it that the Finance Department is responsible for the preparation of this budget. So, Sir, this opening balance is no improvement at all. There was something which was a mistake or something of which the Honourable the Finance Member or his department was ignorant. I do not know, consciously or unconsciously he now tells us that our opening balance is 185 lakhs. Is that a matter for credit? It is rather discreditable that our Finance Department should not have been in a position to see what the opening balance was by the beginning of 1922. Therefore it seems to me that this big opening balance is certainly not a creditable feature of the budget. If proper calculations had been made, then certainly the figure would have been somewhere near the amount given now as for last year and that brings me to the question of what the work of the Public Accounts Committee is. Before the Government of India Act, the complaint was that there was no independent audit. The auditor was merely a subordinate servant of the Government and from time to time the matter was raised both here and in the Imperial Council also. Under the Government of India Act, definite provision has been made and rules have been made by Parliament, under which a Public Accounts Committee has to be appointed. The Council is aware that such a committee was appointed the first year and also the second year. No report of the committee's auditing work has been placed before the House along with the budget. That is really speaking the proper work of that committee. I am told that that committee never met last year at all in spite of the fact that the members of that committee repeatedly asked for a meeting to be held. During the last whole year not one meeting of that committee has been called. I do not know exactly the reasons why such a thing has happened, but I am sure that there is a great discrepancy somewhere

The Honourable the PRESIDENT : Why was not that matter brought to the notice of the House at once ?

Rao Bahadur R. R. KALE : I was not on that committee, Sir.

The Honourable the PRESIDENT : I think the honourable member is equally responsible with other honourable members for not having brought the matter to the Council's attention. The public accounts committee is a statutory committee. It is appointed for the purpose of auditing the accounts and in the House of Commons its reports are sub-

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mitted from year to year and are open to debate. If honourable members will not do their duty, what is the use of raising this matter in the budget discussion? When the honourable member for the Kolaba District came to me, I think it was at the last session at Poona, and asked me for advice, I put him on the right track and told him exactly what he was to do.

Rao Bahadur R. R. KALE: Another point which I wish to bring to the notice of this House is this that the figure.....

The Honourable the PRESIDENT: Who is the chairman of the public accounts committee?

The Honourable Mr. H. S. LAWRENCE: I am its chairman, Sir, and would like to.....

The Honourable the PRESIDENT: Just one word. The public accounts committee is a statutory committee. In the House of Commons its reports are submitted from year to year and debate is allowed by Government.

The Honourable Mr. H. S. LAWRENCE: The committee of public accounts deals with the accounts of the past year and not with the current year's accounts. The first year that this committee could deal with, therefore, is the year 1921-22. The honourable member mentioned that there has been no committee called in the first year.

Rao Bahadur R. R. KALE: I said "last year".

The Honourable Mr. H. S. LAWRENCE: It was impossible to call a meeting of that committee to deal with the accounts referring to a period previous to the reforms. Therefore the first year of accounts with which the committee could deal is the year finishing March 31st, 1922. The Accountant General, as the audit officer, has prepared and forwarded to Government a report. That report reached us two or three months ago. It dealt with a very large number of items and we had to make enquiries from the various departments regarding the matters which the Accountant General brought to our attention, and now that we have got the information ready, a meeting of the Public Accounts Committee has been summoned for 5th March next.

The Honourable the PRESIDENT: I will now read what the functions of a public accounts committee are:—

"The functions of the public accounts committee are in the nature of post-mortem functions. It is an auditing committee. What we want is not to be assured of the death of our friend but we want to take measures that death shall not occur at all. We want to come in before the death and not afterwards. Otherwise the public accounts committee is a mere moonshine."

Honourable members ought to insist on their rights.

Rao Bahadur R. R. KALE: I would now point out another matter, namely, the budget item of land revenue which is shown in the current year's budget. A reference to page 31 of the land revenue budget for 1922-23, paragraph 8, will show that it gives the total demand, which consists of the estimated demands, collections, remissions and suspensions of ordinary revenue, as Rs. 6,10,00,000 and in the budget it is shown as Rs. 5,97,00,000, that is to say, it is shown to be less by thirteen

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lakhs. The budget is prepared in the usual way and the basis taken is the same normal revenue. What becomes of this year's budget? You will see that the total items outstanding are given as 568 lakhs whereas the budget makes a demand of 575 lakhs. That is to say, it is Rs. 7 lakhs more than what the actual outstanding balance is. Whereas for this year, it was Rs. 13 lakhs less, for the present calculation it would have been Rs. 13 lakhs *plus* Rs. 7 lakhs, that is Rs. 20 lakhs less as the estimated amount. I have already stated that the opening balance was 87 lakhs, whereas it is now 185 lakhs, and the budget also was shown less by about Rs. 20 lakhs; so that, if the accounts had been properly made up, then this time last year, that is in February-March 1922, our opening balance as well as the estimated amount of revenue would have been Rs. 1,85,00,000 + 20,00,000. If that was so, then there would have been no need for this Council to have any proposals for taxation such as were laid before the Council last year. We were led to believe that there was going to be a deficit. The opening balance was shown as very small, the realisations anticipated from land revenue were also shown as very small, and consequently we were told that there was going to be a deficit of a large amount like a crore, and consequently the proposals for taxation were laid before the House. Now, what do we find? We find that that was all wrong. It is now discovered that the opening balance in March 1922 was so much as 185 lakhs. Of course, it must have been there last year. It could not have been suddenly improved. The opening balance and closing balance for 1922-23 must have been there, but it was undiscovered for some mysterious reason, and that has caused the whole confusion. Therefore, I submit that there is no reason whatever to give any credit to the Finance Department for this year's accounts showing that we have got a very large opening balance and a large surplus. That was due last year also. I do not know how the mistake of the showing of the opening balance at such a low figure occurred. So far as that part of the budget, namely, the opening balance is concerned, I submit it is really nothing.

We now come to the question of the larger revenue that is sought to be realised by increases in income as well as by retrenchment in expenditure. With regard to that, I must say that the first question which confronted this Council at the outset of its existence was about the income tax. That is a large source of revenue to the province and it was taken away from us. The second question was about the services, that is, the cost of administration. It is a matter of satisfaction to find that the Government has tried its best, as has been shown by the Honourable the Finance Member, to get redress so far as the income tax revenue is concerned. He says that representations were made and negotiations carried on with the Government of India, but ultimately they were not successful. In this connection, there is one point which I wish to bring to the notice of the Council, and it is this. The Honourable the Finance Member has stated that they had put forward their case with all the strength that they could command. But there is one argument which does not seem to have been placed before either the Secretary of State or

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the Government of India, namely, that the taxable capacity of this province has been reached, and there can be no further taxation, and that unless and until they gave us a fair portion of this income tax revenue, of which we are being deprived by the arrangement under the new constitution, we shall not be able to carry on the Government. The Honourable the Finance Member has dwelt at great length on the injustice and inequality of this decision, but the case for this province would have been strengthened, and might be strengthened even now, if it is represented that the people whom we represent have given a mandate that there should be no taxation resorted to for the carrying on of the ordinary administration, and that we, as the representatives of the people, are not in a position to put our seal of approval on any proposal for fresh taxation. My submission is that if the case had been put forward from that point of view, our case would have been stronger. But if the Honourable the Finance Member says that we can get more money by fresh taxation, certainly the case is weakened. The Government of India will say "You can raise money by some other taxation; why are you coming to us for a share in the income tax?" It is fair to point out that ultimately the Secretary of State gave his decision, and the Government of Bombay had to rest content with a protest. But I think that is not the final word. If we cannot induce the Secretary of State to give a decision in our favour, then we shall have to approach the electorate and take their opinion. The electorates say,—and I think there is no difference of opinion on this point between the electorates, the Council and the Government,—that income tax should really be a source of revenue to this Presidency and a larger share should be given to us. If the Government of India block our road, then we shall certainly be justified in asking Parliament to amend the Act before the expiry of the period of ten years. We can represent that that is the unanimous opinion of the local Government and of the country, that the finances of the province are starved, that no further progress can be made and there is no alternative but to make some amendment in the existing anomaly under section 1 (2) of the Government of India Act, by which the power to apportion revenues between the local Governments and the Government of India is given to the Secretary of State.

Turning now to the question of the expenditure on the services, I would ask the Honourable the Finance Member whether they have made any efforts in reducing the expenditure in that direction, just as they have made efforts in the direction of getting a larger share of the income tax revenue. Whenever we speak about the all-India services, we are told that we cannot touch that service. But income tax also cannot be touched by us; there was a decision already arrived at that Bombay was to get so much, but still the Bombay Government carried on negotiations with a view to the reversal of that decision. In the same manner, my question is whether Government have tried any means of getting this question of the services settled. Under section 96C of the Government of India Act a public services commission has to be established; two years have passed and no commission has been instituted. Has the Bombay Government ever approached the Government of India in that matter? Also,

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are there any rules made about recruitment and other matters that are to be made under section 96 C? Has the Bombay Government ever approached the Government of India or the Secretary of State asking them why they are not making any rules for recruitment? Have the Government of India been asked why they are sending recruits to our province without there being any money provision for them? Have they been told that the financial position of this province is such that it cannot bear any further load, that they have taken away our principal source of income, but the burden is being increased by sending out more men than even the Government of India Act can compel us to engage? The Government of India Act has laid down that a certain number of persons must be entertained by us; we do not want to go behind that, but over and above that repeatedly more men are being sent here. I hope I will not be misunderstood. They may be people who are entitled to higher salary, and we have to pay them high salaries on account of the different conditions of life to which they have been accustomed. The question is whether there is any provision for it. That is a question which we are entitled to ask. The Honourable the Finance Member has observed that the Council is entitled to be informed what efforts have been made by the Government of Bombay in the matter of getting redress on the question of income tax revenue. In the same manner, I think I am entitled to ask the Government whether they have made any efforts in the direction of getting the question of the services settled. That is a very important matter. Then, at the very beginning of this Council there was an opportunity for retrenchment. It is laid down that there should be one European member and one Indian member on the Executive Council. There were two vacancies then, and did the Bombay Government press the point of view that we did not want two more Executive Councillors, because there are three Ministers now and they are able to carry on our administration, that the expenditure is already very heavy and that we shall not be able to bear any further expenses? If the Government of Bombay has done nothing in this direction then I must say that the reforms will not be successful, because the basis of sound finance is that normal revenue and expenditure must balance. So long as we do not resort to taxation, as admitted by the Honourable the Finance Member, the position will not be safe unless you apply the remedy of economy in the administration. What Mr. Gladstone used to call the spirit of expenditure which has been abroad for years past must be chained and controlled and in its stead the spirit of economy should be installed. From early sixties this spirit of expenditure has increased a great deal, and this policy must be chained. I am not asking that the emoluments of the British services should be curtailed: far from it. They have been here for many generations and they may be entitled to it; but the question is with regard to the number of men in those services. Are we to be ever spending on foreign services? That is the question which has to be tackled along with our income and the question of taxation.

The Honourable the PRESIDENT: The honourable member has taken ten minutes in excess.

Some Honourable MEMBERS : Go on.

Rao Bahadur R. R. KALE : If I am allowed 5 minutes more I shall be able to finish. Sir, my point is that the retrenchment committee business is behind the screen. Although the committee was appointed long ago no report has been made. On the whole I think that the budget is unsatisfactory.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I wish the honourable member for Ahmednagar had not marred his fine performance by referring to a subject which I wish had not been introduced. That subject raised the question of differentiation on a territorial basis. We have enough differences on racial and communal grounds and if we add to it by introducing territorial distinctions, it is hardly conducive to the attainment of that national feeling which is necessary to attain full responsible government. (Hear, hear.) I am glad, however, of the opportunity to put all the facts before the Council in order to do away once for all with the feeling which I know has existed amongst a certain number of honourable members, to the effect that the Government of Bombay has been showing favouritism to the city of Bombay at the expense of the rest of the province. The honourable member for Ahmednagar distinctly stated in the course of his observations that the financial treatment given to the city of Bombay by the Government of Bombay was unfair to the mofussil. I wish the honourable member had closely scrutinised the figures relating to the revenue and expenditure of these two parts of the Presidency before making such allegations. He referred to certain aspects of the question and then passed on to other subjects, and I had to remind him of it and to enquire the directions in which he felt that such favouritism was shown by Government to the city of Bombay. It was then that the honourable member stated that it was in connection with expenditure on primary education, police, and hospitals, that Bombay city was favoured to the extent of one crore of rupees. Sir, I have already stated that I welcome this opportunity of stating the exact facts, because this feeling is not confined to some mofussil members, as against Bombay city but there is also a strong feeling among the citizens of Bombay that the Government of Bombay has been dealing with the city in a step-motherly manner and that it unduly favours the mofussil. Now, in view of these conflicting impressions prevailing in many quarters it is necessary that the exact facts should be brought to the notice of this honourable House. Sir, I may tell the Council that the provincial sources of revenue, on which the present budget is based, receive the following contributions from the city of Bombay: Rs. 11,00,000 (gross) and Rs. 9,39,000 (net) as land revenue; about Rs. 70,00,000 as stamp revenue out of an estimated revenue of one crore from non-judicial stamps—I am not including revenue from judicial stamps in this figure—Rs. 1,12,00,000 out of a total of about 4 crores of excise revenue, and Rs. 9 lakhs from Rs. 16,35,000 out of the entertainments tax which was recently imposed. If you add up these items you will find that under these heads alone Bombay city contributes 2 crores of revenue to the provincial exchequer. Now, let us examine what is the expenditure that the Government in their desire to favour the city of Bombay are incurring for the

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services to which reference was made. On police, the Government of Bombay spend Rs. 30,00,000 ; on primary education the municipality has claimed this year Rs. 7,30,000 ; medical expenditure is Rs. 10,27,000, against which certain revenues are derived, such as receipts from paying patients and Port Trust contribution amounting to about 3 lakhs. Assuming that only Rs. 1,27,000 are recovered in Bombay city, the total liability for medical relief from provincial revenues is Rs. 9,00,000. The total expenditure which the Government of Bombay incur in the city of Bombay under these three services is therefore Rs. 44,30,000, against a revenue of 2 crores. But that is not the whole story. The Bombay city contributes a crore and a half towards the provincial administration in other respects. If I put to this honourable House this further aspect of the question it will I hope prove an eye-opener. Before the reforms, the provincial contribution to Imperial revenues consisted of half of land revenue and half of income tax. Under that provision, the province as a whole contributed for Imperial services, as the Imperial services are for the benefit of the whole of India and therefore for the whole of the province of Bombay, and the distribution of that liability was that the cities which contribute most of the income tax revenue contributed half of that tax while the rest of the province contributed half of the land revenue. Under the reforms with the idea of making the provincial administrations independent, the principle of divided heads of revenue was abolished and a rough and ready method of provincial contribution was arrived at by making income tax Imperial and land revenue wholly provincial. If you want therefore to claim that the whole of the land revenue is contributed by the mofussil for the administration of the province of Bombay it is obviously wrong, because the present financial arrangement is based more on political grounds than on the proper incidence of Imperial liability. If the claim is carried to its logical conclusion, it would mean that cities alone should pay for Imperial services and that the rest of the province should be exempt from this liability. Now if you apply that principle to the consideration of this question, you will find that the total normal revenue from land is 5 crores as stated by the Honourable the Finance Member. Out of this you have got to provide Rs. 1,70,00,000 of expenditure. Therefore your net revenue from land is Rs. 3,30,00,000. Half of that must be regarded as Imperial. That leaves the mofussil contribution for the provincial administration by way of land revenue at Rs. 1,65,00,000. But this is a more favourable view than is justified because just as half land revenue was Imperial before the reforms, half famine expenditure was also Imperial, the principle being that famine expenditure is a liability on land revenue. Just as land revenue became wholly provincial, famine expenditure has also been made wholly provincial and it has been laid down that Government should set aside every year a sum of about 64 lakhs for famine expenditure. If this sum is deducted from the net land revenue of 3 crores and 30 lakhs the balance is only 2 crores and 66 lakhs. This means that the contribution towards provincial expenditure made by the mofussil in the shape of land revenue comes to only Rs. 1,33,00,000. Against that the city of

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Bombay alone contributes in the shape of income tax Rs. 4,37,00,000. That is the estimate for this year, and I have got figures showing the estimates of income tax received from the principal parts of the Presidency and these estimates are : total estimated revenue from the whole Presidency 5,47 lakhs ; out of which 4,37 lakhs are contributed by the city of Bombay alone, leaving 1,10 lakhs for the whole of the rest of the Presidency. Out of these 1,10 lakhs Ahmedabad contributes 45 lakhs ; Karachi, 12 lakhs ; Sholapur, 11 lakhs and the rest of the Presidency altogether only 41 lakhs. I am merely trying to put facts before the House for any conclusions that the House might like to draw from them.

Now if you take the real incidence of Imperial liability, the result is that Bombay contributes two crores eighteen lakhs and a half in the shape of income tax towards provincial administration, against one crore and 33 lakhs contributed as land revenue by the whole of the province. Now if you add that sum to a crore and fifty lakhs which I have already pointed out, the result is that Bombay city pays for the administration of the province $3\frac{1}{2}$ crores of rupees per annum in addition to itself providing wholly for the three services to which reference has been made. It will be obvious that my honourable friend, the member representing the Bombay Millowners' Association, largely underestimated the burden borne by the inhabitants of Bombay city per head of population.

Rao Saheb D. P. DESAI : (Rose.)

The Honourable the PRESIDENT : The honourable member from Kaira (Rao Saheb D. P. Desai) has no right to rise and interrupt while the honourable member who is in possession of the House has not given way.

Rao Bahadur G. K. CHITALE : I have accurately stated in my speech that Bombay city contributes $\frac{1}{4}$ of the total expenditure.

The Honourable Sir IBRAHIM RAHIMTOOLA : What about the conclusion drawn by the honourable member that the treatment given by the Government of Bombay to the mofussil, as compared with the treatment given to the Bombay city, is unfair ? I am placing these facts before the House in order that they may judge whether the case made out by one side or the other is to be considered proved.

Then, Sir, I am constrained to make these observations because this is not the first time when such a feeling has been given expression to in this Council. We have had inquiries from representatives of Sind stating that Sind pays more and receives less. It is in order to remove all these ideas from the minds of honourable members so far as Bombay city is concerned that I have worked out these figures and placed them before the House. (Rao Bahadur G. K. Chitale made an observation which was inaudible.) Expenditure on other heads there is. But Bombay city contributes revenues under those heads also. I have a list here under various heads, Registration, Administration of Justice, Jails, Education, Medical, Public Health. Just as expenditure is incurred on these heads, some revenue is also recovered. I should like to ask whether the honourable member for Ahmednagar wishes to argue that because the College of Engineering is

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situated in Poona, therefore the whole cost of that college should be debited to the Poona city? Will the honourable member contend that because the Medical College is situated in Bombay where a certain number of beds are essentially needed for the purpose of the college and where these beds are maintained by Government, that is a liability incurred for the Bombay city or for the whole Presidency? I do not desire to further enlarge upon this aspect of the question. I have dealt only with the major heads of expenditure which were specifically mentioned and which are exclusively in regard to Bombay city. Government had in recent times received a complaint from the Southern Division that they had no college and that they had to send their boys either to Poona or to Bombay. Would you be justified in urging that because the colleges are situated in Bombay or in Poona the cost of maintaining them should be debited to those cities and not to the Presidency as a whole?

I deprecate the tendency of honourable members discussing subjects from this narrow angle of vision (Hear, hear). Sir, I may tell you that if we wanted to pursue that kind of argument, I would point out to the honourable member for Ahmednagar that the whole of the Presidency has been contributing large sums of money towards the relief of the Deccan in the matter of irrigation. The Chief Secretary's notes show that Deccan Irrigation has involved a loss of three crores and 42 lakhs, while Sind Irrigation has given a revenue of five crores and seven lakhs. Will it be proper for Sind to say that because it contributes more towards irrigation revenue that it is entitled to preference? That is the spirit which I am trying to contend against. My honourable friend from Ahmednagar will not like a balance sheet to be prepared of the revenue and expenditure for the Ahmednagar district, the latter including the amount spent for the relief of famine in that district. I should like to ask to what extent you wish to proceed in these matters. The whole object of my observations is this. I want to appeal to honourable members to sink these distinctions. I have not heard any representative of Bombay city coming forward and claiming that they are contributing out of all proportion to provincial revenues in comparison to the services they receive. I think they would have a far stronger case than can possibly be made out by mofussil members. I should like to ask honourable members to look at this problem from the larger standpoint and in a spirit of solidarity. We all belong to one province. We all contribute to the best of our ability to the promotion of good administration of the province and share the liability for the revenue needs of the province. I want honourable members to bear in mind that it is essential to minimise the differences that already exist and not to accentuate them by adding territorial to communal and racial differences (Hear, hear). It is because such differences have been raised that I thought it necessary to place all the facts before the House. I would appeal to honourable members to deal with the question in a broad-minded spirit and with a spirit of solidarity and concentrate on what is best in the interests of the province as a whole.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Sir, we are told that the retrenchment of 60 lakhs which was insisted upon by this

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House was loyally carried out and that over and above that there was retrenchment to the extent of 38 lakhs more. I regard it rather as a scant courtesy to the honourable members of this Council for the Honourable the Finance Member to let them gather how this retrenchment had been operated upon by comparing the preliminary issue of the last budget with the final issue. That is not the proper way of removing misunderstanding or taking the Council into confidence. The Council is entitled to know, when it is said that retrenchment to a large extent has been carried out, how that retrenchment has been effected whether from the recurring expenditure of the administration or from the new expenditure which was voted at the last budget. It is essential that the honourable members of this Council should have such a statement and I would request the Honourable the Finance Member to furnish it to the honourable members of this House as early as convenient, so that we may be able to know the operations of the said retrenchments. I particularly emphasize this fact because I have come across one item which I am going to mention and which may indicate, in the absence of fuller information, the nature of the retrenchments that may have taken place. Honourable members will remember that in the Blue Book of the last budget there was an item, No. 263, for grants-in-aid to local bodies for sanitary projects to the extent of Rs. 7,52,000, and under that sub-head was included an item of Rs. 3,44,000 for supplying an engine for the Ahmedabad water-works. That item was allowed to stand in the budget discussion. It was not at all disturbed, and at the end of the discussion on head 33, Public Health, the Honourable Minister for local bodies asked for the whole of the grant under Public Health minus Rs. 3,47,000 and the grant was allowed. Now it seems on comparison of the Final Issue of the budget with the Preliminary Issue of the last budget that the item of Rs. 7,52,000 has been reduced by Rs. 4,29,000, that is, Rs. 3,44,000 *plus* Rs. 85,000 for a certain project in the Deccan districts. I would like to place before this House how unfair and how illegal the operations of retrenchment have been in dealing with this item as an item of retrenchment. The Ahmedabad municipality had its water-works started in 1890, and in 1911 on account of the growth of the city the advisers of Government recommended that there should be a comprehensive project for the purpose of increasing the water-supply and they considered that a fresh engine would also be necessary when the water-supply was raised. At that time the supply was about 50 lakhs of gallons per day and it was anticipated that the comprehensive scheme would bring in 94 lakhs of gallons per day, and the arrangement between Government and the municipality was that 50 per cent. of the cost of the comprehensive project was to be contributed by the municipality and the remaining 50 per cent. was to be contributed by Government. And with reference to the engine, the arrangement was that when the engine was to be ordered, the municipality was to be first consulted as to the type and the specifications of the engine. Thereafter, in about 1920 or 1921 there was an occasion for an address by the municipality to the head of the local administration and a reference was made to the comprehensive project and to the engine, with the result that the

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Mechanical Engineer to Government was expedited to look about for it. Thereafter, what happened was that the municipality was never consulted as to the type or the specification of the engine, but the Mechanical Engineer to Government placed an order for the engine and an engine worth Rs. 3,44,000 was ordered. But it was found that the whole comprehensive project had failed to increase the water-supply, that the engine which was received was not one of the type of the four engines working at the water-works, that its capacity to draw was more than there was water to draw, and on account of all these difficulties, the municipality not having been consulted as to the type or the specification of the engine required, the old municipal board refused to take the new engine and said it was unsuitable and as it was not in accordance with their requirements or terms they did not want it. Then, for one reason or another,—for a different reason,—the municipality came to be superseded and a committee of management was appointed. The committee of management also came to the same conclusion as the old board in regard to this engine, and while things were going on in this way this item of Rs. 3,44,000 was included in the budget, because Government at any rate were bound to bear 50 per cent. of the comprehensive project, and, as an officer of Government had committed a mistake in not consulting the municipality beforehand, and as the engine was not of the right type there was no other alternative. This was the position, and by the insertion of this item of Rs. 3,44,000 in the budget Government practically admitted that it was a matter in which they would have to meet the whole cost. Thereafter, what happened is that this item has come to be omitted as a retrenchment. I ask the honourable members of this House whether this was the type of retrenchment which was required by the House, that is, disowning by Government of their obligation to the municipality or to the public. I am afraid that the position taken up by Government is unfair in the extreme. I have put forward this as an instance to the House for the purpose of convincing it of the necessity of the Honourable the Finance Member placing before the House the nature of the retrenchment operations.

We have been further told that the extreme limit of retrenchment in paring the administration has been reached and that it has been touched to the quick. Well, I do not hold the same view. I believe that there is ample scope for retrenchment still and as an instance I would like to draw the attention of the House to the percentage of establishment charges that are to be found in the budget estimates of the Public Works Department. If you turn to the Preliminary Issue for the Bombay Presidency (Deccan and Gujarat), at page 18 at the back, you will find that for construction of irrigation, navigation, embankments, etc., not charged to revenue, the percentage on establishment comes to 22·94, while under head 13, irrigation, etc., for which capital accounts are kept, the percentage of establishment comes to 23·53, and under head 15 "Other revenue expenditure financed from ordinary revenue", for irrigation for which revenue accounts are kept the percentage of the establishment is 33, while for works for which neither capital nor revenue accounts are kept the

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percentage is 46·90, and for miscellaneous expenditure the percentage is 48·91, i.e., nearly 50 per cent. If you take up the total of this, the average, works out at 25·34 per cent. Similarly if you were to turn to Heads 14 and 15 for Bombay Presidency, Sind, you will find on the last page the average total percentage to be 25·98. Similarly, if you were to turn to heads 33 and 41, you will find that while the expenditure on works and repairs is Rs. 74,63,000, the establishment charges are Rs. 27,44,000 or a percentage of about 38. As compared to that, just look to the cost of the Development Department. The impression in this House of several honourable members is that the Development Department is a very costly department. But if you turn to figures you find that the percentage of establishment charges is very low. The cost of works provided for is Rs. 3,02,40,000, while the establishment charges come to Rs. 27,92,000 or twelve per cent. How is this result reached? There has been concentration of work. We pay our officers highly; but if you concentrate all your energies at one place, you reduce the cost of working, and that is the way how our public works ought to be worked; and unless you work them in that way your establishment charges will continue to be as they are. In this direction there is an amount of scope for retrenchment by concentrating energies on certain works at a time.

Mr. E. M. PROES: You cannot concentrate roads and buildings in Bombay.

Rao Saheb HARILAL D. DESAI: Roads are not the only items in the budget, but there are other items where concentration could be practised with very beneficial results. Often times small works are in charge of highly paid officers, and of late there has been a tendency to divide charges; for example, the Executive Engineer for Roads and Buildings is a separate officer from the Irrigation Executive Engineer. There is hardly much to do and if we were to combine the two offices into one as formerly we would be able to reduce the cost to a very large extent. I therefore submit that there is great scope for retrenchment. I would in a word say that the appetite of the executive administration for expenditure is voracious. It protests often and often that it is not eating too much, and it is comforting us with the solace that we need not fear, and that debts are being incurred which are not to be returned now but hereafter. I will just put it to you, whether an ordinary householder, when he has to run his show looks at his budget in that way. When a man has to build a house which will be enjoyed by his children and his children's children does he build his house by incurring debts? Or does he look to his income and savings? I therefore submit that the only remedy and the only saving point is remorseless and drastic retrenchment.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir the honourable member from Ahmedabad criticised establishment charges under the head 41 C. He said that the establishment charges were 27 lakhs on an expenditure of Rs. 74,00,000. It is not so. If he carefully studies the budget he will find that this department has to execute works to the extent of 116 lakhs out of revenue and 109 lakhs out of loan, that is, 225 lakhs which is the total amount budgeted.

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With regard to the establishment charges, we have provided approximately 37 lakhs, but this establishment costing 37 lakhs will not only do works for the Public Works Department but also for the Central Government, the Military Department and the local bodies for which four lakhs are debited to us. We have again to pay for irrigation establishment to the extent of six lakhs. Deduct those ten lakhs from these 37 lakhs, and you get an establishment charge of 27 lakhs. That establishment will carry out works of 225 lakhs and therefore the percentage will not be more than 13 or 14.

Again, Sir, yesterday, the honourable member from Satara remarked that the Ministers were the slaves of the Honourable the Finance Member because they could not get their full demands. I repudiate that aspersion of the honourable member most emphatically on behalf of my colleagues and myself and I assure this Council that we have always been insisting on all our demands being granted and I must say to the credit of the Honourable the Finance Member that he has been meeting our reasonable demands out of the funds at his disposal.

So much for the aspersions cast on the Ministers by the honourable member for Satara yesterday. He was talking much of nation-building departments being starved and I find that he himself has sent in motions for omission or reduction of demands made for these very nation-building departments. He asks for cuts in these very departments. Before charging us with neglecting the nation-building departments, the honourable member ought to have looked at his own motions for reductions or omissions of demands made for these very departments. Let us take the Education Department which is also one of the nation-building departments. He asks for a reduction of two lakhs. Under irrigation he wants a reduction of two lakhs and in another nation-building department he asks for a reduction of half a lakh.....

Sardar V. N. MUTALIK : I rise to a point of order, Sir. My object in sending in motions for reduction or omissions is not only to curtail the expenditure but to criticise the policy of the Honourable Ministers' departments.....

The Honourable the PRESIDENT : The honourable Sardar rose to a point of order but mentions none.

Sardar V. N. MUTALIK : I did not rise to a point of order, but to offer a personal explanation.

The Honourable the PRESIDENT : It is not a personal explanation ; it is making a speech on the debate.

Rao Bahadur R. R. KALE (Satara District) : My point of order is that the Honourable Minister is referring to the motions for the reduction of demands for grants. That is not the point before the House.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : I submit that I am relevant, because the very honourable member who complained that enough money was not being spent on the transferred departments has given notice of a number of motions for reducing the grants of the transferred departments.

The Honourable the PRESIDENT : The Honourable Minister cannot anticipate the motions on the supply. If that is allowed now, we shall be turning the budget discussion into a discussion upon the estimates.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : I have shown the Council that the honourable member requires reduction in the expenditure on transferred departments and is insisting upon larger grants for them at the same time.

The point was raised by the honourable member from Poona district that the grant for communications for district local boards was a small one. But we should not forget the fact that the district local boards are given grants for everything,—education, medical relief, sanitation, and so on. Again, I want to bring to the notice of this Council that, before the provincialisation of the finances, the Government of India used to make a recurring grant of Rs. 7 lakhs to the district local boards for their communications. After the provincialisation of the finances, that has ceased, and the provincial revenue has to bear the burden of all the grants for communications of district local boards. Moreover, at the express wish of this House, Government have allowed local boards to levy tolls, and I am sure they must be deriving substantial amounts from the tolls. Further, they are given additional powers of taxation. They have all these resources, and I am sure if they tax themselves to their full capacity, they will have enough money. However, I would assure the House that if the financial position improves, Government will make larger grants to the district local boards.

I am glad of the appreciation that was shown yesterday by the honourable the nominated member from Satara (Mr. Jadhav) in regard to the development and town planning schemes. He not only admitted that they were repaying themselves, but he accused Government of profiteering. I submit, Sir, that the Government develop the land, and then sell it in the open market by auction to the highest bidder. Suppose we were not to follow that method, and were only allowed to make a certain percentage of profit, what would be the result ? Suppose that Government has got a plot, and there are ten applicants to give that margin of profit to Government ; how is Government to decide the case ? There are ten men ready to pay that particular amount, and if Government were to give the plot to any one man out of the ten, then they would be accused of partiality and favouritism. Therefore, Government follow the policy of putting any property they want to dispose of to public auction to be knocked down to the highest bidder.

Then the honourable member from Ahmedabad touched on the grant of Rs. 3,44,000 to the Ahmedabad municipality, but I would assure this House that in the retrenchment that I undertook to make, I have not taken a single pie out of that amount, but have met the reduction from other sources, and done my part of the duty.

Mr. G. C. BHATE (Kolaba District) : Mr. President, before I make my remarks on the budget, I would like to offer a personal explanation on a subject which has cropped up in the House to-day, and that is as regards the meeting of the Public Accounts Committee. Of course, it is an open secret now to the members that the member of the Public Accounts

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Committee who saw the Chair and made enquiries about it was none else than my poor self. What I have to say as regards that, is that if it is a crime to believe the word of the Honourable the Finance Member or the Chief Secretary about it, then I must plead guilty to the charge. No doubt, as a member of the Public Accounts Committee, I did go to the Chief Secretary after I saw the Chair on the suggestion of one of my colleagues on the committee and asked him whether a meeting is to be held. He said that the meeting would be called in the beginning of December, and so the matter was dropped. In December I waited for the notice. It was while the Council was in session in December that I received the notice, but a day or two after, another notice was sent to us informing us that the meeting had been postponed for some reasons. In January, I again wrote to the Chief Secretary, and I was informed that the meeting would be held at the time of the budget debate, and a notice would be sent in due course. That is the whole story about the meeting of the Public Accounts Committee, and the Honourable the Finance Member has said just now that he is going to call a meeting before the present session is closed.

Then as regards the budget itself, what I have to say is that when I read the budget for the first time, I read it from the point of view of a member for rural districts, and I must say that I was disappointed when I went into the whole budget. Of course a member from a particular district must see what is done for his district, and he must also look at the budget from the general point of view. It is the duty of every member who comes from the mofussil, as he represents a rural district and as he is responsible to the voters who have voted for him, to see that something for them is done during the time he is in the Council. When the question of broadening the franchise and the representative character of the Council was discussed, reference was made to the franchise committee in these terms: "To devise a franchise and constituencies in each province with the object of securing as broad a franchise as the present circumstances permit", and the object of this was given in the Montagu-Chelmsford report in this manner: "Firstly because the will of the voter must have effect upon the proceedings of the Legislative Council, and secondly to teach voters in the constituency that in future they must bring their troubles to the notice of the elected representatives, and further that they have the power to compel their attention." Such being the position a member for the rural areas would see whether the grievances and troubles of the district have been attended to by the Council and the Government as a whole. From this point of view, if I look at the budget, I must say as I have already stated, that I am very greatly disappointed. I can prove this from the very replies given to my questions on the first day of the Council meeting. So, there is a good case for me when I say that the rural areas are not looked after when budgets are prepared. For instance I shall give the reply given to my question with regard to water-supply in my district. The question asked was this:

(a) Will the Government be pleased to state whether the question of water-supply throughout the Kolaba district has been investigated by the Collector of Kolaba and the

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district board as stated in reply to my question asked at the September session of the last year (Question No. 1) ?

(b) If so what is the result ?

The reply to that as given on the 19th instant is this :

(a) Yes.

(b) A scheme for the water-supply at Uran and the surrounding villages is being prepared. In the case of Roha town where there is much suffering in hot weather the construction of the dam would cost Rs. 40,000 for which neither Government nor the town can provide their share at present. The local board have purchased a boring machine and are letting it out to private persons. In many places there exist large old tanks which if repaired and maintained would much improve the water-supply. This should be done as far as possible by the villagers themselves, and the president, district local board, Kolaba, has been asked to take up the matter. Government are at present unable to render any special help for want of funds.

So far as regards water-supply ; and with regard to improvement of communications, my district has no good communication. There is a portion of the district without any ghat and thus cut off from the districts on the ghats.

I put a question as follows :

Will the Government be pleased to state—

(a) whether the construction of bridges and culverts on the Mahaleshwar-Dharamtar Road has now been completed ?

(b) When is the Pimpri Ghat Road to be taken up for construction ?

The reply is :

(a) The information has been called for.

(b) The Pimpri Ghat Road will be taken up for construction when the financial situation improves.

Though the financial situation is decidedly better, this question was not taken into consideration at the time of framing the budget. Is it not possible to provide for this now ? The Tata Power Company has already constructed railways so that the approach roads to the Pimpri ghat are not necessary now. From Roha town to the foot of the ghat there is the Tata Power Company's railway. From Chinchwad to the top of the ghat there is also Tata's railway. Only the Pimpri Ghat Road connecting the two railways is to be constructed. If this is done, the complaint of the district on that score will be removed.

Coming to the question of water-supply for villages, I should like to draw the attention of the House to the scanty provision made in the budget. Only a sum of Rs. 1,20,000 has been made available for grants for water-supply to villages of the whole Presidency. The note there says :

"The current year's provision of Rs. 1,20,000 has been repeated in next year's estimates. Government give a grant-in-aid to local boards for the improvement of village water-supply in the proportion of one-third of the total expenditure the other two-thirds being contributed by the local boards and villages."

Of course Government see the necessity for water-supply for villages. Every year they put in Rs. 1,20,000. Is it an adequate provision for water-supply to villages, where really speaking there is no water to drink during hot season ?

The next complaint concerning my district is the opening of a civil court. In the first year of this reformed Council Rs. 50,000 were provided for a civil court at Alibag. Last year the sum was eliminated owing to

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stringency of finance. But in this year's budget the provision is not made though there is a good deal of surplus balance.

As regards the question of water-supply and communication, may I ask, now that crores and crores have been taken on loan and spent,—I do not say anything about Bombay *versus* mofussil at this moment—whether a few lakhs could not be spent from out of the loans to redress the grievances of this poor district where relief in that direction is absolutely necessary? If a few lakhs are spent, hundreds of villages will be benefited. If even small dams are constructed on rivers and streamlets many poor villages will get water-supply; because scarcity of water is felt only for two or three months during the year in the hot season.

As regards forests in my district may I say that the Government have only exploited the forests and in return nothing has been done for the forest industry? I moved a resolution on this subject at the first meeting of this Council when the Honourable Member in charge gave an assurance that something will be done and I withdrew the resolution. Then again I asked a question and the reply I got was that the Kolaba forests are not fit for industry. I am not myself competent to express an opinion on it, it being a technical subject, but the opinion of people who could pronounce an opinion is that those forests are fit for industrial purposes. The report of the late Professor Kotibhaskar of the Alembic Chemical Works of Bombay is that the forests of Kolaba can be profitably utilised for industrial purposes. The report was published in the year 1912 or so. In connection with this I want to refer to the note on page 40 of the budget, which is as follows :

"It (the decrease) is also due to the extension of the system of sale of standing trees with a view to curtail expenditure on departmental works as far as possible."

This system of giving contracts for the cutting of trees is in vogue in Kolaba district. One of the conditions of the contract was.....

The Honourable the PRESIDENT : Is that not a point which would arise in any of the estimates ?

Mr. G. C. BHATE : I cannot exactly say, but the point is that when we are discussing the general budget the question how the revenues are collected and whether there is any grievance as regards collection arises.

The Honourable the PRESIDENT : A grievance as regards the expenditure of the public revenues very properly arises on the estimates.

Mr. G. C. BHATE : Yes, Sir, I am dealing with the point of the grievances arising out of the nature of the collection. These contracts formerly used to contain conditions that the contractor shall keep certain woods as firewood and sell them to villagers at certain prices, fixed by Government. My contention is that this year these conditions are removed out of the contracts, with the result that the contractors demand anything they like for the firewood. I made enquiries and I was told that if the old conditions were in the contract the contractors would not give as much to Government as they have done this year. If the conditions were enforced, the contractors would not have bid so high as they have

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done. In this way we see that Government is looking only to the income and that exploitation is going on at the cost of the conveniences of the population, who have every right to see that the anxiety of Government to exploit the forests would not deprive them of their conveniences in the way of firewood and other requirements.

Then as regards the gurcharan settlement. I speak subject to correction, but I am told that the question is under the consideration of Government. As regards Thana proper one officer is being appointed; and as regards Kolaba district, some survey is being made. It is said that it is proposed to transfer gurcharan lands to reserve forests and to set apart forest lands instead for grazing. I do not think this will benefit the villagers; the best grass grows in the gurcharan and the grass growing in the forests will not be so good and the villagers will suffer by such transfer.

Now as regards other recoveries of land revenue, I must say that no doubt the recoveries of the present year are very good, but may I know in how many cases notices were issued and in how many cases fines were levied, whether notices were given at the time the first instalment was not paid? I am told that notices were issued just before the payment of the second instalment; notices of payment and fine were issued at the first default with the result that people thought that they would be fined if they did not pay the second instalment also along with the first. I have no grievance about this, because I am regular, in payment but as regards persons who are forced to be irregular, all these questions matter much.

The Honourable the PRESIDENT: The twenty minutes are over, and I will call upon another member.

Mr. A. P. CHAUGULE (Belgaum District): Sir, at the fag end of the discussion, I shall not detain the House long except that I want to make a point or two. I am glad, Sir, that the Government have balanced revenue and expenditure, but I feel, Sir, that all the sources of curtailment and retrenchment have not been exhausted. The honourable member for Poona, that old member, I mean Dewan Bahadur Godbole, touched the right chord when he said that for the lower services candidates are now coming forth at lower rates of salaries. The municipalities in the Karnatak have been experiencing a similar phenomenon; they have been flooded with numberless applications from school teachers, qualified school teachers, who are offering their services for a monthly salary of Rs. 15. Under the present arrangement the lowest salary of a school teacher is Rs. 25. In all departments if qualified candidates can be secured at a lower wage, I think the members of Government should scrutinise this aspect of the question and see whether they can or cannot save a crore of rupees more. In the current year,—I am speaking of the accounts of the present year,—the amount that had been budgeted for increasing the salaries of the lower services came to about 1 crore and 30 lakhs. That was pointed out by the Honourable the Finance Member. But since then times have changed; the cost of living has considerably

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gone down and Government will not find any difficulty in recruiting any number of candidates possibly at a lower wage without in the least affecting the efficiency of their departments.

Next, Sir, coming to the question of education we find in the budget an addition of only 16 lakhs of rupees. It is estimated that the total cost of providing for the expansion of compulsory primary education, during the next year would be 28 lakhs, out of which 7 lakhs will be contributed by the local bodies and 21 lakhs by the Government. If that is so, I fail to understand why only 16 lakhs have been budgeted on account of expenditure for the expansion of primary education. I believe primary education is a matter, expenditure on which ought not to be grudged. We have been asked to assent to fresh taxation in the name of primary education : we have been asked to allow the stamp revenue to be raised and we have been asked to pass the Entertainments Bill into law on the ground that money is wanted for the expansion of primary education and other things, but mainly in the name of primary education, and having raised that amount, to curtail it by five lakhs from the amount that is required for the next year and not to give that amount is, I think, extremely unjust.

We are asked to educate the electorates and we are told that unless the electorate is educated there would be no solvent budgets and budgets would not be according to the expectations of the honourable members of this House. Now I want to point out, Sir, we are asked to go to the electorates. We go to them. They ask what we have done for them. We say we have given them compulsory primary education. The ryot asks us, at whose cost and how? We say we have provided anyhow for the next year's education by providing additional expenditure to the extent of about 16 lakhs, and we tell them that hereafter they must raise money by new taxation by passing new money bills. Well, if that is our position, the electorate would rather say, "We do not want any expansion of primary education rather than insisting upon having it." That will be the position. Every year, year after year, money will be required; of course 21 lakhs will be required for the first year and then an equal amount for the next year and the amount will go on increasing itself. So in order to raise all that amount we shall have to contemplate an annual tax or to meet this question once for all by imposing a permanent tax. So even if we are able to raise some money on account of primary education, that money is not earmarked in the budget in the account of receipts and expenditure but is absorbed in the general expenditure.

Sir, I have very frequently insisted upon the Honourable Minister that the depressed and the backward classes should be specially favoured by way of scholarships and other advantages, and we find that he has not forgotten that. However, for a population of about one crore and 75 lakhs of the backward classes, we find, that the amount which has been reserved in the budget is about Ra. 15,000 as scholarships and by way of encouragement to the backward classes, and about Ra. 24,000 as scholarships and encouragement to Mahomedans. Now I ask the House whether that is fair. Either give them something that will help them materially

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to improve themselves or give them nothing at all. Why spend this amount of Rs. 40,000 at all? How are you going to distribute that amount? And if you distribute it I want to point out that the amount for each district would be extremely meagre. So I submit that the Honourable the Minister of Education has not properly devoted his attention to this aspect of the question, and I hope and trust that the Government in framing their future budgets will devote special attention to the amounts that are to be reserved for scholarships for the 'depressed classes and the backward classes and the Mahomedan community.

After recess.

The Honourable the PRESIDENT: Order, order.

Mr. A. P. CHAUGULE: Sir, I want to make one more point and I have done. There is a great necessity of more roads, and the cost of annual repairs on the existing roads and the new roads is about to increase. But I find that the budget has not provided any extra amount for putting the existing roads into proper repairs. I hope the Honourable Minister in charge will look into it.

As regards the municipalities, most of them have submitted sanitary and other proposals. Numerous such proposals are awaiting disposal; we have from the municipality of Belgaum submitted proposals about opening up the Bhangi passages last year but owing to financial stringency these proposals have been held up. Last year when these proposals were made Government were not in a position to meet them and the answer of Government was that they did not see their way to meet the wishes of the municipality. What I mean to submit, Sir, is that in a year of prosperity like the coming year when we have got funds to spare such important schemes as the widening of the Bhangi passages in the mofussil towns cannot adequately be kept back on the ground of financial difficulties, and such objects should be liberally assisted as they are likely to improve the sanitary conditions of the mofussil towns. With these remarks I resume my seat.

Mr. G. FINDLAY SHIRRAS: Mr. President, I propose briefly to refer to one or two points that have been raised in the course of the budget debate by some of my non-official colleagues with special reference to the taxable capacity and income. Before I do so I should like to acknowledge and pay tribute to the sincerity of the criticisms put forward by honourable members.

My first point is the importance of equating income and expenditure. This is the keystone of finance, and perhaps, too, of politics. In the present financial year we have succeeded in balancing our budget. Our revenues show a balance over expenditure of 56 lakhs, in place of a deficit of 8 lakhs as previously estimated. Moreover our closing balance in place of being 1,01 lakhs, as was anticipated, is 3,24 lakhs. For next year we shall, it is estimated, have a small surplus of revenue over expenditure and our closing balance will be actually, according to budget estimates, 3,36 lakhs. These closing balances include surpluses and deficits on loan transactions. I was one of those who prepared, at the request of the

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League of Nations, memoranda for the Brussels Financial Conference which met in 1920. This conference was representative of no less than 39 countries, and I, therefore, am naturally interested in its recommendations and it is a great pleasure to see how Bombay has proved the truth of the principal recommendations of the conference, namely :—

(1) the necessity of bringing public opinion in every country to realise that the country which accepts the policy of budget deficits is treading the slippery path which leads to general ruin ; to escape from that path no sacrifice is too great ;

(2) where it is impossible to keep expenditure within the limits of existing revenue, fresh taxation must be imposed to meet the deficit, and this process must be ruthlessly continued until the revenue is at least sufficient to meet the full amount of the recurrent ordinary expenditure. The relative advantages of the various possible methods of taxation depend on the special economic conditions obtaining in each country, and each country must decide for itself on the methods best suited to its own internal economy. In this Presidency—I speak from experience—retrenchment and economy have been executed in a spirit ruthless, relentless, and remorseless.

I next turn to the question of taxation and taxable capacity, a subject which has interested me for many years. It may be necessary here to make a long ramble through rough country. The reasons of this will be obvious. An examination of the figures which have been placed before the House shows that in the present financial year direct taxation is 41·5 per cent. of our total provincial revenues. Land Revenue has been treated as a direct head. Indirect taxation is 42·4 per cent. of total provincial revenues. Put in another way, this means that direct taxation is Rs. 3-1-5 per head, and indirect taxation Rs. 3-2-6 per head. Quasi-commercial undertakings such as forests, irrigation, etc., bring in 9·5 per cent. (or 11 annas 4 pies per head), civil administration receipts 3·1 per cent. (or 3 annas 9 pies per head), and other sources 3·5 per cent. (or 4 annas 1 pie per head), of our total provincial revenues. The total revenue of the Bombay Government, according to the revised estimates, is Rs. 7-7-1 per head of population. The figure for 1923-1924 is approximately the same—Rs. 7-6-8.

Another interesting feature is that while the provincial revenue is only over 14 crores, the revenue collected in the Bombay Presidency for the Central Government (in the revised estimate of the current year) is over Rs. 28½ crores or Rs. 14-11-5 per head of population. I need not give the details of this head beyond mentioning that Customs is estimated at nearly Rs. 18 crores and Income tax at over Rs. 8 crores. 29·4 per cent. of Rs. 28½ crores is direct taxation and 67·4 per cent. indirect, the remainder being from quasi-commercial undertakings and other sources. I do not mean to infer that all this should go to or is concerned with the provincial Government as the Government of India have to bear the cost of the Army, etc. Excluding military charges the provincial Governments are responsible for about 60 per cent. of the State

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expenditure of British India. The total direct taxation of the revenues of the Government of India from all sources is approximately 17 per cent. and indirect taxation 48 per cent. The large collections in this Presidency for the Central Government are in accordance with the proposals of the Meston Committee. They are very striking. It is only fair to point out that this committee's proposals were based on a Rs. 45 crore army and a two shilling exchange, both of which have been falsified by subsequent experience. The important point is, however, that the main expanding heads in an industrial province such as Bombay belong under this settlement (*e.g.*, income tax and customs) to the Government of India. This was referred to in paragraph 7 of the Honourable Finance Member's speech where he speaks of "the loss to an industrial province of the revenue which has been earned by its industrial development and efficiency".

The honourable member representing the Bombay Millowners' Association referred to the income per head and to the estimates arrived at in Lord Curzon's viceroyalty. The estimates are not average income per head but mainly the *per capita* value of agricultural produce. If Rs. 27 and Rs. 30 were correct estimates in 1880 and 1901, then in 1911 the correct figure would have been Rs. 50. A somewhat more elaborate method for 1911 gives the figure of Rs. 80. Figures for 1921 based on the census figures of that year are not yet available. These figures are given for what they are worth and more for purposes of comparison than because they are considered reliable in themselves. One thing, however, is clear in regard to the 1911 data and that is the Bombay figure including Sind of income (so called) per head of population is greater than that for any other province, except Burma. It is not correct to add the *per capita* taxation, provincial and Central, of the Presidency and to compare this (Rs. 22-2-6) with Rs. 27 or any similar sum quoted yesterday. The annual *per capita* income of Bombay's working classes, I may point out, is nearly Rs. 150. According to the 1921 Census the most usual *per capita* income for urban localities excluding the large cities was Rs. 100 and for rural localities Rs. 75.

I have been looking into the question of taxable capacity on a statistical basis and I do not see such extreme limits of taxable capacity having been reached as in some other countries. For example the necessity of selling securities, etc., in order to pay income or excess profits taxes did not take place as it did in 1921 in Great Britain. Moreover there may be other possible sources of revenue. One honourable member has mentioned forests as a possible means of additional revenue. Death duties and the taxation of incomes derived from investments in land are non-existent. We have no taxation (1) on stock exchange operations, and (2) luxuries as levied in France, nor have we France's very lucrative turnover tax. We have not, moreover, as in the states of the United States of America, a highly developed real property and personal property tax which is the main source of provincial revenues. For compulsory primary education, the most urgent of our problems, it may be necessary to look to these sources for assistance in years to come.

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I am grateful for the remarks made by several members on the Labour Office and these are all the more appreciated as coming from those whom we admire and whose opinion we look up to. One honourable member desired that the Labour Office would do more. We have, however, been owing to retrenchment, cut down to the bone, and more has not been possible. The Labour Office is, be it remembered, in no sense a luxury of administration. All other industrial countries have labour departments which prepare impartially material dealing with the cost of living, wages and other labour statistics (so necessary in industrial disputes and at all other times). These departments concern themselves also with labour legislation and the sphere of industrial disputes. His Excellency the Governor, in a speech to a deputation of the Trade Union Congress, summed up the position thus: "Next to the maintenance of the fundamental conditions of all orderly and progressive society, I believe there is no more important social or administrative problem than the position of labour in the community." With this the honourable member for Thana who is interested in one of the Bombay trade unions will, I feel very confident, entirely agree. In these days of workmen's compensation, and a hundred and one other things relating to the welfare of labour, not to speak of India's proud position on the governing body of the International Labour Office, Geneva, as one of the eight chief industrial countries, a Labour Office or Department is a necessity especially for an industrial province like Bombay. I should like in this connexion to thank the representative of the Bombay Millowners' Association for the assistance which the Bombay Millowners' Association has rendered and for its appreciation of the Labour Office's work. So necessary do the Associations in Bombay and Ahmedabad regard the office that it has been requested to keep up-to-date every year the detailed information on wages in the many occupations in the cotton mill industry. The chairman of the Karachi Chamber of Commerce has already drawn the attention of Government to the absence of an investigator for Karachi in connexion with the Labour Office and this has been carefully noted. The *Labour Gazette* is perused with interest by a large circle of readers in India and abroad as is evidenced by the receipts in subscriptions and advertisements of nearly Rs. 14,000 in a twelve month. I may in conclusion point to the fact that the expenditure on labour in this year's budget is the very small fraction of $\frac{2}{25}$ of 1 per cent. of the total expenditure.

May I, Mr. President, before I sit down refer to our colleague who has passed peacefully into the Great Beyond since our last budget debate—the honourable member for Sholapur Rao Bahadur G. K. Sathe? His memory remains fast in the affections of many of us here for his sage and kindly wisdom and his loyalty to the large circle of friends whom he had gathered round him during his work on this Council. We have lost, moreover, two very experienced members in Mr. Crerar, now Home Secretary to the Government of India and Mr. Monie who is now undertaking social work in London. In a few weeks the Council will also have to wish another official a respectful and grateful farewell as he goes as Commissioner in Sind.

The Honourable Sir CHIMANLAL SETALVAD : Mr. President, I do not propose to discuss the two conflicting views that have been put forward by various speakers about the budget. Some have characterised it as very satisfactory while others have described it as very unsatisfactory and a snare and a delusion. I shall leave my honourable friend the Finance Member to deal with that controversy.

I propose, Sir, to say a few words about the two departments with which I am concerned, namely, Irrigation and Development. With regard to irrigation, everybody seems to agree that it is in the best interests of the Presidency and the people to push forward irrigation schemes, but the honourable member opposite from Bombay has said that while Government are doing well pushing forward irrigation schemes and undertaking new irrigation schemes, the irrigators should not be made to pay more than they are paying now. That is an impossible position, I submit, to take up. Take irrigation in the Deccan and the money spent on it. Deccan irrigation only pays a little more than 2 per cent. If that is going to be perpetuated, if that is going to be the return for all time on the large amounts of money spent, then it will not be possible to carry out further schemes of irrigation on that footing at all. By means of these irrigation works, the value of land that is served by them has very much increased and the irrigators have benefited considerably and therefore there is no reason at all why they should not pay sufficient to produce a proper economic return on the money spent on irrigation. Here I may inform the House that the whole policy regarding the charges to be made for water supplied is now under the investigation of Government and Government hope and trust that when the matter is brought forward before this Council the House will give Government every support in order to put the irrigation policy on a sound financial footing.

An appeal was made by the honourable member from Surat for undertaking irrigation works of a small character in Gujarat. I can assure him that that subject has not escaped the attention of Government and it is being investigated and wherever it is possible to render help in that manner to the cultivators in Gujarat, Government will be quite willing to undertake such works.

Criticism was offered by the honourable member from Ahmedabad with regard to the ratio of working expenses on irrigation and the P. W. D. roads and buildings and in doing so he pointed to the splendid performance in that direction of the Development Department. I quite accept the compliment paid to that department with regard to the small ratio of expenditure, but I do think that in making that comparison he was unfair to the P. W. D. Irrigation and Roads and Buildings branches. The two things are entirely different. You cannot compare the activities of the Development Department with the nature of the work of the other two departments. He said "Look here, how the Development Department concentrates and manages to reduce its ratio of expense". How is similar concentration possible with regard to irrigation or roads and buildings? Roads and buildings are scattered all over the Presidency and how are you to concentrate your work on them in the manner in which the Development Department is doing in

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Bombay? The only method of trying to do it, it seems to me, is to concentrate the whole of the P. W. D. staff on roads and buildings in one district in one year, in another year on another district and so on, so that the turn of each district will come at the end of 26 years. Surely, the honourable member does not desire such a procedure to be followed. Similarly, with regard to irrigation, we have these works in all parts of the Presidency, and they have to be maintained and inspected. The Superintending Engineer or Executive Engineer must go to inspect canals, on which large amounts have to be spent. The actual maintenance and repair charges may in any particular instance be very small, still the salary of the engineer has to be paid. What I was pointing out was that the comparison between the Development Department and irrigation and roads and buildings is entirely fallacious. You cannot compare them and condemn one and extol the other.

Then the honourable member from Salsette, dealing with the Development Department, warned Government against going too fast with regard to suburban development. He pointed out that large expenditure was being incurred involving heavy interest charges, and that if the demand for land did not come as expected, there might be embarrassment created. I can assure him that Government are fully aware of the necessity of caution in that direction. But I may inform him that most of the work at present being done is under the town planning scheme in respect of which Government incur no financial responsibility at all. Of the three residential suburban schemes that are now in progress, the greater part of the land in one of them and a considerable area in another has already been taken up by co-operative housing societies. (Mr. G. B. Trivedi indicated dissent.) The honourable member, I see, shakes his head, but I am speaking from the materials I have on the records of the department. But I can assure him, as I have already done, that expenditure on these.....

The Honourable the PRESIDENT: The General Member need not notice seriously the shaking of the head.

The Honourable Sir CHIMANLAL SETALVAD: I see. The shaking of his head has become chronic in his case and we need not take any notice of it. I can assure him that expenditure on these suburban schemes will be carefully watched, and we will take care to see that the development does not get unduly ahead of the demand.

The honourable member from Ahmednagar, speaking on the subject of development finance and irrigation finance, said that the financing of these projects from loans was a dangerous policy, as they would not produce any return for another ten years, and the Presidency would be saddled with heavy interest charges in the meantime. A little thought will make it clear to him that the sound way of financing development works, involving large expenditure, is only by loans; you cannot possibly do it out of current revenue. These particular schemes will be producing returns long before ten years. Further, interest is calculated in the charges on all of them, and the general finances of the Presidency are not called upon to contribute a single rupee.

Rao Bahadur G. K. CHITALE made an observation which was inaudible.

The Honourable Sir CHIMANLAL SETALVAD : That shows, Sir, that the honourable member for Ahmednagar implies that he regrets the present commitments and he warns Government against undertaking any future commitments of that character. I am disputing that altogether. What I am pointing out is that the existing commitments and undertakings are financially sound, that they will pay, and that proper provision has been made for interest and sinking fund, and that the provincial revenues are not called upon to contribute a single pie towards the interest on these undertakings.

Rao Bahadur G. K. CHITALE : But they are pledged.

The Honourable Sir CHIMANLAL SETALVAD : They are pledged, no doubt, but what we have to see is whether the schemes are self-paying in that manner, and whether at the end of the period calculated they will repay both interest and capital charges. If they do that, then there is no danger whatever to the provincial revenues. What I am trying to point out is that it is a mistake to suppose that the provincial revenues are saddled with any interest charges. The schemes themselves pay the interest and everything else.

Then, one honourable member from Bombay, who is not here, complained that there was no sinking fund provided in the case of loans for development purposes. I think he is wrong there. If he will turn to page 103 of the budget, he will find that sinking fund is provided for the development loan, although to my mind it is unnecessary, as the greater part of the loan is passed on to the local bodies—the Improvement Trust and the municipality—and they will be repaid in full ; and the bulk of the money retained by the Development Department is spent on works which would bring in, as I have pointed out, by the product, namely, the land reclaimed, sufficient to cover all interest and other charges.

Then, Sir, one nominated member from Bombay—I see he is not now in his seat—dealt at great length with the development project. I understood him to say that he was not against development, that he rather welcomed it, and that he would welcome it always, provided that the three conditions which he laid down were fulfilled in each individual case ; and the conditions that he named were that on those undertakings Indian money was employed, Indian manpower was employed and Indian manufactures and industries were called upon to assist, and his suggestion was evidently this, that the present development projects did not fulfil those conditions. I can tell him and the House that he was entirely mistaken in making that assumption. With regard to the Development Department and the projects now undertaken, I maintain, Sir, emphatically that all these three conditions are very largely fulfilled, and I will proceed to point out how. Taking the requirement that the honourable member mentioned last, namely, money, there is no doubt that the 6½ per cent. development loan was wholly subscribed in this country. The further amounts advanced by the Government of India come from the loans subscribed very largely by this country. The last year's Government

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of India loan brought 45 crores out of which 50 per cent. was contributed by Bombay itself. So, that requirement about the money of the country being employed for the purpose of the scheme is absolutely fulfilled. Taking the next one, that Indian manufacturers should be encouraged and asked to co-operate in the scheme, I will mention figures to the House which will also make it clear that we have more than fulfilled also that condition.

The figures of the estimated cost of the three important parts of the development scheme are these: The reclamation scheme, the estimated cost of which is 7·80 crores; the housing scheme the estimated cost of which is 9 crores; and the suburban and miscellaneous schemes the estimated cost of which is 12 crores, making a total of 29 crores. No doubt these amounts will not be actually realised. As has been pointed out by the Honourable the Finance Member by 1930-31 the returns will amount to four crores and by 1935 the whole expenditure will have been recouped. For the present purposes the total cost estimated may be taken at 29 crores. Up to the 31st December last year, the actual expenditure has been as follows: The expenditure in India has been 4 crores 29 lakhs odd. Out of 5 crores 47 lakhs already expended, only a crore and 18 lakhs has been expended out of this country. It must be remembered that this amount includes the plant and machinery like the big dredger which are necessary and which cannot possibly be produced in this country. Therefore on these figures it is clear that Indian expenditure is about 4 times the British expenditure. It must further be remembered that as you go further on, the proportion of Indian expenditure will be enormously increased. At the initial stage the necessary plant had to be imported; and as the work progresses we will not require anything like the British expenditure we have incurred till now, so that the result that we anticipate on the figures will be that out of a total expenditure of 29 crores no more than one crore and 50 lakhs will be British expenditure. That shows that the second condition laid down by the honourable nominated member from Bombay has been, and as we go on, will still more largely be fulfilled.

Taking the third condition about man-power, there again I venture to submit that we are very largely employing Indian man-power. I have here the figures before me showing the total monthly cost on the establishment, which works out to Rs. 1,57,000, out of which the cost of the Indian establishment comes to over a lakh of rupees—at least two-thirds is Indian establishment. This does not include the manual labour on which we pay another Rs. 1,10,000. If you take into account the manual labour also, then we are paying only about Rs. 55,000 for the European establishment out of a total of Rs. 2,67,000. It must be remembered in this connection that for reclamation and similar other works which are of a highly technical character we want experts whom we have to import from outside. Then if you look into the contracts which have been given by this department you will find that Indians have been very largely encouraged. The total amount of contracts given to Indian firms works out to over 2 crores as against 56 lakhs which European firms have succeeded

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in securing. In addition to this, I may mention to the House that only recently we gave contracts aggregating to a crore of rupees to four Indian firms and companies for building chawls at Naigaum and Worli for industrial classes. We have entered into a contract for the supply of cement on a large scale for 10 years and this contract also has been placed with four Indian companies. The House, therefore, will see that the requirements enunciated by the honourable nominated member have been largely fulfilled.

Therefore, I claim that, applying the tests the honourable member laid down, the Development Department has more than fulfilled these tests : and I therefore take it that the particular honourable member and the House on a study of these facts will come to the conclusion that they have to welcome and approve of the Development Scheme as it is being worked. I do not propose to detain the House any longer.

Rao Bahadur S. D. GARUD (West Khandesh District) : Mr. President, I wish to join the previous speakers in congratulating the Honourable the Finance Member for presenting the kind of budget we have before the House. The Honourable the Finance Member is entitled to our thanks at least for securing in the first place the absence of fresh taxation this year and for having carried out the cut of 60 lakhs of rupees for which assurance was given last year. What we apprehended was that the situation last year would entail fresh taxation this year and that we would have to go to our constituency with the story of taxation for two consecutive years. For warding off this situation, the Honourable the Finance Member is entitled to our thanks. The second reason for which he deserves our thanks is that he has provided for expenditure in equal proportion of 30 crores for the industrial progress as well as for the irrigation operations of this Presidency from the loan fund. That I submit, Sir, is a thing for which we ought to congratulate him.

There are however a great many other things to which as a member representing a rural constituency of this Presidency I ought to refer. During the retrenchment period the rural population suffered a great deal in additional taxation. In the first place there were the village panchayats to which they had to pay taxes ; the local boards and municipalities also imposed fresh taxation and the Education Bill that is recently passed will also impose fresh liabilities on them ; and finally came the toll bars. The toll bars which were abolished were re-established because Government were in financial difficulties. (An honourable member from the Government benches : It was done with the permission of the Council.) I am told that it was done according to the wishes of the Council. I do not think that I at any rate was a party to the levy of tolls. However that position was necessitated, I am sure, by the financial stress through which the Presidency had to pass. In the present budget I hope Government will consider the necessity of relieving the rural population, which has been saddled with heavy taxation on account of our financial stress, of at least this burden of tolls.

There are then some other departments in which the rural population is interested which have not received fair treatment in this budget. We

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have already heard the complaint that transferred departments have not benefited to the same extent to which the reserved departments have benefited in this budget. Let me refer to the main industry of the rural population, agriculture, which is receiving less and less every year in the budget. I need hardly say that the improvement of agriculture is practically the improvement of the taxable capacity of the rural population. If no money is spent on the improvement of agriculture the taxable capacity of the rural population is bound to diminish. Therefore it should be the anxious thought of the Government to do as much for agriculture as they possibly can. However, I see that at present very little indeed is being done.

Let us first consider the question of financing agriculture in the rural areas. That work is at present being done by co-operative societies. I will here refer to a few figures taken for the district from which I come, Wesh Khandesh. In the West Khandesh district, there are altogether 1,485 villages and out of that about 95 villages have rural co-operative societies. These co-operative societies were started with a view to finance agriculture, the main industry of that particular locality, and what we now have is merely a drop in the ocean, 95 villages out of 1,485. So that the period which will be necessary to cover the whole area with a net work of co-operative societies and to adequately finance the main industry of the district would be roughly about 300 years. The hundred societies that we have now are the result of twenty years' work of the Co-operative Department. If we have only 100 societies in 20 years, we can easily calculate that it will take about 300 years to cover all these 1,485 villages. And it will take as many more to see that the main industry of that particular locality is adequately financed by this Government.

It is the same story with regard to the other facilities which agriculture at present gets. Agricultural education is very backward. Government undertook in the year 1917 to open an agricultural school in every district. That assurance was given by Government on a resolution passed in this Council. The Government accepted the resolution and the House unanimously assented to it. But nothing so far has been done in that direction. Only a single school has been opened, and that is in West Khandesh ; and that too was mainly due to the enthusiasm of the local people. I submit that when the budget is being prepared the Finance Member ought to have on his table at least those motions to which Government have given their assent and to which they have committed themselves. If he had those motions he ought to have included them in the budget. But we find that they are entirely ignored. If we provide agricultural education now, it would at least in the next generation improve the output of agriculture in rural parts and improve the taxable capacity of the people. The yield of cotton is capable of being raised to Rs. 300 per acre, as is shown by the model farms which Government themselves are carrying on ; but the average yield does not exceed Rs. 30 to Rs. 50 at present. These figures ought to be studied by the Minister in charge of Agriculture and efforts should be made to help to push on production as far as possible towards the maximum. In the present budget there is no indication that

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any serious effort is being made towards this object. As I have submitted, it is in the interest of Government to see that the production of our rural areas is increased, and I do hope that efforts will be made, if possible, during this year towards that end. The spread of co-operative societies and also the spread of the knowledge of the science of agriculture are schemes which Government should undertake as soon as possible. The West Khandesh district consists practically of valleys of the Tapti and the Panjra and is supposed to have very rich lands, some say the best land in the world. I hope Government will investigate and find out the possibilities of this land and develop it, and by developing it increase the taxable capacity of the people.

With regard to education also I submit that my district is in a very very backward condition. Out of the 1,485 villages we have only schools for 239, and the other villages remain yet unprovided with schools. And now we find the local boards saddled with the task of maintaining efficient teachers. The honourable member for Poona (Dewan Bahadur Godbole) told the Council that the pay of teachers should now be lowered, as we give them more than is necessary. Let me assure him that in Khandesh at any rate, the pay of teachers is found to be very inadequate. In the place from which the honourable member for Poona comes, I know teachers frequently have to work as cooks and waiters at dinner parties to supplement their income and in West Khandesh, I have known teachers working in ginning factories on night duty to augment their resources. But it is necessary to see why they resort to these devices to supplement their incomes. Under the circumstances, I think it will be very hard upon them to lower their wages, and it will certainly not lead to efficiency if their pay is reduced. If the teaching population which is to guide the next generation is driven to such financial straits I think their output cannot certainly be satisfactory. I would certainly request the Education Department to consider the question from that point of view—whether any lessening of the pay of the teachers is advisable in the interest of the next generation.

There are also several other things, dispensaries and roads which the rural areas require. I am afraid the rural areas have been attracting very little attention of the higher officers of Government.

It is very rarely indeed that we in the mofussil have had the honour to see high officers of Government. I am sure in the pre-reform period Members of Executive Council never visited Khandesh; even at present Members of Executive Council find very little time to visit these areas and see things for themselves. I do wish, Sir, a little more visiting is done by the Members of Government if from no other motive at least from the motive of increasing the taxable capacity of these areas.

The Honourable Mr. C. V. MEHTA : It is exhilarating, Sir, to hear the remarks of the last speaker and I congratulate him for having alluded to the needs of the rural population in such detail and so feelingly. Let me assure him that I thank him because it helps Ministers in getting revenues voted to their departments if they find that the Council is strongly

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for expenditure of this kind. But Mr. President, let me examine the figures that the honourable member has just now given, and let me also ask whether this Government have been responsible for the lack of enthusiasm as regards co-operative societies in Khandesh, while I have pleasure in acknowledging that the honourable member himself has taken the most leading part in the formation and the fostering of those societies. He said that out of 1,485 villages only 89 have formed co-operative societies. I give him an example of an advanced part of the Presidency like the Southern division. There are many places in that division in which not less than one of three villages has a co-operative society. Let me quote the average figures for the Presidency. Of about 25 thousand villages there are not less than four thousand societies. Now why is it that Khandesh which is a prosperous part of the Presidency and in which the cotton crop brings so much money to the cultivator, has not as yet got a society in almost every second or third village. Does the honourable member say that it is on account of any obstacle that Government places in the way of formation of a society? Has he as a prominent organiser of co-operative societies ever brought forward such complaint and does he believe in such a complaint as this? The fact is that people in his district do not come forward, perhaps because they are too individualistic or too well off. That is probably the explanation of the state of affairs. Whatever it may be, we must remember that co-operative societies are formed and ought to be formed, as the honourable member himself stated, at the instance and on the initiative of the people themselves; and in this connection it is over and over again acknowledged that Government has given the most encouraging assistance. There must be some other reason besides want of sympathy on the part of Government that Khandesh is so backward in the number of co-operative societies. In the figures that I have had the honour to quote at the Provincial Conference of Co-operators only two or three months ago, I pointed out how far advanced our province is in the number of credit and non-credit societies, in the amount of reserve fund, in the percentage of the population taking advantage of the movement and various other items of co-operative progress. This Presidency is predominantly the first in India. This has been acknowledged by the United Provinces Government who themselves have issued a Press Note soon after the conference, setting forth Bombay as an example to be copied by that Government.

But Mr. President, I will now proceed to deal more fully with the subject of agriculture. I believe that with the small amount of money that is at the disposal of this particular department everything possible is being done. Good seed is being given in enormous quantities in all parts of the Presidency in Gujarat, Karnatic and Khandesh. In Khandesh where the honourable member said that the cultivators get only Rs. 30 per acre as against Rs. 300 that is obtained on the Government farm, oil cake manure that is now used so extensively was introduced at the instance of the Agricultural Department. Good sowing seed is given to the cultivators in Jalgaon. There must be then some other reason. If the seed is good, if the land is the same, if the manure which is used is of the same character, why is it that one piece of land yields Rs. 300 an acre return

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and the other piece Rs. 30 an acre ? The honourable member will pardon my repeating the reason which he himself admitted at my recent visit to Khandesh. Do the land-owners pay much attention to the land themselves ? Do they look after the land themselves or do they act as absentee landlords ? Are there not men available now for employment who are turned out of the Agricultural College in such numbers and after whom the Government has spent so much ? These men are looking for employment but unfortunately they will not be employed by the landlords.

Mr. President, I am in the unfortunate position of having to deal with two departments and two separate sets of criticisms, one wanting me to give up revenue and the other asking me to make as much revenue as possible. It was said by the honourable member for Thana that he did not like to see the excise revenue at the figure at which it appears in the budget, and he gave reasons which appeared to me somewhat conflicting. He also stated the particular directions in which he thought that the department was a failure, and I do not mind saying at once that if that is the whole catalogue of the faults of omission and commission of that department, then I think there is not much amiss with that department. His three points are these : firstly that the toddy shops are being auctioned ; secondly that gul-making is not being permitted in accordance with the same rule that had been in existence before ; and thirdly that certain imports from Bengal have not been allowed. Now let me say at once that in two at least individual interests are concerned at the expense of general revenues. Take the case of gul-making. The honourable member stated that it was a flourishing industry. It is only carried on, so far as I know, by one gentleman. He is also the possessor of several thousands of trees in the same district and is the licensee of several toddy shops in that district. The rules were framed in 1917 or 1918 or somewhere thereabouts. It was reported to Government that the concession was being abused, that toddy which was ostensibly meant for the purpose of gul-making went out into consumption, and that therefore there was a loss to Government revenue without giving a proper benefit to the industry itself. Now, I am in charge of Agriculture as well and it would be the farthest thing from me to do anything that would hinder an agricultural industry. I took particular pains personally in this particular matter and devised certain rules which will, I hope, while safeguarding Government revenues will also give all the help that is desired by the licensee. I am trying to arrange that the toddy that is brought into the gul factory shall be accounted for, and that safeguards, as far as possible, shall be taken by the Excise Department. These rules will be out very shortly and I believe that they will be satisfactory both to the Government and to the licensee. It was impossible to avoid delay. The department and the Collector and the licensee had to be in communication and I do not believe that the delay could be avoided.

Then, take the case of the gentleman who is affected by the reduction to Rs. 5 duty. We have been in correspondence with all the Governments, all the provinces, in India. We have reduced the rate of duty to be charged on toilet preparations from Rs. 21-14-0 to Rs. 5.

Mr. G. B. TRIVEDI (Made an observation which was inaudible.)

The Honourable Mr. C. V. MEHTA : The Bengal Government, without giving any notice to this Government or to anybody at all, reduced their duty and ruined our manufacturers and merchants by flooding our market. Was it not right for this Government to see that their own manufacturers, their own people, should be protected from being ruined by Bengal manufacturers until such time as Bengal agreed to import our goods also at the same reduced rate of duty as was charged by Bombay ? That is the whole gravamen of the honourable member's charge. What further happened was that the Bengal Government, even after they agreed to the Rs. 5 reduction, demurred to the proposal that the duty must be paid in the province of consumption and not in the province of production.

Mr. G. B. TRIVEDI : You know that the Bengal Government will agree to that proposal ? I have seen a letter myself.

The Honourable Mr. C. V. MEHTA : We have not yet received an official reply from the Bengal Government to that effect and until we do, we obviously cannot allow imports on terms other than those existing at present, namely that the duty shall be paid in the province of consumption. Well, Mr. President, the honourable member says he has seen a letter, but I think he must realise that the letter must be received officially by Government if any action is to be taken.

Then, a third point was in regard to the auctioning of toddy licenses. Now, the dispute of auction *versus* fixed fees system has been decided long ago. It was in 1919 that the auction system was re-introduced after a lapse of several years. The system has worked very satisfactorily. We have had an examination into the whole system and it has been reported to us that the system is working well, and I do not for a moment imagine that any honourable member of this Council wishes the system to be abolished in order to divert the revenues that now go to the coffers of Government into the pockets of licensees. If we were able with reasonable certainty to see that the fixed fees established by Government were not exceeded, then it is possible that the consumer may be benefited. But the honourable member knows very well that it is impossible to control prices under the fixed fees system. We all know that it leads to corruption and favouritism, and that the system is thoroughly bad. I do not for a moment think that he wishes to divert the revenues that legitimately belong to the State to the pockets of private licensees. And, Sir, there is also this consideration that the honourable member, who is, I know a strong advocate of total prohibition, including prohibition of toddy, wants now to make toddy cheap in order that people may drink more. It seems to me, Sir, that it is an inconsistent position to take, and that he will admit that the policy which Government have followed so far of making these drugs and drinks expensive is the right policy. He mentioned the moral aspect of the question. Now, it strikes me, if he had paid due attention to that moral aspect, he would have at least referred to the policy which this Government have adopted of putting a direct check on consumption of liquor. Mr. President, I do not think his criticism about the moral aspect was fair or full without a reference at least to that new change in the policy of Government.

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Another honourable member referred to the consumption of these drugs and liquor, and he was rather doubtful if the policy which Government are now pursuing has led to the decrease of consumption of foreign liquor. I asked him whether he had any figures to give. Now I am in a position to tell him that it is not the case and I will quote the figures which are officially published. Take the case of ganja. In 1919-20 the consumption was 44,000 and odd. In 1920-21 it was 41,000 and odd, and in 1921-22 it has come down to 38,000. Take the case of opium. The consumption in 1919-20 was 46,000; in 1920-21 it was 42,000; in 1921-22 it was 30,000. Then take the case of country liquor. The total consumption in 1919-20 was 26,40,000; in 1920-21 it was 26,14,000; in 1921-22 it was 21,01,000 for special reasons. If you take the case of Bombay city alone—Bombay city, which as I have always been pointing out, has been the greatest sinner in this respect and as I have also stated, the evil of drink is most noticeable in urban areas—the consumption was as follows:—

| | | |
|------------|---|-------------|
| In 1920-21 | .. .. | .. 8,36,000 |
| In 1921-22 | .. .. | .. 7,35,000 |
| In 1922-23 | Not more than 6,77,000 will be allowed. | |

In 1921-22 it was 7,35,000 and in the next year the consumption was 6,77,000. The figures of foreign liquor are:—

| | | | Gallons. |
|-------------|-----------|-------|-----------|
| Spirits | ..1919-20 | .. .. | 402,000 |
| | 1920-21 | .. .. | 479,000 |
| | 1921-22 | .. .. | 425,000 |
| Wines | ..1919-20 | .. .. | 100,000 |
| | 1920-21 | .. .. | 103,000 |
| | 1921-22 | .. .. | 93,000 |
| Malt liquor | ..1919-20 | .. .. | 1,084,000 |
| | 1920-21 | .. .. | 1,090,000 |
| | 1921-22 | .. .. | 1,010,000 |

That shows in no direction is the consumption going up.....

Rao Saheb D. P. DESAI (Kaira District): Is the income derived from charges for water that is supplied?

The Honourable Mr. C. V. MEHTA: I know, Mr. President, my honourable friend from Kaira is known for his dry humour, but I fail to understand his humour in this particular respect. He again is a protagonist of temperance and prohibition. If that is his conviction surely it is better that people should drink water rather than liquor.

I will now refer to the other department, namely, Forest, to which reference has been made by my honourable friend from Bombay and two other honourable members. I will say at once with regard to the Kolaba division that I am not aware of the point which the honourable member made about the fuel contractors. If complaints are received, they will receive my careful consideration.

With regard to the forest industries in Kolaba, I think I pointed out in reply to his resolution two years ago how difficult it was to get industries started such as he mentioned and that inquiries led to show that it was

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not profitable at least for Government to embark on these industries. He mentions a report that has been made by a gentleman called Mr. Kotibhasker, and if there is money in those industries, I do not understand why private enterprise does not come forward for starting those industries. We shall be only too pleased to give reasonable concessions and in fact we are looking out for people who will undertake the starting of such industries. The greatest industry for Government is the exploitation and the taking out of timber that is waiting there to be taken out. That is the most profitable part of the industry for Government. Teak pays handsomely when it is brought out; only the trouble is that we cannot bring it out in sufficient quantities.

I will not deal with the figures that I gave in my speech last year when comparing the various provinces with regard to the income and expenditure of forests. They will be found by those who take interest in them in Volume V, Part I, page 155, and Volume V, Part I, pages 663 and 664 of Council Proceedings. I have shown there that so far as the surplus of the forest operations are concerned, that this Government can claim to bear comparison with any other Government in India. I do not think that we can compare with Burma, but I will take the specific instance that was mentioned by my honourable friend from Bombay. He said that the United Provinces Government are getting a much bigger return per acre than the Government of Bombay, and I think he mentioned that the returns from United Provinces forests were eight annas per acre as against five annas and three pies from the Bombay forests. I venture to submit, Sir, that comparisons based on acreage are completely fallacious, and I will give you reasons for saying so. In the first place, the United Provinces forests consist of 7,473 square miles as against about double that quantity in Bombay, namely, 14,971. One test of the value of the forests as revenue-producing forest is the fact whether it is closed to grazing all the year round or not and the figures are somewhat surprising. Out of 7,473 square miles in the United Provinces no less than 2,200 square miles are closed to grazing all the year round. In Bombay out of nearly 15,000 square miles only 2,600 are closed to grazing. This shows the proportion of valuable forest area in the United Provinces is much larger than in Bombay. Nothing more would be necessary than a look at our own Forest Administration Report. Take the northern circle which has only 3,000 square miles and it gives a revenue of 25 lakhs. The central circle, on the other hand, has got a much bigger area, namely, 5,300 square miles and gives only 9 lakhs. The southern circle with 4,400 square miles gives a revenue of 22 lakhs. Will any one attempt a comparison between these circles on the basis of revenue per acre?

Dr. K. E. DADACHANJI: What is the total revenue for the year 1921-22 after deducting the working costs?

The Honourable Mr. C. V. MEHTA: I am glad that the honourable member has asked that question which I will refer to presently. I maintain that you have got to take the good with the bad. We have got to take the whole of the forests in each province and compare the results.

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I will take the same basis as the honourable member wishes to take, namely, percentage of surplus. I hope I understood him correctly when he asked me to take that as the basis. Take the accounts printed on page 39 of the Blue Book. The expenditure was 51 lakhs and the revenue was 74,94,000, that is to say about 24 lakhs or nearly 48 per cent. Take the revised estimate of 1922-23; the expenditure was 45 lakhs, revenue 77 lakhs or 32 lakhs or a percentage of 75, and in the budget figures of the next year you find 47 lakhs expenditure with 82 lakhs revenue, that is to say, 35 lakhs. Even with the addition of expenditure from loan funds the results are very gratifying. The United Provinces expenditure was 77 lakhs with a revenue of 115 lakhs in the year 1922-23.....

(Dr. K. E. Dadachanji made an observation which was inaudible.)

The Honourable Mr. C. V. MEHTA : Mr. President, the blue book is before the honourable member.

Dr. K. E. DADACHANJI : The administration report is not before us.

The Honourable Mr. C. V. MEHTA : If he goes through the remarks in the administration report carefully, he will corroborate my statements. It was surprising that our friend, the chairman of the Retrenchment Committee, should have fallen also into the same error which has been committed by the honourable member from Bombay. He also mentioned the revenue and he never referred to the expenditure which would have shown the very handsome surpluses that we are getting out of forests.....

Rao Bahadur G. K. CHITALE : The Retrenchment Committee did not (at this point the honourable member was inaudible).

The Honourable Mr. C. V. MEHTA : I am glad the Retrenchment Committee shares my point of view.

Mr. President, it is the circumstances in which these surpluses have been obtained that must also be considered. Nobody is unaware of the fact that we have had the severest depression in the timber market. Prices have tumbled down 30, 40, to 50 per cent. That has been the case for the past two years; contractors have been ruined, they are overstocked with material, and the results, in spite of these adverse causes are these surpluses which are printed in the budget that is before the House. I think I may claim that the forests are a valuable asset of this Presidency, that they want to be carefully conserved, that they want to be developed by as much money as we can afford to spend on them, and that the promise that I made to this Council two years ago that for every rupee that you put into the forests you will get back a rupee and a half every year is more than justified by the figures that are placed before the House.

Dr. K. E. DADACHANJI : What about the comprehensive scheme ?

The Honourable Mr. C. V. MEHTA : I am dealing with facts. It will appear, therefore, that this revenue-producing department of Government is one that deserves sympathy and support from the Council.

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I will now refer to only one other point on which I think some sort of explanation is required. An honourable gentleman yesterday used rather harsh words with regard to the Ministers. He of course does not know what attempts have been made by the Ministers for getting more money allotted to their departments. But, Sir, do not forget that this budget is not a prosperity budget, that even this budget is not always to be repeated, and that those honourable members who have carefully scrutinised the whole budget have emphasized that the need for retrenchment is as strong as and stronger than it has been in the past. Mr. President, the whole energies of Government and of all the Ministers have been devoted to getting down the expenditure to as low a limit as possible. There is nothing that is more necessary than solvency and a balanced budget, before we embark upon schemes of recurring expenditure going into lakhs and crores.

Mr. G. B. TRIVEDI: The transferred departments are getting less and less.

The Honourable Mr. C. V. MEHTA: The Honourable the Finance Member in his speech has pointed out, and I think has sounded the right note of warning when he said, that we have no justifiable right to look to the same amount of land revenue every year, there may be a reduction of Rs. 70 lakhs on that single head. When we are talking of Rs. 3 crores and 24 lakhs as the balance, we have to deduct no less than Rs. 60 lakhs for famine fund, and then we have to make allowance for the Rs. 70 lakhs that may be dropped on land revenue, which would then bring us down to the Rs. 2 crores, which has been admitted by the Council to be the correct balance which this Government must hold. After a time you may get less excise revenue, and I am certain that nothing will please this Council better than to see that revenue decrease. Under these circumstances, it was impossible to press for greater expenditure. Let us first bring the expenditure under control. The constant complaint that we have heard from the opposite benches is that reductions have not been made in recurring expenditure but only in non-recurring expenditure, and if that criticism is correct, I do not think it is justifiable that you should ask us to embark on costly schemes of expansion.

Dr. K. E. DADACHANJI: Will the Honourable Minister read the extract which I am going to point out to him?

The Honourable Mr. C. V. MEHTA: I cannot understand why the honourable member cannot read that out himself. Mr. President, one point that was made with regard to the provision of sinking fund for our loans deserves careful scrutiny. I do not believe that we have gone too far with our loan programme. Let us remember that 90 per cent. if not more of our total borrowings have been made for productive expenditure, that the whole of the development loan is going to be repaid with profit, that the loan for forests will be repaid, and that other loan expenditure also will be repaid. But there is the necessity to provide for sinking fund, which must be carefully scrutinised by the Council. I am not one of those who believe that all borrowing is bad. I think that every business man

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will recognise that credit is the very life of both an individual's operations as well as the operations of the State, and that so long as you keep your borrowings under control, and so long as you provide the necessary means for the amortisation of those loans, are on safe ground. If we were to restrict ourselves entirely to expenditure on big schemes out of revenue then we shall have a very narrow and uninteresting programme for the nation-building departments or any other departments of Government. But the warning sounded by several honourable members about the proper provision of sinking fund is, to my mind, thoroughly justified.

Dr. K. E. DADACHANJI (Bombay City, North) : Sir, I was asked by the Honourable Minister to read out the thing. It is from the Administration Report of the Bombay Presidency for the year 1921-22. It is stated there :

"The total revenue for 1921-22 was nearly 73 lakhs and the expenditure 47½ lakhs giving a surplus of 25½ lakhs."

Sardar Khan Bahadur A. M. DALAL (Broach District) : Mr. President, at this late hour, I do not propose to go over the merits of the budget. We have had a very interesting debate during the last two days, and the very high order of the debate reflects great credit on both the non-official and Government benches, and we have derived great benefit and instruction from them. The most satisfactory feature is the balanced budget that has been presented this year. I for one am fully in favour of the praise that has been given to the Honourable the Finance Member, the Secretariat officers, and to the Retrenchment Committee which the Council forced the Government to appoint. The Retrenchment Committee have done very fine work in influencing the presentation of such a solvent budget, but retrenchment is not yet finished, as pointed out by the Honourable Minister for Excise and Agriculture. We have still to safeguard the general revenues of this province, and retrenchment should be scrupulously carried on in the coming year also.

I think all this discussion about retrenchment will not be proper unless Government comes forward and offers to make retrenchment in the direction of their migrations to the hills ; and unless the Council members come forward and offer to reduce their travelling allowances it will not be proper on our part to say to the public that we have done our duty. This reduction will not contribute to a substantial amount, but it will indicate that we are earnest on patriotic grounds to make a cut on ourselves.

Coming to revenue side I must say that excise has contributed to the extent of 36 odd lakhs towards the revenue of the province. I am rather surprised at the remarks made by my honourable friend for Thana. The Honourable Minister for Excise has pointed out that this increase is mainly due to the increased country spirit vend fees. When he has increased revenue and at the same time decreased consumption is it not more a matter of satisfaction than disappointment ? But I warn the Council against a too hasty reduction of one-third of our normal budget revenue by undue enhancement of prices and by rationing.

[Sardar Khan Bahadur A. M. Dalal]

By this method a decrease in the consumption of country liquor leading to the attainment of the policy of prohibition, the goal we have in view, will be only apparent and not real. You will sacrifice revenue and show a decrease in consumption no doubt, but the morals and public health and economic well-being of the public will not be ensured, because the British custom will be diverted to native frontier shops and illicit transport and distillation will be resorted to. We should be very cautious in sacrificing such a large revenue from excise which represents nearly one-third of the total revenue of the province. I quite agree with my honourable friend for Thana that there should not be such hard restrictions on the toddy which is a harmless and healthy beverage and which for want of cheapness and genuine stuff leads people to resort to ardent spirits. Formerly a bottle of good toddy could be had for one anna, now adulterated and diluted toddy costs 4 to 5 annas and the poor people are much distressed and when the Government are so solicitous for the morals and the health of the people and are not keen for money it behoves Government to remove restrictions and place this beverage within the reach of the people in a pure form and at a very moderate price. After the Franco-German war the French Government, to pay off the German indemnity at once, raised the duty on wines which was resented by the French people and which resulted in driving the French nation to arduous and spirituous liquors, and the Government had to restore the duty to its normal state. I beg therefore to request the Honourable Minister of Excise to use his ability and his sympathy for the poor people who feel distressed and disappointed when the Council and the Government are out for extinguishing the whole excise revenue in a few years, a loss of a few lakhs is a trifling consideration to Government.

We are thankful to the Honourable the Finance Member for his brilliant speech which has brought about this high order of debate in this Council. Had it not been for his touching on all the subjects, namely, the Meston settlement, the loans, and about our share of the income tax revenue and so on, the Council would not have been able to realise fully the financial situation. Now, the Government have done their duty by pointing out to us how a fair share of our income-tax revenue could be restored back to our Provincial revenue, it rests with us now to achieve the object by passing a resolution in this Council urging the Central Government and the Secretary of State to accede to our request to restore to us a substantial share of the income tax revenue, the absence of which has crippled the industrial and other progress of this Presidency.

In regard to the fluctuation in the exchange, though it is a central subject, still I do say that by manipulation in it the Government of India revenue has sustained a loss to the tune of 30 to 40 crores. Not only that, it has landed the commercial community into a great loss and it is a matter for regret that such a state of affairs should have come to pass.

In regard to loan funds, a strong case has been made out by the honourable the General Member who has answered to the points raised by my

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honourable friend for Ahmednagar. As a business man I venture to say that without loans, just as in the case of a commercial house, no progress can be made, in the same way Government cannot make any progress without borrowings. If we are assured by Government experts that such loans, borrowed either from the public or from the Government of India, will be invested in sound and secure productive projects, I do not see any reason why there should be any objection to it.

The Honourable the PRESIDENT: I hope the honourable member will not dilate on that point, as it has already been dealt with by previous speakers. I must ask the honourable member to resume his seat and ask the Honourable the Finance Member to reply and close the debate.

Sardar Khan Bahadur A. M. DALAL: I shall be able to finish my remarks within five minutes. As regards communications in my district, it is very unsatisfactory. The honourable member for Poona has already made out a case with regard to the roads in Poona. The case of the Broach district is worse, owing to the peculiar nature of its soil. One brass metal costs Rs. 40. I wish to bring this fact to the notice of the Honourable Minister so that facilities might be afforded to improve the roads. While I was in charge of the district local board, the collectors and other officials complained and I did what I could with the available resources and by retrenchment in some other heads of expenditure to work out the programme for roads. Now, our grant was Rs. 80,000 and it was cut down to Rs. 33,000. The money that we have spent on roads to the extent of two or three lakhs of rupees are likely to be wasted and the roads so made will be broken into pieces if more money is not made available.

In the same way as regards water supply. Broach has also earned a name for periodical uncertainties of seasons and vagaries of monsoons. Every second or third year people are visited by famine and in several talukas and in several villages drinking water is scarce.

The Honourable the PRESIDENT: Indeed all this is relevant to the supply debate, not now. Then it will be more effective.

Sardar Khan Bahadur A. M. DALAL: Then there is a cry for dispensaries.

The Honourable the PRESIDENT: That also.

Sardar Khan Bahadur A. M. DALAL: Then, education and medical relief.....

The Honourable the PRESIDENT: Education also.

Sardar Khan Bahadur A. M. DALAL: I bow to your order, Sir.

Then, I will refer only to one or two points which the Honourable the Finance Member incidentally touched in his budget speech, namely, death duties and income tax on investments in land. I am afraid death duties are not suited to Indian conditions. It is one thing for Western countries, but quite another thing for India.....

The Honourable the PRESIDENT: It is a question of future taxation and not relevant to the present debate.

Sardar Khan Bahadur A. M. DALAL : They were referred to by the Honourable the Finance Member.

The Honourable the PRESIDENT : That is no reason why it should be debated.

Sardar Khan Bahadur A. M. DALAL : Having not stopped him will you allow me to answer him ?

The Honourable the PRESIDENT : We are not dealing with future taxation at all.

Sardar Khan Bahadur A. M. DALAL : Then, in conclusion I tender my congratulations to those who are responsible for this balanced and satisfactory budget and resume my seat.

The Honourable Mr. H. S. LAWRENCE : Mr. President, on behalf of the members of the Government of Bombay I desire to offer my grateful thanks to the Council for the very kind reception they have given to the budget and for the kind remarks made on the presentation speech. Some of those remarks have not been without a sting, but with all that a sting is often very stimulating. And we shall have time and opportunity in the coming year to give close attention to those representations which have been put forward by various members upholding the claims of their various districts for a share of any additional revenue that it may be possible for this Government to allocate. As the House is aware there is a provision proposed to be made of a sum of 15 lakhs for emergent expenditure, just as in the current year the House made a provision of 20 lakhs, from which any useful and important works which may become urgent in the course of the year can be met. It may interest the House to be told that whereas the original allocation of this 20 lakhs was 12 lakhs for reserved departments and 8 lakhs for transferred, in the final distribution I understand that a sum of 14 lakhs has been passed over to the transferred departments and a sum of only 6 lakhs has been kept for the reserved departments. As some gentlemen have pointed out some inequity in the distribution between the reserved and transferred departments in the budget before the House, I think this actual fact of the allocation of that 20 lakhs reserve may perhaps allay some fears and anxieties. One member—I think he is not in the House now—gave some figures to show the extraordinary injustice of the distribution between reserved and transferred departments. Unfortunately his figures are not accurate, for he had forgotten to take into account the expenditure from loan money. I think the House may be assured that their representatives in the Government, the Ministers, lack neither energy nor skill in pressing the claims of the transferred departments, and that they may leave safely in their hands the question of receiving a due share of the revenues for the transferred departments.

Now, Sir, there is a tremendous wealth of material for me to comment on in this reply ; but a great deal of it has been dealt with by the Members and Ministers in their respective departments, and I think the House will note with approval the celerity and aptitude with which the Ministers have in these two years assumed the correct attitude of sun-dried bureaucrats. The extraordinary facility with which they quote figures,

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I observe, baffles and bedazzles honourable members opposite almost as much as myself. (Laughter.) I will, therefore, Sir, select only one or two of the major points to deal with at this late hour. Opportunity will arise during the course of the next fortnight in the debate on demands for grants to answer other points. If any member thinks that I am disregarding his point of view I shall be very glad to answer him further on a subsequent debate on any particular demands for grants.

The most important issue that has been raised is whether the loan policy of this Government is too ambitious for the revenues of the Government to bear. As an officer who came on the scene after the main lines of the Bombay Development Department had been laid down, I can claim no credit for the courage with which that policy was initiated, a policy which will mould the fortunes of this great city for generations to come; but I am able to assure this House that I have examined those projects from a detached standpoint and am filled with admiration not only for the noble proportions of the scheme, and for the breadth of vision displayed, but also for the wonderful thoroughness with which the initial preparations for the successful prosecution of the scheme has been carried out. It is a scheme for the greatest transformation of any city in the world which has been undertaken since Napoleon III with the help of Haussmann recreated Paris. But, Sir, these dreams of a 'City Beautiful' arising in future do not visit men who are oppressed with a nightmare of impending bankruptcy, and it is not my desire to beguile this House with fair words. I have attempted in my earlier speech to bring together hard facts and figures for your investigation and consideration so as to present the whole picture at one glance, and I have hoped that the examination of those figures would fortify the spirit of any waverers with a solid meal of easily digestible facts. I regret to find that in certain cases they have aroused alarm where I had hoped that a correct analysis and understanding would merely have quickened hope and inspired courage.

Let us examine the main features. They were dealt with in a broad style by the honourable nominated member for Bombay who is unfortunately not here. The honourable member hustled us from one precipice of calamity to another precipice of calamity. At one moment he asked us to consider the iniquity of a two shilling rupee and the chaos that it caused, at another he asked us to speculate on the causes of the settlement of the American debt by the British Government and on the secret anxiety of the English Exchequer, and then he asked us to plunge into the pre-occupations of the French on the Ruhr. All these speculations, I confess, left me gasping with an ache in the head and paralysing fear in the pit of the stomach. But, Sir, what had he in view? He warned us against adopting any comparison between the public debt that we are raising in this Presidency and the public debt of France or England, and why? As far as I could understand, because Bombay has not got fiscal autonomy. Sir, is that an adequate reason for refusing to take a good offer in business. If your broker offers you a sure thing to bring in a 50 per cent. return on an investment, would you refuse it because

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Bombay has not got fiscal autonomy? The real point is, how does the burden which we are assuming compare with our resources. It is no exaggeration to say that 99 per cent. of the debt in England is unproductive debt and it amounts to seven times the annual revenue of the country, and in France more than seven times. But here what are we projecting? We are not asking this House to take up an enormous burden of unproductive debt. We are putting before this House schemes of which 90 per cent. will be productive, not merely productive in the long distant future, but an expenditure which will be wholly recouped in instalments, an expenditure which will never exceed as far as our present commitments go, at any one time, three times the annual revenue, an expenditure which will be fully recouped well within twenty years and which then, if the schemes prove successful, as we believe they will, leave this Presidency with enormously increased resources. And I gather from my honourable friend the nominated member for Bombay that he recommended that this programme should be rejected. I am bold enough to believe that on further examination and reflection he will come to a different conclusion, and that in any case this House will not allow itself to be infected by his gloomy forebodings of misfortune. I trust that this House will not misunderstand the attitude of Government. We welcome all informed criticism. We have laid all our cards on the table. The Blue Book contains details of every scheme in progress. The honourable member speaks—quite justly, no doubt—of the sacrifice he has made for the country in giving time and thought to a study and examination of the budget. If he and other honourable members will bring their skilled business acumen to bear on these schemes and will warn Government of the mistakes that they see, and advise them as to their remedies, I repeat we shall welcome all such assistance most cordially.

I will turn now, Sir, to the honourable nominated member for Satara. He was distressed because he thought the burden of new taxation on stamps had fallen on the agricultural population, and he was aggrieved because these duties had not been imposed in the Bombay High Court and the Courts thereunder in the Bombay city. The honourable member is misinformed in both those particulars. The stamp revenue is divided into two sections approximately equal, judicial and non-judicial. In regard to non-judicial stamps 70 per cent. of the revenue is raised in the Bombay city. In regard to judicial stamps, since the number of persons concerned with litigation outside Bombay city is far greater than inside Bombay city, naturally the share outside Bombay city is greater. But the taxation imposed in Bombay City has in almost every particular been raised precisely in the same manner as taxation outside Bombay city; for the proceedings in the Bombay High Court on the Appellate Side are governed by the same law as applies to the mofussil courts; and in the Small Causes Court in Bombay city fees for processes have been raised by separate executive order and considerably raised. There is only one portion in regard to which the honourable member's

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complaint was good and that only for the time being. That is litigation on the Original Side of the High Court. In this matter the High Court has separate jurisdiction by statute and negotiations are still proceeding with them on the part of Government to invite them to take action under their separate power.

Then, Sir, the honourable member who represents the Millowners' Association of Bombay gave us a very thoughtful contribution on many points. We can all well understand and even sympathise with his desire that there should be no fresh taxation, and in particular no taxation on property left at death. I think, however, I should be lacking in courtesy and good will to the members of this House if I conceal from them my conviction that India cannot long remain the only civilised country in the world in which no death duties are imposed, and that the only way in which members of this House can escape that awful fate is by taking the very earliest opportunity of passing away from this world (laughter).

The honourable member then gave us some calculations regarding the amount of taxation per head of population and the annual income per head. If I have followed his remarks correctly, he came to the conclusion that the average taxation in Bombay city was Rs. 28, and the average income between Rs. 30 and Rs. 54, and certainly not in excess of Rs. 54. Sir, the honourable member plays an important part in political discussions in Bombay city, but if this is really his conclusion, I am afraid that those political debates must be a little weak on the economic side.

The Honourable the PRESIDENT: Which honourable member does the Honourable the Finance Member mean?

The Honourable Mr. H. S. LAWRENCE: The honourable member who represents the Bombay Millowners' Association. He is here.

The Honourable the PRESIDENT: If any honourable member makes any criticism, I think it is respectful to the House and it is one of the necessary rules of the debate that he should be present in the House to hear the reply. I say so because the Honourable the Finance Member in the earlier part of his speech referred to the absence of another member from Bombay who had made some criticisms but who is not here to hear the reply. (Honourable Members: A nominated member). Well, it makes no difference whether he is a nominated member or an elected member. We ought to observe the practice emphasised by the Speaker in the House of Commons in 1912 in these words:

"No practice can be more inconvenient than for an honourable member to attend in this House and make a speech lasting 35 minutes and then to go away before he hears the answer. . . . That is a very undesirable practice to follow. . . . Neither a Minister nor an unofficial member ought to make a speech here and then go away before he hears what the answer is." Parliamentary Debates: 5th series: House of Commons: Vol. 42: columns 1727-8.

The Honourable Mr. H. S. LAWRENCE: Sir, the basic factor of the calculations put forward by the honourable member was an estimate made many years ago of the value of agricultural produce in India, which did not take the profits of industry into account. I do not think, Sir, the members of this House would regard any estimate of the wealth of

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Bombay as correct which disregarded the outturn of the cotton mills, and was founded only on the value of the cocoanuts and peppercorns in the Mahim woods!

The honourable member proceeded to deal with the question of the cost of the Services, and several other members have also touched on that subject, and he advocated retrenchment in the higher ranks. All those members apparently came to the conclusion that ample savings were possible which could be utilised to safeguard the provincial exchequer against any financial disaster in the future. But, Sir, I think it is not disputed that our land revenue must fall by 70 lakhs next year and I do not think that some of those members are inexperienced in handling cyphers or like some of the critics outside this House make a habit of confounding lakhs with crores. The cost of the All-India services was put in the honourable member's speech at one crore of rupees for the whole of the All-India services of the Bombay Presidency and it was said that Indian officers might be substituted for the European officers at two-thirds of the cost, assuming that Indian standards of pay were adopted. Sir, of that one crore of rupees which is paid to the All-India services, over one-fourth is already being paid to Indians on the European rate of pay. The actual cost of overseas Europeans employed in this Presidency is about 75 lakhs of rupees. It is an easy calculation, therefore, that if we were to substitute Indians on Indian rates of pay for overseas European for every post at once, the amount of economy which could be effected would be 25 lakhs of rupees. Now, Sir, are you going to fill a void of 70 lakhs of rupees in land revenue alone with the sum of 25 lakhs, assuming that such substitution of Indians could be effected at once? Or, if all other revenue fall off and you have a decrease, as may happen in any year, of, say, two crores, how far will this 25 lakhs go to give you safety?

I am grateful to the honourable member for having raised this very important question, for it is of very great importance that the fundamental facts should be correctly appreciated. There is a great deal of genuine misapprehension abroad, fostered no doubt sometimes by wilful misstatement in that part of the press which is opposed to the British connection. I therefore ask the indulgence of this House while I give them a few cardinal figures. When this question of employment of overseas Europeans was investigated by the Royal Commission eight years ago, there were some 430 employed in the Bombay Presidency. The number now employed is 370. That is to say, this Presidency is employing 60 less of overseas Europeans than eight or nine years ago, a decrease of some fifteen per cent. The cost of these services eight years ago in round figures was 60 lakhs. The cost now is 75 lakhs, an increase of 25 per cent. During that same period the cost of our subordinate services has risen from 2½ crores (not lakhs) to 4½ crores, an increase of 100 per cent.; and the cost of our provincial services has risen from 50 lakhs to 80 lakhs, an increase of 60 per cent. These figures were given to the Council, and are printed in the Council proceedings of February 1922, but they do not seem to have attracted

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attention or thought, certainly not outside this Council. Thus, the increase of the superior staff in the provincial branch is a little more than ten per cent., while the increase in the overseas Europeans is rather less than ten per cent. of the total increase of cost of all services.

Now, when we are told that the European services have looted the treasury, depleted the exchequer, and other such picturesque phrases, we can estimate the value of these charges. The cost of the Imperial Services when the provincial revenue was eight crores was $7\frac{1}{2}$ per cent. Now, when the provincial revenue is over fourteen crores, the cost of the overseas Europeans is about five per cent. You do not deplete the exchequer when you take a smaller proportion out of it than before, nor when the total amount that you draw is five per cent. of the whole.

It may very reasonably be asked, why, when other branches of the service received increments of 60 and 100 per cent. did the European services receive only an increment of 25 per cent.? The reason has very recently been published for the first time, and by no less an authority than the Right Honourable Mr. Montagu in certain letters to the London "Times" in January last. Mr. Montagu has now stated that his decision in this matter was influenced by the high rate of exchange, for those orders were issued when the rupee was worth more than two shillings: a very pregnant statement on which this House will no doubt ponder.

I will add one other statistical calculation. Let us take the honourable member's figure of Rs. 50 as the annual income per head of population, although this is in my opinion a great under-statement, but I will make the comparison on his own figure. The population of the Bombay Presidency is two crores; the annual income would therefore be 100 crores. The net profit of the mill industry of Bombay has been estimated by competent experts to be in recent years 12 crores a year. The cost of employing overseas Europeans in place of Indians may therefore be taken to be two per cent. of the net profits of the cotton industry alone in Bombay city alone and $\frac{1}{4}$ per cent. of the annual income of the Presidency on the honourable member's very modest calculation.

I have said that the number of overseas Europeans employed has fallen from 430 to 370. It will interest the House to know that during the same period the number of Indian officers in All-India services has risen from 55 to 155: so that when complaint is made that the Bombay Government is making no progress with the Indianisation of its services, the House will judge that complaint in the light of this cold official fact that there has been an almost three-fold increase, 300 per cent. in the number of Indians employed in the All-India services in the last eight years; and as a natural consequence, this large increase in the number of Indians in those services accounts for the greater part of the increased cost of those services.

I do not say for a moment that this cost is not susceptible of reduction. I am prepared to admit that it is susceptible of reduction. But when we are arguing on this question with others who are hostile to the whole British connection, it is well to have a fairly accurate appreciation of the fundamental facts in issue.

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The honourable member spoke of excessive payments made to officers on leave, and I must admit that I had never heard of the case which he represented. I have made inquiries and find the statement is correct, though on a limited scale; and the explanation is this that Government have given officers the option of surrendering a portion of their leave due in return for the concession described; in fact, while the officer secures an advantage (an advantage I may say which has never fallen to me), the State also derives a very material benefit.

Some honourable members, who disclaimed any desire of raising a racial issue, suggested that the total cost of supervision of the superior services was excessive. This must be a matter of opinion. My own official experience extending over 32 years has taught me that it is only by the most alert and vigilant supervision that we can prevent the mighty machine of Government from being misdirected, mishandled and abused so as to be a cover for tyranny and oppression to crush the poor and friendless. We have all read those words of Shakespeare :

“ Man, proud man, drest in a little brief authority, like an angry ape, plays such fantastic tricks before High Heaven as make the angels weep.”

Those words are very true, and in this connection the reference made by the honourable member from Satara to the point of view of the depressed classes is not without a serious application. He reminded us that the conference of depressed classes passed a resolution that they required European Officers to protect them from injustice. Those depressed classes number 60 millions in India, and in this Presidency exceed 7 millions, or one-third of the population. This House, Sir, elected on a democratic basis with its care for the interests of the voiceless masses, will lend itself to no hasty action that would imperil the interest of those masses.

The secret of good administration, whether in the sphere of Government or of commerce, consists in the delegation of powers and the supervision of inferior officers by grade upon grade of superior. This is what tradition and long experience have taught equally in the art of Government and in the building up of great business concerns. In those unhappy countries where chaos now reigns and the people suffer untold miseries of which no one here can form any adequate conception, you will find that the want of a disciplined body of public servants lies at the root of the evil. To give one instance only, which comes home very closely, of personal knowledge to many men in India, what has produced the terrible anarchy in Ireland? No cause has been more potent than the withdrawal and disappearance of the old magistracy and the police. These men have left the country, with the result that houses are daily destroyed and burnt, property looted, and no man's life is safe. The duty of guarding against any possibility of the occurrence of these horrors in this peaceful land is a primary duty of Government, and it is to this end that it is necessary to secure the discipline, the contentment and the good conduct of the public services, and to omit no measure of supervision that would conduce to that result.

To those who seriously consider that the existing administration is on an extravagant scale, I would commend the considered opinion of

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Lord Selborne. Lord Selborne was chairman of the Joint Committee of Lords and Commons on the Reforms Scheme, and in a debate in the House of Lords on the Reforms Scheme, he gave the following analysis of the situation :

“The Government of India was originally formed on the most simple lines possible. Its tasks were to preserve order, to administer justice, and to collect the revenue. It really was an absolutely ideal Government after the conception of Government of the Manchester School. I do not suppose that such an economical Government has ever existed before in the history of the world, and I do not suppose that the world will ever again see its like. It is quite extraordinary for what it has done with a very small man power and with the smallest possible budget.”

Mr. President, the opinion of Lord Selborne, a man with the greatest experience of public life both in England and in other parts of the world, will, I have no doubt, carry the greatest weight with this Council.

Sir, with these words I conclude, and thank the Council for the very kind and patient hearing of my remarks.

The Honourable the PRESIDENT: Before adjourning the Council I wish to make an announcement. Honourable members will be pleased to remember that to-morrow is the last day for sending in notices of motions on the demands for grants. After that no such motions shall be received as within the time under the Rules and Standing Orders.

The Council is now adjourned to 2 p.m. to-morrow, Friday, the 23rd February 1923.

Friday, the 23rd February 1923.

The Council re-assembled at the Town Hall, Bombay, on Friday, the 23rd February 1923, at 2 p.m., the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

Present :

ABDUL KADIR KHAN ABDUL AZIZ KHAN, Mr.
 ADDYMAN, Mr. J.
 ADHAV, Mr. P. N.
 BATLIWALA, Dr. S. S.
 BEDREKAR, Khan Bahadur I. M.
 BHATE, Mr. G. C.
 BHURGRI, Mr. J. M.
 BHUTTO, Khan Bahadur S. N.
 BOLE, Mr. S. K.
 CHAUGULE, Mr. ANNAPPA PHADEPPA
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 COCKE, Mr. H. G.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Mr. V. A.
 DADACHANJI, Dr. K. E.
 DALAL, Sardar Khan Bahadur ADARJI, M.
 DALAL, Mr. D. B.
 DESAI, Rao Saheb HARILAL D.
 DESAI, Rao Saheb DADUBHAI P.
 DURHASHE, Mr. SHANKAR BALKRISHNA
 DUMASIA, Mr. NAOROJI M.
 DWARKADAS, Mr. KANJI
 FERREIRA, Mr. D. J.
 GANDHI, Mr. C. M.
 GARUD, Rao Bahadur S. D.
 GAYASUDDIN JAUDDIN, Mr.
 GHOLAP, Mr. D. D.
 GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH
 GODEOLE, Dewan Bahadur K. R.
 GUPTA, Mr. V. R.
 HAJI, Mr. IBRAHIM S.

HALKATTI, Rao Sahab PHAKIRAPPA GURUBASAPPA
 HAVELIVALA, Mr. M. A.
 HAYWARD, The Hon'ble Mr. M. H. W.
 HEPPER, Sir LAWLESS
 HULKOTI, Mr. CHANNAPPA CHANVIRAPPA
 JADHAV, Mr. B. V.
 JENNINGS, Major-General W. E.
 KALE, Rao Bahadur R. R.
 KAMBLI, Mr. S. T.
 KANGA, Mr. J. B.
 KASSIM, Mr. G. H.
 KER, Mr. J. C.
 LALBHAI AMBARAM, Mr.
 LALJI NARANJI, Mr.
 LAWRENCE, The Hon'ble Mr. H. S.
 LORY, Mr. F. B. P.
 MANSURI, Khan Sahab A. M.
 MEAD, Mr. P. J.
 MEHTA, The Hon'ble Mr. C. V.
 MODI, Sardar Davar T. K.
 MOHIDINKHAN, Khan Sahab HAJI HAZRATH KHAN
 MOHOMED, SALAHUDDIN K., Mr.
 MONTGOMERIE, Mr. A.
 MOTIRAM, Rao Sahab RUPCHAND
 MUKHI, Mr. J. P.
 MURPHY, Mr. S. J.
 MUTALIK, Sardar V. N.
 NELSON, Mr. F.
 NILKANTH, Rao Bahadur R. M.
 NIMBALKAR, Mr. K. B.
 OJHA, Mr. DIPCHAND T.
 PAHALAJANI, Mr. B. G.
 PARANJPYE, The Hon'ble Dr. R. P.
 PARULEKAR, Rao Sahab]L. V.
 PATEL, Mr. B. P.
 PATEL, Mr. J. B.
 PAWAR, Shrimant J. A.
 PETTIT, Mr. JEHANGIR B.
 PRADHAN, Mr. M. W.

PROES, Mr. E. M.

RAHIMTOOLA, The Hon'ble Sir IERAHIM

ROTHFELD, Mr. O.

SAHERWALA, Khan Saheb I. A.

SALGAR, Mr. R. G.

SETALVAD, The Hon'ble Sir CHIMANLAL

SHEPHERD, Mr. W. C.

SHIRRAS, Mr. G. FINDLAY

SINDORE, Mr. H. N.

SUFI, Mr. KALANDARBAKSH

SURVE, Mr. A. N.

THAKOR OF AMOD, Sardar NAHARSINGHJI

THOMAS, Mr. G. A.

TRIVEDI, Mr. G. B.

VICHARE, Rao Bahadur D. A.

WOODS, Mr. E. E.

The Honourable the PRESIDENT : Order, order. Questions.

BORING OF WELLS.

Mr. P. N. ADHAV (Satara District) : (a) Will Government be pleased to state the initial cost of boring machine (used by the Agricultural Department) for taking bores for wells ?

If there are various types, the maximum and minimum may be quoted.

(b) The life period of the machine from experience up to the present.

The Honourable Mr. C. V. MEHTA : (a) Various types of machines are used in the Agricultural Department. The price varies from Rs. 15,000 for the 5" Calyx power boring machines to Rs. 2,200 for the 2½" Cawnpore machine.

(b) The life of a machine may be taken as fifteen years.

KOREGAON SATARA RAILWAY.

Mr. P. N. ADHAV (Satara District) : (a) Will Government be pleased to state what action, if any, has been taken to start the construction of the Koregaon Satara Railway line (some portion of earth work done and lands acquired) ?

(b) When would Government be pleased to remove the long standing inconvenience and hardship to the travelling and trading public by connecting the branch line with the main line system ?

(c) Is it a fact that this project was strongly supported by this Government in 1911 and again it was given first place in the order of urgency in 1920 in the Presidency projects ?

(d) Is it a fact that connection with private syndicate for the branch line was broken off as it was thought better for Government to construct the line ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) and (b) In view of the existing financial conditions the Government of India are unable to provide funds for any new lines and it is impossible to say at present when the construction of this line will be commenced.

(c) and (d) Yes.

DEFALCATION ON FAMINE WORK.

Mr. P. N. ADHAV (Satara District): Will Government be pleased to lay on the Council table the result of inquiry in which a sub-overseer was found to have swindled or extorted money from coolies engaged on famine work on the Khandala Lonand road ?

(b) Were the coolies defrauded compensated for their loss ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The information is being called for.

COMMISSION TO DUMALDARS UNDER LAND REVENUE CODE.

Mr. P. N. ADHAV (Satara District): Will Government be pleased to state the names of dumaldars who are conceded the commission under article 88 of the Land Revenue Code ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information has been called for.

REVISION OF CLERICAL ESTABLISHMENT OF THE JUDICIAL DEPARTMENT.

Mr. G. C. BHATE (Kolaba District): Will the Government be pleased to state whether the permanent revision of the pay of the clerical establishment of the Judicial Department has been sanctioned and brought into force ?

The Honourable Mr. M. H. W. HAYWARD : A copy of the resolution* on the subject is laid on the table.

SEPARATE DISTRICT COURT AT KOLABA.

Mr. G. C. BHATE (Kolaba District): Will the Government be pleased to state—

(a) When the Kolaba district will have a separate District Court ?

(b) Whether it is a fact that Government has ordered that the first class jurisdiction of the Alibag sub-judge's court is to be discontinued or temporarily held in abeyance ?

The Honourable Mr. M. H. W. HAYWARD : (a) When the financial position permits.

(b) When that occurs it is also hoped to post once more a first class subordinate judge to Alibag.

DISPENSARIES IN KOLABA DISTRICT.

Mr. G. C. BHATE (Kolaba District): Will the Government be pleased to state whether it is a fact that nearly 40 per cent. of the revenue of some of the municipalities in the Kolaba district is being exhausted in maintaining the dispensaries ?

* Vide Appendix D.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The attention of the honourable member is invited to the annual reports on municipal taxation and expenditure which contain full particulars.

EDUCATIONAL EXPENDITURE IN SIND AND THE PRESIDENCY.

Mr. J. M. BHURGRI (Thar and Parkar District): Will the Government be pleased to lay on the Council table a comparative statement for the last ten years of the expenditure incurred by them under the general head of Education, (a) for Sind; (b) for the rest of the Presidency?

The Honourable Dr. R. P. PARANJPYE : The information is being obtained.

ROADS IN KOLABA AND RATNAGIRI DISTRICTS.

Mr. KANJI DWARKADAS on behalf of Mr. S. K. BOLE (Bombay City, North): Will the Government be pleased to state whether they are aware of the bad conditions of the road from Rewas to Alibag in the Kolaba District and the road from Dabhol to Jaigad in the Ratnagiri District and what steps they propose to take to get the roads repaired?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Inquiry is being made.

ALLOTMENTS OF ROAD GRANTS.

Sardar Khan Bahadur A. M. DALAL (Broach District): (a) Will Government be pleased to place on the Council table the statement of allotments of road grants made by the Commissioner, Northern Division, to each of the district local board of the Northern Division in the current year?

(b) Will Government be pleased to state whether any principle is followed in distributing the provincial road grants among the districts? If so, what are these principles?

The Honourable Khan Bahadur SHAIKH GHULAM HUSAIN : Information is being obtained.

PAY OF PRIMARY SCHOOL TEACHERS, BROACH.

Sardar Khan Bahadur A. M. DALAL (Broach District): (a) Is Government aware that the teachers of the primary schools of the Broach city municipality do not get their pay according to the scale of pay sanctioned by Government since March 1921?

(b) If the answer to the above question is in the affirmative, will Government be pleased to state whether they contemplate the payment of the revised pay according to the sanctioned scale from provincial funds or by compulsion on the municipality for their payment?

(c) Is it a fact that the old and new primary school teachers in Broach municipality receive the same pay? If so, does Government intend removing this anomaly?

The Honourable Dr. R. P. PARANJPYE : Enquiries are being made.

INDENTS ON THE HIGH COMMISSIONER.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to state the amount of the last indent sent to the High Commissioner, for the Development Department, stating (a) the amount covered by indents restricting the High Commissioner to purchase from a particular firm or person or suppliers, and (b) the amount of indents for which the High Commissioner had a free hand to buy from the cheapest source ?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) and (b) The last indent sent to the High Commissioner is in respect of solid rubber tyres for "Sentinel" steam lorries, and amounts to £856. The High Commissioner has been asked to place the order preferably with either the Dunlop Rubber Company, Limited, the Continental Tyre and Rubber Company, Limited, or the Goodrich Tyre Company, Limited, as it has been found by experience that the best results are obtained from tyres supplied by these firms.

RECRUITMENT OF SUB-JUDGES FOR APPOINTMENTS AS MAGISTRATES.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state what steps have been taken to recruit new subordinate judges for filling the posts of magistrates in pursuance of the resolution of the Bombay Legislative Council ?

The Honourable Mr. M. H. W. HAYWARD: It has not yet been possible owing to financial stringency to recruit the full number of subordinate judges required even for the civil work of the subordinate courts.

Rao Saheb D. P. DESAI: You have increased your budget by seven lacs since the last budget ?

The Honourable Mr. M. H. W. HAYWARD: I do not quite follow the honourable member, but I would refer him to the Honourable the Finance member.

The Honourable the PRESIDENT: The honourable member is raising a debate. He must ask for information; not give information and then raise a debate.

Rao Saheb D. P. DESAI: Have you increased since last budget time your expenditure on administration of justice by seven lacs ?

The Honourable the PRESIDENT: That does not seem to arise out of the question before the House. It seems to be a new question.

Rao Saheb D. P. DESAI: Sir, I have been asking the honourable member whether he had not increased his budget by seven lacs though there is financial stringency.

The Honourable the PRESIDENT: I think that would be a relevant argument when the estimates come on for discussion.

Rao Bahadur R. R. KALE: I wish to ask a supplementary question, Sir. Is it proposed to appoint a resident magistrate for Bandra ?

The Honourable the PRESIDENT: How does it arise out of the original question and answer? The resident magistrate and the subordinate judge are not the same class.

Rao Bahadur R. R. KALE; This is preliminary, Sir. My next question will be why a subordinate judge should not be appointed as resident magistrate of Bandra ?

The Honourable the PRESIDENT: Very well.

The Honourable Mr. M. H. W. HAYWARD: I will discuss the question when the estimates come on for discussion.

ADMISSION TO GRANT MEDICAL COLLEGE.

Rao Saheb D. P. DESAI (Kaira District): (a) Will Government be pleased to state whether the students who were refused admission to the second year class in the Grant Medical College in March last have since been admitted ?

(b) If not, will Government be pleased to state reasons for not admitting them ?

The Honourable Dr. R. P. PARANJPYE: Yes.

USE OF IRRIGATION WATER.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state whether alkaline efflorescence results from injudicious use of irrigation water, and if so, to what extent it affects the growing crops and what is the loss due to this cause every year in this Presidency ?

(b) Are there alkali-impregnated soils in irrigated sections of Sind ?

The Honourable Mr. C. V. MEHTA: (a) Alkaline efflorescence results from injudicious use of irrigation water except on highly drained soils. The extent of its effect on the crops depends chiefly on the nature of the sub-soil and the kind of crops grown. The loss due to this cause is considerable. It is however not possible to give an estimate of its amount.

(b) Yes.

EMPIRE EXHIBITION.

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

(a) what articles have been selected from the Bombay Presidency for exhibition at the Empire Exhibition ?

(b) for what purposes the proposed expenditure of Rs. 1,80,000 is to be incurred ?

The Honourable Dr. R. P. PARANJPYE: An advisory committee is being formed for the purpose and detailed arrangements for the participation of this Presidency will be made in consultation with it. No detailed information can be given at the present moment to the question of the honourable member for Kaira.

PRICE OF COTTON.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state what premium or increase in the price is given to the cultivators of 1027 A L F and 1 A cottons over and above the price of local Navsari cotton ?

The Honourable Mr. C. V. MEHTA : Attention is invited to paragraph 16 of Appendix D to the Report of the Department of Agriculture for 1920-21.

Rao Saheb D. P. DESAI : Is 1027 A L F cotton superior to Navsari cotton ?

The Honourable Mr. C. V. MEHTA : I want notice of that question.

DOHAD, BROACH, AMALSAD AND SURAT FARMS.

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state what ordinary or special work is being done on the Dohad, Broach, Amalsad and Surat Farms ?

The Honourable Mr. C. V. MEHTA : The information is contained in the annual reports of the Department of Agriculture.

Rao Saheb D. P. DESAI : Sir, I want information for the last year : it is not contained in the report.

The Honourable the PRESIDENT : The honourable member's question does not state the year at all.

The Honourable Mr. C. V. MEHTA : May I say, Sir, that I understood the question to refer to what has been done in the year previous to the last, and I gave the reply on that understanding. With regard to the supplementary question that is asked now, the report of the Agricultural Department for 1921-22 will be out very shortly.

GRADUATE FIELDMEN.

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to lay on the table—

(a) a list of graduate fieldmen with their dates of confirmation and their present pay, and

(b) a list of graduate fieldmen who have been superseded with reasons for their supersession ?

The Honourable Mr. C. V. MEHTA : The labour and expenditure of time involved in answering the question will be out of proportion to the value of the information.

Rao Saheb D. P. DESAI : Sir, I want to know who were superseded and why ?

The Honourable the PRESIDENT : The answer has been already given by the minister, who has stated :—

“The labour and expenditure of time involved in answering the question will be out of all proportion to the value of the information.”

Mr. C. M. GANDHI (Surat City) : May I take it that the number is very large ?

The Honourable Mr. C. V. MEHTA : The reply to the whole question is that the labour and expenditure would be disproportionate to the value of the information.

Mr. G. B. TRIVEDI (Thana District) : Do Government intend to prepare a list suggested in question (b) ?

The Honourable Mr. C. V. MEHTA : Sir, the question does not relate to any specific period of time. For how many years are we to go back ? If there are any specific instances which are brought to the notice of the

honourable members and if questions are asked, Government will be glad to give information about them.

ABOLITION OF PROVINCIAL BOARD OF AGRICULTURE.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state whether it is a fact that the Provincial Board of Agriculture has been abolished? If the reply to this be in the affirmative, will Government be pleased to state the reasons for this step?

The Honourable Mr. C. V. MEHTA: The Board has not been abolished.

Rao Saheb D. P. DESAI: Was any meeting of the Board held in the current year? When was the last meeting held?

The Honourable Mr. C. V. MEHTA: A meeting of the Provincial Board was held two years ago, and after the proceedings of the meeting I came to the conclusion that a second meeting should be called two years hence, that is in the current year. That will be enough for the purposes of the board.

JAIL REPORT.

Mr. KANJI DWARKADAS: (a) Has the attention of the Government been drawn to the statement on page 2 by the Inspector General of Prisons on the Annual Administration Report of the Bombay Jail Department for the year 1921 protesting against certain sentences passed by the criminal courts and specified therein?

(b) If so, will they be pleased to state what action they have taken or intend to take in the matter?

The Honourable Mr. M. H. W. HAYWARD: The question is under the consideration of Government.

PAY OF TEACHERS PASSING THIRD YEAR EXAMINATION.

Rao Bahadur S. D. GARUD (West Khandesh District): (a) Is it true that under the present system teachers who after some years of service pass the Third Year Examination of the training college are liable to get less pay than the teachers who have passed no such higher test?

(b) If so, will Government be pleased to state what steps they propose to take to remove the anomaly?

(c) Is the following table about some primary school teachers in West Khandesh which shows this anomaly correct?

| Total service years. | Present pay. | Name of teacher. | Year of passing 1st year examination. | Year of passing 2nd year examination. | Year of passing 3rd year examination. |
|----------------------|--------------|--------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| 22 | Rs. a. p. | Meghasham Nathu Dixit .. | 1899 | 1900 | 1910 |
| 22 | 68 12 0 | Kashinath Mahadeo Joshi. | 1899 | 1900 | .... |
| 20 | 41 4 0 | Tanaji Tukaram Patil .. | 1901 | 1902 | 1912 |
| 19 | 68 12 0 | Vishnu Rajaram Thombare. | 1902 | 1903 | .... |
| 20 | 40 0 0 | Shankar Vishnu Gadgil .. | 1901 | 1902 | 1913 |
| 20 | 40 0 0 | Amrit Dhonddev Rao .. | 1901 | 1902 | 1915 |

The Honourable Dr. R. P. PARANJPYE: Enquiries are being made.

REVISION OF PAY OF SUB-REGISTRARS.

Rao Bahadur S. D. GARUD (West Khandesh District): (a) Are Government aware that the recent revision of pay of the sub-registrars has the effect of blocking promotions in the case of the majority of sub-registrars, and that the revision has been received with dissatisfaction by the service concerned?

(b) In view of the necessity of attracting suitable men to the department and of improving its moral tone, are Government considering any schemes of fresh and adequate revision of pay?

The Honourable Mr. C. V. MEHTA: (a) The recent revision has not the effect of blocking promotions and should not cause any genuine dissatisfaction.

(b) No. The pay is sufficient to attract suitable men.

D. A. R. ACT COMMITTEE'S REPORT.

Rao Bahadur S. D. GARUD (West Khandesh District): Will Government be pleased to state (a) the steps that are proposed to be taken in consequence of the recommendations of the Commission appointed to consider the working of the Deccan Agriculturists' Relief Act, (b) when the report of the Commission and government resolution thereon are likely to be published?

The Honourable Mr. M. H. W. HAYWARD: It is not proposed to publish the papers at present. The form of the legislation is still under the consideration of Government.

Rao Bahadur S. D. GARUD: May I know what time it will take?

The Honourable Mr. M. H. W. HAYWARD: I cannot specify the time.

Rao Bahadur S. D. GARUD: I want it roughly.

The Honourable Mr. M. H. W. HAYWARD: The Act has been in force from 1879!

Rao Bahadur S. D. GARUD: I want the approximate date when it is proposed to publish the report of the Commission.

The Honourable Mr. M. H. W. HAYWARD: I cannot give any definite time. The matter has been under consideration by the High Court and the Government of India.

Rao Bahadur R. R. KALE (Satara District): Is the honourable member aware that a similar question was asked a year ago and a similar answer was given before?

The Honourable Mr. M. H. W. HAYWARD: I must refer the honourable member to the pages of the printed debates of the Legislative Council.

Rao Bahadur R. R. KALE: The second question is whether any reasonable explanation will be given for the unreasonable delay.

The Honourable Mr. M. H. W. HAYWARD: I cannot admit that the delay is unreasonable. It is a very important matter and it has been under consideration by the High Court and the Government of India.

REVISION OF PAY OF PRIMARY SCHOOL TEACHERS.

Rao Bahadur S. D. GARUD (West Khandesh District): Will Government be pleased to state when full effect is likely to be given to the scheme for the revision of the pay of primary school teachers?

The Honourable Dr. R. P. PARANJPYE: Detailed proposals for revised time-scales of pay for primary school teachers are under consideration.

Rao Bahadur S. D. GARUD: May I enquire at what date approximately the proposals will be brought into force?

The Honourable Dr. R. P. PARANJPYE: Before the teachers are handed over to the local bodies, these proposals will be brought into force.

TEACHERS IN SECONDARY SCHOOLS.

Rao Bahadur S. D. GARUD (West Khandesh District): Will Government be pleased to state—

(a) how many posts of selection grade (10 per cent. of the cadre) are created for under-graduate teachers in secondary schools and in the inspecting line under Government Resolution, Educational Department, no. 737, dated the 15th of November 1921;

(b) how many of them are filled and how many kept vacant;

(c) whether Government are prepared to first consider the claims of teachers who have put in more than twenty-five years' service when these vacant posts are filled up?

The Honourable Dr. R. P. PARANJPYE: The information is being obtained.

DIVISION OF KHANDESH.

Rao Bahadur S. D. GARUD (West Khandesh District): Will Government be pleased to state what steps have been taken in pursuance of the assurance of Government to reconsider the existing division of the old Khandesh district and when the decision of the question is likely to be reached?

The Honourable Sir IBRAHIM RAHIMTOOLA: The question is under the consideration of Government.

Rao Bahadur S. D. GARUD: May I know what steps are being taken now?

The Honourable Sir IBRAHIM RAHIMTOOLA: The Government is collecting information from district officers.

Rao Bahadur S. D. GARUD: Will Government be pleased to say when the whole enquiry is likely to be completed?

The Honourable Sir IBRAHIM RAHIMTOOLA: It is not possible to say that, having regard to the importance of the subject which the honourable member has referred to. The question, as the honourable member is aware, is the re-distribution of the Khandesh district. The original Khandesh district was divided into two, and the honourable member wishes a re-arrangement of these two districts. This is not an ordinary question which can be disposed of in a hurry.

Rao Bahadur S. D. GARUD : Is it not possible to give an idea of the approximate time—two years, three years ?

The Honourable the PRESIDENT : It is no use pursuing the Leader of the House in that way. He has given the only answer which he thinks he can give.

The Honourable Sir IBRAHIM RAHIMTOOLA : I will say, Sir, that Government will do their best to expedite the matter.

ESTABLISHMENT OF SPECIAL HOSTELS FOR DEPRESSED CLASSES GIRLS.

Mr. D. D. GHOLAP : Will Government be pleased to state whether they intend to establish special hostels for the depressed classes girls, with a view to getting school mistresses for their girl-schools ?

The Honourable Dr. R. P. PARANJPYE : No proposal of the kind is before Government.

Mr. G. B. TRIVEDI (Thana District) : Is there any obstacle in the way of providing accommodation in the ordinary hostels ?

The Honourable Dr. R. P. PARANJPYE : I would like to have notice of the question.

Mr. G. B. TRIVEDI : You know it. There is no notice required. Are authorities putting any obstacles in the way of admitting depressed classes girls wishing to become school-mistresses in the ordinary hostels of the female training colleges ?

The Honourable Dr. R. P. PARANJPYE : So far as I know, there are none ; but I shall make enquiries if the honourable member will put a question in the regular way.

COLLEGE OF AGRICULTURE, POONA.

Mr. V. R. GUPTE (Poona City) : Will the Government be pleased to state if it is intended to close the College of Agriculture, Poona, on financial considerations ?

The Honourable Mr. C. V. MEHTA : There is no such intention.

TRANSFER OF ADEN TO COLONIAL OFFICE.

Mr. V. R. GUPTE (Poona City) : Will the Government be pleased to state if any final decision has been communicated to them with regard to the contemplated transfer of the administrative control of Aden to the Colonial Office ? If so, will they place it on the table ? If not, will they mention the steps taken by them to press for an early decision on the subject ?

The Honourable Sir IBRAHIM RAHIMTOOLA : No final orders have yet been received. The subject is still under consideration and the Government of Bombay have been pressing for an early decision.

Mr. JEHANGIR B. PETIT : I wish to know what is the attitude of the Government of Bombay on the point ?

The Honourable Sir IBRAHIM RAHIMTOOLA : I should like to have notice of that question.

Mr. KANJI DWARKADAS : In view of the statement that the Government have made that Government have been pressing for an early decision, will they kindly tell us on what lines they want a decision ?

The Honourable the PRESIDENT : That is repeating the same question in another form.

Mr. JEHANGIR B. PETIT : Are Government aware that there is a strong feeling among the public in regard to this question ?

The Honourable the PRESIDENT : That is giving information and cannot be allowed unless it is preliminary to another question.

Mr. KANJI DWARKADAS : Have Government made any representation to the authorities with regard to this matter ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Honourable members ought to remember that this is an Imperial question and the Government of Bombay are merely carrying on the administration of Aden under the orders of the Government of India. This is not a question in which the Bombay Government have any definite power.

The Honourable the PRESIDENT : When any question is asked with regard to a matter which is the subject of any communication between one Government and another or between one department and another it is the right of the Government Member in charge to decline to answer and to reply that those communications are regarded always as confidential. It would be a menace to the freedom of discussion between one Government and another or one department and another, if they were to be pestered with questions relating to interdepartmental correspondence. As ruled in the House of Commons by the Speaker :—

"Confidential documents or documents of a private nature passing between officers of a department and another department are not necessarily laid on the Table of the House, especially if the Minister declares that they are of a confidential nature. It would be a precedent dangerous to the public service to say that they ought to be laid": *Hansard, 3rd Series, Volume 261, columns 1783—4.*

But honourable members can certainly ask any questions in regard to any communication which Government may have received as a result of their correspondence.

ARREST OF A MUNICIPAL COUNCILLOR OF NAVALGUND.

* Mr. C. C. HULKOTI (Dharwar District) : Will the Government be pleased to state whether it is a fact—

(a) that the sub-inspector of police of Navalgund taluka, in Dharwar district, arrested one Mallanagouda Mallapagouda Patil, a municipal councillor of Navalgund, on 20th March 1922, when he was collecting booth fees in Yamanur Fair and put him in lock up ?

(b) that the Assistant Superintendent of Police after being approached released the said Mallanagouda after some time ?

(c) that the sub-inspector, before arrest, had made no inquiries to justify the arrest ?

(d) Will the Government be pleased to state the circumstances under which the sub-inspector arrested the said Mallanagouda and also the

* This question was asked at the meeting held in July 1922, when an *ad interim* reply was given.

circumstances under which he was released by the Assistant Superintendent of Police ?

The Honourable Mr. M. H. W. HAYWARD : The councillor in question was arrested in connection with a disturbance in the fair at Yamanur. He was released on bail. The charge against him was under Section 353, Indian Penal Code. The enquiries were made by the sub-inspector and Assistant Superintendent of Police.

Mr. C. C. HULKOTI : There is no definite answer to my question (c). I wish to know whether there was any enquiry made by the sub-inspector before arrest.

The Honourable Mr. M. H. W. HAYWARD : I do not know whether the honourable member desires to pursue this subject further. I could give him a good deal of information on the question relating to the management of the municipalities of Navalgund and Yamanur.

Mr. C. C. HULKOTI : I do not want any information about the management of the municipalities.

The Honourable Mr. M. H. W. HAYWARD : I mention that because the circumstances arose out of certain mismanagement of these two municipalities. If the honourable member desires me to make a full statement on this point, I shall be glad to have notice and then I shall be able to give him all the information on the point.

Mr. C. C. HULKOTI : Very Well.

BLASTING OPERATIONS ON THE KAVERI RIVER.

Mr. C. C. HULKOTI (Dharwar District) : What was the cost of the blasting operations on the Kaveri River in order to make it navigable and what was the object of these operations and how many logs were floated ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The necessary information has been called for.

CAUSEWAY ON RIVER KALI.

Mr. C. C. HULKOTI (Dharwar District) : (a) Was a causeway built at Bommanhalli in Kanara, N. D., on the river Kali ? What was the estimated cost of the same ? Was the estimate duly sanctioned before the work was taken up ? How much money has already been spent on it ? Was the budget estimate of the work exceeded and, if so, by what amount, and what more money would be required to complete the work, and what are the compensating advantages to the department by its construction ?

(b) Is it a fact that a temporary causeway was built every year in the rains and that several tons of timber were transported across the river Kali at the same point by means of a temporary causeway each season ?

(c) Is it a fact that 15 to 20 feet of water flows over the level of the proposed causeway at the time of floods rendering the causeway useless for the purpose for which it is intended ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The necessary information has been called for.

DANDELI BUILDINGS.

4. Mr. C. C. HULKOTI (Dharwar District): (a) How many buildings were built by Government at Dandeli in 1918 or thereabouts?
 (b) Was there any estimate sanctioned before the operations commenced?
 (c) What was the total cost of these buildings?
 (d) What was the budget amount provided for these buildings?
 (e) Did the actual cost exceed the budget amount, and, if so, by how much?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Information has been called for.

CRIMINAL APPEALS IN THE COURT OF MR. BASKERVILLE,
MAGISTRATE, ETC., SATARA.

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to lay on the Council table a statement showing—

(a) the number of criminal appeals presented in the Court of Mr. Baskerville, Magistrate, First Class, Satara, since the time he was invested with appellate powers;

(b) in how many cases of these the appeals were summarily dismissed under section 421 of the Criminal Procedure Code before even calling for the record and how many after the record was called for;

(c) in how many cases were the convictions by the lower magistrate reversed under section 422 of the Criminal Procedure Code?

The Honourable Mr. M. H. W. HAYWARD: The information is being obtained.

INSPECTION OF PRIMARY SCHOOLS.

Rao Bahadur R. R. KALE (Satara District): Is it a fact that there is a standing circular that educational inspectors should pay detailed visits to primary schools of one district of his division each year? If so, will Government be pleased to say how many local board primary schools were visited by each educational inspector in the Presidency during the last three official years?

The Honourable Dr. R. P. PARANJPYE: Enquiries are being made.

REVISION OF SALARIES OF BAILIFFS.

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state—

(a) whether and when any revision of salaries of bailiffs in civil courts is going to take place?

(b) why the question has been delayed so long when the salaries of other Government menials and servants have been already revised?

The Honourable Mr. M. H. W. HAYWARD: (a) and (b) Government have under consideration the revision of the pay of bailiffs and propose to make a provision of 1½ lakhs for the purpose in the coming year's Budget.

Rao Bahadur R. R. KALE: May I know whether there is any answer to (b) of my question?

The Honourable Mr. M. H. W. HAYWARD : The matter has been under enquiry with the District Judges and the reports of the District Judges have been awaited by Government.

Rao Bahadur R. R. KALE : The question is, when other servants were given this revision much earlier, was there any particular reason why these servants were not given the same ?

The Honourable the PRESIDENT : The particular reason has been given that the District Judges were written to and Government are awaiting their reports. That is the particular reason.

SCHOOLS FOR CHILDREN OF GOVERNMENT EMPLOYEES.

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to lay on the Council table—

(a) a statement of cases where the Government had opened schools for the training of the boys and girls of their employees ; how many of them are for Indians and how many for Anglo-Indians and Christians ?

(c) Does Government or any local body give any grant for such schools ? If so, how much per school ?

The Honourable Dr. R. P. PARANJPYE : The information is being obtained.

CRIMINAL CASES INSTITUTED BY CO-OPERATIVE DEPARTMENT.

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to give a list of criminal cases instituted by the Co-operative Department or by the police on behalf of the co-operative societies for criminal offences committed in respect of funds of co-operative societies during the last three years, and state what amount has been spent on each case by Government for paying pleaders' fees, etc., and give information in the form of a statement showing—

(a) the name of the accused person,

(b) the name of the society,

(c) the section of the Indian Penal Code under which the accused was charged,

(d) the result of the case, whether he was convicted or acquitted, and

(e) the total expenses incurred by the Government in each case ?

The Honourable Mr. C. V. MEHTA : The information has been called for.

ANNUAL REPORTS OF GOVERNMENT DEPARTMENTS.

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to state the names of the departments under Government which do not publish for sale their annual reports ? Is it a fact that the Director of Information has submitted no report of his department since the office was created ?

The Honourable Sir CHIMANLAL SETALVAD : Information }
being obtained. }

NON-OFFICIAL VISITORS FOR JAILS IN C. D.

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to lay on the Council table the list of non-official visitors of the district jails for the years 1922-1923 in the Central Division ?

The Honourable Mr. M. H. W. HAYWARD : A reference is invited to the list of non-official visitors appointed for the Prison at Dhulia, the only District Prison in the Central Division, by the Commissioner, Central Division, published at page 2388 of Part I of the *Bombay Government Gazette*, dated the 26th October 1922.

RACE-COURSE AT KIRKEE.

Rao Bahadur R. R. KALE (Satara District): Does Government intend to bring the race-course at Kirkee under the Bombay Race-Courses Licensing Act ? If so, when ?

The Honourable Mr. M. H. W. HAYWARD : There is no proposal to that effect before Government.

REPORT OF THE RETRENCHMENT COMMITTEE.

9. Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state if the full report of the Retrenchment Committee is ready and when will it be laid on the Council Table ; and if effect is given to the recommendations so far made by it ?

The Honourable Mr. H. S. LAWRENCE : (a) The full report of the Retrenchment Committee has not yet reached Government but is expected shortly.

(b) Effect has already been given to some recommendations received from the committee ; others are still under consideration ; but until the full report is received it is obviously impossible to make a complete statement on the subject.

ANEWARI OF CROPS.

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state if the revenue officers consult the local agricultural officers in making the "Anewari" of crops especially in times of scarcity and famine ?

The Honourable Sir IBRAHIM RAHIMTOOLA : No.

Rao Bahadur R. R. KALE : Is not the advice of the Agricultural officers helpful in making this "Anewari" of crops ?

The Honourable Sir IBRAHIM RAHIMTOOLA : But the system that prevails does not make it necessary to consult any one except the officers who have been trained for a very long time in making the "Anewari" of crops. If at any time the advice of the Agricultural Department is considered necessary, it will be availed of.

CRIMINAL TRIBES IN C. D.

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state the number of places where Government is going to open settlements for criminal tribes in the Central Division ?

The Honourable Mr. M. H. W. HAYWARD : Government proposes, subject to budget provision, to open a settlement for Ramoshis and Mang Garudis at Wing in the Satara district.

KOYNA VALLEY SCHEME.

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to lay on the Council table the correspondence between Government and Tata Hydro-electric Company about the "Koyna Valley Scheme" ?

The Honourable Sir IBRAHIM RAHIMTOOLA : The scheme is not likely to come into existence for years to come and Government do not think that any useful purpose will be served by placing the correspondence on the Council Table. Government have already authorised the Collector of Satara to inform the inhabitants of the Koyna Valley that no scheme will be sanctioned unless the inhabitants are given an opportunity of stating their objections and that they will be informed in good time of the intention of Government to sanction such a scheme.

EDUCATIONAL STATISTICS.

*Mr. S. T. KAMBLI (Dharwar District) : Will the Government be pleased to supply the following information, viz., what is—

(a) the total number of villages in the Presidency excluding the native states,

(b) the total number of villages in each district,

(c) the total number of villages with elementary schools in each district and the total number of villages in each district without elementary schools,

(d) the total number of villages in each district (1) with a population not exceeding 200, (2) with a population exceeding 200 but not exceeding 500, (3) with a population exceeding 500 but not exceeding 1,000, (4) with a population exceeding 1,000 but not exceeding 2,000, (5) with a population exceeding 2,000 and above ?

(e) Will the Government be pleased to state—

(1) the total number of villages in each district with a population not exceeding 200 which have an elementary school and the total number of such villages without an elementary school,

(2) the total number of villages in each district with a population exceeding 200 but not exceeding 500 which have an elementary school and the total number of such villages without an elementary school,

(3) the total number of villages in each district with a population exceeding 500 but not exceeding 1,000 which have an elementary school and the total number of such villages without an elementary school,

(4) the total number of villages in each district with a population exceeding 1,000 but not exceeding 2,000 which have an elementary school and the total number of such villages without an elementary school,

* This question was asked at the meeting held in September 1921, when an *ad interim* reply was given.

(5) the total number of villages in each district with a population exceeding 2,000 which have an elementary school and the total number of such villages without an elementary school ?

The Honourable Dr. R. P. PARANJPYE : A statement* furnishing the information is laid on the table. In the statement the word village means the revenue area so called, and does not mean a village in the ordinary sense of the term.

NATIVE GENERAL LIBRARY, AHMEDNAGAR.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division) : Is it a fact that one of the mosques at Ahmednagar is allowed to be used as native general library by the local authorities ?

The Honourable Dr. R. P. PARANJPYE : Inquiries are being made.

MUNICIPAL STORE AND OFFICE ROOMS, AHMEDNAGAR.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division) : Is it a fact that a Badshahi Mosque near Society's High School at Ahmednagar is used by the municipality as store and office rooms ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSAIN : Information is being obtained.

POST OF DEPUTY INSPECTOR GENERAL OF POLICE IN SIND.

Mr. G. H. KASSIM (Karachi City) : (a) Will Government be pleased to state if the Retrenchment Committee had recommended the abolition of the post of the Deputy Inspector General of Police in Sind ?

(b) Will Government be pleased to state why this appointment has been continued in Sind ?

The Honourable Mr. M. H. W. HAYWARD : Government concur in the opinion of the majority of the Retrenchment Committee who have reported against the reduction of the post of Deputy Inspector General of Police in Sind.

SAVINGS IN THE EDUCATIONAL DEPARTMENT OWING TO REDUCTION OF EXPENDITURE.

Mr. G. H. KASSIM (Karachi City) : Will Government be pleased to state how much saving they have effected this year—

(a) by closing primary schools in Sind,

(b) by reducing the pay of primary teachers in Sind,

(c) by reducing grants to secondary boys' schools in Sind,

(d) by reducing grants to secondary girls' schools in Sind,

(e) by reducing posts on pay of Rs. 500 and over in the Bombay Presidency including Sind ?

The Honourable Dr. R. P. PARANJPYE : The information is being obtained.

* Vide Appendix E.

REVISION OF TIME-SCALE OF SECONDARY TEACHERS.

Mr. G. H. KASSIM (Karachi City): Will Government be pleased to state—

(a) Whether it is a fact that paragraph 6 of the Government Resolution No. 737 of 15th November 1921 gives effect to the revised time-scale of the secondary teachers from 1st March 1921?

(b) If so, to state the reasons why some assistant masters in Sind have been given, on the authority of paragraph 2 of the Director of Public Instruction's letter No. E.—17689 of 1st March 1922, Rs. 80 the minimum for Sind from 1st March 1922, thus contravening the above government resolution?

(c) Whether it is a fact that paragraph 3 of the Director of Public Instruction's above-quoted letter declares that persons made probationary or permanent after 1st March 1921 will be due for increments on their respective anniversary dates of probationary or permanent appointments?

(d) Whether the period of acting service of secondary teachers, who were probationary before 1st March 1921, has been reckoned towards increments?

(e) Whether according to revised time-scale an assistant master, who could rise to Rs. 150 in 15 years in the Presidency and in 13 years in Sind, will reach that stage during the said period if acting service is excluded from counting towards promotion?

The Honourable Dr. R. P. PARANJPYE: Enquiries are being made.

MOTOR CAR ACCIDENT CASE, KARACHI.

Mr. G. H. KASSIM (Karachi City): (a) Are Government aware of a motor car accident case challauned by the Karachi police against Sir Montague De P. Webb, C.I.E., last year in the court of the City Magistrate, Karachi?

(b) If so, will Government be pleased to state how the case was disposed of and with what result?

(c) Is it a fact that the said accused in the case had stated in the court that while driving he was feeling sleepy when the accident occurred?

(d) Will Government be pleased to lay on the Council Table all the magisterial and other proceedings of the case?

The Honourable Mr. M. H. W. HAYWARD: The information is being called for.

ABOLITION OF DIVISIONAL COMMISSIONERSHIPS.

Mr. G. H. KASSIM (Karachi City): Will the Government be pleased to state whether the question of the abolition of the Divisional Commissionerships was referred to or considered by the committee appointed by them to devise ways and means to effect retrenchment? If so, what are their recommendations in connection therewith, and what steps have the Government taken to give effect to them?

The Honourable Sir IBRAHIM RAHIMTOOLA: The Retrenchment Committee has considered the question independently; but it has not yet formulated its report. Government are therefore unable to say what its recommendation will be.

URDU STAFF OF TRAINING COLLEGE, AHMEDABAD.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(a) Whether a senior hand of the Urdu staff was made to work on the Gujarati side of the training college at Ahmedabad in 1922?

(b) Was the head master consulted in the matter, and if so, did he approve of the appointment?

The Honourable Dr. R. P. PARANJPYE: Enquiries are being made.

MEDAL FOR MORAL LESSONS COMPETITION.

Khan Bahadur A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(a) whether the moral competition was held at Ahmedabad in 1922?

(b) whether the Urdu scholars were allowed to join the competition?

(c) who were the members of the committee for this competition?

(d) what were the number of marks allotted to each competitor by the different members?

(e) what candidate was ultimately given the medal in this competition?

The Honourable Dr. R. P. PARANJPYE: Information is being obtained.

HIGH SCHOOL AND MIDDLE SCHOOL SCHOLARSHIPS EXAMINATION.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(a) The total number of Mahomedan students that appeared for the high school and middle school scholarship examinations in each centre of the Presidency?

(b) The names of Mahomedan examiners in the committee of each centre of the Presidency?

The Honourable Dr. R. P. PARANJPYE: The information is being obtained.

REVISION OF THE STAFF OF URDU TRAINING CLASSES.

Khan Saheb H. H. MOHIDINKHAN (Poona and Sholapur Cities): (a) Will Government be pleased to state whether the graduate and non-graduate staff of the Urdu training classes was not brought under the operation of the revision scheme introduced in 1920?

(b) If so, is it a fact that the under-graduate staff has suffered some setback on that account?

The Honourable Dr. R. P. PARANJPYE: Enquiries are being made.

REVISION OF ASSESSMENT IN AHMEDABAD DISTRICT.

Rao Bahadur R. M. NILKANTH (Ahmedabad District): Will Government be pleased to state—

(a) Whether the revision of assessments of agricultural lands in the Ahmedabad district has been completed and sanctioned by Government? and

(b) If so, by how much per cent. has assessment been increased in the Ahmedabad district in the case of—

- (1) unalienated lands,
- (2) alienated lands,
- (3) talukdari lands ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information will be called for.

TREATMENT OF POLITICAL PRISONERS.

Mr. DIPCHAND T. OJHA (Karachi City) : Will Government be pleased to state what action they have taken on the resolution moved by Sardar Mutalik and passed at a meeting of the Council on 29th July 1922 regarding better treatment to political prisoners who are not charged with and convicted of offences against the State accompanied by violence to person or destruction of property or incitement to such offences ?

(a) Will Government be pleased to state if they have received any instructions from the Government of India regarding better treatment of political prisoners in pursuance of the resolution of Sir Lallubhai Samaldas passed in the Council of State ?

(b) If the reply is in the affirmative, will Government be pleased to state what action they have taken in this connection after receipt of these instructions ?

The Honourable Mr. M. H. W. HAYWARD : Attention is invited to the rules for the selection of prisoners for treatment in a separate division, published in the *Bombay Government Gazette* of the 15th February 1923.

Mr DIPCHAND T. OJHA : My questions (a) and (b) have not been properly answered.

The Honourable Mr. M. H. W. HAYWARD : The rules have been framed in consultation with the Government of India.

DISPOSAL OF FUNDS INTENDED TO BE UTILISED FOR CONSTRUCTING A PIER AT RATNAGIRI.

Rao Saheb L. V. PARULEKAR (Ratnagiri District) : What does Government intend to do with 2 lakhs of rupees which were intended to be utilised for constructing a pier at Ratnagiri and which work was subsequently abandoned ?

The Honourable Sir IBRAHIM RAHIMTOOLA : The pier was to be constructed by the Landing and Wharfage Fees Fund Committee, which had been granted by Government a loan for financing the scheme. The first instalment of the loan has been allowed by Government to be repaid, as the scheme is not to be proceeded with for the present.

SHIFT SYSTEM IN URDU TRAINING CLASSES.

* Mr. B. P. PATEL (Ahmedabad District) : Will Government be pleased to state whether the Urdu training classes at Poona and

* This question was asked at the meeting held in September 1922, when an *ad interim* reply was given.

Ahmedabad can be made independent by using the scheme of shift system ?

The Honourable Dr. R. P. PARANJPYE : The classes have adequate accommodation and teaching staff of their own at present, and the suggestion contained in the question cannot be accepted.

EXAMINATION OF URDU TRAINING CLASSES.

* Mr. B. P. PATEL (Ahmedabad District) : Will Government be pleased to state why is not the annual examination of all the Urdu training classes held on one and the same date throughout the Presidency proper on par with the divisional vernacular training colleges and the district training schools and the vernacular final examination ?

The Honourable Dr. R. P. PARANJPYE : The dates for the commencement and end of the terms in the various training institutions, which depend chiefly on local climatic conditions, vary and consequently their annual examinations cannot be held at the same time.

LOCAL TRAINS FROM BAREJDI TO SABARMATI.

Mr. B. P. PATEL (Ahmedabad District) : Will Government be pleased to state whether they have approved the proposal of the Bombay, Baroda and Central India Railway to run local trains from Barejdi to Sabarmati ? If so, from what date ?

The Honourable Sir IBRAHIM RAHIMTOOLA : As the Railway Administrations are now under the administrative control of the Railway Board the time tables are not submitted for the approval of the Local Government.

SUBURBAN SURVEY, AHMEDABAD.

Mr. B. P. PATEL (Ahmedabad District) : Will Government be pleased to state —

(a) The reasons which led them to make the suburban survey in the 21 villages round about Ahmedabad,

(b) Whether the people of Sudhel Khamodra and Khokhra Mehemdabad in the South Daskrohi taluka of the Ahmedabad district have objected to the payment of the suburban survey plan (tippan) charges ; if so, why ?

(c) Will Government be pleased to state the steps, if any, taken or intended to be taken to redress their grievances ?

(d) Whether there is any Government order fixing the fees of the classification of the suburban survey ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information has been called for.

DR. KAPADIA AND SUPERINTENDENT OF POLICE MR. CARTER.

Mr. J. B. PETIT (Bombay Millowners' Association) : (a) Will the Government be pleased to say if they have received a

* This question was asked at the meeting held in September 1922, when an *ad interim* reply was given.

representation from the Bombay Medical Union on the subject of the treatment of Dr. Kapadia by Superintendent Carter ?

(b) If so, will they kindly say what action they have taken or propose to take in the matter ?

(c) Has the Police Commissioner submitted any report to the Government in connection with this case ?

(d) If so, will the Government be pleased to lay a copy of that report on the table for the information of this Council ?

(e) Is it true that Dr. Kapadia, in his petition, requested the Government to look into the antecedents of Superintendent Carter with a view to find out the past records of his services in the police department ?

(f) Have the Government done so, and

(g) If so, with what result ?

The Honourable Mr. M. H. W. HAYWARD : (a) and (b) A copy of the letter to Dr. Kapadia has been communicated in reply to their representation.

(c) and (d) A reference is requested to the reply given at the July Sessions to a supplementary question by the honourable member.

(e) to (g) No special steps in the direction have been taken by Government.

Sir, I desire to supplement that reply. I do not know whether a question of that kind is strictly in order. The question suggests that an enquiry would disclose a lurid past in the history of the service of Superintendent Carter. It occurred to me therefore that it would be unfair to that officer and prejudicial to him in the discussion on certain resolutions which will shortly come before the House if some further enquiry were not made by Government. The Commissioner of Police, therefore, at my request, looked into the record of Superintendent Carter and he has informed me that, save for one departmental punishment some fourteen years ago, no other instance whatever of error or mistake has been recorded against Superintendent Carter in nearly 25 years' honourable service in the Bombay City police force.

Mr. JEHANGIR B. PETIT : Do the Government propose to place the Police Commissioner's report on the Council table ?

The Honourable Mr. M. H. W. HAYWARD : I did not catch the honourable member's question.

Mr. JEHANGIR B. PETIT : Do the Government intend to place the Police Commissioner's report on the table of the House ?

The Honourable Mr. M. H. W. HAYWARD : I obtained the report personally from the Commissioner of Police and cannot place on the table anything further than my statement to the House.

Mr. JEHANGIR B. PETIT : Is it a written report ? Have the Government received any reply from the Bombay Medical Union and Dr. Kapadia in answer to their replies to them ? If not, do the Government propose to send any replies to them ?

Dr. S. S. BATLIWALA (Bombay City, North) : Is it not a fact that the Bombay Medical Union has submitted another communication to Government on the subject on 31st August 1922 ?

Mr. JEHANGIR B. PETIT : May we take it that the Government have no reply to give to these questions ? Is their silence to be construed as their consent on these matters ?

The Honourable the PRESIDENT : That is arguing.

The Honourable Mr. M. H. W. HAYWARD : I intend to give the honourable member a full and detailed reply in the course of the discussion this afternoon.

The Honourable the PRESIDENT : As the matter is to be the subject of discussion, it is no use asking these questions. All this volley is premature.

JHANKHARIA FOREST LAND.

Khan Saheb I. A. SAHERWALA (Northern Division) : Will Government be pleased to say—

(a) whether they have come to any final decision as to the disposal of the Jhankharia forest land in Halol mahal of the Panch Mahals district ?

(b) If so, to what decision ?

The Honourable Mr. C. V. MEHTA : No final decision has been arrived at.

COW KILLING.

* Mr. R. G. SALGAR (Sholapur City) : Will Government be pleased to state what municipalities in this Presidency have resolved not to give permission to kill cows and which of them obtained sanction from Government to such resolution ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSAIN : The following municipalities have resolved not to give permission to kill cows :—

Ikhal, Guledgud, Byadgi, Gadag, Hubli, Dharwar, Anand, Ankleshwar, Bulsar, Thana, Kalyan, Sangamner, Jalgaon, Parola, Chalisgaon, Savda, Erandol, Dhulia, Shirpur, Shahada, Nasik, Yeola, Poona City, Lonavla, Sholapur, Barsi.

None of these municipalities except Nasik applied for the sanction of Government to their resolutions. The Nasik municipality applied for sanction but meanwhile the Collector of Nasik suspended the execution of the resolution under section 174 (1) of the Bombay District Municipal Act, 1901.

GRANT OF VILLAGE PANCHAYATS TO SANTA CRUZ, VILLE PARLE, ANDHERI, ETC.

Mr. G. B. TRIVEDI (Thana District) : Will Government be pleased to state—

(a) whether they have received a suggestion to grant village panchayats to Santa Cruz, Ville Parle, Andheri, Malad and Borivli, in place of existing Notified Area Committees ?

(b) if so, at what conclusion have they arrived in the matter ?

* This question was asked at the meeting held in September 1922, when an *ad interim* reply was given.

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

(b) The suggestion is under consideration.

TANSA LAKE DAM.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state whether the area of catchment has increased by the raising of the Tansa lake dam ?

(b) If not, what is the reason of acquiring more villages round about the catchment area ?

(c) Are Government aware that about a dozen villages in Shappur taluka, Thana district, will be wiped out by this acquisition ?

(d) Have they asked for the Collector's opinion in this matter ?

The Honourable Mr. H. S. LAWRENCE : Enquiries are being made.

BOMBAY PORT TRUST HOSTEL.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state the total expenditure and income of the Bombay Port Trust Hostel during the official year 1921-22 ?

(b) Is it intended to spend any more money on the same ; if so, in what direction ?

The Honourable Mr. H. S. LAWRENCE : Information is being obtained.

REALIZATION OF POSTAL STAMPS AS RECEIPT STAMPS.

(a) Rao Bahadur D. A. VICHARE (Ratnagiri District): Will Government be pleased to lay on table the following information :—

(i) The total number of officers, clerks and servants of Government on whose salary bills one anna postal receipt stamp is attached when such bills are paid ;

(ii) The total number of Government servants on whose travelling allowance bills one anna postal receipt stamp is attached when such bills are paid ;

(iii) The total amount received from postal stamps attached to the applications that are received by local peoples to the local officers in the Presidency districts ;

(iv) The total amount received by Government for the use of postal stamps being used for official documents requiring the postal service ;

(b) Will Government be pleased to say whether the money so realised is credited to the postal department or to provincial departments ?

The Honourable Mr. H. S. LAWRENCE : The collection of the information in the form required would entail considerable trouble and expense which Government do not think would be justified by the value of the figures. But the whole of the receipts from the sale of postage stamps is credited to the Central Government and this Government receives an annual assignment of Rs. 3,30,000 which is supposed to represent the loss to this Government caused by the use of postage stamps on documents, such as receipts and cheques, on which the

Provincial Government are entitled to charge stamp duties. The question of the adequacy of the assignment now made is already engaging the attention of Government.

GRANTS TO PRIVATE SCHOOLS.

Rao Bahadur D. A. VICHARE (Ratnagiri District): Will Government be pleased to lay on table the following information:—

(a) the total number of boys and the grants paid to the several grant-in-aid schools in the Poona, Ratnagiri and Kanara districts maintained by private persons;

(b) whether these grants are paid on the basis of the number of students or on expenditure?

(c) if the grants are paid in proportion of expenditure, how this expenditure is checked so as to be *bona fide*?

The Honourable Dr. R. P. PARANJPYE: The information is being obtained.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Mr. President, will you kindly allow me, by the permission of the House to make a personal explanation with reference to a remark I made in my budget speech with regard to the Honourable Ministers, on Tuesday last. Needless to say that in making the remark which escaped from my mouth. I exceedingly regret I was rather confused, and I therefore ask the kind indulgence of the House in the acceptance of this my explanation and of my assurance of my regard for their work and worth.

The Honourable Dr. R. P. PARANJPYE: On behalf of the Ministers, I accept the honourable member's apology and thank him for the very fair spirit in which it has been tendered.

The Honourable the PRESIDENT: I have to announce to the House that I have just this moment received a cablegram from Her Royal Highness Princess Mary, which I have now the honour to read out for the information of the House:—

“President, Legislative Council, Bombay.

Sincere thanks for your congratulations which I deeply appreciate.

Mary.” (Cheers.)

The Honourable Mr. M. H. W. HAYWARD: Mr. President, I desire to make a statement in respect of the motion for adjournment moved yesterday by my honourable friend the member for the city of Bombay. Immediately after the motion was moved, I sent a clear-the-line telegram to the Commissioner in Sind, asking him to give me full information on the subject. I have had a clear-the-line reply giving me some information, but not full information. I am still awaiting further information from the District Magistrate. But the Commissioner in Sind has informed me that he has already called for the proceedings in the case with a view to the exercise of the judicial powers of revision vested in him under the Sind Frontier Regulations. I therefore submit that, pending the decision of the Commissioner in Sind, this matter must be held to be *sub-judice* and not therefore a question which could properly be debated in this House.

The Honourable the PRESIDENT: Has the honourable member for the Mahomedan Constituency, Bombay City (Mr. Ibrahim S. Haji), to say anything?

Mr. IBRAHIM S. HAJI (Bombay City): Mr. President, so far as my information goes, I understand that under the Frontier Regulations there is no power of revision vested in the Commissioner in Sind, in his judicial capacity.

The Honourable the PRESIDENT: I do not want any argument. I want to know whether the honourable member proposes to take any action upon the statement made by the Honourable the Home Member, and then I will see what ought to be done.

Mr. IBRAHIM S. HAJI: I will wait till the Honourable the Home Member gets complete and full information and the decision of the Commissioner in Sind.

The Honourable the PRESIDENT: The Honourable the Home Member has informed the House that the Commissioner in Sind has called for the proceedings in the case in the exercise of the powers of revision vested in him. Therefore the matter is *sub-judice*, and just at present I am inclined to think the motion would not be in order, but the honourable member will have an opportunity of discussing the matter during the debate on the Estimates. The supply debate is meant really for all these grievances, provided the matter is not *sub-judice*. So, there is still an opportunity, but I understand no action is proposed to be taken by the honourable member at the present moment.

Mr. C. M. GANDHI (Surat City): May I enquire under which section of the Sind Frontier Regulations the power of revision is vested in the Commissioner in Sind?

The Honourable Mr. M. H. W. HAYWARD: May I refer the honourable member to section 17 of Regulation III of 1892?

Mr. C. M. GANDHI: Is the accused on bail now, pending the revision proceedings?

The Honourable Mr. M. H. W. HAYWARD: I have no information on that point.

Mr. C. M. GANDHI: Will the Honourable the Home Member please make enquiries?

The Honourable Mr. M. H. W. HAYWARD: I have no doubt that when the full facts are reported, that also will be reported by the Commissioner in Sind.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): But that is a very important point, and it specially requires immediate enquiry.

The Honourable Mr. M. H. W. HAYWARD: That would also be within the judicial jurisdiction of the Commissioner in Sind under the Frontier Regulation.

Mr. KANJI DWARKADAS: In view of the fact that the accused is an honourable member of this House, will the Honourable the Home Member kindly send a request to the Commissioner in Sind to release him on bail, pending further enquiry?

The Honourable the PRESIDENT : That, I think, is a highly improper question which, I am sure, the House will regard as demanding interference on the part of the executive with the magistracy and the judiciary. Such a question as that ought never to be put by honourable members, who ought rather to stand up for the independence of the judiciary. (Honourable Members : Hear, hear.)

Rao Saheb HARILAL D. DESAI (Ahmedabad City) : May I enquire if, when the enquiry was made of the Commissioner in Sind, a suggestion went from here that he should look into the papers, or did he independently move in the matter ?

The Honourable Mr. M. H. W. HAYWARD : He had already called for the papers.

The Honourable the PRESIDENT : I am not quite sure that such a question as that is proper. The honourable member is asking the executive whether any court acted because the executive wanted it to act. I think it calls for the same criticism that I have made on a previous question.

Rao Saheb HARILAL D. DESAI : My point is that it is not a regular court.

The Honourable the PRESIDENT : I do not know whether it is a regular court or an irregular court. It is a matter under adjudication before a court constituted under the Regulation. I give no ruling on the point, because if the question does come, it will be time enough to consider it. But to ask the executive whether they gave any direction at the present moment, I consider is rather uncalled for.

The Honourable Mr. M. H. W. HAYWARD : I can state the exact date ; that would relieve the mind of the honourable member. The Commissioner in Sind informs me that he called for copies of the proceedings from the District Magistrate on the 19th, on hearing of Sher Muhammad's arrest, and to-day, I may remind the honourable member, is the 23rd.

The Honourable the PRESIDENT : I understand that in this regulation, the Government of Bombay is the final judicial authority. Is it not ?

The Honourable Mr. M. H. W. HAYWARD : No, Sir. It is the Commissioner in Sind who will exercise the judicial powers.

The Honourable the PRESIDENT : I want to know whether the Bombay Government has any judicial power or not.

The Honourable Mr. M. H. W. HAYWARD : There is nothing said to that effect in the Regulation.

The Honourable the PRESIDENT : Does the Regulation say that the Commissioner in Sind has to exercise judicial power ?

The Honourable Mr. M. H. W. HAYWARD : I will give the exact wording of the section :

" The Commissioner in Sind may call for the record of any proceeding under this Regulation and revise it on the ground that it is illegal and he may pass any order in the case which the District Magistrate might have passed."

The Honourable the PRESIDENT : For all these purposes it is deemed a court, and therefore it is not proper to ask whether the Government of Bombay directed the Commissioner in Sind to call for the proceedings in the case. By doing that, the Bombay Government may possibly be chargeable with contempt of court. Therefore it is that such questions had better be avoided at this stage.

I wish to announce, before the orders of the day are taken up, that I have allowed priority to Mr. Petit's resolution regarding the case of Dr. Kapadia and that with the assent of the Honourable the Home Member.

Appointment of Mr. D. M. Dalal, C.I.E., as High Commissioner for India.

Mr. A. N. SURVE (Bombay City, North) : Sir, the resolution which I beg to move is in these words :

"This Council expresses its gratification at and offers thanks to the Governor General in Council for appointing Mr. D. M. Dalal, C.I.E., to be High Commissioner for India in the United Kingdom and to His Majesty's Secretary of State for India for approving the said appointment; and congratulates the Government of India for the happy selection it has made and for the statesmanship it has displayed in respecting the growing feeling among the Indians that the higher posts be given to them."

Sir, it is a matter of congratulation because the Indian Merchants' Chamber had sent a telegram, when the post of the High Commissioner had fallen vacant, that it should be given to an Indian. The Indian mercantile community always used to complain that the contracts for Indian stores were given by the High Commissioner to English firms though their quotations were very high. The Government, on the other hand, always defended the actions of the High Commissioner. Thus neither the one nor the other was at peace. But, it is a matter of gratification that this controversy has been put an end to by this appointment. Then, it is a matter of congratulation because Indian aspirations have been that all posts—especially higher posts—should be given to Indians, and in this appointment at least those aspirations have been satisfied. Therefore our thanks are due to the Government of India and also to the Secretary of State for approving this appointment.

Then, Sir, the third point is that the selection is a very happy one. The gentleman who is appointed to this post has the reputation of being an independent man. He has also the reputation of being a very strong man. He would not succumb to influences. Therefore, Sir, a gentleman of this kind was highly necessary for a post of this great importance.

The Government have shown statesmanship in appointing an Indian to this post, firstly because it is a graceful submission to the popular demands, and secondly because it has put an end to a controversy and has removed all suspicion entertained hitherto as regards the way high appointments are made.

Sir, there is a suspicion in the minds of some honourable members of this House as to my propriety of bringing in this resolution at this stage as they think that I have been quite hasty in bringing in this resolution—hasty because they think I should have waited to see how the Indian gentleman fulfilled the hopes that the country has built upon his appointment. But my explanation is that I have brought this resolution

[Mr. A. N. Surve]

to vindicate a principle. Government have accepted the principle that higher posts should be given to Indians and for that reason they deserve thanks and congratulation. Before I conclude, I offer my sincere thanks to His Excellency the Governor who has kindly given me permission to move this resolution. I request this House to accept the same unanimously.

Mr. G. B. TRIVEDI (Thana District) : Sir, I have much pleasure in supporting the resolution that has been moved by my honourable friend from Bombay. Sir, as a member of the Indian Chamber I express my satisfaction that the Government of India has taken advantage of the request of the Indian Chamber which was the first public body to demand this concession. I will not go into the matter of the injustice that had been done to India so far. But as the injustice is going to be removed, I will be satisfied merely by quoting from the Journal of the Over-seas League.....

The Honourable the PRESIDENT : The honourable member had better not go into the history of the appointment nor read quotations from any newspaper.

Mr. G. B. TRIVEDI : Even this Journal of the Over-seas League of Nations suggested that when occasion arose, there was no reason why an Indian should not be appointed to the post of the High Commissioner in London, and I say that the Government of India have taken the first opportunity to admit that the status of India has been raised to the dominion status by making this appointment of the High Commissioner for India and that it was time that India was represented by an Indian. With these words, I beg to support the resolution.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association) : Sir, it is not possible for an Indian member of this House to oppose a resolution of this character which seeks to pay a compliment to the Government for appointing an Indian to the important post of High Trade Commissioner for India in England. But, Sir, I wish to take this opportunity of giving expression to my views and to the views of many other members of this House that it would be much better if resolutions of this character were brought forward in the future by members of this honourable House, only after a general consultation with the bulk of the members of this House and only after ascertaining their attitude on them and on the matters connected with such resolutions. These complimentary resolutions are becoming somewhat frequent now-a-days, and it is time that some method should be agreed upon with regard to the shape and manner in which they should be moved. As it is, it places the members of this House in an invidious and unpleasant position of having to get up and express their views, if they do not see the necessity of such resolutions, or happen to be opposed to the views expressed therein by the movers. I do not want to go into the details or even the merits of this proposition. So far as the abstract principle of it is concerned, I am absolutely in agreement with the honourable mover of this resolution that the Government have done just the right thing by appointing an Indian to that post. But there are other aspects of this question,

[Mr. Jehangir B. Petit]

upon which there is some difference of opinion, which should and could have been settled and properly shaped before notice of the resolution was given. If this ordinary precaution had been taken, I am sure the resolution would have come before the House in an entirely different form if it had at all been decided to bring it before the House. Subject to this reservation, I beg to support the resolution and express the sincere hope that in future all resolutions of a complimentary character will be brought forward by honourable members only after a full and free discussion on the matters with at least a bulk of the members of this House, if, for no other reason, at least for the purpose of bringing about unanimity and saving the members of this House from the unpleasant necessity of having to oppose them and thereby exposing themselves to the risk of being misunderstood.

Mr. LALJI NARANJI : Sir, on behalf of the commercial community, I congratulate the Government of India and the Secretary of State on appointing an Indian for this important post, the results of which will be seen in due time. This supports the observation of the Honourable the Finance Member that 'the spirit of self-government is the basis of the British constitution.' On behalf of the commercial community, I support the resolution and I hope that more such appointments will be made in similar important posts.

I want to make one point clear. The position of the High Commissioner for India is different from that of the High Commissioners for Dominions. The High Commissioner for India has to be under the dual control of the Secretary of State and the Government of India. He has not only to deal with the purchasing of stores, but he has got other duties to perform in course of time. I express my thanks to the Government of India and the Secretary of State for this appointment and heartily support the resolution.

Sardar Khan Bahadur A. M. DALAL (Broach District) : Sir, I heartily support the resolution on behalf of the Parsi community and the people of the Presidency. Mr. Dalal is one of the ablest financiers of the Bombay Presidency. He served on the Indian Finance Committee, and has proved his ability and independence of character. I am proud of this gentleman. The appointment reflects the greatest credit on His Excellency the Viceroy.

Mr. S. K. BOLE (Bombay City, North) : Mr. President, I wish to associate myself with the remarks expressed by previous speakers in support of this resolution on behalf of the non-Brahmin community of this Presidency.

Question put and agreed to.

Motions to amend Standing Orders.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I beg your leave to move that the word 'session'

Mr. C. M. GANDHI (Surat City) : May I rise to a point of order, Sir ? Under Order IX (2) the honourable member must ask the leave of the Council.

The Honourable the PRESIDENT: I will ask him to do so when he moves the amendment.

Mr. C. M. GANDHI: He is reading the amendment, Sir.

Rao Saheb D. P. DESAI: Sir, I ask for the leave of the House to amend the Standing Orders as on the paper. It reads thus:

"Delete the word 'session' and substitute instead the word 'meeting' in Standing Order VI (1).

"Delete the word 'session' and substitute instead the word 'Meeting' in Standing Order X, (1), (i)."

The Honourable the PRESIDENT: Has the honourable member leave of the House to amend the Standing Orders?

The Honourable Mr. M. H. W. HAYWARD: I oppose the motion, Sir, on behalf of the Honourable Member in charge of the General Department.

The Honourable the PRESIDENT: (After a count) As more than 30 members have risen, under Standing Order, IX, (2), the honourable member has leave of the Council. The draft amendment should be referred to a select committee, of which the Standing Orders require the President to be the Chairman, and the Deputy President and a chairman of the Council to be nominated by the President to be members. The remaining seven members have to be elected by the Council.

Mr. KANJI DWARKADAS: I propose that the old committee be re-elected with the exception of Mr. Cowasji Jehangir who has ceased to be a member of this Council, and that Mr. J. B. Petit be elected in place of Mr. Cowasji Jehangir.

The Honourable the PRESIDENT: The members of the old committee were: Mr. Cowasji Jehangir, Mr. Mead, Mr. C. V. Mehta, Rao Bahadur Ramanbhai Nilkanth, Mr. Pahalajani, Sir Chimanlal Setalvad and Mr. Pawar. In the place of Mr. Cowasji Jehangir, Mr. Petit is proposed.

Mr. B. V. JADHAV: I propose the name of Rao Saheb D. P. Desai.

Rao Saheb D. P. DESAI: Sir, I am not willing to serve.

The Honourable the PRESIDENT: So, that amendment falls to the ground.

AN HONOURABLE MEMBER: Mr. Pawar withdraws. In his place I propose the name of Mr. Chaugule.

Mr. KANJI DWARKADAS: I accept the amendment.

Question put

That the following be elected members of the committee to amend the Standing Orders, namely, Mr. J. B. Petit, Mr. P. J. Mead, the Honourable Mr. C. V. Mehta, Rao Bahadur R. M. Nilkanth, Mr. B. G. Pahaljani, Sir Chimanlal Setalvad and Mr. A. P. Chaugule,

and agreed to.

The Honourable the PRESIDENT: The committee now consists of these seven members, and myself, according to the Standing Orders, as Chairman; the Deputy President will be a member; and I nominate Dr. Dadachanji, a chairman of this Council, to be a member under Standing Order IX (3).

A BILL FURTHER TO AMEND THE BOMBAY HEREDITARY OFFICES (AMENDMENT) ACT, 1886 (BILL No. XXI OF 1922).

Mr. S. T. KAMBLI (Dharwar District): Sir, I beg to move that Bill No. XXI of 1922 (A Bill further to amend the Bombay Hereditary Offices (Amendment) Act, 1886) be now read for the first time. Sir, the objects of this bill are briefly stated in the statement of objects and reasons annexed to the bill. The bill intends to remove the great injustice done to mothers and grandmothers in the matter of succession to watan properties. The great hardship and suffering caused to these widowed members of the watan family are well known and require to be redressed. The right of mothers or of grandmothers to inherit property is one which has been recognised in this Presidency from a very long time, and these rights have been acted upon at least since the introduction of British rule in this province. Secondly, it is a matter of some pride that this Presidency is the most advanced of all the presidencies in India in its advocacy and recognition of the rights of women. Recently this House extended franchise to women in the election of members to this very House. Again, this House extended to women the right of sitting as members on the Bombay corporation. Sir, this is in the matter of the political field. Even in the matter of private rights, for ages, some females who have the misfortune to have their right to succession not recognised in other Presidencies have been enjoying such right in Bombay. For example I will give the case of a sister. A sister is nowhere else in India recognised as an heir. But in this Presidency and in this Presidency alone, a sister has been recognised as an heir to her deceased brother. Such being the case, it is melancholy to note that mothers and grandmothers who have a recognised place in the general law of inheritance have been postponed to distant male heirs in the case of succession to watans. This point brings me to review the history relating to the law of watans in this Presidency. The first law relating to watans was contained in the old Regulation of 1827. Then was enacted an Act in 1843. Then Act III of 1874 was passed, and the last Act on the subject was passed in 1886 (Act V of 1886).

Under the law as enacted in Act III of 1874 a restriction was imposed on the right of a watandar to alienate watan property. But it must be noted, Sir, that no change was made in the ordinary law of inheritance and succession. The ordinary law of inheritance and succession was left unaffected by Act III of 1874. By section 5 of the Act a watandar was made legally incompetent to alienate watan property to a non-watandar beyond his life time except with the sanction of the Collector. Under Act III of 1874 a mother or grandmother could succeed to any watan property according to the ordinary law of inheritance, though there was a restriction on the right of alienation. But then, by Act V of 1886, a change was made. Here I beg to read the section which is sought to be amended, namely, section 2 of Act V of 1886. It runs as follows :—

Every female member of anwsat family other than the widow of the last maleowner, and every person claiming through a female, shall be postponed in the order of succession

[Mr. S. T. Kambli]

to any watan or part thereof or interest therein, devolving by inheritance after the date when this Act comes into force to every male member of the family qualified to inherit such watan, or part thereof, or interest therein.

The interest of a widow in any watan or part thereof shall be for the term of her life or until her marriage only.

By this section every female except the widow of the last watan holder is postponed to a male member of the watandar family, however distant he may be. Sir, the object in having this section 2 of Act V of 1886 was explained by the Honourable Mr. Peile in his speech at the time of introducing the bill. He said in introducing that bill, which became Act V of 1886:—

“The Act (III of 1874) does not in any way affect the ordinary law of inheritance and therefore there is a possibility that watan property may be acquired through females by a family other than the original wantandars' family.”

He further said that the old Regulation XVI of 1827 enacted that watan property shall not leave the family in which the office was vested. But, Sir, looking to the fact that a mother or a paternal grandmother is a member of the watandar's family, by allowing the right of succession to them to watan property, it does not leave the family, and I beg to submit that the principle underlying the old Regulation XVI of 1827 is not affected by the present bill. The object of the framers of the Act of 1886 was solely to prevent the passing of the watan into non-watandar families by inheritance. By allowing the mother or the paternal grandmother the right of succession the watan remains in the watan family and does not go out of it. Perhaps it may be objected that there may be a difficulty with regard to the right of service. Even under Act V of 1886 a widow of the deceased watandar is allowed to perform service through a deputy. She is not postponed to the distant male heir. So, in the case of a widowed mother and a widowed paternal grandmother they also can be allowed the same concession and that will rectify matters. If the widow of the last watan holder is allowed to perform service through a deputy, there should be no objection to a mother or a paternal grandmother being allowed to do the same. So then, the principle underlying the old Regulation of 1827 is not affected by this bill. It may be noticed, Sir, that it is not the case that in every watan there is a liability to serve. There are various watans in which the service is commuted. Even in the case of these watans this section 2 of Act V of 1886 postpones mothers and grandmothers in the matter of inheritance. I fail to see, Sir, why in the case of watans, where there is no obligation of service, the mother or grandmother should be postponed in the order of inheritance. There is no obligation to serve and it is not only injustice but cruelty to exclude mothers or paternal grandmothers and to prevent them from succeeding to watan property. Therefore, I propose to amend section 2 of Act V of 1886 in order to remove the injustice and hardships caused to mothers and paternal grandmothers by that Act. I may be allowed to quote a few cases to illustrate the hardships.

Let us suppose that A is the last watandar. He dies leaving a widow who is pregnant. If the widow gives birth to a female child, her succession will certainly be ensured. She will not be debarred from succeeding to the property. If she gives birth to a male child, which happens to survive

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only for a few minutes, then at once the widow will be debarred from enjoying the property and it will go to some male members of the watan family, however distantly related. What is the reason for this? The reason is contained in the provisions of Act V of 1886. The child to which she gave birth being a male child, will be regarded as the successor to the last male watandar and this widow will be regarded as a mother and as such will be debarred from succeeding to the property under section 2 of Act V of 1886.

Take another case. Supposing that *A* is the last watandar and *B* is the widow surviving him. According to well-established customs in this country, in order to perpetuate the male line and in order to secure the well-being of her deceased husband's soul or in order to secure spiritual benefits to her deceased husband's soul, let us suppose that she adopts *C* as her son. Let us also suppose that unfortunately the boy dies unmarried and childless. Under the ordinary law the widow would have been enabled to succeed to the watan and she would have been able also to adopt another son to her husband but what would be her fate under the operation of section 2 of Act V of 1886? It would be this, that since the adopted son dies, this widow who adopted him will be debarred from succeeding to the watan and the property will at once go to some distant male relative. Certainly it is a very hard case. Such hard cases occur not infrequently. That is the reason why I have brought this bill in order to remove this obvious injustice and obvious grievance of the widow members of watandar families.

With these words, I beg to submit that this House, which has expressed its championship of the rights of women, will be unanimous in according its consent to this bill the first reading of which I now beg to move.

Question proposed.

Mr. A. N. SURVE (Bombay City, North): Mr. President, I very heartily support the first reading of this bill.....

Rao Bahadur G. K. CHITALE (Ahmednagar District): If the House can know the Government's attitude, it may shorten the discussion considerably.

The Honourable the PRESIDENT: The honourable member for Ahmednagar cannot interrupt the honourable member who is in possession of the House except on a point of order.

Mr. A. N. SURVE: This bill tries to enable the mother and grandmother of the last holder of a watan to succeed to him. It certainly is a very liberalising bill and as such deserves our hearty support. It is contended that the watandars are of opinion that the watan should always remain in their own family. I do not know how far that opinion is shared by the watandars but I know of cases in which distant relatives of the last watandar have succeeded to the watan and have not hesitated to starve the family members of that last watandar who have a prior claim to the property. It cannot be the wish of the last watandar that his watan should go into the hands of distant relatives who have

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no regard whatsoever for his near and dear ones. There is only one objection that if a woman is allowed to succeed to a watan property, she will not be able to carry out certain Government duties which have to be done by holders of watans which are granted in return for such services. That difficulty is overcome by a section in the Watan Act which empowers the appointment of officiators to discharge the duties of watan-dars on behalf of widows. At one time our Hindu Law debarred women from succession but judicial decisions have tried to release the restrictions and they have given succession to women in several cases. This bill also tries to do the same. For this reason I heartily support the first reading of the bill now before the House.

Mr. B. V. JADHAV : Mr. President, I beg to support the first reading of this bill. I shall try to show the necessity of such an amendment by quoting a concrete instance. The Desai of Nipani in Belgaum district left a widow who was pregnant at the time of her husband's death. She gave birth to a posthumous son. Before the birth of that son, she was entitled to enjoy the whole income of that watan, but after the death of that son a few months later, the position of the widow became a very pitiable one. The watan went according to section 2 of Act V of 1886 to a distant cousin of her child and as a matter of fact her allowance for maintenance which was Rs. 300 per month was at once reduced to Rs. 150. She had no further right to enjoy the property and in this way her position became worse by simply giving birth to a son who died a few months after his birth. Had she not given birth to that son or had she brought forth only a daughter, or had she not been pregnant she would have been the full owner and would have enjoyed the watan property during her life time. I think a great injustice is being done under that section which is against the principles of Hindu Law and against also of people's notions about watan property. I have therefore very great pleasure in supporting the first reading of this bill which has been moved by my honourable friend from Dharwar.

Rao Bahadur R. R. KALE (Satara District) : Mr. President, while accepting the principle that underlies the proposed amendment, I wish to point out that the amendment does not go far enough and I would therefore suggest to the House that the House, while accepting the principle of the bill, should be of opinion that instead of the addition proposed by the honourable mover of this bill, the following additions and omissions should be made in section 2. I shall explain why the amendment which I wish to propose carries the principle to its legitimate extent. As the honourable mover of the bill has told you, the underlying idea is that the watan property should be kept in the watan family. Under the ordinary law females inherit. There are females who are in the family and those who go out of the family. In the first class are females like the widow, the mother, the grandmother, the brother's widow, the sister-in-law, the son's widow, that is the daughter-in-law. These are all female heirs that belong to the watan family ; whereas daughters or sisters are females who, after marriage, go out of the watan family and come to belong to a different family, so that, if any occasion arises when they inherit, after

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marriage the watan property leaves the watan family and goes to another family. The object of section 2 of the Act of 1886 was, as the honourable mover has told the House, to restrict the succession of heirs to the watan family, and consequently the amendment was made in 1886, by which the right was given only to the widow of the last holder. The proposer of the amendment now wants that the right should be extended to the mother, because she is as much a member of the family as anybody else, and the grandmother who is also a member of the watan family. Similarly, my suggestion is that daughters-in-law or sisters-in-law are as much members of a watan family, and they should have the right of inheritance. Succession should go, in the absence of other heirs, sometimes to a mother and sometimes to a grandmother or a sister-in-law or daughter-in-law in the Bombay Presidency. Hence, it is logical to extend the principle of the bill to its legitimate extent. It seems to me, therefore, that instead of merely putting the words "mother and grandmother" if the section is worded in a way which would extend the right of inheritance to all females who are in the family, it would be doing the right thing. With that view, I move my amendment which is :

"Leave out all the words after the word 'that' and insert instead the following words :

'This Council is of opinion that the bill introduced is not satisfactory as it does not go far enough in investing the female members of a watan family with rights of succession to the watan but limits those rights to a mother or grandmother of the last male owner of the watan and excludes his daughters-in-law, etc.'

The Honourable the PRESIDENT : That is an amendment of the principle of the bill. I have already explained it on previous occasions ; but I shall again explain that any proposal that traverses the principle of a bill, or goes outside its limits, scope and framework by setting up an alternative case, scheme or a counter proposal to the bill, would be a proper amendment to the principle of the bill. If such an amendment is agreed to by the Council the motion for the first reading of the bill stands rejected.

Rao Bahadur R. R. KALE : What will be the result ?

The Honourable the PRESIDENT : It means that for the present the bill cannot be read for the first time : the amendment traverses the principle and the bill falls. Another bill would have to be introduced either on the lines of the amendment or otherwise as a fresh measure.

Rao Bahadur R. R. KALE : I think our Standing Orders say that at the first reading an amendment of principle can be moved.

The Honourable the PRESIDENT : Yes, and the way to amend a principle or principles of a bill is to move an amendment of the kind and in the form I have mentioned. You cannot amend the principle or principles by amending any of the provisions of the bill. That can be done only at the second reading, and you cannot do that until the bill has passed the first reading. The principle of a bill is contained in the whole framework and object of the bill and its title and the only way to amend it is either by traversing the principle or proposing an alternative principle instead. If you amend any clause at this stage, then you decide

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what the clauses shall contain ; but at the first reading, the Council decides nothing but the general principles running through the whole bill. That is the procedure we should observe.

Rao Bahadur R. R. KALE : I want to place a few considerations before the House so that they may decide whether they want the bill.....

The Honourable the PRESIDENT : That would be in order.

Rao Bahadur R. R. KALE : I am not opposed to the principle of the bill ; I only say that the principle must be extended, and with that view I have moved this amendment, and placed these facts before the House. If the House is pleased to accept for the present only the bill as sought to be read for the first time, I admit that is some advance on the present law ; there is no doubt about it. But I want that law to be amended once for all in a manner which will be consistent with the principle underlying it.

The intention of the Watan Act, so far as non-service watans are concerned, I think, is not at all to interfere with the ordinary law of inheritance. There are very few service watans now left in this Presidency ; in fact, only the patils and kulkarnis remain, but the *desphande* and other watans or those which are settled under the Pedder settlement in Gujarat are more or less like private property. They are private property in the sense that they are not service watans. The service is commuted. In the Deccan there is the Gordon settlement and in Gujarat the Pedder settlement, and as my honourable friend from Satara said they are now absolutely private property. Therefore, there is no reason why in the Deccan and Gujarat these watans should labour under this difficulty. Therefore, the object of the amendment is to remove the restriction so far as females besides the mother and grandmother are concerned. It is for the House to decide whether we should proceed with the bill as it is brought up for first reading, or whether we should not wholly extend the principle of the bill extending the right of inheritance to all the females who belong to a watan family. With these words, I move the amendment.

The Honourable the PRESIDENT : The original motion was that Bill No. XXI of 1922, a bill further to amend the Bombay Hereditary Offices (Amendment) Act, 1886, be now read a first time, to which an amendment has since been proposed, namely, "Leave out all words after the word 'that' to insert instead the following words : 'This Council is of opinion that the bill introduced is not satisfactory as it does not go far enough in investing the family members of a watan family with rights of succession to the watan but limits those rights to a mother or a grandmother of the last male owner of the watan and excludes his daughters'."

Question proposed accordingly.

The discussion will now be confined to this amendment.

Mr. C. C. HULKOTI (Dharwar District) : Mr. President, I should have very gladly supported this amending bill.....

The Honourable the PRESIDENT : The discussion must be now confined to the amendment, or rather whether the bill ought to be thrown out upon the ground that it does not go far enough. If the amendment is

[Mr. President]

lost, then the honourable member will have an opportunity of speaking on the original motion.

Mr. C. C. HULKOTI : I wish to speak to the amendment.

I will address, Sir, a few remarks on the amendment moved by the honourable member from Satara, Rao Bahadur Kale. I would have wholeheartedly supported the amendment if it had emanated from a watandar representative in this House. I must confess I have not been able to know exactly what the attitude of the watandars in this Presidency in general is in regard to the proposed changes in the amendment. If the changes proposed are in consonance with the wishes of the watandars of the Presidency, I personally see no objection whatever to support the amendment before the House.

This House will note that the amendment proposed seeks to modify the law of inheritance, as it at present exists, governing watandars in this Presidency. According to the existing provisions, the widow of the last male holder alone was allowed to succeed and all other females were postponed, in preference to male members of the same watan. This House is aware that watan property stands on a different footing altogether from the ordinary property. It has its own restrictions imposed by the Hereditary Offices Act, as regards alienation. Government have retained larger powers of control through different sections of the Act. The holder of the watan is liable to perform certain services to the State and he is also subject to certain penalties also, in case of default or misconduct in the proper discharge of his duties. If you look to section 60 of the Watan Act, Government has got the power of forfeiture of the watan on conviction of a representative watandar. The House will further notice that this section was first amended by Act V of 1886. Before the amendment of this section the forfeiture was restricted to the watan of the particular village in connection with which the offence was committed. But by the amendment, the operation of the section was so enlarged as to include all property in which the convicted person may have an interest. This means the shares of all sub-sharers are liable to forfeiture by the conviction of only one sub-sharer who happens to be a representative watandar. So, you will see in a watan family there is a common and joint responsibility of the whole body of watandars concerned. This joint responsibility is fixed on the principle that the right of service vests in the whole family and that the Government permits non-officiating members of the family to enjoy watan property. Therefore, it is assumed that the contract is made between Government on the one hand and watandar family as a whole on the other. Thus you will see, Sir, that there is a great liability on all the members of the watan under section 60 of the Watan Act. So I say there must be a corresponding benefit or advantage or right in favour of the sharers in the watan. Now, by the amendment you increase on the one hand the risk by introducing more and more females entitling them to inherit and on the other minimise the chance of a male in the watan of inheriting the property or succeeding thereto. Looking to the nature of the tenure, it is proper and

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fair that the watan property ought to be in the hands of the males, they alone being competent to perform the services required by the State.

Next, the House will see that the course of the law of inheritance, so far as the watan families are concerned in this Presidency, has been often influenced by the feeling and sentiment that is prevalent among the watan-dars in the Presidency. This I will illustrate by reference to a few facts. There was a provision in the old regulation of 1827 that watan should not leave the family in which the office was vested. But Act II of 1843 made a further provision allowing women to appoint deputies. On the strength of this provision, the High Court decided in 1868 that women had the right to hold watan. And then on the strength of this ruling frequent succession of females to watan came into existence. Later on, the general wish of the watan-dars seems to have been ascertained just before section 2 of Act V of 1886 was enacted and in accordance with the feelings of the watan-dars, females were postponed in preference to males in the same family. Therefore, this House will see the strong reason why females in the family are excluded in preference to the males. There is a great liability laid on the members of the same watan under the provisions of the present Act.

After Recess.

The Honourable the PRESIDENT : Order, order.

Mr. C. C. HULKOTI : Mr. President, I was pointing out how difficult it would be to accept the amendment of Rao Bahadur Kale. I will just illustrate it by a few more observations. Under the Hindu Law, a mother succeeding to a son leaving no widow or issue can adopt. But under section 2 of Act V of 1886, as it stands, she cannot adopt as she is not the widow of the last male holder, and the nearest male sub-sharer in the family will succeed to the watan. By the proposed amendment the mother will be entitled to adopt and there is no chance of the nearest agnate succeeding at all. Thus the effect of this amendment would be to minimise the chance of the nearest relatives succeeding to the rights in the watan property. This seems to me quite unfair, as they are liable under section 60 of the Watan Act on the principle of joint responsibility.

It is unfortunate indeed that such service watans are subject to the general law of partition, and that watan-dars are allowed to create new heirs by adopting strangers. These two changes have practically led to the miserable poverty of many a watan-dar, and the system of adopting strangers has led to interminable quarrels and litigation among watan-dars. So, the respectability and the influence of watan families is slowly but surely undermined, to the great unhappiness of the village polity.

The mother is certainly entitled to maintenance even according to the present Watan Act and the courts will consider each case on its merits and decide the amount of maintenance. I am prepared to support the amendment if it is restricted to non-service watans.

In conclusion, I am opposed to the amendment of Rao Bahadur Kale.

Mr. A. N. SURVE (Bombay City, North): Sir, I rise to oppose the amendment, because it is not wise to throw away half a loaf because we are not going to get the whole loaf. This amendment tries to take away what is to be obtained under the guise of giving something more. The right course would be to accept the present bill and, if anything more is wanted, to bring in a fresh bill later on. For this reason, I oppose the amendment laid before the House.

The Honourable Sir IBRAHIM RAHIMTOOLA: Mr. President, I should like to say a few words regarding the amendment of the honourable member for Satara. I must say at the outset that the Government's attitude in regard to the main bill is one of neutrality. This is a subject which affects watan families; and the representatives in this Council, who are conversant with the actual facts, may decide the issue of the main bill, as they think best. As regards the amendment, I should like to ask the honourable member for Satara to consider whether it would not be better for him to accept the bill as it stands and bring forward another bill for making a further advance rather than pressing for the amendment on the present occasion, and running the risk of wrecking the bill. It would hardly be a matter of practical politics to run the risk of wrecking a bill and losing what you are likely to get in order to get more. The time of the Council will be saved if the honourable member for Satara does not press his amendment, and allows the original motion to be put to the vote and thus ascertains the wishes of the Council in the matter.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, I wish to associate myself with the views expressed by the Honourable the Leader of the House and there is a good deal in it. In my practice for the last 27 years, I have come across cases which are really very sad indeed. I may mention one instance.....

Rao Bahadur R. R. KALE: I beg leave of the House to withdraw my amendment.

Amendment by leave withdrawn.

The Honourable the PRESIDENT: (After proposing again the original motion). Now, the debate may be on the original motion. Does the House think that further discussion is necessary?

Rao Bahadur R. R. KALE: I move the closure.

The Honourable the PRESIDENT: I accept it.

Bill read a first time. Question put and agreed to.

Mr. S. T. KAMBLI: Sir, I beg to move that the bill be referred to a select committee consisting of seven members.

The Honourable the PRESIDENT: The honourable member should name the members.

Mr. C. M. GANDHI: May I suggest, Sir, "four to form a quorum" may also be added?

Mr. S. T. KAMBLI: Sir, I beg to move:

That Bill No. XXI of 1922 be referred to a select committee consisting of seven members, namely, the Honourable the Leader of the House (Sir Ibrahim Rahimtoola), Mr. A. P. Chaugule, Rao Bahadur G. K. Chitale, Rao Bahadur R. R. Kale, Mr. B. V. Jadhav, Mr. A. N. Surve, and the mover, and four to form a quorum.

The Honourable the PRESIDENT: I see the honourable member taking counsel from honourable members near him. Does he move an amendment?

The Honourable Dr. R. P. PARANJPYE: Is it permissible to bring in an amendment that the figure 7 be changed to 8?

The Honourable the PRESIDENT: Yes.

The Honourable Dr. R. P. PARANJPYE: I beg to move:

"that the word 'eight' be substituted for the word 'seven' in the proposed motion and that Mr. G. A. Thomas, Secretary for the Revenue Department, be added to the committee.

Amendment put and carried.

Bill referred to select committee. Motion as amended put and carried.

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Mr. President, in accordance with my notice of motion I beg to move that:

This Council recommends to the Government that, in view of the judgment of the Chief Presidency Magistrate and his remarks against Superintendent Carter in the case of Dr. S. P. Kapadia, Superintendent Carter be adequately punished in the interest of the good name of the police force and the safety of the public.

I do not think, Mr. President, it is necessary for me to say at the outset of my remarks that I have brought forward this resolution wholly and solely in the public interest and that I have absolutely no personal object or motive in moving in the matter except such as any public man interested in the welfare, liberty and safety of the people may happen to have. I do not desire to go into the numerous details of this case, but wish to confine my remarks only to the most salient and important points connected with it, in order to enable the Council to accurately appreciate all the circumstances thereof and to arrive at a correct and accurate decision in the matter. With this end in view, I crave the indulgence of the House to permit me to go into a brief resumé of the whole matter with a view to explain the case from beginning to end.

It was about the end of December 1921 that a certain firm in Bombay reported to the police the theft from its office of a number of articles said to be of the value of Rs. 600. The police of course undertook the investigation and in the course of their efforts succeeded in tracing a peon, employed probably in the same office, a minor of fifteen years who had stolen the articles in question, and also at the same time succeeded in arresting a hawker of second-hand wares, who had purchased the whole lot of these articles from the peon for a lump sum of Rs. 5. A portion of these articles was sold by him to Dr. Kapadia who happened to be his doctor and was therefore known to him for some time. This latter fact appears to have been brought out very clearly in the evidence that was recorded in the court of the Chief Presidency Magistrate. It was also very clearly established there that when Dr. Kapadia bought the two scales which formed the central figure of the whole case, he bought them with the knowledge that they were broken, that they were incomplete, that they were inaccurate, and that they were practically

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useless for the purposes for which they were meant. It was also proved that he had bought them after unsuccessfully endeavouring for a long time to fit them together and to make at least one complete pair out of the pieces. It was also proved that he had bought them in the presence of a number of his patients who happened to be in his dispensary at the time and that while he placed one of them on his table for his use with such manipulation as was necessary by the addition and subtraction of weights, he placed the other in an open glass cup-board in his room, which was thus capable of being seen and inspected by any one who had any power of observation and who cared to do so.

A few days passed by, when Dr. Kapadia was one day suddenly approached by a couple of policemen with the hawker accompanying them. He was questioned as to whether he had bought the scales, how he had come to buy them, the circumstances under which he had bought them, the use to which he was putting them and so forth,—details which Dr. Kapadia gave as readily as they were demanded. He not only did so, but also went out of his way to telephone to the police office and offered to go there and give them such further information as was in his power to do in order to help the Police in the investigation of the theft with the result that he was requested to go to the Police Station. This he did soon after and related to the officers present there the whole story up to that point, as I have already told you. The story was carefully listened to by two police officers who happened to be there at the time. One of them was Sub-Inspector-Sawant, who called him again at 5 o'clock to see Inspector Dalton. Dr. Kapadia again went to the police chowky at 5 o'clock as requested, and related to Inspector Dalton exactly the same story that he had related to Sub-Inspector Sawant. This was very carefully and attentively listened to by Inspector Dalton, who at the same time took hold of the several loose pieces of the scales which had been meanwhile received by Sub-Inspector Sawant from Dr. Kapadia, examined them and tried to fit them himself into one complete whole. He endeavoured to do so for over half an hour, but failed to make even one accurate pair of scales out of the separate pieces. He verified all the other facts which were narrated by Dr. Kapadia and satisfied himself as to their accuracy, with the result that he ultimately allowed Dr. Kapadia to go home and asked him to come the following morning at 8 o'clock as a witness in the inquiry before his Superintendent. He felt that it was his duty to place Dr. Kapadia before the Superintendent in order that the case before him might be expedited and assisted. Dr. Kapadia accordingly went the next morning. At this stage Superintendent Carter comes on the scene. I ought to have informed the House that while returning home from the police chowki the previous day, Dr. Kapadia had taken the precaution of going to the market and visiting Janjekar Street, where people who deal in scales of all kinds and sizes live and carry on their trade. He went from shop to shop, and made the most careful and minute enquiries as to the value, utility and place of manufacture of various scales, similar in every respect to those in question and thoroughly satisfied himself that similar scales could be had in

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the market for prices ranging between Rs. 14 and 20 per pair. To make assurance doubly sure, however, he came back to the police office and asked Sub-Inspector Sawant to go with him to the shop. This the sub-inspector did; and he satisfied himself as to the accuracy of the conclusions to which Dr. Kapadia had arrived. Dr. Kapadia then went home and returned the next day, when he was placed before Superintendent Carter. He was questioned again by the superintendent as to how he came to possess the broken pieces, and he gave him exactly the same details and the same history that I have already related to you, which Dr. Kapadia had already placed before Sub-Inspector Sawant and Inspector Dalton, and which they in their turn had also put before Superintendent Carter. This has been abundantly made clear from the evidence of Sub-Inspector Sawant and Inspector Dalton in the magistrate's court. Any one who cares to go through the magistrate's judgment and the details of the evidence recorded in court, will find it proved that all these details were categorically placed before Superintendent Carter, that Sub-Inspector Sawant also took care to tell him that he had been to the market himself and that he had found that scales of the same or similar kind could be had there at rates ranging from Rs. 16 to Rs. 20 per scale, and that both he himself and Inspector Dalton had personally made enquiries into the statements of Dr. Kapadia and come to the conclusions that they were accurate. Superintendent Carter, however, without a particle of additional evidence before him, without making further inquiries into the matter or going deeper into the case, without taking the trouble even to send for the complainant and ascertain from him the value he would himself put upon the scales in the condition in which they then were, and in spite of the fact that Inspector Dalton and Sub-Inspector Sawant had told him that they were satisfied with the result of the enquiries they had made of Dr. Kapadia, chose to take upon himself the responsibility of putting Dr. Kapadia into custody; and that too, without telling him that he had done so. Dr. Kapadia was asked by him questions which were all replied to in the same way as the questions put by Sub-Inspector Sawant and Inspector Dalton before him. There was no fresh evidence before Superintendent Carter and no more material than had been put before him by his two investigating officers; and in spite of this fact, Superintendent Carter took it upon himself to arrive at a decision diametrically opposed to the conclusions to which Sub-Inspector Sawant and Inspector Dalton had arrived and deliberately chose to give an order for the arrest of Dr. Kapadia. He did so not in the presence of Dr. Kapadia but behind his back, lest he may urge such further grounds as he may have to in defence of his action, or ask to be released on bail and allowed to go home pending further investigation. Dr. Kapadia, who, as I have already said, was originally called by the police, only as a witness, was asked to stand outside the room, where Superintendent Carter in magisterial grandeur, was holding the enquiry. It was only after he had left, that Dr. Kapadia was told of his arrest; and that too, when he wanted to be allowed to go home to attend to an urgent case of serious illness in his family and to visit his other patients. He was

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naturally taken aback when he was told that he was a prisoner under the orders of Superintendent Carter. Dr. Kapadia of course protested against this procedure, asked for permission to go home, and failing that, offered even to give security to the extent of Rs. 10,000 or of any other larger sum that may be demanded. But, even this simple request was refused. It will be easily understood by members of this House what a humiliation it must have been to a respectable citizen of the type of Dr. Kapadia, who had never before been called upon to appear even before a court of law, to have been thus quite suddenly and unexpectedly told that he had been made a prisoner under the orders of a Police Superintendent for reasons of which he was not even informed. Up to that moment, he had not even realised that he was there on his trial; he had been told that he was there only as a witness. Under these circumstances, he naturally wanted to communicate with his relations. But, even this very simple and ordinary request, which might have been accepted by anybody, the police officer did not see his way to grant. I have no doubt in my mind, and I am sure the House will agree with me when I say so, that, in view of the facts that I have related when Superintendent Carter gave orders to place Dr. Kapadia under arrest without even informing him of the nature of the charge against him and without giving him an opportunity of speaking to him personally, he must have had some ulterior and dishonest motive in doing so. I know these are serious words; but I use them deliberately and with a full sense of my responsibility. I have read the judgment of the learned Chief Presidency Magistrate several times over. I have read and re-read the details of the entire case over and over again. I have carefully studied the whole evidence recorded in the Magistrate's Court and otherwise obtained all the necessary facts connected with this case. I consider it my bounden duty to place before this Council in unequivocal terms, the conclusion to which I have come as the result of this study. If Superintendent Carter honestly came to the conclusion that Dr. Kapadia was guilty of the offence with which he was subsequently charged, and that the conclusions to which his own investigating officers had come and which had been communicated to him, were wrong, then it was his bounden duty not only to communicate to the investigating officers, but also to put on record, the grounds upon which he took it upon himself to differ from the result of their investigations and ordered the arrest of a respectable citizen in direct opposition to the conclusion to which those officers had come. I venture to think, Mr. President, and I place it before this Council with all the emphasis I can command, that this is the least that he should have done; and his failure to take even this simple precaution, is exceedingly significant. This is a very important point in these proceedings and I want the Council not to lose sight of it. If Superintendent Carter honestly came to a conclusion, quite different from that to which his own investigating officers had arrived, I think it was due to his colleagues at least, that he should have told them why he felt differently from them and why he had taken it upon himself to act in a manner contrary to the result of their

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investigations,— a precaution, which as a man of responsibility and a public officer wielding important powers, it was his bounden duty to take. But he not only did not do so, but went away quietly from the police office, leaving Dr. Kapadia to the tender mercies of the regular routine of police investigations, with the result that Dr. Kapadia could not go home, could not attend to his patients and was put to considerable inconvenience, trouble and mental anguish. He had to go from pillar to post for the whole of that day, and had to do his duties and attend to his patients, including even his close relation who was seriously ill, in the presence of a sub-inspector of police under the orders of Superintendent Carter; and was put to all the consequent irritation, humiliation and disgrace which such proceedings invariably entail.

I have purposely omitted several minor steps in this case, because they are not quite necessary for a clear understanding of this story. Dr. Kapadia naturally resented this treatment and wanted to be allowed to go home, but was told that he could not do so without the permission of Superintendent Carter. He accordingly went to the Superintendent accompanied by another police officer. He was taken to the presence of Superintendent Carter at his residence and was made to go through a series of humiliations, both unwarranted and disgraceful in the extreme. I think it is due to this Council that I should tell them briefly how Superintendent Carter behaved towards Dr. Kapadia when he went to him asking for permission to be released on bail, or at least to go home for the moment and attend to his regular duties. Superintendent Carter stood at the foot of the steps of his house; and Dr. Kapadia was made to stand like a criminal at a distance of 12 feet. Superintendent Carter, standing there in all his glory, with his inspector and sub-inspector on either side of him, spoke to Dr. Kapadia in the most dictatorial, arrogant and offensive manner. When Dr. Kapadia pointed out to him the danger to which his close relation would be exposed if he was not allowed to attend to that patient, Superintendent Carter had the audacity and the insolence to tell him that he was not the only doctor in the town and that there were other doctors there to whom the case could and should be transferred and that he would not be allowed to go home for such a paltry reason. Superintendent Carter also resorted to other arguments of a similar character, which added insult to injury. Ultimately, Dr. Kapadia was allowed to go; and he obtained a certificate from the doctor in charge of the hospital to which his close relation had been removed that his presence there was urgently required, as his relation was in a critical condition. He thus went about his work and came back in the evening, fully after twelve hours of imprisonment (of course, I grant, imprisonment in which he was allowed to move about in the custody of police officers in uniform.) But, even the certificate which Dr. Kapadia had brought from the hospital doctor, had been unceremoniously brushed aside. It was then that Dr. Kapadia sent his brother to the Chief Presidency Magistrate to ask for bail, which, I must remind the House again, was meanwhile repeatedly refused by Superintendent Carter with a persistence, deliberation and callousness which are deplorable.

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in the extreme and set us thinking as to his ultimate intentions. I shall come to this question again later on in the course of my remarks; but meanwhile, it is necessary to say that in cases of this character which are non-bailable and where further inquiries are yet to be made, it is not only permissible to, but incumbent upon the officer concerned to give bail. Superintendent Carter had the undoubted right and authority of releasing Dr. Kapadia on bail in view of the circumstances of the case. There are sections of the Police Act and of the Indian Penal Code, there are directions laid down in the Police Manual, in the reports of the different Police Commissions and in other important publications, all of which explain the spirit in which the power to refuse and grant bail is to be exercised. All of them point to one conclusion that Superintendent Carter was wrong in refusing to grant bail to Dr. Kapadia in the manner that he did. I will not go into further details at the present moment; but if it is urged in Superintendent Carter's defence, as is likely to be the case, that even if he had wished to do so, he could not possibly have released Dr. Kapadia on bail, I shall then read out some of the important sections of the different Acts and other publications in justification of what I am now saying. But it is quite enough for me to say at present that in spite of Dr. Kapadia's endeavours to obtain bail, in spite of his offer to give security to the extent of Rs. 10,000, in spite of his respectability and the fact that Superintendent Carter's own investigating officers had nothing to say against him, and in spite of the fact that their conclusions were diametrically opposed to those of Superintendent Carter, this arrogant officer puffed up with power, took it upon himself not only to order Dr. Kapadia's arrest but also to refuse his repeated requests to be released on bail. This is another very significant incident in these sordid proceedings, which drives one to the conclusion, that in acting towards Dr. Kapadia with the rigour that he did and in deliberately refusing to give bail to a citizen who, he knew all along, was feeling the humiliation and iniquity of the situation, there was a distinct motive. I deliberately assert that to a lay mind like mine these proceedings create the impression that Superintendent Carter purposely and pointedly acted in this manner with some ulterior and dishonest object. It must be remembered that even when Dr. Kapadia's brother went to the Chief Presidency Magistrate and obtained a written order from him for his release, Superintendent Carter refused in the first instance to release him on bail even by an oral order of the magistrate, even though such a request was made by the Chief Presidency Magistrate by telephone. There is another fact, small but important, to which I wish to allude. It is very significant at least from the standpoint of those who may urge that Superintendent Carter on his own initiative, had no right to release Dr. Kapadia. The Chief Presidency Magistrate apparently does not take that view; for in the first instance he asked Superintendent Carter whether he wished to release him himself. Superintendent Carter replied that the case was very strong, and he would not do it without a written order. He however never urged that he had no power to do so. The Chief Presidency Magistrate accordingly sent a written order.

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Dr. Kapadia was released, and ultimately allowed to go home at eight o'clock in the evening, after twelve hours of hardship and humiliation. The case was of course ultimately filed, with the result that the Chief Presidency Magistrate, after very patiently going through the whole of the evidence that was placed before him, honourably acquitted Dr. Kapadia and also took care to add that he left the court without the slightest stain upon his character. A loyal subject of the King-Emperor and a respectable citizen of Bombay, about whose alleged guilt the magistrate held that there was not a particle of evidence, and with reference to whose prosecution, even the prosecuting inspector had to admit that there was somebody at the Phaltan Road police station who was to blame, was thus submitted to endless trouble and humiliation, in the name of law and order, by an insensate and incompetent police officer, who by his arrogant and thoughtless behaviour had disgraced the King's uniform and proved himself absolutely unworthy of the responsible position he was occupying. The Chief Presidency Magistrate, in the course of his judgment, speaks of the evidence of the prosecuting inspector, Mr. Guider, and also of the evidence of Inspector Dalton in these terms :

"Prosecuting Inspector, Mr. Guider, who has been in charge of this case, has very frankly admitted that the accused ought never to have been placed before a court. I quite agree with him. Witness Inspector Dalton is quite right when he says that there was no dishonesty on the part of the accused in this transaction."

There are many other passages of a similar kind in the judgment which emphatically place on record the opinion of the magistrate that Dr. Kapadia had been needlessly brought before the court and put to the humiliation of undergoing a vexatious trial without any justification whatsoever. I will not weary the House by reading extracts of this character from the judgment. It is sufficient for me to say that those who care to read the judgment will find it teeming with remarks of this character, and with remarks as to the honesty of Dr. Kapadia, the futility of the case against him, and the manner in which an attempt was made to bolster up a bogus case. It is also necessary to say that a partner of the firm whose goods had been stolen, was placed before the court, and he had to confess that the scales as they then were would not fetch even Rs. 23. Another partner had to confess that if he was asked to buy them in that condition he would not buy them for anything, as being inaccurate they were absolutely useless for the purpose for which they were originally made and meant. Superintendent Carter was called in to give his evidence, and it is very interesting to see how he did so. He was asked whether the facts that were placed before the court by Inspector Dalton and Sub-Inspector Sawant were placed before him; and he said "No".

The Honourable the PRESIDENT: The honourable member has exhausted his half hour, but I have the right, according to the Standing Orders, to permit more time; for the present he may go on.

Mr. JEHANGIR B. PETIT: Thank you, Sir. In order to justify the false and untenable position which he had taken up, Superintendent Carter indulged in a tissue of falsehoods and lies. When he found that

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the statements he had made would be contradicted by the evidence of his own investigating officers, and that he would either have to tell further lies and be caught in the act, or give up the case, he fainted away. I leave it to this House to decide for itself under what mysterious circumstances Superintendent Carter had fainted away. It is quite possible that the work and exhaustion of the enquiry had brought about a fit of fainting to which, for the moment, he yielded. But it is significant in the extreme that precisely at the crucial and psychological moment when he had to answer a very inconvenient question, his reply to which would have compromised him in any case, Providence came to his assistance and he fell down in a swoon! He was lifted up and immediately attended to medically. It is an irony of fate that the very man who had been the victim of the incapacity and perversity of this officer himself came forward to attend to him, examined his pulse, took him home in his own car and left him in charge of his medical officer, Dr. Nunan. This gentleman, as has been clearly brought out in the evidence in the magistrate's court, told Dr. Kapadia there and then, after examining Superintendent Carter, that there was nothing the matter with him, and that the only thing that was necessary to do was to leave him alone for a day and that he would be all right the next morning. That was all; and he gave him some ammonia to smell. As far as we are aware, nothing more happened at the time. However, at the next hearing of the case, it came out that Superintendent Carter had suddenly disappeared, and that he had gone to Busrah upon a certificate said to have been obtained from a medical authority, saying that he should be immediately taken away for a change. At that time, the medical authority who was said to have given the certificate was mentioned as Mr. King, who, I was subsequently informed, was a brother-in-law of Superintendent Carter. He is now dead, and I shall not therefore say anything more about him. In any case, the ugly fact remains that exactly at the very moment when Superintendent Carter was in the midst of a very important part of his evidence which would not only have compromised him but also condemned him in the eyes of the court either as a liar or as a man who had deliberately brought up a trumped-up charge, that he fell so ill that he had to be sent away and was already on the high seas on his way to Busrah. It was only an oral message, casually delivered. Even the court had not been formally informed and no medical certificate had been produced. It was only some days after he had gone that the court was told by the prosecuting inspector that he had gone under medical advice as he was suffering from concussion of the brain and was not likely to come back for some months. I am not a medical man and will not pretend to pronounce an opinion on this point; but if he was really suffering from so serious a complaint as concussion of the brain, I do not understand how he could possibly have been allowed to proceed to such a distant place as Busrah. The members of the medical faculty, sitting on either side of me, will, I am sure, give us very valuable assistance and guidance on this point as to whether it is possible for a man who has concussion of the brain as Superintendent Carter is supposed to have had, to undergo a long

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voyage; and whether, first of all, he is likely to suffer from concussion of the brain by a mere fall in the witness box. Medical experts will also tell us that in view of the fact that he was able to undertake this long voyage and to bear all the attendant exertion, he could not possibly have been suffering from concussion of the brain. The most extraordinary and unusual step that Superintendent Carter took of leaving Bombay with the help and concurrence of the Government, and, without giving the magistrate even an intimation of his movement is, to put it at the mildest, most significant. I should like to know who accompanied him on his voyage as medical advisor. I should also like to know what steps Government took to find out, and also if the Honourable the Home Member himself made inquiries as to whether Superintendent Carter was really ill and unable to attend to his duties. I think it is absolutely necessary that the Government should also produce the medical certificate upon the strength of which he was given leave and suddenly allowed to go away. Failing the production of such certificate, the Council will be justified in drawing its own conclusions in the matter. I should like to know, Sir, whether the Honourable the Home Member has made inquiries into and called for a report upon all the statements contained in the Magistrate's judgment, to which I have already referred. I think the House has a right to know, at least so far as Superintendent Carter's alleged serious illness is concerned, whether the Honourable the Home Member had made inquiries into the matter and whether he was satisfied that a clear case had been made out for allowing him to leave Bombay so abruptly and for such length of time. Anyhow, the fact remains that the Superintendent disappeared just when he was in the midst of a most important part of his evidence; and the magistrate has not only honourably acquitted Dr. Kapadia but also put on record his emphatic condemnation of the entire behaviour of Superintendent Carter. The magistrate says in his judgment:

"Before concluding I have no other alternative but to refer to the criticism on Superintendent Carter's conduct by the learned pleader on behalf of the accused. I very much wish that I could have avoided doing so but I think public interest as well as the best interests of the police force require that I should refer to that subject. Prosecuting Inspector Guider has admitted that somebody at the Phalton Road Police Station is to be blamed for the arrest and detention of the accused and his being placed before this court but he says that Superintendent Carter is not to be blamed for it but that the persons actually to be blamed for it are Inspector Dalton and Sub-Inspector Sawant. I think this is an unworthy attempt to try and shield the Superintendent at the expense of his subordinates. I have very carefully considered the facts and I have no other alternative but to say that Superintendent Carter and he alone is responsible for the humiliation, the trouble, the anxiety and expense to which this respectable citizen has been put to. Inspector Dalton has given his evidence in a very straightforward and honest manner and the accused has nothing to say either against him or Sub-Inspector Sawant. Inspector Dalton says that he saw nothing in the facts of the case to justify him in arresting and charging this accused and Superintendent Carter is alone responsible for his arrest and detention. Superintendent Carter was informed of all the facts there were before Inspector Dalton and Sub-Inspector Sawant. No other fact against the accused was elicited by Superintendent Carter before ordering the accused's arrest. Superintendent Carter was told that Sub-Inspector Sawant had the previous evening gone to the market and satisfied himself that similar scales could be purchased for Rs. 20. He was also told that the scales recovered from the accused were incomplete and inaccurate and yet before ordering the arrest of the accused he did not send for the complainant or his partner to ascertain whether what the accused said about the value of similar scales and the condition of scales recovered from him

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was true or not. Superintendent Carter has given six reasons for his arresting the accused but I think he had no justification for the course he had taken. The result of the conduct has been that an innocent respectable citizen has been kept in custody for nearly twelve hours, has been put to the humiliation of going and attending his patients in custody of a police officer in uniform and a further humiliation of a trial in a criminal court. The only reparation which is in my power to do is to say that I am discharging him with honour and he leaves this court without the slightest stain upon his character."

Being dissatisfied with the manner in which the police had treated him, Dr. Kapadia naturally took the matter before the public as soon as he was acquitted. He sent a representation to the Government of Bombay relating all the circumstances of the case and asking for an inquiry into the matter and for such action as the Government may think proper. He also induced the Bombay Medical Union, an organised body, representing a section of the medical men of the city, to take up the case on his behalf, which they did, with the result that they also sent a representation to the Government on the subject. We all know the reply sent by the Government to both these representations. It unfortunately adds insult to injury and bespeaks a total lack of imagination on the part of the Government. I think I cannot do better than read the whole reply of the Government both to the Medical Union and Dr. Kapadia. It runs thus :—

"With reference to your Memorial dated the 26th of February 1922 praying that compensation may be granted for the great loss sustained by you and that a searching enquiry may be made in respect of the conduct of Superintendent Carter of the Bombay City Police, I am directed by the Governor in Council to inform you that a careful inquiry has been made into your case and the circumstances considered both as they appeared in the Police investigation and as presented to the Magistrate. The conclusion reached in view of the facts established in respect of the receipt and the value of the stolen property has been that it would have been a dereliction in duty on the part of Superintendent Carter if he had neglected to take the necessary steps for placing you before the Magistrate. It was moreover not open to him on the facts established to release you on bail. The offence if any was non-bailable and the question of bail equally with that of your guilt was solely within the jurisdiction of the Magistrate. It has lastly been established beyond doubt that Superintendent Carter was seriously ill and was granted leave solely on the grounds of his health and not as suggested by you in order to evade further cross-examination before the Magistrate. There would appear therefore to be no justification either for the grant of compensation to you or for steps being taken against Superintendent Carter by Government."

I am sure the House will agree with me when I say that the reply of the Government is most unsatisfactory and unsympathetic. It takes for granted what does not exist; and is a deliberate attempt on the part of the Government to shield and white-wash a worthless and incompetent public officer. In its endeavour to justify his sudden disappearance, it exposes its own weakness and seriously imperils the reputation of Government for fairness and justice. I think the House is entitled to know what inquiries the Government have made in the matter, what fresh facts were placed before them which were not before the magistrate and how they have come to the conclusion that they have, in spite of the judgment of the Chief Presidency Magistrate to the contrary. I think the House is also entitled to know the circumstances under which leave was granted to Superintendent Carter, and to demand that the medical certificate and the details of the Government inquiry should be placed upon the table of the House for the inspection and examination of the members.

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Sir, I need not dilate upon the extreme undesirability and danger of departmental inquiries over the heads of competent judicial authorities and behind the backs of the parties concerned in matters of this important character concerning the honour and reputation of loyal and law-abiding citizens, after definite issues have been once raised, examined and finally decided upon by such authorities. I am perfectly certain, Sir, that the House would also like to know who made the inquiry in question, where it was made, who collected all the details in the matter, what information was before the Government, who were invited to give their opinion; and so forth. I should like to know—I think this House is entitled to know—whether the law officers of the Crown were consulted in this matter. I should also like to know whether the Advocate General was consulted in this matter; and if so with what result.

The Honourable the PRESIDENT: The Honourable Member will remember that his resolution asks that Superintendent Carter be adequately punished. The question is not one for inquiry. The resolution goes upon the basis that the Superintendent is guilty of something, and that, therefore, he should be punished. Thus there is no relevancy in raising the point about any inquiry. The definite issue raised by the terms of the motion under discussion is whether the facts placed before the House justify a recommendation to Government to punish the Superintendent adequately. That is the only definite issue for debate.

Mr. JEHANGIR B. PETIT: I am sorry. The point I was trying to make was this. The Government, in reply to the two representations sent to them on the subject, have stated that they were led after a departmental inquiry to a conclusion different from that of the Chief Presidency Magistrate. I was endeavouring to point out that if there was any justification for holding a fresh enquiry, it should have been done by an appeal or by way of revision.....

The Honourable the PRESIDENT: That is just the thing I want to prevent, as it might put the House on a different track not relevant to the issue raised.

Mr. JEHANGIR B. PETIT: If, like the Chief Presidency Magistrate the House comes to the conclusion—as I am sure it will—that Superintendent Carter was guilty of a gross misuse of power, then I am entitled to ask it to call upon the Government (though it is not a transferred department) to punish Superintendent Carter consistently with the magnitude of his crime. There is not the least possible doubt in my mind that Superintendent Carter, in the exercise of his powers, exceeded all legitimate bounds and has proved himself absolutely incompetent to hold the position and exercise the responsibility of a Superintendent of Police. His behaviour was such as would bring the entire Police force into ridicule and contempt and create in the people's mind very serious misgivings as to their own safety. It is due to us all, it is due to the dignity of this Council, that under such circumstances it should insist upon adequate punishment being meted out to Superintendent Carter. I beg accordingly to move the resolution which I have just read out, and to place Superintendent Carter at the bar of this House in the confident

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hope that it will deal with him in a manner consistently with the dignity of the Council, and in every way, worthy of the lives, liberties and safety of the people. With these words, I have much pleasure in moving the resolution I have read out.

Mr. C. M. GANDHI : I want a ruling, Sir, whether members like myself who have given notice of similar resolutions on this question will be allowed to speak on the issues raised in their respective resolutions ?

The Honourable the PRESIDENT : There is only one definite issue now. If any other issues are raised by notice of other resolutions, they can be debated when those resolutions are moved. If the resolutions of which notices have been given by other honourable members raise this identical issue, of course the fate of those resolutions will be decided by this. If those resolutions relate to other issues, they will be allowed to be moved in their turn.

The Honourable Mr. M. H. W. HAYWARD : It will be convenient to the House, Sir, if we deal with the whole matter once for all, and if those members, who have given notice of other resolutions on this subject, are allowed to add them to the resolution of the honourable member for the Millowners' Association.

The Honourable the PRESIDENT : Let me see what the other resolutions are.

Mr. C. M. GANDHI : That resolution appears on page 4 of the agenda.

The Honourable the PRESIDENT : The resolution on paper referred to by the honourable member for Surat (Mr. Gandhi) raises a definite issue different from the one now under debate.

The Honourable Mr. M. H. W. HAYWARD : It will be convenient if the honourable member is allowed to move his resolution and raise that issue also.

The Honourable the PRESIDENT : The difficulty is how to mix up two distinct issues in a resolution which is under debate. The Standing Orders require that a resolution must raise only one definite issue. The Honourable the Home Member will be pleased to bear in mind this : the question of adequately punishing rests on facts, different from the issue raised in the resolution standing in the name of the honourable member for Surat (Mr. Gandhi). He asks in his resolution :

"...the procedure of making departmental inquiry into the conduct of police officers against whom strictures have been passed in judgments of criminal courts and of revising the findings in the said judgments by evidence subsequently collected by the police *ex-parte* and in the absence of other party concerned, as has been done in the case of strictures passed by the learned Chief Presidency Magistrate of Bombay against Superintendent Carter in the case of King Emperor *versus* Dr. S. P. Kapadia, should be revised as unfair and lowering the prestige of the said courts."

That raises a very different issue and I cannot allow it to be raised while we are debating the question of the adequate punishment of an individual officer. I think for the sake of the convenience of the Government themselves it would be better that the two issues are kept apart.

[The President]

For the convenience of the House, I will allow honourable members to refer to the question of inquiry made by Government with special reference to Superintendent Carter and then the Honourable the Home Member may in his reply deal with it to show Government have already made an inquiry, but I cannot on this debate allow the question of inquiry in general to be raised.

Mr. D. J. FERREIRA : Sir, may I enquire whether those members of the House who wish to speak will be allowed to speak on the questions raised in the other resolutions ?

The Honourable the PRESIDENT : I cannot answer any points of order until they actually arise. But I assure the Honourable the Home Member and also the others that I shall allow a certain latitude, if the two issues are found to hang together.

Mr. J. ADDYMAN (European, Bombay City) : Sir, I rise to oppose the motion. At the outset I would like to inform the honourable members of this House that I have given the matter my careful examination and having investigated with an open mind I have come to the conclusion that there is no case against Superintendent Carter, and I am satisfied this police officer did not exceed his duty.

One side of the case has been very well put by my honourable friend Mr. Petit.

The Honourable the PRESIDENT : No honourable member should be mentioned in the debate by his name. The honourable member who has moved this resolution represents the Bombay Millowners' Association.

Mr. J. ADDYMAN : One side of the case has been presented by the honourable member representing the Bombay Millowners' Association, but I would remind the House that one side of a story may sound very well until the other side is told.

In the first place, the honourable the mover appears to have overlooked the fact that a police officer has a duty to perform and in carrying out his duty he must be guided by the seriousness of the case.

Now, what did Superintendent Carter do ? He did his best to ascertain the value of the stolen property and went to those from whom the property was stolen with the object of ascertaining the necessary facts on which to act. He was shown the invoice and sought for and obtained the selling price of the scales. Now, Sir, I submit that if a thief steals my gold watch, it is the duty of a police officer to ascertain from me the value of that watch and not to rush off to the bazaar to ascertain the value of a similar watch. There are watches and watches as there are scales and scales, and I submit that Inspector Dalton and Sub-Inspector Sawant had no right to go to the bazaar to ascertain the value of scales similar in appearance only.

Now, Sir, knowing the value and extreme importance of the scales in question especially to those engaged in the textile industry, I submit these scales cannot be purchased in the bazaar, for Rs. 20, nor anything like that figure. The figure for such scales to-day is approximately Rs. 150.

[Mr. J. Addyman]

In view of these facts Superintendent Carter had no alternative but to arrest Dr. Kapadia and which was his plain and obvious duty.

Dr. S. S. BATLIWALA (Bombay City, North): Mr. President, I regret to say that I do not agree with the last speaker who has advanced reasons which do not weigh very much with me. I do not for a moment accept what he has said, that is, that the honourable member representing the Bombay Millowners' Association has forgotten to mention to this House that it was not the duty of these investigating officers to go to the market and enquire for the prices of the scales. May I ask my friend, what the duties are of these investigating officers before they lay a charge, and before a *prima facie* case is made out by them against the accused? Inspector Dalton was in charge of the police station and Sub-Inspector Sawant was the investigating officer appointed for that section. It was Mr. Sawant's function to investigate, and if in the course of his investigation it was brought to his knowledge that a scale of a similar kind, exactly of that character, quality and size could be had for Rs. 16 to Rs. 20, was it not the duty of a police officer, who is supposed to be just, fair and above all other considerations, to go and verify that statement made by the accused and see whether that was right or not—whether scales of the character, quality and size as the one produced before the police could be had in the market at the price stated? If that is not the duty of the investigating officers, I do not know what their duties are. I do not agree with my honourable friend when he says that it was not the duty of these officers to investigate about the prices of these scales. Another reason was advanced that the sub-inspector was not an expert. May I ask whether Superintendent Carter was an expert? I humbly submit, Sir, that Superintendent Carter was only required to see whether a *prima facie* case was made out against Dr. Kapadia, and in order to find out whether a *prima facie* case was made out, he had to investigate two things: whether there was dishonest intention on the part of Dr. Kapadia and whether Dr. Kapadia had the knowledge that it was a stolen property. Superintendent Carter as a responsible officer was bound to enquire about the two points mentioned by me. He was told that a similar article could be purchased in the market for a lesser price; if that be so, he is bound to take into consideration the fact mentioned by the sub-inspector, Sub-Inspector Sawant. He did not use his common sense. He did not make sure that a *prima facie* case was made out. The fact is that Dr. Kapadia had bought the parts of the scale for a very fair price: the Doctor had said that he had bought a similar scale but a new one for Rs. 20 a few months ago: and if these broken scales were brought to him and if he thought that by his ingenuity he could make the two imperfect into one perfect and paid Rs. 12 for the same, may I ask where is the proof of dishonesty? There could be no dishonesty there. There was a second point to prove his honesty of purpose. The bargain was made not in the nook and corner of a private room: it was made in an open dispensary: he made no secret of it. He made no secret of it, because he thought he had paid a fair price for an article which he got second-hand.

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That has been proved by the evidence before a court of law. Therefore, there was no attempt on his part at any secrecy.

Thirdly, as regards the hawker. He was known personally to the doctor. Suppose a hawker sells an article to you and he is known to you as your patient and was living just opposite to you and he was a hawker by profession, is it fair on the part of any one to suspect that the hawker was a thief? And could Dr. Kapadia be justified in thinking or suspecting that the hawker was a thief, or had brought a stolen property? You will remember, Sir, that the hawker had told Dr. Kapadia that he had paid Rs. 11 for the scales and he wanted one rupee more. Was there any reason for Dr. Kapadia to doubt that? Does it prove that he had any dishonest intention? The hawker said that he had bought the scales from sale or somewhere else. That was his statement made even in the court.

Then, what more, Sir? Dr. Kapadia was there at the police chowki to give all the information and assistance he could, to show his honesty of purpose. If he had any dishonest intention, he would have evaded all that. He asked Sub-Inspector Sawant whether his services were any more required and he, the police officer, said "you need not wait now, you can go home and might come again to see the inspector later". Dr. Kapadia went again to see the inspector as requested. That was another proof of his honest intention. When the inspector came after a short time, Dr. Kapadia explained to him the whole matter showing his *bona fides*. Then both the sub-inspector and the inspector naturally, and rightly, thought that no case could be made out against Dr. Kapadia, and they said they were quite satisfied and they would not arrest him but would ask him to come to the police station on the next day as a witness in the case. Both thought that there was no *prima facie* case against Dr. Kapadia and hence they allowed him to go home. Dr. Kapadia, instead of going home, went straight to places in the market where similar scales were sold and after verifying that similar scales could be had for Rs. 16 to 20, he went back and informed the sub-inspector about it. Sub-Inspector Sawant himself verified the statement made by Dr. Kapadia after going with him in the market. I fail to see where was Dr. Kapadia to blame. Then, Sir, Sub-Inspector Sawant on his return from the market informed Inspector Dalton that such scales could be had in the market for Rs. 20 only. Inspector Dalton was satisfied. He therefore asked Dr. Kapadia to go home. Then, as the honourable member for the Millowners' Association pointed out, Superintendent Carter appears on the scene. The case was placed before him the next day. When the doctor appeared before him, Mr. Carter treated him most shabbily and unfairly. Negligent of his regular duties, he came to a conclusion that Dr. Kapadia should be arrested and detained in custody without having a single fact or piece of evidence before him to arrive at that conclusion. He did not inquire whether similar scales could be had for Rs. 20 in the market nor did he pay attention to the point when so informed by his subordinates. Nor did he ask the complainant whether it was not a fact that such scales could be had in the market

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for such a small value. He took absolutely no steps to make any further enquiries, which fact has been stated in the magistrate's decision. I therefore, humbly submit that Mr. Carter condemned outright the action of Dr. Kapadia without having any evidence before him which would justify his action and left the Police station giving orders to detain Dr. Kapadia in custody. Dr. Kapadia had a sister-in-law who was ill dying from hamorrhage and it was necessary that he should go and attend on her immediately. He begged of the police officers that he should be bailed out to enable him to go and see his relation who was dangerously ill and also one or two other patients whom he wanted to attend to urgently. He mentioned this to the sub-inspector and the inspector. They both pleaded that they could not do anything, as they were under orders. He was however sent in custody to Superintendent Carter, who I am informed, treated him in a very shabby manner which has already been described by my honourable friend, the member for the Bombay Millowners' Association.

Now, I come to the next point, that is, whether Dr. Kapadia had the guilty knowledge that that property was a stolen property. Could any member here come to that conclusion on the facts that are laid before him that Dr. Kapadia had such guilty knowledge or that he knew that it was stolen property? I do not know what other facts my honourable friend the Home Member has to place before the House. I wish he had placed all those facts before the House before now. But if the facts were different, do you think for a moment that Superintendent Carter would not have gone to the court and placed them before the court to vindicate his position? The best means were available to him if he wanted to do so. But that was not done and Superintendent Carter leaves Bombay under very dubious conditions, I should say, conditions which are more deplorable because they tend to defeat the ends of justice. If I could be convinced that Dr. Kapadia was in the wrong, that he had the guilty knowledge of the property being stolen property, I would be the first man to condemn him. But, what are the facts? Superintendent Carter, when he was put under cross-examination in court, faints away when a crucial question was put to him which would commit him both ways if he said "yes" or if he said "no." He was completely overcome with the result that he fainted away, because when a man has a sensitive conscience, it preys on his mind and he drops. It need not be said that he pretended. But at the same time it could also be said that he may have pretended. I could drop now and show to the honourable members if I wanted to sham. I do not want to convey to the minds of honourable members that Superintendent Carter pretended. There may be some persons who suffer from what is called neurasthenic fit at times. I give him the benefit of that doubt. Whenever there is any such incident in the court, it is natural that there is some hubbub in the court and the feeling is that the unfortunate person should be attended to, removed and made comfortable. The magistrate expressed his sympathy and asked that every possible help might be rendered to Mr. Carter. I may also state that Dr. Kapadia offered his services and took Mr. Carter in

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his motor car, to his place of residence and stayed with him, until his medical attendant arrived, who, I am told, after examining Mr. Carter said that there was nothing the matter with him. He therefore prescribed ammonia and water which in our technical language we call "a Placibo," that is, something to impress upon the mind of the patient that a medicine is prescribed for him though it is not absolutely necessary to do so. This sort of treatment is always given to neurotic patients who unconsciously exaggerate the symptoms of their ailment. Sir, the Council will now understand to what extent Mr. Carter was ailing and what was the view taken by his medical attendant. Then, it happens that Mr. Carter, instead of coming back for the enquiry after a week, is said to have gone away from Bombay on a doctor's certificate saying that he had concussion of the brain. If that was true (I am sure that my medical colleagues in this Council will bear me out), let me explain to the Council what concussion of the brain means. Whenever there is concussion of the brain, the brain is jarred and shaken up and there is some disturbance in the cells of the brain and all the nerves are shaken up completely. The only treatment is absolute, perfect, uninterrupted rest and the patient should not be moved even an inch if possible. If the doctor who gave that certificate to Superintendent Carter was honestly satisfied that the case was one of concussion of the brain, and thought it fit to advise him to go away to Busrah in the then state of his health—namely, suffering from concussion of the brain—I say that that doctor was criminally guilty of wrong treatment given to his patient. The Court enquiry was postponed for a week. Meanwhile the Superintendent in question is allowed to go away to Busrah on the certificate of one Dr. King, since dead, who was a brother-in-law to the Superintendent and not of Dr. Nunan who attended on him on the first day of his illness. Like lawyers, doctors do sometimes differ from each other in diagnosis. I admit that. But what I cannot induce myself to believe as a medical man is, how could that doctor honestly advise the removal of his patient to such a long distance as Busrah when that patient was said to have been suffering from concussion of the brain? Mind you, the voyage was a long voyage, a jolting voyage. The only treatment in cases of concussion of the brain is one of absolute, complete and entire rest. Therefore I say that the doctor advising removal of such a patient to go on a long, troublesome voyage if his diagnosis is right, is criminally guilty of wrong treatment unworthy of his noble profession and unworthy of a physician worth the name. I could have very well understood Government granting Superintendent Carter a month's leave for recuperation of his shattered health if the actual state of his body and mind required that rest. What have Government preferred to do? They have given him long leave and spirited him away to Busrah in the hope perhaps that the case might be disposed of during his absence, so that he might escape the tragedy of going through the cross-examination which he could not absolutely have withstood honourably and successfully. On medical grounds alone I have no doubt that I have made out a clear case of the dishonest intention of Superintendent Carter.

[Dr. S. S. Batliwala]

It has been amply proved to the Council that Dr. Kapadia could not have known that the property which he bought was stolen property. There is nothing to show that Dr. Kapadia was aware that the article was a stolen property. It has been proved that the property in question was not worth more than 20 or 23 rupees. I say that I can get a similar pair of scales to-morrow if required for that price or even less.

The Honourable the PRESIDENT : The honourable member has exceeded his time-limit of fifteen minutes.

Dr. S. S. BATLIWALA : I will not take up much more time now, Sir. I say that after having gone through all these facts which are laid before us (we do not know what new facts are going to be placed before the House by Government in the Honourable the Home Member's reply), the House ought to come to but one conclusion, namely, that we have succeeded in making out a very strong case for adequate punishment to Superintendent Carter as per the terms of the resolution moved by the honourable member representing the Bombay Millowners' Association.

I shall now revert for a moment to the reply that was given by the Honourable the Home Member in the Council which met at Poona, and which reply absolutely took us aback because we expected that at the most if anything was going to be said, it would be that it was a case of misjudgment or discretion not properly used. Instead of that, the Honourable the Home Member said that if a person chose to be so ill-advised as to purchase for twelve rupees or so from a strolling hawker an article which was worth Rs. 200 or so he was himself to blame, and so on. This was, Sir, to say the least adding insult to injury. The complainant himself admitted in the case that the scales in question were not worth more than Rs. 23 at the most, that he himself would not pay even that much if he was asked to buy that particular pair of scales. Under the circumstances, was it fair on the part of the Honourable the Home Member to come to the conclusion he did unless he was in possession of further facts which were unknown to the House? I do not at all agree with the Honourable the Home Member's conclusions. If the property had been known to Dr. Kapadia at the time of purchase to have been stolen property.....

The Honourable the PRESIDENT : The honourable member would have been well advised if he had brought up his best points first instead of repeating the arguments of the honourable the mover of the resolution. As it is, the honourable member has already exhausted his fifteen minutes.

Dr. S. S. BATLIWALA : I shall, without taking up further time of the Council leave the resolution which has been moved to the good sense of the Council, and resume my seat.

Mr. DIPCHAND T. OJHA (Karachi City) : Mr. President, I may at the very outset say that I am not in any way interested in the subject matter of this resolution. It may be remembered that I am not a citizen of Bombay and not therefore very deeply interested in what has happened in that city and in the case before us. I come from the distant part of

[Mr. Dipchand T. Ojha]

the Presidency, namely, Sind. The reason of my rising to speak is that it seems to me very necessary that Government should take an adequate action against Superintendent Carter in order to set an example to the police not only in this city of Bombay but all over the Presidency including my province of Sind. Now, I shall first deal with the arguments advanced by the honourable member from Bombay representing the European Association. I may say at once that if he had not taken the trouble of putting before the Council certain points, he could not have placed Superintendent Carter in a worse position. I am afraid the arguments advanced by my honourable friend representing the European Association have made matters worse for Mr. Carter rather than carrying his case any further. At the same time I make allowances, for the honourable member in question is a layman, not conversant with the intricacies of the law, for, if he had been conversant, he would not have gone to the trouble of placing the matter before the Council in the manner he has done.

The honourable member representing the European Association said something about the police not being bound to enquire into and to find out something about the identity and the value of the property which is suspected of being stolen. The law lays down, and it was the business of Superintendent Carter to carry out the law, that in such cases it is the duty of the police officer concerned to find out whether the property supposed to have been stolen is the identical property and also the proper market price of the property in question, which as the complainant himself said in his examination was not worth more than Rs. 23 or so. The honourable member evidently does not know that aspect of the law and it is therefore that he has been led into making statements which, far from arguing the case in favour of Superintendent Carter, makes matters worse for him. With regard to this point, if the honourable member had gone through the evidence very carefully (which he says he has done), he would have at once been struck by the evidence of another police officer who replied to questions put to him by the court and said distinctly that it was the business of the police officer concerned to find out the value of the property stolen and that he did make that enquiry and found out that the value of the property was not more than Rs. 23. Besides that, it is in the evidence of the complainant himself that when he made the complaint he showed the invoice to the police in which he showed the value of the property said to have been stolen from his godown as much more than Rs. 23 and it is in his evidence that, from that day down to the 3rd of January when he was called as a witness, no specific questions had been put to him by the police officers as to the value of the property before the court. But we know from Amritlal's statement (Amritlal being a partner in the firm of the complainants), that neither when he went to the police thana for lodging the complaint in this case nor when the police went to the complainant's office was any question put to him by the police as to whether the articles before the police were the identical ones. The complainant goes further to say that not a single question was put to him about the value of the property even.

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Of course that was the greatest drawback on the part of Superintendent Carter who took a fancy, all of a sudden, to arrest Dr. Kapadia. What more do we find? It must be remembered that in the court no further facts than what had transpired in the investigation by the police were placed before the court, and if Superintendent Carter was not inclined to believe the statements of Messrs. Dalton and Sawant that they were of opinion that no case had been made out against Dr. Kapadia, he should have taken the trouble of finding out from the complainant whether the value of the property in the hands of the police was the same as was mentioned in the first report or more, and if more by how much. On the contrary the complainant, when examined in court, distinctly stated to the court that he would not buy the property for anything at all because it was valueless and useless, and furthermore we find that when different kinds of scales were shown to the complainant and when he compared them with the catalogues of different firms, he came to the conclusion that the value of the kind of scales in the court would not be more than Rs. 25 or Rs. 30. Messrs. Dalton and Sawant did take particular care to find out the facts, but their statement was not to be believed by Superintendent Carter who never held any investigation but doubted the statements of these two officers. He could have very well and rightly examined Mr. Norris, the complainant, and from his evidence he would have been satisfied that the statements of the two police investigating officers Dalton and Sawant and the statement of Dr. Kapadia which were corroborative, were true, and that there was no ground for him to order Dr. Kapadia to be placed in custody.

Sir, the issue before the Council is whether or not any punishment should be meted out to Superintendent Carter, and if so, what kind of punishment. We find that the Government has taken no action whatever, but has rather shielded their subordinate. That is not wonderful. We are not taken by surprise. That, I submit, Sir,—I stand open to correction—has been the policy of Government throughout—to screen their subordinates as much as possible. As an instance, there is the Matiari firing case. In that case, a committee was formed composed of a judicial officer—an Additional Judicial Commissioner of Sind—and a pleader of very high standing who was a member of

Mr. F. NELSON (Bombay Chamber of Commerce): I rise to a point of order as to whether the honourable member's remarks bringing in another case are at all relevant to the resolution before the Council.

The Honourable the PRESIDENT: I think the point of order is right. The honourable member for Karachi (Mr. Ojha) should not in particular refer to another case which is not before the House and the facts of which cannot be gone into now.

Mr. DIPCHAND T. OJHA: I am sorry this point of order should have been raised.

The Honourable the PRESIDENT: The point of order has been raised and I have upheld it. So the honourable member should address himself,

[The President]

to the particular question and the definite issue which is before the House, namely, the conduct of Superintendent Carter.

Mr. DIPCHAND T. OJHA : Shall I drop that point ?

The Honourable the PRESIDENT : The Matjari case is to be dropped, as it has nothing to do with the question now before the House.

Mr. DIPCHAND T. OJHA : My object in referring to that case was entirely different, but since it has been over-ruled, I will not refer to it. What I now mean to say is that we must remember that we are in reformed provinces. We represent the public in this Council, and if the Government adopt a policy which does not appeal to the members of the Council or to the public outside, it is our bounden duty to see that proper steps are taken to redress the evils which are not liked by the people at large. You yourself, Sir, remarked only yesterday that two days back when comments were being made on the budget debate with regard to the faults of the administration, the Government benches were almost empty, but we find now, Sir, that while this matter is being discussed, the Government benches are quite full. This in itself goes to show that the intention is that the policy of Government should be upheld, whether right or wrong, and the non-official members of the Council representing various constituencies should be baffled as much as possible.

I submit, Sir, that the facts of the case which have been clearly set forth by the honourable members from Bombay require no further comments. The facts have been very lucidly and clearly placed before the Council, and, I dare say that those who have got a sense of justice in their minds, those who are anxious to see that justice is properly administered to the general public of the Bombay Presidency, must come to the conclusion that they must support this resolution with a view to set an example to the police. The police, I should say, are only for the plans and designs of the Government, and not for protecting the property and person of the public, and this is borne out by the fact that Dr. Kapadia, a respectable citizen of Bombay, a graduate and a member of the medical profession, practising in Bombay for twelve years has been unnecessarily harassed by a single individual police officer, Superintendent Carter, and that being the case, we must say that the character and reputation of such a man and the safety of the public should be properly vindicated. Mind you, Sir, retrenchment was to be made and last year Rs. 60 lakhs were cut off. We were not told in what direction retrenchment was to be made ; and if the pruning-knife was to be run through the police department, I should say that the appointments of such people as Mr. Carter should be cut off at once ; in other words, officers of Mr. Carter's style ought to have been told by Government to go home instead of Mr. Carter being given leave to go to Busrah. (Honourable Members : Hear, hear.) The Government gave him leave to put off the evil day, but what are we going to do so far as the evil day for the public is concerned ? The Honourable the Home Member told us that there has been justice done not only to Dr. Kapadia but to the public of Bombay. All that is done is to advise Mr. Carter to go on leave for some time to soothe public opinion and the agitation created by Superintendent Carter's conduct.

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We must all bear in mind, when we tackle the police budget, the case of Superintendent Carter, and see that this appointment is done away with.

Now, Sir, the facts of the case show the *mensrea* of Superintendent Carter. It might be urged by the members on the side of Government that Superintendent Carter had no particular grudge against Dr. Kapadia, and that he had no particular reason to keep Dr. Kapadia in custody unnecessarily. But what was it that made him do things against equity and law? We are told that Superintendent Carter has been in the police force for more than 25 years, and except on one occasion fourteen years ago no fault has been found with him in the way in which he discharged his duties. It would appear as if Superintendent Carter had revived the mentality for which he was punished fourteen years ago and we must see that that revival is stopped for the future and that Superintendent Carter is sufficiently punished. Mr. Carter's experience of the police department for so many years must have given him some knowledge of the criminal law or else he seems to have been a special favourite of Government as it happens with several people who, though worse and useless, are special favourites with Government and are kept on as long as possible. Now did not Superintendent Carter know that criminal knowledge on the part of an accused person was an essential factor? The case against Dr. Kapadia was under section 411 and it was entirely different from the one under section 379. Dr. Kapadia was not a thief. He was alleged to be a receiver of stolen property. Therefore there are certain ingredients to be inquired into before a man is found under that section guilty, and in order to do justice you will find from the record of the case that the magistrate called certain witnesses of his own motion under section 540 of the Criminal Procedure Code. He wanted to find out if Superintendent Carter could prove the charge with the facts already placed before the court and examined Mr. Carter; and what was the result? Either to the misfortune of Dr. Kapadia or the police or somebody else's misfortune, Superintendent Carter collapsed and fainted in court while under cross-examination. I say, Sir, that those who have to do justice ought to keep their minds open and we as members of this Council do at the same time bear responsibility to the general public, and it is therefore our duty to see that an example is set to Government officials who fail in their duty and who behave in a high-handed manner and indifferently to the interests of the public whose servants they are; and we who are expected to sit here with an open mind must decide that some kind of punishment ought to be meted out to Superintendent Carter.

The Honourable Mr. M. H. W. HAYWARD: Mr. President, the case which is the subject of the resolution before this House occurred more than twelve months ago. It was referred to in the press and in questions here to which I gave answers, and I had hoped those answers would have satisfied honourable members of this House. I was surprised, therefore, to receive the first notice of motion on this matter from my honourable friend opposite, the honourable member from Karachi. It was a puzzle to understand what the arrest of a Parsi medical practitioner for receiving stolen property in Bombay had got to do with my honourable friend's

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constituents in Sind. But I was not long left without explanation. I received shortly afterwards notices of motions from honourable members from Gujarat and from the Deccan, besides notices of motions from several honourable members from Bombay. The explanation was plain that Dr. Kapadia had set on foot an agitation systematically organised to bring this particular personal matter of his before this House. The difficulty he had obviously was how to make himself a matter of public concern : because it is well known to every honourable member here that no personal matter can properly be here discussed unless it can be shown plainly to be a matter of public concern. It was endeavoured in the first place to show this by suggesting that the judgment of the Chief Presidency Magistrate was a final judgment on the conduct of Superintendent Carter and that that judgment therefore ought to be accepted as infallible and that the matter of it ought not to be subjected to further inquiry either by the Commissioner of Police or by Government. I will not deal in detail with that matter here, because it is, so stated, plainly an impossible position and it is more properly the subject of another resolution. Indeed, I imagine that the Chief Presidency Magistrate would himself be exceedingly surprised if he were told that his remarks about Superintendent Carter were to be accepted as final, because he himself ordered a copy of his judgment to be forwarded to the Commissioner of Police for further enquiry, and how could the Commissioner of Police without further enquiry make that further enquiry into the conduct of Superintendent Carter. I can well understand that the somewhat unguarded remarks of the Chief Presidency Magistrate might have led honourable members to suppose that Superintendent Carter had committed a crime and that he was convicted as a criminal in the dock. But he was not in the dock. He was not present at all. He had suffered from severe strain during the many previous months which included serious disturbances and the well-known riots in Bombay. He had been suffering from severe strain and in the course of a rigorous cross-examination he fell in a faint out of the witness box and received a serious blow on the back of his head. So, at the time the Chief Presidency Magistrate passed his remarks against him, Superintendent Carter was unable to attend and answer the attacks from Dr. Kapadia's pleader. He was not present to hear the remarks which the Chief Presidency Magistrate passed against him in his absence. He was lying prone on a bed of sickness. The courts, Sir, are here to administer justice, and it is a cardinal principle of justice borrowed from Roman jurisprudence *Audi alteram partem*, that is to say, that no man should be convicted without being heard, and I trust that in considering this case honourable members of this House will remember this cardinal principle of justice and will not be led away by any unguarded remarks which may have been made by the Chief Presidency Magistrate in his judgment in the absence of Superintendent Carter to infer that he was therefore as a matter of fact guilty of any dereliction of his duty as a police officer. I will only here emphasize this that the point which Superintendent Carter had had to consider as a police officer was simply this, whether in his opinion there was good ground for supposing that Dr. Kapadia had reason to believe that the property was stolen property.

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He had not to consider whether there was proof that he knew that it was stolen property. He had merely to consider whether the facts indicated that as a reasonable man Dr. Kapadia ought to have believed that it was stolen property. If superintendent Carter honestly came to that conclusion upon the facts then before him, it was his duty as a police officer to order the arrest of Dr. Kapadia under section 411 of the Indian Penal Code, and having come to that conclusion, it was no longer open to him to admit him to bail because it is stated in the City Police Act that in a non-bailable offence like that, the serious offence of receiving stolen property, the accused *shall not* be let out on bail if the police officer has reason to believe him guilty of the non-bailable offence. If Superintendent Carter honestly believed this, it was no longer open to him to release Dr. Kapadia on bail. It was only open to the Chief Presidency Magistrate who might possibly take a different view of the matter. It actually turned out that the Chief Presidency Magistrate did, on the same day in the afternoon, take a different view of the matter and let Dr. Kapadia off on bail, so that it was only up to 6 o'clock that evening that Dr. Kapadia was actually in custody on this charge of receiving stolen property under section 411 of the Indian Penal Code. It is still a question how this is a matter of public concern. It has been sought in this resolution to make it such by urging that the arrest of Dr. Kapadia in this matter was a public danger to all other respectable men, including even honourable members of this Council.

Mr. DIPCHAND T. OJHA : One member has already been arrested.

The Honourable Mr. M. H. W. HAYWARD : I consider the suggestion a gratuitous insult to other respectable men and especially to honourable members of this Council. A statement of the particular facts, it is my belief, will readily convince all members of this House. They have not been set forth in detail hitherto, because I was particularly anxious when this question came up before to avoid criticising in any way the judgment of the Chief Presidency Magistrate. If my answers are looked into carefully, it will be seen that I referred to the facts as they appeared both in the police enquiry and as represented before the Chief Presidency Magistrate. It is well known that facts known to the police cannot always be represented in a court of justice. There are rules of evidence which prevent it. It was my desire to avoid criticising the judgment of the Chief Presidency Magistrate. That was why, when pressed to go into details, I reminded the honourable member opposite that we are not sitting here as a High Court, because it seemed to me that it would be most unwise of us to take upon ourselves the revision of judicial decisions in this House. We have got many conspicuous and eminent good qualities. But I put it to the House that we are not a suitable body to revise judicial pronouncements of the courts. That is why I advisedly refrained from laying all the papers of the enquiry before the House. I wish to emphasize the fact that the question whether Dr. Kapadia was guilty of receiving stolen property or not was a matter to be decided purely on the facts of that particular case. It was not a matter affecting any other respectable member of the community or any honourable members of

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this House. Any good citizen, if he had reason to believe that valuable property offered him was stolen property, would certainly refuse to buy that property, and would, if mindful of the interests of his neighbours, report the matter to the police. I assure the House that if this were only done systematically there would be far fewer thefts and far greater protection to the public. Hence it has been laid down that, even if a man does not *know* but merely has *reason to believe* that particular property is stolen property and receives it into his possession for his own purposes, he is guilty of a serious non-bailable offence, and liable to be convicted and punished under section 411 of the Indian Penal Code.

I will not refer again in detail to the question which was put to-day in the Council, and which insinuated that there was a dark and lurid past in the history of Superintendent Carter. I protest merely that such a question was eminently unfair, particularly so on the eve of a resolution of this nature upon the conduct of Superintendent Carter, an officer with an honourable career of nearly 25 years in the Bombay city police. Dr. Kapadia had other and fairer remedies. If Superintendent Carter had been guilty of breaking the law, he might have been criminally prosecuted; if he had been guilty of a civil wrong or tort against Dr. Kapadia, he might have been proceeded against in a suit for damages. But the legal advisers of Dr. Kapadia knew perfectly well there was not the shadow of a case against Superintendent Carter. Therefore, Dr. Kapadia has been reduced to this means of attacking Superintendent Carter by public agitation and by bringing resolutions as though of public concern in this House. But Dr. Kapadia, not satisfied with attacking Superintendent Carter, has had the audacity further to cast baseless aspersions on the character of the Police Surgeon, Dr. Nunan, and the late Commissioner of Police, Mr. Holman. He has had the audacity to assert that these officers combined in a conspiracy to give a false medical certificate to Superintendent Carter to spirit him away from Bombay. I quote from the statement of Dr. Nunan:

"I was called in my official capacity. I found Mr. Carter lying in bed with a large tumour (effusion) on the back of the head. He was still quite dazed. Dr. Kapadia was present and stated that Mr. Carter had fainted in court and fallen out of the witness box, striking his head."

So, Dr. Kapadia knew perfectly well what had happened. The unfortunate man had fainted and fallen on the back of his head; and yet it has been seriously suggested here that this is an absolute fabrication, that this unfortunate man was shamming; that he was not ill at all! Why, Dr. Kapadia himself knew that the man had fallen on the back of his head. I challenge the repetition of the statement before competent medical authority that a fall on the back of the head is not dangerous. I am not a medical man myself, but I have personal knowledge of one case at least in which striking the head against a table in a fall resulted in death on the spot. The statement proceeds:

"The patient complained of severe headache. Advising complete rest and absolute quiet, I returned the next day. The day after, I recognised on fuller examination I was not dealing with a simple case of syncope... I realised the occurrence was the inevitable outcome and climax of a long period of overwork with physical and mental strain.... I pronounced him entirely unfit for duty and recommended his immediate departure from Bombay, preferably on a sea voyage."

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This is the statement of Dr. Nunan in a letter of the 28th April to the Commissioner of Police, who remarks in a letter of the 3rd May :

"The President and members of the Bombay Medical Union imply in the plainest possible manner that Superintendent Carter was shamming, that Dr. Nunan saw through this sham, and that the Commissioner of Police aided and abetted Superintendent Carter in his escape from an inconvenient cross-examination by sending him on a sea-trip without justification. These gross insinuations against responsible Government officials are made without a shadow of evidence. I strongly resent this imputation against my own honour."

I mention this to show the malicious nature of the agitation that has been raised by Dr. Kapadia and pressed through the Bombay Medical Union, in order to emphasize the point that this is purely a personal matter and is really not a matter of public interest. It depends simply upon the facts of the particular case and that particular case has no concern whatever to the general public interest. It is not strictly a matter to be debated in this House.

But, Sir, the matter has gone so far that it is only right, and all members will probably desire it, that I should state briefly, in chronological order, the facts of this particular case :

On the night of 18th December 1921, over a year ago, there was a burglary on the premises of Mr. Amratlal Parekh, a trader in machinery and mill stores under the name of Messrs. Gannon Dunkerley and Company in the Fort. There was an assistant in this firm, mistaken at the trial for a partner, named Norris. The stolen property included two delicate scales. The invoice price was Rs. 202 ; the sale price was Rs. 150 each or a total of Rs. 300. They were imported from Manchester for sale to mills.

Mr. G. B. TRIVEDI : The prices must be in sterling.

The Honourable Mr. M. H. W. HAYWARD : I submit, Sir, that honourable members should not interrupt me.

(Mr. C. M. GANDHI said something which was inaudible.)

The Honourable the PRESIDENT : The honourable member declines to be interrupted.

The Honourable Mr. M. H. W. HAYWARD : They were imported from Manchester ; they were each in polished mahogany boxes such as are not obtainable in India.

On the morning of the 19th December, the thief, a peon named Parashram, sold them with other property for Rs. 5 to a strolling hawker near the Bank of Bombay.

On the 20th of December, at 4 p.m. the hawker sold them for Rs. 12 in their mahogany boxes at the neighbouring dispensary to Dr. Kapadia. Dr. Kapadia is a man of 35 years of age, according to his own statement, and an L. M. & S. medical practitioner of Null Bazaar.

On the 27th of December, at 2-30 p.m., two police constables went with the hawker and found one of these scales set up apparently in use on the dispensary table of Dr. Kapadia. The other one was in a cupboard, not in use. Dr. Kapadia was then told that he would be required in view of the fact that the stolen property was found at his dispensary to go to the Phalton Road Police Station. At 5-30 p.m., Dr. Kapadia appeared and asserted, notwithstanding that one of the scales had actually been found

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set up on his table, that the scales were incomplete. He also said similar scales could be got for Rs. 20 in the bazaar. Sub-Inspector Sawant went to verify the latter statement and found that scales could be had for Rs. 20 in the bazaar but only of Indian make, a very different matter. Inspector Dalton examined and actually set up one of the scales. It is untrue to say, as my honourable friend the mover stated, that Inspector Dalton was unable to set up the scales: he actually set one up to satisfy himself that it was not incomplete. The other, it is true, was incomplete, but it was incomplete only to this extent: that it was in need of the metal upright and could only be used as a hand balance. Each of the scales were in polished mahogany boxes. Mahogany is not found in this country. You cannot get polished mahogany boxes here: you can get them only in England. An educated man of Dr. Kapadia's standing should have known that these were especially good scales and not ordinary ones obtainable in the bazaar. It ought to have been obvious to him that they were valuable scales imported from England.

Rao Bahadur G. K. CHITALE: A mahogany box was found with Dr. Kapadia?

The Honourable Mr. M. H. W. HAYWARD: Yes, the mahogany boxes were found with the scales in the possession of Dr. Kapadia.

The Honourable the PRESIDENT: May I interrupt the Honourable the Home Member? There are five minutes to 7. If the Home Member is going on with a statement of facts and if there are several facts, would it not be better for him to go through them to-morrow?

The Honourable Mr. M. H. W. HAYWARD: I think that would be convenient, Sir.

The Honourable the PRESIDENT: There are now only five minutes to 7 o'clock and the Home Member says he will take some time to go through his facts with reference to the points dealt with by the honourable mover, the member representing the Bombay Millowners' Association. We shall, therefore, now adjourn. Before adjourning I should state to the House that the debate has tended to drift into irrelevant matters. The House cannot criticise a judgment of a judge or a magistrate. The magistrate's appreciation of the evidence cannot be criticised. But, as the resolution proposes that Government ought in its executive and administrative capacity to interfere in this matter, it is open to the Honourable the Home Member, without criticising the magistrate's view upon the evidence before him, to state that there are additional facts in the possession of Government which they are entitled to consider while judging of the conduct of Superintendent Carter departmentally. That would be steering clear of the rule that no criticism of a decision of a court of law shall be allowed. The definite issue for debate is not whether the magistrate was right in discharging Dr. Kapadia upon the evidence before him but whether Superintendent Carter's conduct in arresting him and refusing bail was proper or not. To that extent the magistrate's judgment is open to criticism on this debate but not otherwise.

The Council is now adjourned till 2 p.m. to-morrow, Saturday, the 24th February 1923.

Saturday, the 24th February 1923.

The Council re-assembled at the Town Hall, Bombay, at 2 p.m. on Saturday, the 24th February 1923, the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

Present :

ABDUL KADIR KHAN ABDUL AZIZ KHAN, Mr.

ADDYMAN, Mr. J.

ADHAV, Mr. P. N.

BATLIWALA, Dr. S. S.

BEDREKAR, Khan Bahadur I. M.

BHATE, Mr. G. C.

BHURGRI, Mr. J. M.

BOLE, Mr. S. K.

CADELL, Mr. P. R.

CHAUGULE, Mr. ANNAPPA PHADEPPA

CHIKODI, Mr. P. R.

CHITALE, Rao Bahadur G. K.

COCKE, Mr. H. G.

COOPER, Khan Bahadur D. B.

DABHOLKAR, Mr. V. A.

DADACHANJI, Dr. K. E.

DALAL, Sardar Khan Bahadur ADARJI M.

DALAL, Mr. D. B.

DESAI, Rao Saheb HARILAL D.

DESAI, Rao Saheb DADUBHAI P.

DUBHASHE, Mr. SHANKAR BALKRISHNA

DUMASIA, Mr. NAOROJI M.

DWARKADAS, Mr. KANJI.

FERNANDES, Major C.

FERREIRA, Mr. D. J.

GANDHI, Mr. C. M.

GARUD, Rao Bahadur S. D.

GAYASUDDIN JAUDDIN, Mr.

GHOLAP, Mr. D. D.

GHULAM HUSSAIN, The Honourable Khan Bahadur SHAIKH

GODAD, Khan Saheb ABDULLA AVJAL

GODBOLE, Dewan Bahadur K. R.

GUPTA, Mr. V. R.

HAJI, Mr. IBRAHIM S.
 HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA
 HAVELIVALA, Mr. M. A.
 HAYWARD, The Honourable Mr. M. H. W.
 HEPPER, Sir LAWLESS
 HULKOTI, Mr. CHANNAPPA CHANVIRAPPA
 JADHAV, Mr. B. V.
 JENNINGS, Major General W. E.
 KALBHOR, Mr. G. M.
 KALE, Rao Bahadur R. R.
 KAMBLI, Mr. S. T.
 KANGA, Mr. J. B.
 KASSIM, Mr. G. H.
 KER, Mr. J. C.
 LAGHARI, Khan Bahadur KHAIR BAKSH
 LALBHAI AMBARAM, Mr.
 LALJI NARANJI, Mr.
 LAWRENCE, The Honourable Mr. H. S.
 LIGADE, Mr. S. P.
 LORY, Mr. F. B. P.
 MANSURI, Khan Saheb A. M.
 MEAD, Mr. P. J.
 MEHTA, The Honourable Mr. C. V.
 MODI, Sardar Davar T. K.
 MOHIDINKHAN, Khan Saheb HAJI HAZRATH KHAN
 MOHOMED SALAHUDDIN K., Mr.
 MONTGOMERIE, Mr. A.
 MUKHI, Mr. J. P.
 MURPHY, Mr. S. J.
 MUTALIK, Sardar V. N.
 NELSON, Mr. F.
 NILKANTH, Rao Bahadur R. M.
 NIMBALKAR, Mr. K. B.
 OJHA, Mr. DIPCHAND T.
 PARANJPYE, The Honourable Dr. R. P.
 PARULEKAR, Rao Saheb L. V.
 PATEL, Mr. B. P.
 PATEL, Mr. J. B.
 PAWAR, Shrimant J. A.

PETIT, Mr. JEHANGIR B.
 PRADHAN, Mr. M. W.
 PROES, Mr. E. M.
 RAHIMTOOLA, The Honourable Sir IBRAHIM
 ROTHFELD, Mr. O.
 SAHERWALA, Khan Saheb I. A.
 SALGAR, Mr. R. G.
 SETALVAD, The Honourable Sir CHIMANLAL
 SHEPHERD, Mr. W. C.
 SHIRRAS, Mr. G. FINDLAY
 SINDORE, Mr. H. N.
 SURVE, Mr. A. N.
 THAKOR of AMOD, Sardar NAHARSINGHJI
 THOMAS, Mr. G. A.
 TRIVEDI, Mr. G. B.
 VICHARE, Rao Bahadur D. A.
 WOODS, Mr. E. E.

The Honourable the PRESIDENT: Order, order. Questions.

PIMPRI GHAT ROAD.

Mr. G. C. BHATE (Kolaba District): Will Government be pleased to state whether the Government or the Collector of Kolaba has taken any action under clause 12 of the agreement executed between the Tata Power Company and the Secretary of State for India in Council dated 20th May 1921 regarding the Pimpri Ghat road in the Kolaba district?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The necessary information has been called for.

Mr. C. M. GANDHI: The question asks whether "Government" has taken any steps. Surely the Honourable Minister can tell us whether Government has taken steps. No information requires to be called for.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I want notice of the question.

Mr. C. M. GANDHI: Notice was given asking whether Government has taken any action. The question reads whether "Government or the Collector" has taken any action. Has Government taken any action?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I have nothing to add.

CATTLE CENSUS.

Mr. G. C. BHATE (Kolaba District): Will the Government be pleased to state—

(a) how many cattle censuses were made during the last 30 years in this Presidency?

(b) the results of them ?

The Honourable Mr. C. V. MEHTA : Seven cattle censuses were held during the period, the results of which will be found in the statement appended.*

(Mr. G. C. Bhate asked a supplementary question which was inaudible.)

The Honourable Mr. C. V. MEHTA : The honourable member's question asked how many cattle censuses were made during the last 30 years and the results of them. I am afraid I must have notice of that question if he wants more details than are given in the printed answer.

Mr. C. M. GANDHI (Surat City) : Having regard to the figures supplied, does the Honourable Minister propose to take any further action in the matter ?

The Honourable Mr. C. V. MEHTA : I fail to see how the honourable member makes out a continuous decrease, but in any case a committee has been appointed to consider this question, a report of which will, I hope, shortly be before Government.

TREATMENT OF POLITICAL PRISONERS.

Mr. J. M. BHURGRI (Thar and Parkar District) : With reference to the resolution passed by the Council *re* the better treatment of the political prisoners in the Presidency, and His Excellency the Governor's speech before the Deccan Sardars, will the Government be pleased to state if any rules have been framed for the purpose ; if so will they be pleased to lay a copy on the Council Table ?

The Honourable Mr. M. H. W. HAYWARD : Attention is invited to the rules for the selection of prisoners for treatment in a separate division published in the *Bombay Government Gazette* of the 15th February 1923.

Mr. C. M. GANDHI : Is it not a fact that those rules only provide for special treatment for prisoners sentenced to simple imprisonment ?

The Honourable Mr. M. H. W. HAYWARD : That is a fact.

Mr. C. M. GANDHI : Is it not a fact that most of the political prisoners are punished with rigorous imprisonment ?

The Honourable Mr. M. H. W. HAYWARD : I am not sure what the honourable member means by " political prisoners."

Mr. G. B. TRIVEDI : Do Government intend to take any action on the lines of the resolution passed by this Council ?

The Honourable Mr. M. H. W. HAYWARD : I could not hear the question of the honourable member.

Mr. G. B. TRIVEDI : Do Government intend to take any action on the lines of the resolution passed by this Council ?

The Honourable the PRESIDENT : Is not there a question to that effect by some honourable member on paper to-day ? If there is, what is the use of asking it now ? I have a distinct recollection that such a question has been put on paper.

* Vide Appendix F.

Mr. G. B. TRIVEDI : I have asked that question myself.

The Honourable the PRESIDENT : That closes the matter.

Mr. C. M. GANDHI : Is it not a fact that those rules do not provide for special treatment of political prisoners ?

The Honourable Mr. M. H. W. HAYWARD : I am not aware what the honourable member means by "political prisoners."

PUBLIC WORKS DEPARTMENT SUB-DIVISIONS AND ASSISTANT
ENGINEERS AND UPPER SUBORDINATES.

* Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to place on the table—(a) A list showing the number of sub-divisions and posts or charges graded as sub-divisions in the Public Works Department (including Irrigation Department); and

(b) A list showing the number of Assistant Engineers (both Provincial and Imperial) and the number of upper subordinates in the same Departments with their present pay, length of service and university or other qualifications if any ?

The Honourable Sir CHIMANLAL SETALVAD : (a) and part of (b) have been replied to in the last session.

(b) A printed copy of the seniority lists of upper and lower subordinates corrected up to 30th June 1922 has since been placed on the Council table.†

OFFICERS OF THE IMPERIAL EDUCATIONAL SERVICE DRAWING
OVERSEAS ALLOWANCE.

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state how many officers there are in the Imperial Educational Service of this Presidency who draw overseas allowance though they have never been to countries beyond seas ?

The Honourable Dr. R. P. PARANJPYE : Four.

(Mr. C. M. Gandhi asked a supplementary question which was inaudible.)

The Honourable Dr. R. P. PARANJPYE : Orders of the Secretary of State.

(Rao Saheb D. P. Desai asked a supplementary question which was inaudible.)

(The Honourable Dr. R. P. Paranjpye's reply was also inaudible.)

REPORTS OF CATTLE BREEDING AND WILD ANIMALS COMMITTEES.

Rao Saheb D. P. DESAI (Kaira District) : (a) Will Government be pleased to place on table reports of the cattle breeding and wild animals committees ?

(b) How many recommendations made by these committees have been accepted by Government ?

* This question was asked at the meeting held in July 1922, when an *ad interim* reply was given.

† Kept in the Secretary's office.

The Honourable Mr. C. V. MEHTA : The reports of both the committees have not yet been received by Government.

Mr. C. M. GANDHI : Why are not the committees' reports before the Government ?

The Honourable Mr. C. V. MEHTA : I have sent an expeditor in the case of one committee, and with regard to the other I expect a report will be submitted soon.

Rao Saheb D. P. DESAI : May I, Sir, ask a supplementary question of the non-official member of this Council who was chairman of that committee ?

The Honourable the PRESIDENT : The honourable member has no right to do that. The chairman of a committee cannot be questioned on that point until at any rate he submits his report.

Rao Saheb D. P. DESAI : I am told that he has already submitted a report to Government long ago. Is it not a fact that the chairman of the committee has sent in his report long ago ? I ask this question of the Honourable the Minister.

The Honourable Mr. C. V. MEHTA : I have no information on that point.

REVENUE AND EXPENDITURE, SIND.

Rao Saheb D. P. DESAI (Kaira District) : (a) Will Government be pleased to state whether in the statement showing revenue and expenditure in Sind, placed on the table in reply to Khan Bahadur Bhutto's question (put during the last July Session), expenditure in connection with the following matters is included :—

(i) Interest charges on the capital spent on the Irrigation Works, and

(ii) Expenditure incurred under the authority of the Indus River Commission ?

If the reply to the above be in the affirmative, will Government be pleased to state under what heads of expenditure mentioned in the statement the above charges are included ? If the reply be in the negative, will Government be pleased to state what is the total expenditure during the same period in connection with these two items ?

(b) Will Government be pleased to state whether the working expenses of the several canals are deducted from the amount shown as land revenue in the said statement ; if not under which heads in the said statement these working expenses of canals are shown ?

The Honourable Mr. H. S. LAWRENCE : (a) (i) No. The expenditure was as follows :—

| | | | |
|---------|--------------|---------|---------------|
| 1910-11 | .. 4·3 lakhs | 1916-17 | .. 4·4 lakhs |
| 1911-12 | .. 4·4 „ | 1917-18 | .. 4·7 „ |
| 1912-13 | .. 4·5 „ | 1918-19 | .. 4·7 „ |
| 1913-14 | .. 4·4 „ | 1919-20 | .. 4·7 „ |
| 1914-15 | .. 4·6 „ | | |
| 1915-16 | .. 4·6 „ | | |
| | | Total | .. 45·3 lakhs |

(a) (i) Yes ; under Expenditure head ' 43 '.

(b) No ; under Expenditure heads ' 42 ' and ' 43 '.

(Rao Saheb D. P. Desai's supplementary question and the Honourable Mr. Lawrence's reply thereto were inaudible.)

ASSESSMENT IN KAIRA DISTRICT.

Rao Saheb D. P. DESAI (Kaira District): (a) Will Government be pleased to state what was the average rate of assessment per acre in Nadiad, Borsad, Anand, Kapadvanj and Thasra talukas of the Kaira district in the year 1912-13 ?

(b) Will Government be pleased to state what was the total culturable Government assessed land in 1912-13 in each of the talukas mentioned in the preceding question ; and

(c) what was the percentage of reduction in the assessment allowed during that year to the cultivators of poor villages in the same talukas on account of their high assessments ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information will be called for.

PREMCHAND ROYCHAND TRAINING COLLEGE, AHMEDABAD.

Rao Saheb D. P. DESAI (Kaira District): (a) Will Government be pleased to state whether it is a fact that Shett Premchand Roychand when giving his donation for the Premchand Roychand Training College at Ahmedabad laid down the condition that animal food should neither be cooked nor consumed on the premises of the said college ?

(b) If the reply to the above question be in the affirmative, will Government be pleased to state how far this condition of the donor is observed ?

The Honourable Dr. R. P. PARANJPYE : Enquiries are being made.

RECOMMENDATIONS OF THE RETRENCHMENT COMMITTEE.

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

(i) whether the retrenchment recommended by the Retrenchment Committee in the several Departments mentioned in reply to a question put on the 31st July 1922 has been put into force ; and

(ii) whether any fresh proposals for retrenchment are made by the Committee ? If the reply to this question be in the affirmative, will Government be pleased to state what these fresh proposals amount to ?

The Honourable Mr. H. S. LAWRENCE : (i) and (ii) Reference is requested to the reply given to clause (b) of the question asked by Rao Bahadur R. R. Kale at the meeting of this Council on the 23rd February 1923.

RETRENCHMENT COMMITTEE.

Mr. G. B. TRIVEDI on behalf of Mr. V. R. GUPTE (Poona City) : Will Government be pleased to state—

(a) if during the time that the late Rao Bahadur Sathe was its Chairman, the Retrenchment Committee submitted any proposals for the reduction of public expenditure ;

- (b) if so, how they were dealt with ;
- (c) what is the present state of its work ;
- (d) whether there is any intention to hold its meetings in public ?

The Honourable Mr. H. S. LAWRENCE :

(a) Proposals were received from the Committee for retrenchments in the Judicial, Educational, Police and Revenue Departments and the Bombay Secretariat. Certain proposals were also received relating to travelling and other allowances.

(b) All such proposals have received careful attention from Government. Measures have already been taken to give effect to some of them and others are still under consideration.

(c) Government are informed that the committee has almost concluded its work and its final report is expected in the current month.

(d) It is understood that the committee has already completed the hearing of evidence and that its remaining deliberations will be conducted in private.

TREATMENT OF POLITICAL PRISONERS.

Mr. G. B. TRIVEDI on behalf of Mr. V. R. GUPTE (Poona City) : Will the Government be pleased to state what action they have taken to give effect to the resolution by the Bombay Legislative Council in its last July session on the subject of the treatment of political prisoners ?

The Honourable Mr. M. H. W. HAYWARD : Attention is invited to the rules for the selection of prisoners for treatment in a separate division published in the *Bombay Government Gazette* of the 15th February 1923.

BHAMBURDA FLAG STATION.

Mr G. B. TRIVEDI on behalf of Mr. V. R. GUPTE (Poona City) : Is Government aware of the fact that the proposed abandonment of the Bhamburda flag station in Poona city has given rise to widespread dissatisfaction ?

Will they be pleased to state if a petition signed by well-known residents in and near Bhamburda has been submitted to the Commissioner, Central Division, pointing out the public inconvenience that would ensue were the station abandoned ?

Were the Poona suburban and city municipalities consulted in the matter ?

What, if any, steps were taken to consult the wishes of the people of Bhamburda and round about in the matter ?

The Honourable Sir IBRAHIM RAHIMTOOLA : The question of the construction of a station at Bhamburda is still under the consideration of Government. The Commissioner, Central Division, has been asked to submit a report after consulting the local officers concerned which is awaited.

Government have not received the petition referred to.

NUMBER OF PUPILS IN TRAINING SCHOOLS FOR PRIMARY TEACHERS.

Mr. G. B. TRIVEDI on behalf of Mr. V. R. GUPTE (Poona City) : Will Government be pleased to state the strength of pupils of each

training school for primary teachers in the Presidency, and also the annual expenditure of each ?

The Honourable Dr. R. P. PARANJPYE : The information is being obtained.

PRADNYA PATHSHALA AT WAI.

Mr. G. B. TRIVEDI on behalf of Mr. V. R. GUPTE (Poona City) : Is it not a fact that some Government officers that attended the last anniversary celebration of the Pradnya Pathshala at Wai were taken to task for it ? If so, will Government be good enough to mention their names and will they be pleased to state their grounds for their action ?

The Honourable Mr. M. H. W. HAYWARD : No officers were so taken to task.

LAND FOR AGRICULTURAL COLLEGE AT POONA.

Mr. G. B. TRIVEDI on behalf of Mr. V. R. GUPTE (Poona City) : Will the Government be pleased to state as to when the lands required for the Agricultural College at Poona were requisitioned by the college authorities ? How much land do they require ?

The Honourable Mr. C. V. MEHTA : If the land required for the extension of the college grounds is meant, it was requisitioned at the end of 1919. The total amount of land required is 106 acres 28 gunthas of which 30 acres 34 gunthas have already been acquired.

URDU MONTHLY.

Mr. IBRAHIM S. HAJI (Bombay City) : Will Government be pleased to state why the Urdu School monthly is not allowed to be published ?

The Honourable Dr. R. P. PARANJPYE : Enquiries are being made.

SUPERINTENDING ENGINEER, FOREST DEPARTMENT.

Mr. C. C. HULKOTI (Dharwar District) : Will the Government be pleased to lay on the Council Table the following information—

What is the pay and allowance of the Superintending Engineer, Forest Department ? How many assistants has he got ? What is the salary and allowance of each assistant ?

The Honourable Mr. C. V. MEHTA : Presumably the honourable member refers to the Forest Engineer, Bombay Presidency, who receives a consolidated pay of Rs. 1,650 per mensem. He has two assistants, each of whom draws pay of Rs. 425 and overseas pay of Rs. 150.

BOMBAY EDUCATIONAL SERVICE.

Mr. C. C. HULKOTI (Dharwar District) : Will Government be pleased to state—

(a) if it is a fact that a number of the Bombay Educational Service men have recently memorialised Government about the revision of their salaries ;

(b) if so, to place a copy of the memorial on the Council Table ;

(c) and to say what steps are being taken or will be taken to redress the grievances mentioned therein ?

The Honourable Dr. R. P. PARANJPYE :

(a) Yes.

(b) It is unnecessary to place a copy of the memorial on the Council Table especially as it has been submitted in identical terms by a large number of officers, but a copy will be supplied to the honourable member if he so desires.

(c) The memorial contained the following two requests :—

(1) The revision scheme of the Bombay Educational Service should be given effect to from 1st December 1919 instead of from 1st April 1921 ;

(2) The selection grade posts should be filled up to 20 per cent. of the total cadre of the service.

With reference to the first request the memorialists have been informed that owing to financial stringency their request cannot be granted. As regards the second request attention is invited to the reply to questions (a) (ii) to (iv) and (b) put by the same honourable member this session.

SELECTION GRADES IN BOMBAY EDUCATIONAL SERVICE.

Mr. C. C. HULKOTI (Dharwar District) : (a) Will Government be pleased to state—

(i) if it is a fact that only 5 men out of a total of 105 are given the selection grade ?

(ii) how many men there are in the Bombay Educational Service with more than 30 years' service and whose age is more than 50, who though eligible in every respect have not yet been given any selection grade ;

(iii) the names of such men ;

(iv) and when it is proposed to do justice to their claims ?

(b) Will Government be pleased to state if they are aware that the small percentage of the selection grade posts and the not filling up of the full number of even these has created a good deal of discontent among the members of the Bombay Educational Service and if so what steps they intend to take to remove it ?

The Honourable Dr. R. P. PARANJPYE : (a) (i) Yes.

(a) (ii) to (iv) and (b) Government have decided that selection grade posts need not be filled up simply because they are vacant, and have instructed the Director of Public Instruction to recommend the appointment of an officer to the selection grade only if in his opinion he is fully deserving of it, and his pay is inadequate, considering his qualifications, experience and standing in the service.

Mr. C. C. HULKOTI : When was the Director of Public Instruction instructed to follow this course ?

The Honourable Dr. R. P. PARANJPYE : I do not remember the exact date.

Mr. C. C. HULKOTI : Has he recommended any ?

The Honourable Dr. R. P. PARANJPYE : Yes ; he has, I am told, recommended some, and they are under consideration.

RECORD OFFICE OF THE DISTRICT COURT AND CIVIL JAIL,
AHMEDNAGAR.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division): Are Government aware that a portion of the mosque called Kamani Masjid in the City of Ahmednagar is utilised for keeping up record of the district court and is used as a civil jail?

The Honourable Mr. M. H. W. HAYWARD: The information is being obtained.

COLLECTOR'S BUNGALOW, AHMEDNAGAR.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division): Is it a fact that a mosque in the compound of the Collector's bungalow at Ahmednagar was once used as a stable and is now being used as servants' quarters?

The Honourable KHAN BAHADUR GHULAM HUSSAIN: Information has been called for.

COURT HOUSE OF THE RESIDENT MAGISTRATE, AHMEDNAGAR.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division): Are Government aware that an old mosque in the compound of the Collector's office at Ahmednagar is used as a court house by the Resident Magistrate?

The Honourable Mr. M. H. W. HAYWARD: The information is being obtained.

URDU TEXT-BOOKS.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division): Will Government be pleased to state—

(a) whether the Dhulia Mahomedans had represented in an address to Government that all the Urdu text-books be published in litho?

(b) Is it a fact that Government have now decided to print a few books in litho and a few in types for the use of Urdu schools?

(c) Are Government aware that as a rule Mahomedans do not prefer books in types?

(d) Have Government inquired as to which sort of publication is cheaper?

(e) Is it a fact that the Secretary, Urdu Text Book Committee, has consulted renowned publishers of northern India?

(f) If so, what is their verdict and Government's decision, if any, thereon?

The Honourable Dr. R. P. PARANJPYE: (a) to (f) Enquiries are being made.

MAHOMEDAN DISTRICT DEPUTY EDUCATIONAL INSPECTOR,
CENTRAL DIVISION.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division): Do Government intend appointing a Mahomedan deputy educational inspector for Mahomedan schools, Central Division? If not, why not?

The Honourable Dr. R. P. PARANJPYE : The permanent incumbent of the post is a Mahomedan ; he has had to go on a month's leave owing to ill-health.

MEDAL FOR MORAL LESSONS COMPETITION.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division) : Will Government be pleased to state—

(a) whether the medal for moral lessons competition has ever been awarded in turn to the Urdu training classes of the Presidency ?

(b) If the answer to (a) be in the negative, are the Government thinking of doing so in the near future ?

The Honourable Dr. R. P. PARANJPYE : Enquiries are being made.

URDU DRAWING TEACHERS.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division) : Will Government be pleased to state—

(a) why Urdu-knowing drawing teachers were not appointed at Poona and Ahmedabad in the Urdu classes ?

(b) Are Government aware of the inconvenience experienced by the Urdu students in this matter ?

(c) Who is responsible for this state of affairs ?

The Honourable Dr. R. P. PARANJPYE : Enquiries are being made.

HOLIDAYS FOR URDU CLASSES.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division) : Will Government be pleased to state why the Urdu classes at Poona, Ahmedabad and Hubli are not allowed to enjoy their own separate listed holidays, besides the gazetted ones, as is done in the case of the Marathi, Gujarati and Kanarese training institutions ?

The Honourable Dr. R. P. PARANJPYE : Enquiries are being made.

URDU LIBRARIES AT TRAINING COLLEGES OF POONA AND AHMEDABAD.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division) : Will Government be pleased to state—

(a) how many cupboards did the Urdu libraries at the training colleges of Poona and Ahmedabad possess in the years 1918 and 1913 respectively ?

(b) How many cupboards have been added since 1918 up to date ?

The Honourable Dr. R. P. PARANJPYE : The information is being obtained.

SCHOOL MONTHLY OF TRAINING COLLEGES.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division) : Will Government be pleased to state—

(a) what purpose is served by the school monthly published from the Sindhi, Marathi, Gujarati and Kanarese training colleges ?

(b) If the said monthly is considered to be beneficial to teachers, why is not the privilege extended to Urdu teachers by starting an Urdu school monthly from the Urdu training college ?

The Honourable Dr. R. P. PARANJPYE : Enquiries are being made.

ADMISSIONS IN HOSTELS OF TRAINING COLLEGES.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division): Will Government be pleased to state—

(a) at the last annual certificate examinations of the training colleges for men at Poona and Ahmedabad, how many outside students (i) of Urdu and (ii) of non-Urdu sides had applied to be allowed to board and lodge at the hostels of the said colleges?

(b) How many of these were allowed and how many refused?

(c) Who decided about these admissions and refusals?

(d) Are Government aware of the hardship caused by such refusals? If so, have they taken steps to remedy it?

The Honourable Dr. R. P. PARANJPYE: The information is being obtained.

POLICE ESTABLISHMENT IN SIND.

Mr. G. H. KASSIM (Karachi City): (a) Will Government be pleased to state how many posts of—

1. District Superintendents of Police,
2. Assistant Superintendents of Police,
3. Deputy Superintendents of Police,
4. Inspectors of Police,
5. Sub-Inspectors of Police,
6. Head Constables,
7. Constables, and
8. European Sergeants,

have been abolished in each district in Sind since the announcement regarding retrenchment made in the Council and the total saving effected owing to such reduction?

(b) Will Government be pleased to state how many posts of—

1. District Superintendents of Police,
2. Assistant Superintendents of Police,
3. Deputy Superintendents of Police,
4. Sub-Inspectors of Police,
5. Inspectors of Police,
6. European Sergeants,
7. Head Constables,
8. Constables,
9. Superintendents of Office,

have been created in the town of Karachi and Hyderabad since the 1st April 1922 and the cost of the new establishment respectively?

The Honourable Mr. M. H. W. HAYWARD: Statements* containing the information are placed on the Council Table.

DRAWING TEACHERS AND SHASTRIS IN HIGH SCHOOLS.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): (a) Will Government be pleased to state whether the drawing teachers and the shastris in high schools stood on the same level as regards pay,

* *Vide* Appendix G.

promotion, etc., before the recent revision and what difference has the recent revision made in their prospects ?

(b) If there is any difference made, why is the difference created now when the services stood on equal grade ?

The Honourable Dr. R. P. PARANJPYE : Enquiries are being made.

CONSTRUCTION OF A BUILDING AT DHANDEGHAR IN
SATARA DISTRICT.

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

(a) whether Mr. Maneckji Jamshetji Billimoria applied to the holder of the alienated village of Dhandeghar in Peta Malcompeth in Satara District for a building permit in agricultural land, on the 27th of February 1922, and whether the application was forwarded to the Collector on 6th March 1922 ?

(b) whether it is a fact that the Collector gave no reply to the applicant or to the inamdar and, if so, under what circumstances did the Collector withhold the reply ?

(c) are Government aware that the applicant has taken the law into his own hands under the circumstances and has begun the building work ? And, if so, what steps have been taken in the matter ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Inquiry is being made.

BUILDING PERMIT TO THE BUILDING AND ESTATES COMPANY
OF PANCHGANI.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : Will Government be pleased to state whether the Building and Estates Company of Panchgani and the headmaster of the Panchgani Parsi High School applied direct to the Collector of Satara for a building permit in the village of Dhandeghar, which is an alienated village and the holder of which holds a commission under section 88 of the Bombay Land Revenue Code, and that the Collector gave the permission without asking the consent of, or even consulting the holder of the village ? If so, under what circumstances did the Collector take this step ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Inquiry is being made.

DOHAD DISPENSARY.

Khan Saheb I. A. SAHERWALA (Northern Division) : (a) Is Government aware of the fact that the dispensary at Dohad has been located in the old building which was formerly used by the Dohad Bhil Corps and which is at a distance from the town and hence several inspecting officers have passed remarks from time to time as to the inconvenience of the public to attend it and the desirability of its removal in the town ?

(b) If so, what steps Government have taken in the matter ?

The Honourable Dr. R. P. PARANJPYE : The matter is one primarily for the local board to consider.

AGRICULTURAL LAND IN SHOLAPUR DISTRICT.

Mr. R. G. SALGAR (Sholapur City): Will the Government be pleased to say—

(a) How many acres of land fit for agricultural purposes there are in the villages of Mandrup and Bhandarkouthe and Pathri in the taluka and district of Sholapur ?

(b) How many acres of such land is either mortgaged to private sowcars or to Government under tagai system ?

(c) How many acres of such land is sold to sowcars and how many of such sold lands are in possession of the original vendors after sale ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information will be called for.

BURIAL GROUND AT MULAYGAON.

Mr. R. G. SALGAR (Sholapur City): Are the Government aware that—

(a) People in Mulaygaon in taluka and district Sholapur have no burial ground ?

(b) Is it a fact that the people of that village have applied for a plot for that purpose ?

(c) If so, what steps the Government has taken in this matter ?

The Honourable Khan Bahadur GHULAM HUSSAIN : Enquiries are being made.

SOURCES OF INCOME TO GOVERNMENT IN SHOLAPUR TALUKA.

Mr. R. G. SALGAR (Sholapur City): (a) Will the Government be pleased to say except the pure land revenue what are the other sources of income to the Government as Kirkol Bab or Saher Bab in Sholapur Taluka ?

(b) Are the patels and kulkarnis paid for collecting this ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information has been called for.

RECORD OF HOUSES BUILT ON THE GAWATHAN LANDS.

Mr. R. G. SALGAR (Sholapur City): (a) Will the Government be pleased to say whether there is any record of the houses built by the villagers on the Gawathan lands ?

(b) If not, what measures has the Government taken in this matter to avoid the disputes of the villagers ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Inquiry will be made.

ROADSIDE AND GAWATHAN LANDS AT SUKKUR.

Mr. R. G. SALGAR (Sholapur City): Will the Government be pleased to state whether the Government has handed over all the roadside and other Gawathan lands within the municipal limits to the Sukkur municipality or has set apart any lands as Government lands ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information will be called for.

NUMBER OF CRIMINAL CASES PENDING IN THE CRIMINAL COURTS
AT SHOLAPUR.

Mr. R. G. SALGAR (Sholapur City): Will the Government be pleased to state how many criminal cases are pending in the criminal courts at Sholapur city at the end of 31st August 1922 triable by the first class magistrate?

The Honourable Mr. M. H. W. HAYWARD: The information is being obtained.

FORFEITURE OF LANDS FOR NON-PAYMENT OF LAND REVENUE
ARREARS.

Mr. R. G. SALGAR (Sholapur City): Will the Government be pleased to state—

(a) how many lands have been forfeited by the Government for the non-payment of the revenue arrears in this Presidency?

(b) how many of such lands are restored on new tenure and are given to the original owner on payment of arrears?

(c) how many original owners of such forfeited lands have applied to the Government to give their lands back on new tenures on payment of arrears and with what results?

(d) has Government given sale-proceeds back to the original owner after deducting the Government dues from sale-proceeds in the two cases reported on page 17 of the Land Revenue Administration Report, 1919-1920?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) and (b) The honourable member is referred to the return showing the coercive processes adopted for the realisation of land revenue appended to the annual Land Revenue Administration Report of the Bombay Presidency including Sind.

(c) The year for which the information is required has not been mentioned.

(d) Information will be called for.

ORDER REGARDING STRIKER SHANBHOGS.

* Mr. A. N. SURVE (Bombay City, North):—

(a) Is it true that the Collector of Kanara and the Prant Officer, Rao Bahadur S. S. Koimattur, either orally or in writing had given the striker shanbhogs to understand through Mr. Nadig, Mamlatdar of Kumta, that the order entailing loss of service and grade will not be enforced?

(b) Were these shanbhogs given their pay until March 1922 under the revised scale without taking into account the loss of service and grade they had incurred at the time of resuming the service after the strike?

(c) Has there been a want of uniformity of treatment in the case of striker talatis of the Southern Division on the one hand and Northern Division and Central Division on the other hand?

* This question was asked at the meeting held in September 1922 when an *ad interim* reply was given.

The Honourable Sir IBRAHIM RAHIMTOOLA : Government have carefully examined the orders passed by the local officers regarding the loss of previous service and grade in the case of striker shanbhogs in the Kanara district, and have decided to accord them, as far as possible, the same treatment as was accorded to strikers in other districts in the Presidency.

NUMBER OF CHILDREN UNFIT FOR EMPLOYMENT UNDER INDIAN FACTORIES ACT.

Mr. A. N. SURVE (Bombay City, North) : Will Government be pleased to state the number of children declared unfit for employment by the Factory Inspectors under Section 8A of the Indian Factories Act (amended) since 1st July 1922 ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information has been called for.

MILLS IN BOMBAY.

Mr. A. N. SURVE (Bombay City, North) : Is it a fact that the windows of the mills in the city of Bombay are kept open only so long as the Factory Inspector is on the premises and are shut immediately after his departure ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information has been called for.

SURPRISE VISITS OF FACTORY INSPECTORS.

Mr. A. N. SURVE (Bombay City, North) : (a) Do Factory Inspectors give surprise visits to test the condition of the atmosphere in the mills ?

(b) If the answer to the preceding question be in the affirmative, how many visits were given to any particular mill in Bombay during 1922 ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information has been called for.

HEALTH OF MILL-HANDS.

Mr. A. N. SURVE (Bombay City, North) : Will Government be pleased to state what arrangement exists to detect if the atmosphere in the mills of Bombay is not rendered so humid as to be injurious to the health of the persons employed therein ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information has been called for.

IRON PIPES IN MILLS FOR HEATING PURPOSES.

Mr. A. N. SURVE (Bombay City, North) : Will Government state the result of the suggestions made to the mills (*vide* Annual Factory Report, 1920, page 4, paragraph 8) to substitute smaller wrought iron pipes for heating purposes in place of the large diameter cast iron pipes at present in use ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information has been called for.

COMPULSORY EDUCATION TO FACTORY CHILDREN.

Mr. A. N. SURVE (Bombay City, North): Is it the intention of the Government to make education compulsory to factory children with a view to prevent double employment of half-timers in the mills?

The Honourable Dr. R. P. PARANJPYE: No such proposal is under the consideration of Government at present.

RECOMMENDATION OF RETRENCHMENT COMMITTEE.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state—

(a) what proposals were received from the Retrenchment Committee since its appointment?

(b) how many of them are adopted as recommended and how many in a modified form?

(c) when is their work likely to be finished?

The Honourable Mr. H. S. LAWRENCE:

(a) Reports or separate resolutions have hitherto been received from the committee on subjects connected with the Police Department, the Revenue Department, the Judicial Department, the Educational Department, travelling allowances and some other allowances.

(b) and (c) Reference is requested to the reply given to question asked by Rao Bahadur R. R. Kale at the meeting of this Council on 23rd February 1923.

TREATMENT OF POLITICAL PRISONERS.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state what action they have taken on the resolution of the Council recommending special ameliorative treatment to be given to political prisoners in the jails of the Presidency?

Will Government be pleased to state when they propose to publish rules under section 60 of the Prisons Act as stated by the Honourable the Home Member in his speech on the resolution of treatment of political prisoners on 29th July 1922 in this House?

The Honourable Mr. M. H. W. HAYWARD: Attention is invited to the rules for the selection of prisoners for treatment in a separate division published in the *Bombay Government Gazette* of the 15th February 1923.

Mr. G. B. TRIVEDI: Do Government intend to take any action on the lines of the resolution passed by this Council?

The Honourable Mr. M. H. W. HAYWARD: The action has been taken by Government.

Mr. G. B. TRIVEDI: Is it on the lines of the resolution passed by this Council?

The Honourable Mr. M. H. W. HAYWARD: I leave that to the judgment of the honourable member and this House.

Mr. G. B. TRIVEDI: Does not the resolution of the Council contain the words "political prisoners"?

The Honourable the PRESIDENT: That the honourable member knows and everybody else.

Mr. G. B. TRIVEDI: I want an admission from the Government.

The Honourable the PRESIDENT: Question time is not for admission but for information.

REPORT OF TECHNICAL AND INDUSTRIAL EDUCATION COMMITTEE.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state what action they propose to take on the report of the Technical and Industrial Education Committee?

The Honourable Dr. R. P. PARANJPYE: The report is under consideration.

EDUCATIONAL ADVISORY BOARD.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state whether the matter regarding the appointment of an advisory board to assist the Honourable the Minister of Education has yet progressed beyond the "under consideration" stage?

(b) If so, will they be pleased to state the decision arrived at?

The Honourable Dr. R. P. PARANJPYE: Government have decided not to form a General Advisory Board of Education at present.

SCIENCE APPARATUS FOR PRIMARY SCHOOLS

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state how many primary schools in each district of the Presidency are supplied with science apparatus?

(b) Also how many of them per district have begun to teach nature study with the help of school gardens?

The Honourable Dr. R. P. PARANJPYE: The information is being obtained.

ENTRANCE FEES CHARGED TO STUDENTS OF THE DEFUNCT POONA HIGH SCHOOL.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state if it is a fact that some of the students who, by the closing of the Poona High School last year, were compelled to join some private registered high schools, applied to the Educational Inspector, Central Division, to instruct the managers of these schools not to charge them any entrance fees?

(b) If so, what steps have been taken by Government on that application and with what result?

The Honourable Dr. R. P. PARANJPYE: Enquiries are being made.

PRADNYA PATHASHALA, WAI.

Mr. G. B. TRIVEDI (Thana District):

(a) Is it a fact that some Government officers that attended the anniversary of the Pradnya Pathashala at Wai recently were taken to task by Government?

(b) If so, will they be pleased to mention their names ?

(c) Will Government be pleased to state the reasons for their action ?

The Honourable Mr. M. H. W. HAYWARD : Attention is invited to the answer to question put by Mr. V. R. Gupte at to-day's meeting.

Discussion on resolution regarding Dr. Kapadia's case resumed.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, when the House rose last night, I was giving the honourable members a statement of facts drawn from the papers of the police enquiry and of the trial before the Chief Presidency Magistrate. I would merely remind them of the facts then stated, namely, that the theft took place a year ago, on the night of the 18th December 1921, that the next morning, the 19th December, the property was sold to a hawker named Jamal Kala, and that on the following day, on the 20th, at 4 o'clock in the afternoon the hawker sold it to Dr. Kapadia in his dispensary in Null Bazaar. Within a week after the occurrence the police were on the track of the offenders. In the afternoon of the 27th December, at half past two, two police constables went with the hawker and found one of the scales which had been stolen actually set up on the dispensary table of Dr. Kapadia. The other was found in the glass cupboard. It was incomplete ; but it was incomplete in this respect only that it had no stand, but it could be held in hand and used as a hand balance. Each of the scales were provided with polished mahogany boxes. These boxes were found in the dispensary of Dr. Kapadia. Such boxes could not be obtained in India. Sub-Inspector Sawant verified the same evening by enquiry that scales of Indian make could be obtained for Rs. 20 in the bazaar, but not scales of the finish and delicacy of those imported from Manchester. Inspector Dalton the same afternoon had examined the scales and actually set up one of the scales which he was informed was incomplete. Dr. Kapadia was thereupon asked to appear the next day, not as a witness, but to answer the facts that appeared against him before Superintendent Carter. •

I had got so far, last night, and now proceed with the statement. Sub-Inspector Sawant proceeded to make certain that these scales were the stolen scales by reference to the owners and that they were therefore valuable scales imported from England. At 8 a.m. the following day, the 28th December, Dr. Kapadia appeared again and was placed before Superintendent Carter, and these were the points against him. The first point was the theft of valuable property, namely, two pairs of scales invoiced at Rs. 202, the sale price of which was Rs. 150, or Rs. 300 the pair, encased in a polished mahogany box. The second point was that the owners valued the complete scale at Rs. 110 and the incomplete scale at Rs. 86, the total value being Rs. 196 for purposes of theft. That was the figure put in the charge sheet. They put the value moderately at the invoice price and not at the higher special sale price. The third point was this : When Dr. Kapadia was asked why he had purchased it from a street hawker, he replied that the hawker was one of his patients, that he had purchased from him previously the medical stores, and that he had

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known him for many years. Dr. Kapadia had, as a matter of fact, on one occasion extracted a tooth. So much for his being the hawker's family doctor. Dr. Kapadia had on occasions purchased old bottles from the hawker for his dispensary. These were the medical stores. Dr. Kapadia had known the hawker for four months. This was the intimate acquaintance for many years. The fourth point was that Dr. Kapadia was offered the scales by the hawker for a supposed profit of one rupee and was said to have explained he had bought them at an auction. This last statement has been categorically denied by the hawker. Superintendent Carter had, after this enquiry was complete, this fact also before him, that the uneducated hawker who might perhaps not know the value of the property had already been charged with having received it having reason to believe it stolen, and there was all the more reason to suppose that Dr. Kapadia, being an educated man, a medical practitioner, who ought to know the value of scales, had reason to believe that they were stolen property. Superintendent Carter came to the honest conclusion on all these facts that Dr. Kapadia had reason to believe that those valuable scales were stolen and therefore directed him to be put on a charge of receiving stolen property before the magistrate. Superintendent Carter having come to that conclusion would only have stultified himself if he had proceeded to release Dr. Kapadia on bail. He did not release him on bail because he honestly believed that he had committed the offence of receiving stolen property and because it was not, therefore, open to him to release Dr. Kapadia on bail. If he had done so, he would have broken the law. He therefore left it to the magistrate. I do not know whether my honourable friend has seen Superintendent Carter. (Mr. Petit indicated that he had not.) I understand that he has not. I have, in the course of my recent inspections of the police stations, and I can assure honourable members of this House that the vivid picture drawn by my honourable friend of Superintendent Carter sitting in magisterial grandeur dictating his decrees to Dr. Kapadia is a myth. I am sure no one who has seen Superintendent Carter would admit as an accurate picture of that officer the one drawn from the vivid imagination of the honourable mover.

Mr. President, I must here refer to a further statement made by the honourable mover. I regret very much, Sir, that that statement has been made. I have no doubt that the honourable member has been moved to make that statement by instructions given to him, but I trust that upon better consideration he will be prepared to withdraw it. The statement is that Superintendent Carter refused bail for dishonest motives. He in so many words accused this officer, without a shadow of evidence, of having refused bail in order to extract a bribe from Dr. Kapadia. I must most strongly protest against such an insinuation being made without any substantial ground whatever in this House. If Superintendent Carter wanted to extract a bribe, why did he not at once indicate his readiness to accept some small part of that ten thousand rupees which my honourable friend has told us Dr. Kapadia was offering or pressing upon him to take in order to release him on bail? Was that

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the way to extract a bribe? I submit, Sir, that the charge is perfectly ridiculous. If he was prepared to give bail to the amount of Rs. 10,000 then if Superintendent Carter was anxious to take a bribe, surely he would have indicated his willingness to release him on bail on consideration and not given him a complete refusal. There is, moreover, this direct evidence against it. During the course of the speech of Dr. Kapadia's pleader the learned magistrate put him the direct question: "Do you mean to allege any mean or dishonourable motive against Superintendent Carter?" The pleader replied at once: "No: I do not." The pleader's instructions were, therefore, that there were no dishonourable motives whatever underlying the action of Superintendent Carter. Dr. Kapadia at that time never ventured to suggest that there were, and his pleader was instructed to say that there were not. Now, a year afterwards, Dr. Kapadia instructs my honourable friend opposite to urge that it was the hope of a bribe which made Superintendent Carter refuse him bail. I leave the insinuation to the House.

Superintendent Carter's enquiry resulted, therefore, in Dr. Kapadia being detained in custody until he made representations that he had patients who required his attention. Superintendent Carter then permitted him at about eleven o'clock to proceed under nominal arrest with Sub-Inspector Sawant to his dispensary. It is to be noted that he was allowed to go wherever he liked and yet he went to his dispensary and did not think fit to go and see his relatives, who it has here been said were in such urgent need of his presence. It is also to be noted that he made no request to be taken for bail to the magistrate. If he was really so confident of his title to bail, why did he not say to Superintendent Carter: "As you are letting me go with the sub-inspector, let me go before the magistrate; let me put the case before the magistrate; let me ask the magistrate for bail." There was no such suggestion whatever, and I submit, Sir, that if he had made that request, Superintendent Carter would have straightway permitted him to go before the magistrate to let him have the benefit of the opinion of the magistrate, to let him have the opportunity of obtaining bail from the magistrate. It is even possible, if Superintendent Carter had not been suffering from strain of overwork for a long period, including the period of the riots, it might even have occurred to Superintendent Carter himself to suggest that he might go and represent the matter at once to the magistrate. But Superintendent Carter can hardly be blamed if in the course of his other business it did not occur to him to make a suggestion which was never thought of by Dr. Kapadia himself. The result was that Dr. Kapadia went about his ordinary business in nominal custody till four o'clock in the afternoon, and by then had, through his brother, got into communication with the Chief Presidency Magistrate. Superintendent Carter was asked whether he had any objection to releasing him on bail; and Superintendent Carter put the case clearly before the magistrate. He said: "I cannot release him on bail, because I honestly believe he had reason to believe that the property was stolen and was therefore guilty of the non-bailable offence." He stated that, if there was any question of bail, he would

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prefer that the order should come from the magistrate. The question of bail was thereupon taken up and the order for bail was passed by the magistrate. At six o'clock in the evening Superintendent Carter came to the police station and said that the magistrate was sending an order for bail and that thereupon Dr. Kapadia should be released. The order came and Dr. Kapadia was at once released and went home the same evening and was detained no further at the police station. Superintendent Carter acted, therefore, strictly according to law. It is possible that some members of this Council might think that it would be well if some further discretion in the matter of admitting respectable persons to bail were granted to police officers. Well, that is a matter of opinion, whether it would be wise to allow any such further discretion which would allow them to release on bail not ordinary poor men but only men who were well-to-do and seemingly respectable. For my part I think there are a considerable number of reasons against allowing such discretion to police officers. I think it would be far better to reserve such discretion, if given at all, to be exercised only by magistrates. However that may be, the law, as it stands, does not give this discretion to police officers. Therefore, it would be absolutely unfair to blame Superintendent Carter for the fact that he did not release Dr. Kapadia on bail. The remedy, if required, is remedy by legislation, by modification of the law by the Legislative Councils.

The charge sheet was duly prepared by the police and the 3rd of January was fixed for the trial before the magistrate. The trial was postponed to the 7th to suit the pleader of Dr. Kapadia. It was proceeded with further on the 11th of January. Superintendent Carter had been examined and cross-examined, and, as subsequently admitted by the pleader of Dr. Kapadia, had been examined on all important points, when he suddenly fainted and fell out of the witness box on to the floor and sustained serious injury to his head. I will not deal further with that. I think I have satisfied members of this House that there was real injury and there was no shamming. I will only make this further remark that the incident is referred to in the judgment of the magistrate, who saw the occurrence himself and recognised that it was no sham, and in his judgment expressed his sympathy with Superintendent Carter for the injury sustained. Dr. Nunan, the police surgeon, attended him in his official capacity and recommended that he should have leave. He was granted six weeks' leave by the Commissioner of Police. On his return he was again examined by Dr. Nunan who reported him to be totally unfit for duty and recommended that his leave should be extended to eight months. On that medical recommendation his leave was extended to eight months by Government. It was intended that he should leave the tropics altogether for his leave, but his departure was postponed in consequence of a representation made by the Bombay Medical Union. He was allowed to proceed on his leave after an enquiry had proved the absolute lack of foundation of the representations of the Bombay Medical Union. But he was then only able to arrange to go to Ootacamund. He has, however, now happily recovered and on the expiration of his

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leave he returned to duty and has since been in charge of another police division in Bombay.

I think I ought on this point to read the strong protest put in by Dr. Nunan against the innuendoes which were made against him without a shadow of ground by the Bombay Medical Union. I think it is only fair to that officer that I should read it to this House.

"I must protest against the innuendoes that Superintendent Carter fainted in the midst of an 'inconvenient cross-examination.' If this man was shamming, as is the thinly veiled suggestion, and, apart from the severity of the contusion on the scalp, a first year's medical student could have recognised the *reality* of the case, 'it needs must follow as the night the day' that I was an accessory after the fact in procuring the avoidance of a public examination. This is an unique suggestion and the first of its nature with which I have been confronted during my service in Bombay. I make no comment on it. But I point to my record and propose to send a copy of this letter to the Surgeon General with the Government of Bombay."

I have already alluded to the strong protest made by the late Commissioner of Police, Mr. Holman, who strongly resented the insinuations made both against Dr. Nunan and against his own honour.

Superintendent Carter was not present in consequence at the further hearing eight days later, on the 19th of January, to which the trial was postponed. Dr. Kapadia was then examined in the ordinary way and admitted that he had received this property, but pleaded that he had no reason to think that it was stolen property. He also put in a long written statement prepared by his pleader. He pleaded therein that not even one whole serviceable scale could be made by combining the parts. He represented that the hawker who had sold him the scales was an old patient of his whom he had known for a long time. He did not refer to the extraction of the tooth or the purchase of old bottles or the acquaintance limited to four months. He complained of discourteous treatment and of being treated as a ruffian and a thief. This has been denied in the police enquiry, but, after all, he *was* charged with a serious offence of receiving stolen property under section 411 of the Indian Penal Code. His pleader then proceeded to make his address, but discreetly avoided all reference to the facts. He restricted himself to making personal attacks on the absent Superintendent Carter, calling him dishonest, wanton, and his conduct unjustifiable, and he went so far that the learned magistrate intervened and asked him whether he suggested any wrong motive. He replied at once that he did not ascribe any mean or base motive but simply blind infatuation of power and disregard of the requisites of law. I have already made my protest against any suggestion thereafter being made that Superintendent Carter acted dishonestly. I emphasize once more that that was a most improper suggestion to be made in this House. As to the rest, I have myself seen Superintendent Carter. I wish I could produce him here before the Council, so that honourable members could see for themselves what sort of man he is, but I understand that it will not be allowed by the President. I am quite sure that blind infatuation of power would not be suspected as one of his attributes. He is a simple police officer with a long honourable service who has tried to do his duty honestly. No signs of his being blinded by infatuation of power would be detected by the honourable members of this House.

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The learned magistrate took time to consider and nearly a week afterwards, on the 25th of January, he delivered the judgment and he acquitted Dr. Kapadia, and, moved no doubt by the eloquence of Dr. Kapadia's pleader in his attacks against the absent Superintendent Carter, the learned magistrate made very strong remarks against the conduct of the Superintendent and referred them for inquiry to the Commissioner of Police. The Commissioner of Police inquired into them; and a special report was at the same time called for, owing to the statements which appeared in the public press and owing to the questions which were asked in this honourable Council. The Commissioner of Police submitted the result of his enquiries in his report in April and again in a supplemental report in May with special reference to the further allegations made by the Bombay Medical Union.

The reports set forth all the facts particularly as they had presented themselves to Superintendent Carter. They dealt in the first place with the assertion that none of these scales were complete or accurate, an assertion which I think I have already shown to be absolutely untrue; The scales were, owing to these extraordinary statements that they were both incomplete, obtained by the Commissioner of Police direct from the court. He found one of them to be perfectly complete and the other only incomplete to the extent of the metal upright. He could not understand how the statement that they were both incomplete could have been made by the witness, the partner Norris, and he learnt that the witness was only an assistant in the firm and had apparently replied to a question put into his mouth by the pleader and had never been shown the complete pair of scales in court. The Commissioner of Police in order to make quite sure that there was no mistake about the scales took them round and showed them to experts. He showed them to Mr. Race, an engineer of the Mint, who reported as follows:—

"I have been shown two pairs of scales. One of the pairs is complete but one pan is slightly heavier than the other; the difference is 2·2 grains. I would not use the word 'inaccurate' in describing this scale; it is a perfectly accurate and highly sensitive scale provided the difference in the weight in the pan is adjusted. The difference could be easily adjusted by removing the extra weight from one pan with a file or a piece of emery paper. The other scale is incomplete in that the upright is missing; the scale however as it stands could be used as a hand balance..... Both these scales are of first class workmanship..... scales of this accuracy and sensitiveness are not made in Bombay."

They were also shown to a representative of Messrs. Hughes & Davis of Medows Street, and the firm reported:

"The sensitiveness of the balance is 0·1 grain and we consider that they are quite good and serviceable..... The scales are quite complete."

The meaning of 0·1 grain is one-tenth of a grain. It means the smallest possible particle. There ought to be no doubt whatever after this that these were highly valuable and sensitive scales, and very different from the ordinary scales which could be bought in the bazaar. The Commissioner of Police also made inquiry as to the boxes and he found from local dealers that such boxes could not be obtained here. The dealers could only supply ordinary teak-wood boxes and even those would cost at least Rs. 10. The Commissioner of Police, therefore, reported that this

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inquiry showed that the scales were very valuable scales and such as could not be procured in this country except by importation from England.

The reports also dealt with the suggestion that a strolling hawker might be trusted by a reasonable man when he said he had bought the property for Rs. 11 and wanted to make only one rupee profit. I do not think, I need spend more time over that. Any ordinary intelligent man knows that a strolling hawker does not restrict himself to a profit of rupee one, but when he offers his goods for sale, he ordinarily expects one hundred or two hundred per cent. profit. Where a strolling hawker offers for next to nothing an apparently valuable article, an ordinary intelligent man ought to know that the article has been obtained by some unfair means or in other words has reason to believe it to have been stolen.

The reports also dealt with the suggestion that Sub-Inspector Sawant believed that there was no case against Dr. Kapadia. If honourable members of this House will read his evidence carefully, they will see that it is not a fact that he was sure that there was not a case against Dr. Kapadia. He said he was not sure whether there was or was not a case against Dr. Kapadia. He did not like himself to make the arrest owing to the respectability of Dr. Kapadia. It has similarly been said that Inspector Dalton did not think that there was a case against Dr. Kapadia. But if honourable members of this House will read his evidence carefully, it will be obvious to them that he was seeking in a discreditable manner to shirk his responsibility and throw it all on Superintendent Carter. He said he intended to put up Dr. Kapadia as a witness only. The statement was palpably untrue and has been categorically denied by Superintendent Carter. He simply saw trouble brewing and was not going to take any risks but endeavoured to shift the whole responsibility on to the Superintendent. It is sufficiently plain what he really did think about it, as he admitted that he told Dr. Kapadia that he had done a very injudicious thing in purchasing such property from such a person. Superintendent Carter took a common sense view of the matter. He credited Dr. Kapadia with the common sense of an educated man and with the ordinary knowledge and skill of a medical practitioner who would be in a position to know the difference between good and bad scales, and Superintendent Carter, therefore, came to the conclusion that Dr. Kapadia had reason to believe that the scales were stolen property. The hawker had already been arrested on much the same facts. He was indeed actually convicted of receiving the scales having reason to believe them to be stolen property by the learned magistrate. The uneducated hawker might perhaps have pleaded that he was deceived and did not know anything about scales or their value, but that plea could hardly be advanced by an educated medical practitioner who had special means, as a medical student, to know the difference between a good and a bad pair of scales. Superintendent Carter, it is submitted, Sir, therefore strictly obeyed the law and quite properly left the responsibility of deciding what weight should be given to the respectability of Dr. Kapadia to the learned Chief Presidency Magistrate.

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Mr. President, these are the plain facts of the case, and I submit that they prove beyond doubt that Superintendent Carter did but his duty in arresting and sending Dr. Kapadia before the magistrate. I have spoken plainly, Sir, but the charges pressed here by the honourable mover have been exceedingly serious. If at any time I have spoken somewhat emphatically or warmly, I crave the indulgence of this House. I do not for a moment question the honesty of purpose of the honourable movers of these resolutions, but I do maintain that they have been grievously misled by the representations of facts as made to them. I think also that they hardly appreciate the difficulties of my position and the scruples which have prevented me from laying before them earlier the details of the subsequent enquiries which inevitably in some degree must reflect on the unguarded language of the learned Chief Presidency Magistrate. I have never desired to question the conclusions as regards Dr. Kapadia arrived at by the learned Presidency Magistrate. I recognise that in this world there are men whom it is a pleasure to meet, who are so guileless that they are unable to think evil even of the strolling hawkers, who would accept as solid truth the statement that their expectations of profits on their sales are restricted to one rupee. Superintendent Carter during his service as a police officer for over 25 years has pursued his paths in less pleasant surroundings. He knows, as most of us know, that strolling hawkers as a rule are not satisfied with the profit of one rupee but that they demand usually two hundred or three hundred per cent. on their purchase price; and that, therefore, if they ask a few rupees only for property palpably worth hundreds, it is certain that there was something very shady about the transaction whereby they get it and that there is good reason to suppose the property to have been stolen. Superintendent Carter, using his ordinary intelligence as a police officer, faced by these ordinary facts and crediting Dr. Kapadia with the ordinary knowledge of men and the special knowledge of an educated, medical practitioner, of this particular property, concluded that he had reason to believe at the time of his purchase that the property was stolen property. The only course, therefore, open to him—was to send Dr. Kapadia before the magistrate. I do not believe that any member of this House, on these facts, will in his innermost soul be prepared to deny that Superintendent Carter was right or that it was his plain duty to refer the matter in the usual manner for the decision of the magistrate. I have had no desire, as I have stated, to question the conclusions as to Dr. Kapadia's guilt or innocence reached by the learned Chief Presidency Magistrate, nor do I conceive it to be my duty to defend here any police officer guilty of serious dereliction of duty. It would on the contrary be my duty to see that he was given adequate punishment or to be prepared to render an account of the matter to this House. But it is both my desire and my duty to stand here on the floor of this House to defend from a violent personal attack a police officer of long, honourable service who, in my opinion and to the best of my judgment, after an anxious study of all the papers before me including the enquiries both before the police and the magistrate, endeavoured merely to do his duty honestly and fearlessly,

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independently and impartially, in the interests of the public and strictly according to the law, and I confidently look for the full support in this matter of all members of this House.

Mr. NAOROJI M. DUMASIA (Bombay City, South): Mr. President, I had no intention of taking part in this discussion nor even voting upon the resolution. When two months ago I was consulted by some honourable members in this matter, I said "let the sleeping dogs lie" because I was afraid of the official artillery that would be let loose against an humble citizen like Dr. Kapadia. I am not wrong in my surmise because that official artillery has not only damaged Dr. Kapadia to-day, but it has made a hole in my own trenches where I thought I was securely laying myself. That is the reason why I take part to-day in this discussion. In the first place, I do not like the spirit and the tone in which the Honourable the Home Member has indulged. He has spoken like a prosecuting counsel; he has repeated all that was said in the police court and on which a magistrate had pronounced his judgment. He has said, Sir, in the concluding part of his speech that it is not his desire to question the conclusions arrived at by the learned magistrate, and yet he has pronounced a judgment which is quite different to that pronounced by that learned magistrate. The Honourable the Home Member has said that the magistrate in an unguarded moment said that the officer was guilty of dereliction of duty. What evidence is there to show that the magistrate had made this remark unguardedly? On the contrary, there is every evidence that the remark was deliberate and arrived at after a patient hearing of all the facts and all the witnesses. The Honourable the Home Member has not seen one extenuating circumstance, nor has he seen one redeeming feature in Dr. Kapadia's case. He has been so wholly engrossed in defending his own officer that he has forgotten that he has a duty towards the public, and it is the duty of the members of this Council and the Members of the Government, first of all, to protect the public and then their officers. Sir, he has forgotten to take the view that Dr. Kapadia is smarting under a wrong, a cruel wrong, that has been done to him. His only fault was that he did not possess the divine power or superhuman faculty of knowing that an article that he had bought was stolen property. May I retort by saying that if this was a shortcoming, there was no hallmark, no special brand, on that article to show that it was stolen property? It is insulting to common sense to say that Dr. Kapadia bought this article knowing that it was a stolen property. Sir, the Honourable the Home Member said that the prosecuting officer gave credit to Dr. Kapadia for intelligence, but I may say that he did not give him credit for respectability. It seems, unfortunately, that the Honourable the Home Member has not read a recent memorable pronouncement that legal training has great value, for no man can pass his life in the practice of law without learning and understanding the complex human nature and without appreciating some of the difficulties that may exist or realising the good impulses of man. He has also forgotten that an appeal succeeds best when it is made to the higher and loftier impulses of man and that it succeeds

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less when it panders to passion and prejudice. The whole tone of the Honourable the Home Member's speech was, to say the least, provocative and irritating. His arguments have not convinced me in the least.

Mr. G. A. THOMAS : I rise to a point of order, Sir. The honourable member is reading his speech.

Mr. NAOROJI M. DUMASIA : I have been speaking *ex tempore* although I have got my notes.

The Honourable the PRESIDENT : I think the honourable member may go on.

Mr. NAOROJI M. DUMASIA : The only thing that I did was

An Honourable MEMBER : Order, order.

Mr. NAOROJI M. DUMASIA : May I not look to my notes ?

The Honourable the PRESIDENT : I have not interfered.

Mr. NAOROJI M. DUMASIA : But an honourable member from the other side is interfering.

The Honourable the PRESIDENT : I have overruled the point of order.

Mr. NAOROJI M. DUMASIA : Thank you, Sir. We were taught that the first fundamental principle of British justice was that a man is to be considered innocent unless he was proved guilty. To-day we hear another and a very startling dictum that a respectable man is to be arrested, if he happens to be in possession of a stolen article, when he has no knowledge of the fact that it is a stolen article. Sir, a few days ago, I was returning from Rajputana in the company of my friend Mr. Khurshed Nariman. A Hindu gentleman offered a watch for a song. He said that he had to defray the funeral expenses of a relation, that he was in need of money and that he wanted to sell the watch for a mere song. Sir, if I had bought that watch, and if it was subsequently found that it was a stolen watch, would I have been

The Honourable the PRESIDENT : I hope the honourable member will not further prosecute that matter.

Mr. NAOROJI M. DUMASIA : I bow to your decision, Sir.

The Honourable the PRESIDENT : There might be another Kapadia case.

Mr. NAOROJI M. DUMASIA : And that is what we want to avoid. If this is the law, then it is a bad law, and if that law was not amended

The Honourable the PRESIDENT : The honourable member should not criticise the law. We have to take the law as it is, and the debate must proceed upon that basis. If the law has to be amended, it is quite competent to the honourable member to bring in a bill.

Mr. NAOROJI M. DUMASIA : Thank you, Sir. I will now take the law as it is. Section 107 of the City of Bombay Police Act says :

"(2) If it appears to such officer at any stage of the investigation that there are reasonable grounds for believing that the accused has committed such offence, but there are sufficient grounds for further inquiry into his guilt, the accused shall, pending

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such inquiry, be released on bail or at the discretion of such officer, on the execution by him of a bond without sureties for his appearance as hereinafter provided."

Sir, was that discretion used ?

The Honourable Mr. M. H. W. HAYWARD : May I ask the honourable member to read the proviso ?

Mr. NAOROJI M. DUMASIA : Sir, I leave it to the Honourable the Home Member to read the proviso.

The Honourable the PRESIDENT : I think if the honourable member will care to read it

Mr. NAOROJI M. DUMASIA : I do not want to waste my time, and if I am asked

The Honourable the PRESIDENT : Will the honourable member resume his seat when I am addressing ? If the honourable member will take my advice, he had better leave all these legal matters to the learned members who are lawyers in the Council.

Mr. NAOROJI M. DUMASIA : I will take your advice, Sir. I will not dabble in law, which I will leave to the lawyers.

Now, Sir, I come to another point, and a very serious point. The legal profession is a great profession. It has great responsibilities, and there is no profession in which a higher standard of honour is required. I was pained to hear the Honourable the Home Member attacking not only Dr. Kapadia, but his counsel who has to do his duty according to his lights, and he even attributed malice to the counsel. Sir, the Honourable the Home Member said that it is not right to convict an officer in his absence. May I present the same words to him in a little different form, and say that it is not right to attack a gentleman in his absence and attribute malice to him ? Sir, I should have thought that without agreeing to the resolution, the Honourable the Home Member would have said something which would have softened the blow, which would have minimised the effects of the bitter memories that linger in the heart of an aggrieved person. But, Sir, it is exasperating to find that an officer of high judicial training should have seen no redeeming feature in this case. Sir, it is said that law is blind, but it may as well be said that law has many eyes and it is the duty of an officer to search for many devices and designs of men and determine the complex character of human nature and thus solve the many difficulties, with which all problems of law and justice are beset.

Sir, I do not agree with the remarks made by other honourable members that in arresting Dr. Kapadia the officer had an ulterior and dishonest motive. I also dissociate myself from the attack that has been made upon the medical officers who examined Mr. Carter, but I deprecate the spirit and language in which the whole case has been placed before this Council. A little tact, a little wisdom, a little sympathy and a few soothing words of consolation would have disarmed criticism, would have softened the blow and removed misunderstanding. I was looking to the Honourable the Home Member to give us some guidance or some word of sympathy so that a compromise might be arrived at in this most difficult situation, but I regret to say that I did not find a single ray of hope in the

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Honourable the Home Member's speech. I still think it may be found possible, instead of dividing the House and creating embittered feelings, to find a way by which an honourable compromise might be effected. In conclusion, I must say that the attitude adopted by the Honourable the Home Member is not reassuring to those who pin their faith on British justice.

Mr. V. A. DABHOLKAR : Sir, I rise to oppose the resolution. It is most unfortunate that the honourable mover of the resolution has forced members of this House to take part in a debate of an unpleasant character. If the honourable mover and his supporters are under the impression that they are doing a service to Dr. Kapadia by moving this resolution, they are absolutely mistaken. (Honourable Members: No, no.) Dr. Kapadia left the court with a remark from the learned Chief Presidency Magistrate that he had not the slightest stain on his character. If the resolution that has now been moved is carried, it is all right ; if it happens otherwise what would be the result ? I leave the matter to the judgment of the House. Mr. President, the mover of the proposition has said in so many words that the then Commissioner of Police was so much in hand and glove with Superintendent Carter that a public enquiry was shirked by sending him to Busrah. May I know from the Honourable mover his views on the enquiry that was held by the Governor in Council and the reply that was sent to Dr. Kapadia's memorial ? On this consideration alone I want the House to throw out the resolution unceremoniously.

Mr. President, coming to the statement of Dr. Kapadia, he admits before the court that he purchased the incomplete loose parts of two scales from the witness Jamal for Rs. 12. May I know whether for a doctor who would care to have regular scales, these loose parts are of any use, unless there was some object that he was getting it at a low price ? Furthermore, the parts were so incomplete that a serviceable scale could not be made out of it. Would an educated man who would like to spend his money rightly go in for things which are absolutely useless for him ?

Then, Sir, the honourable mover very strongly and vehemently argued that Superintendent Carter showed no courtesy to Dr. Kapadia in not allowing him to visit his patients. Even before bail was granted Superintendent Carter goes out of his way and sends Sergeant MacKenna to accompany Dr. Kapadia, thus enabling him to visit his patients. If Superintendent Carter wanted to harass Dr. Kapadia, he would have straightway refused to do so. Furthermore, Dr. Kapadia says that he would have spurned to move about in the city in the company of police officers. Sir, in a case of an accident in the street, whether it may be of a horse carriage or a motor car, does not an ordinary police constable commandeer the carriage or car, however respectable the owner of it might be sitting in his carriage or car and he takes it to the nearest police station ?

On the discussion before us though Dr. Kapadia comes under the clutches of the law, he does not like to go about in the streets in the company of a police officer.

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Mr. President, the matter before us is not with regard to the price of the scales. The matter before us is whether Superintendent Carter has done his duty. So let us consider the question without attaching any importance to the price of scales. Sir, as a matter of fact, Dr. Kapadia was in possession of the stolen property. I may be allowed to refer to the judgment where it is stated :

"On the 19th December 1921 Police were informed. Ultimately the Police arrested the thief and the witness Jamal Kala who had received the property from the thief Parashram Mahadu for Rs. 5. Among the property stolen were the two scales and two split cutters Ex. A before the court."

And these parts or part of the stolen property were in the possession of Dr. Kapadia, and is the House going to allow, in justice, any gentleman to be in possession of stolen property? Further, it is stated in the judgment of the learned magistrate that one of the scales was in the glass cupboard and the other was on the table. This Council has not got to see whether it was in the glass cupboard or kept in a safe, but as stolen property it was in the dispensary of Dr. Kapadia.

Mr. President, the honourable mover has stated that it was the duty of Superintendent Carter to give reasons why he differed from his subordinates. When he is the head of his division, is it reasonable to ask whether he had given any reasons to his subordinates? He is the head of the division and is the only officer responsible.

Then, it was stated that this is a matter of public interest. May I know how it is a matter of public interest? If a gentleman is involved and wants his grievances to be redressed, is it not open to him to file a suit for damages in a court of law? Then, that court of law would have been quite competent to decide things. We are not here for revision of magisterial decisions. In these circumstances, the right course that was open for Dr. Kapadia was to file a suit for damages. So far he has not done that and it is over a year now.

Then, Sir, the honourable mover said that in cross-examination a crucial question was put to Superintendent Carter and he fainted. It was also said that if anybody could have gone to the rescue of Superintendent Carter, it was Dr. Kapadia himself. Sir, may I point out that when Dr. Kapadia himself is concerned in the matter, he would have been the first person to state that Superintendent Carter was pretending? If a man, out of sheer overwork, and general breakdown in health, falls down, is it right for an honourable member of this House to say that he was pretending? Another supporter of this resolution said that only ammonia and water was given, and he is a gentleman of the medical profession. And what does he say with the same breath? That doctors generally disagree. Then, what importance can we attach to the opinion of that honourable doctor?

Dr. S. S. BATLIWALA: May I rise to a point of explanation, Sir? I am not represented correctly. What I said was that soon after removal of Mr. Carter to his residence, Dr. Nunan prescribed a placebo, that is, ammonia and water for him. Then after a week it was reported in the court that as Mr. Carter was suffering from concussion of the brain, he had been sent to Busrah under medical advice. It was on account of

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that, I said, that doctors sometimes disagree inasmuch as one may treat concussion of the brain by rest and the other may send him away to Busrah. But the fact remains that no patient suffering from concussion of the brain ought to be moved from his bed. That is what I said, and not what has been ascribed to me by my honourable friend.

Mr. V. A. DABHOLKAR : Mr. President, the honourable doctor tried to show yesterday that only ammonia water was given in order to show to the patient that some medicine was given to him, and he said that doctors generally disagree. What importance are we to attach to the opinion of my honourable friend who has interrupted me ?

Dr. S. S. BATLIWALA : The honourable member has misunderstood me.

Mr. V. A. DABHOLKAR : Sir, before I resume my seat I wish to draw attention to what my honourable friend from Karachi said yesterday : he held out a threat that when the budget grants are being discussed he is going to move that this post of the officer should be dropped. (Mr. Dipchand T. Ojha made some remark which was inaudible.) Some expression was given that this post should be dropped. Sir, may I know from the honourable member, if he wishes to drop the post of one Superintendent of one division alone, what about the other divisions ?

The Honourable the PRESIDENT : I think the honourable member is now going too far. A resolution to drop the post is not before the House. If any honourable member raised it before, I am sorry I did not hear him. If I had heard, I would have stopped him. I hope the honourable member will not allude to it.

Mr. V. A. DABHOLKAR : Sir, what I wanted to point out was this : that the honourable member outside Bombay tries to show some knowledge of the state of things in Bombay without knowing it. I want to show that the honourable member has been dabbling in city's affairs without knowing matters about the city which should safely be left to the representatives of the city. As the honourable member for Karachi went to the extent of saying that this post should be dropped.....

Mr. C. M. GANDHI : Is it competent, Sir, for the honourable member to refer to it after your ruling ?

The Honourable the PRESIDENT : I think the honourable member had better drop it. Moreover, the honourable member is not entitled to say that it is only representatives of the city of Bombay who are entitled to represent Bombay. Every honourable member when he enters the Council becomes the representative of the whole Presidency whatever his constituency. It has been ruled since Lord Coke's time that every member of the House of Commons represents the British Commonwealth, and we have it on the authority of a great jurist that

"If there was one principle that had maintained the dignity of that House and given it efficiency and authority for its work ; it had been the steadfast maintenance of that principle which years ago Edmund Burke expressed in the splendid language that a member of Parliament was not a delegate for a particular constituency, but that

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when he was elected, whether he came from an English, Irish or Scotch constituency, he was a member of one Parliamentary assembly sharing with his fellows with equal rights and responsibilities the duty of doing his best for the welfare of the whole country." (Parliamentary Debates : House of Commons, 4th Series, Vol. XXII, col. 1212.)

That principle applies to every legislative body.

Mr. V. A. DABHOLKAR : Sir, I do not mean to say that honourable members outside Bombay city are not entitled to speak about the affairs of this city ; but what I meant was this : that they should study the state of affairs before expressing their views.

The Honourable the PRESIDENT : That is another matter.

Mr. V. A. DABHOLKAR : I will now drop this. I submit, Sir, that no case has been made out by the honourable mover of the proposition or those who supported him, and as I said before, this Council should throw out the resolution that has been moved.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President, I believe that the House will agree with me that the subject deserves to be discussed from a higher and more public point of view. Let there be no mutual recriminations. And, from that point of view, I regret the attitude of the Honourable the Home Member when he charged members who have given notice of the motion of this resolution—from Sind, Gujarat and the Deccan—with having been briefed. I hope, Sir, this House will repudiate the innuendoes and the suggestions underlying that. In the interest of public service it is desirable that we should take it for granted that their character is the best and the most honest. I regret it the more, Sir, because that is an indirect charge made that the movers of these resolutions had some private motive.

The Honourable Mr. M. H. W. HAYWARD : I deny it absolutely, Sir. I hope the honourable member will notice that I made the position perfectly clear towards the conclusion of my speech.

Rao Bahadur G. K. CHITALE : Sir, I repudiate the suggestion that we have been briefed. I regret it, Sir, all the more because it came from the Honourable the Home Member and an *ex-judge* of the High Court of Bombay. Sir, the point at issue is not whether Dr. Kapadia was convicted or discharged ; the point at issue is not whether the police used or abused their powers or whether they were right or wrong in putting Dr. Kapadia on trial. I am not going to look at it from that narrow and individual point of view at all. I hope the honourable members will listen to what I say. There is a considerable body of opinion in the mofussil—I will not speak of the Presidency town—that there is considerable abuse by the police of the power of first arrest. I make that position absolutely clear : I am not briefed here for defending any one. I do not believe that Superintendent Carter was at all wrong or at all to blame for putting Dr. Kapadia before the magistrate on trial. All that I wish to put forward before this House is—and in this I hold very strong views in company with a distinguished District Magistrate—that there is considerable abuse of the power of first arrest, which sometimes has even led to regrettable suicide. The House will believe that it is not a myth. There is a circular on record by a District Magistrate saying that

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he was satisfied that there was considerable abuse and he had to issue a circular which the Chief Secretary himself knows, that in cases where respectable persons are concerned and where no offence of murder, dacoity or offences of such serious nature are involved, the power of first arrest should be used with discrimination. He went to the length of saying that in such cases a little more discretion should be used and the proper way would be to ask the accused person to present himself before a magistrate on such and such a day and at such and such an hour. If the House would like, Sir, I may quote an instance in which the District Magistrate himself thought that he could have used his discretion better.....

The Honourable the PRESIDENT: May I just appeal to the honourable member that he need not enlarge upon that subject but might address himself to the question whether Superintendent Carter exceeded his duty in this particular case of arrest and whether the arrest was within his discretion or not. That is the definite issue raised. I have not come in the way of the honourable member because it is a good preliminary point perhaps,—with that I have nothing to do—but I hope he will take care not to enlarge upon that point.

Rao Bahadur G. K. CHITALE: What I wish to emphasize, Sir, before this House is that the issue is whether Superintendent Carter had or had not a discretion in the matter of the arrest and giving him bail. The issue was whether he could not have exercised his discretion better in exercising certain discretionary powers which the law undoubtedly gives to superior police officers.

The Honourable the PRESIDENT: That is the point, certainly.

Rao Bahadur G. K. CHITALE: That is the point at issue and I want to emphasize that point, because it has been so much recognised by executive authorities like District Magistrates and I wanted to say that in the mofussil there is a great deal of a buse of this power, as every District Magistrate must know. It is only from that point of view.....

The Honourable the PRESIDENT: I see the honourable member's point. If he had put it that way, I should not have interfered. I understand the honourable member is replying to the argument of the Home Member that this is not a matter of public concern.

Rao Bahadur G. K. CHITALE: If anybody in this House, Sir, wants me to quote any authority for what I say, I shall show a circular of a District Magistrate about discretion that at present exists in Government record. The point, Sir, that I wished to make was whether Superintendent Carter had used properly his discretion in the matter of first arrest. The rest of the case, of course, is not before us. The other details of the case are not put before us. The Honourable the Home Member, in my humble opinion, also went off the rails in arguing as if the matter was before him as a High Court Judge. I say, Sir, that the learned magistrate's judgment being final, it should be treated with the respect that is due to it; otherwise, as he himself stated to the House, this House would constitute itself into a court of appeal,—a position which he himself ought not to have taken up. That is my humble view of the matter. The

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point at issue, therefore, is whether Superintendent Carter had some discretion or not and whether he used it properly or not. As regards there being discretion, I have been a practising lawyer for the last 27 years and my experience supports me in that view. Several of the councillors here are also practising lawyers and I have no doubt they know that in all cases of this nature very often, or I might say always, it is very difficult to prove or bring home the charges to the accused. This is one of those few cases in which the burden always lies heavily on the prosecution and it is very often that experienced magistrates use their discretion, more often than under any other section, and let the accused on bail. This fact is not only known to the magistrates; it is also known to the police. The police also in such cases usually do not object to bail being granted. Now, Sir, as I have said, the point at issue was that here there was a respectable citizen ostensibly a person in good position and who had bought the scales in the presence of his patients and he had kept the scales open to human gaze and not hidden them away. That is a very important factor in the case. Receivers of stolen property do not keep the property which is stolen in an open place. But here you find—that is one of the circumstances we have to consider along with the trying court—that the property in question was exhibited to anybody who came to the dispensary. It was not hidden away. That is one point—and a very important point—in favour of Dr. Kapadia. Further, he was not only an educated person, he was not only a person who had taken the degree of a doctor, but he was a doctor who had set up his practice for some considerable time, and it is, therefore, very regrettable that Superintendent Carter should not have released Dr. Kapadia on bail. Even though Superintendent Carter thought it his duty to use the rigours of the law to the utmost, I believe, Sir, any good superintendent even in the mofussil would have used his power by taking Dr. Kapadia to the magistrate himself—a power or discretion which is often used. I am sure even in the mofussil this is done. I go further and would ask the Honourable the Home Member whether this is done or not done. The powers of the law ought never to be used except in the interests of the general public. A police officer has the power to use his discretion wisely and Superintendent Carter did not use that power. I am not complaining at all about Superintendent Carter's putting this case before a magistrate. I am not complaining from that point of view that Superintendent Carter was wrong in putting up Dr. Kapadia for a fair trial before a magistrate if he reasonably considered it justifiable. He should have used his discretion all the more wisely he was a senior officer. I should think, Sir, he should have gone along with Dr. Kapadia himself to the Presidency Magistrate, put him before him and moved him to let him on bail, if he thought that under the Police Act the discretion which was given to him was such that it was his duty to place the accused before the magistrate and could not release him pending trial. It is only from that point of view that I want to lay the case before this House. The Honourable the Home Member said that if Dr. Kapadia considered that Superintendent Carter was wrong, then he should have brought a civil suit against Superintendent

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Carter or proceeded against him under any section of the Criminal Procedure Code, and the Home Member pointed out that he had not done so. May I point out to him that if the Government had thought that they had such a very strong case, as there was no acquittal, they could have put Dr. Kapadia up under a fresh charge? That is the procedure. May I point out that there had been a discharge—there had been no acquittal—and if after enquiry it was shown that Government had such a very strong case, may I ask him, may I enquire, why those powers were not used by Government? I should think, Sir, if Government thought even after their enquiries that they could not proceed with the matter further after he was discharged by the magistrate, then not only lawyers but even laymen must take the view that even now Government think that it is not a case worthy of going to a court of law. It is no use, therefore, telling Dr. Kapadia that he should have taken the necessary proceedings. I believe that there is absolutely nothing in that. I say, Sir, that the magistrate asked the prosecuting inspector as to what he had to say as to the framing of the charge and the inspector said the case was a weak one and that he was not prepared to say that a charge should be framed. That was the thing. The magistrate thought it proper to discharge Dr. Kapadia. Under these circumstances, I say the power vested in Government to have those proceedings revised was quite open.

Now, Sir, the most unreasonable part of the whole case is rather the reply given by Government to the Bombay Medical Union which also consists of several respectable people. It may be the memorial was not happily worded. It may be, as the Honourable the Home Member regrets, some of the passages in that memorial were such as should not have been indulged in. But, after all, I thought, Sir, that the Government should have been rather more careful and rather more respectable and more courteous in their reply. It has been said that there was a good deal of delay. But may I point out, Sir, that this representation of the medical profession does not consist of lawyers? I say, Do not take their words, take the representation as a whole; it may not have been worded as wisely as the language of a body of lawyers. Now that memorial was sent to Government on the 26th of February and the reply that was given to them by Government was on the 28th of July 1922. As a matter of fact, there may have been some time in consultation. But I know as a matter of fact that at the September session some questions were sent, but unfortunately on account of a holiday they were received late and they were therefore considered time-barred.

The Honourable the PRESIDENT: May I remind the honourable member that he has taken eighteen minutes? I do not want to interfere, but it just strikes me that the representation of the Bombay Medical Union and kindred matters had better be referred to very shortly because there is just a tendency to go off the line. The main issue, the definite issue, is likely to be swamped by these matters.

Rao Bahadur G. K. CHITALE: I am conscious of that, Sir, but I was only replying to the argument of delay. And the concrete point

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was that this case was decided in 1921 and it is over a year that this question has been before this House.

The Honourable the PRESIDENT: I will allow a little more time to the Honourable member. We will now adjourn and resume at 4-30.

After Recess.

Rao Bahadur G. K. CHITALE: I will make, Sir, another point. May I ask the Honourable the Home Member whether in the state that the investigation was carried on it was complete before the arrest was made? The argument that he made showed to us convincingly that the inquiry was not complete. The prosecutor admitted that there was not enough evidence during the trial of the case. I would be glad to know, therefore, whether that means that the inquiry was complete. Indeed, until the inquiry was complete it was necessary to give the accused the benefit of liberty. Even from that point of view I must say, Sir, very reluctantly that Superintendent Carter should have used his discretion properly. It must be admitted, whatever his opinion was, it was based on the opinion formed by Sub-Inspector Sawant and Inspector Dalton who were in charge of the case. It is also true usually—but I say this subject to correction because I do not know the procedure here in Bombay—that the power of investigation is vested in the sub-inspector and inspector. The Superintendent who holds the same rank as a superintendent in the mofussil is a higher official and he does not usually hold these powers of investigation. As I said, Sir, I do not know the procedure under the Bombay City Police Act, but the point that strikes me is that it is the primary duty of a police officer in charge of a police station to be responsible for investigation and in this case, therefore, Superintendent Carter who had not been in charge of the investigation as a police officer in charge of a police station should have seen that it was his duty to give due weight to the opinions of the sub-inspector and the inspector, and then to judge whether to arrest the accused or not to arrest. It was only during the course of investigation that the matter was put before Superintendent Carter by his subordinates, because they were doubtful whether they should use their power, and under those circumstances the inquiry as a matter of fact was not complete and, therefore, Superintendent Carter should have used his discretion properly, and instead of ordering the arrest of Dr. Kapadia at once should have waited until the evidence was complete and certain more facts were investigated. From that point of view, therefore, I say, though very reluctantly, that having regard to the very interesting record of the services of Superintendent Carter he did not come up to the expectations that would be formed of a police officer of his standing. If it were a case of a new man who did not know exactly what his own duty was, perhaps it was excusable, but in the case of a more experienced man in the position of Superintendent Carter, I say, Sir, that I cannot take the view which I would have otherwise taken that he did use his discretion in a proper way and, in saying so, I believe, I am not very far wrong. All that the House wishes to say is that in

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this particular case Government in its executive capacity did not do proper justice and proper amends to the judgment of the learned Chief Presidency Magistrate. For all these reasons, I believe there is a case for censure and I hope that this resolution is in the nature of a censure, and I was therefore very reluctant to put my weight on the side of the honourable mover, but after the speech of the Honourable the Home Member I feel no other alternative is possible. Even if now the Honourable the Home Member yields and agrees with the view that in his view Superintendent Carter did not certainly use his discretion properly and expresses a slight regret, I would vote with him ; otherwise not.

Mr. D. J. FERREIRA : Mr. President, the resolution before the House, involving as it does a recommendation to this House that Superintendent Carter should be adequately punished, is a resolution which we must not be ready to accept or ready to reject without sufficient scrutiny and impartial consideration. I have been practising in the police courts for fully thirty years now and I feel that I do know something of the criminal work and the criminal procedure ; at least I profess to know something and I therefore feel that I am entitled to address the House on this resolution. I believe I should be wanting in my duty to the House if I did not place before it several considerations which have suggested themselves to me as a lawyer, and which I consider relevant. Although I have been practising several years in the police courts, I must say, so far as my recollection helps me, that I have not had the honour of knowing Superintendent Carter and it is, therefore, not possible for me to say whether he is the dictator fulminating his decrees as suggested by the honourable mover of this proposition or the meek lamb that other honourable members say he is. I have not also had the honour of knowing Dr. Kapadia, but report has it that Dr. Kapadia is a member of the medical profession, an L.M. & S. of the Bombay University, has considerable practice and is a respectable and respected member of the profession. Our hearts, therefore, must necessarily go out in sympathy to the doctor who has been subjected to this humiliation, who has had to suffer *durance vile*, who has had to go in police escort to treat his patients and his near relation, and several members of this House probably feel that the inglorious position in which Dr. Kapadia found himself might be the position in which any member of this House might find himself on a future occasion. It is, therefore, but natural that our sympathetic souls should be roused in resentment against the man who was responsible for all this and who, according to the opinion of the learned acting Chief Presidency Magistrate, a magistrate for whose judgment and opinion every member of this House will have great regard, was none other than Superintendent Carter. But, while there is clear room for sympathy and for resentment, I feel that this resolution has to be debated upon not on the shifty sands of sympathy, prejudice or prepossession, but on the more abiding rock of cold, compelling fact and calm calculating logic. We have before us the judgment of the learned Presidency Magistrate. That judgment every member of this House must accept *in toto*, but I ask the honourable members to bear with me while I consider with them

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what the meaning of that judgment is. The learned acting Chief Presidency Magistrate says that Superintendent Carter, on the facts brought before him, ought to have come to the conclusion that there was no guilty knowledge on the part of Dr. Kapadia and that, therefore, no offence had been committed by Dr. Kapadia and that, therefore, Dr. Kapadia ought not to have been arrested. The facts which the learned Presidency Magistrate found were that Dr. Kapadia was a respectable man, that he purchased the articles from a hawker in open daylight and in the presence of other people, that Dr. Kapadia did not put away the articles as he would have done in case his suspicions had been aroused that the property was stolen property, that he immediately handed the articles over to the inspector, and that similar scales could be found in the market for about Rs. 20 or thereabouts. It is upon these facts that the learned acting Chief Presidency Magistrate came to the conclusion that Superintendent Carter ought to have seen that there was no guilty knowledge on the part of Dr. Kapadia. In other words, the learned Chief Presidency Magistrate thought that Superintendent Carter, if he had weighed all these facts properly, should have come to the conclusion that no arrest should be made of Dr. Kapadia. But I ask honourable members of this House to remember that the magistrate nowhere in his judgment says that, as a matter of fact, Superintendent Carter did consider all these facts and did come to the conclusion that there was no guilty knowledge on the part of Dr. Kapadia, and that in spite of coming to this conclusion, arrested Dr. Kapadia. I have read the judgment and I have looked in vain for any passage in it which suggests that the learned magistrate was of the opinion that, although Superintendent Carter came to the conclusion that there was no guilty knowledge, yet he arrested Dr. Kapadia. What, then, are the facts that we have to address ourselves to? There was the invoice price of Rs. 202, and we have it stated again and again that Superintendent Carter preferred to go by the invoice price rather than by the fact that similar scales could be got in the market for Rs. 20 at the time he directed his arrest. Now, Sir, I ask whether there are or there are not only two ways of explaining the conduct of Superintendent Carter, conduct which appears from the fact that he preferred to go by the invoice price rather than the fact that similar scales could be got in the market for Rs. 20. Either there was on his part an honest belief that he should go by that price and not by the fact that a similar pair of scales could be had in the market for Rs. 20, or there was a dishonest belief, in other words, that there was no such belief, but he simply gave it out that he would go by that fact. If the belief was dishonest, it could have been based only on one of two motives—one motive being that Superintendent Carter had something against Dr. Kapadia, some grudge, and he availed himself of the opportunity to pay him off. I dismiss that at once, because no suggestion has been made in the cross-examination of Superintendent Carter as to his having known Dr. Kapadia before or as to his having any grudge against Dr. Kapadia. The only other motive could be a desire of gain, that is, that it was a deliberate attempt on the part of Superintendent Carter to elvy

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blackmail and to extract money from Dr. Kapadia by way of bribe. Now, Sir, this suggestion again must be dismissed, for the simple reason which I am going to put before the House. Dr. Kapadia had one of the ablest men at the criminal Bar as his pleader. The learned magistrate put it to the pleader whether the pleader suggested that there was some motive working in the mind of Superintendent Carter when he ordered the arrest. In reply to that, as pointed out by the Honourable the Home Member, the pleader immediately stated that he did not impute any mean or base motive to Superintendent Carter, but that Superintendent Carter was infatuated with power and in that infatuation of power directed the arrest of Dr. Kapadia. We do away, Sir, then, with these two suggestions, the only suggestions which could lead this House to the conclusion that there was a dishonest belief in the mind of Superintendent Carter. What, then, remains? The only thing that remains by way of explanation of Superintendent Carter's conduct in accepting the invoice price rather than the fact that similar scales could be purchased in the market for Rs. 20 was his honest belief that that was the right thing to do and that, in the circumstances of the case, Dr. Kapadia must have had guilty knowledge, that he must have had reason to believe that these articles were stolen property. And, indeed, the honourable member from Ahmednagar admits that there is no doubt in his mind that there was such an honest belief in the mind of Superintendent Carter. I say, Sir, that the moment that admission is made, *cædit questio* nothing more remains for this House to decide, because if Superintendent Carter honestly believed that Dr. Kapadia must have had reason to believe that those articles were stolen, the law entailed a duty upon him, a duty which he was bound to carry out. It is not for Superintendent Carter or for any member of this House to frame or vary the law. Superintendent Carter had only to follow the law as it stands, and, according to the law as it stands, Superintendent Carter had no alternative but to arrest Dr. Kapadia and send him to a magistrate. Here, once again, I ask the House to remember that the honourable member for Ahmednagar says that it was the duty of Superintendent Carter to take Dr. Kapadia before a magistrate. In other words, the honourable member for Ahmednagar admits that, in the circumstances of the case, the arrest was necessary; Superintendent Carter could not possibly take Dr. Kapadia to the magistrate unless, in the first place, he had arrested him. Proceeding upon this admission, the question then before the House is whether there was anything in his subsequent conduct which shows that Superintendent Carter was dishonest, or whether he was doing what the law required him to do. Sir, the fact that his belief was honest is borne out by what passed between the magistrate and the Superintendent on the phone. Dr. Kapadia's friends, or somebody on his behalf, approached the learned magistrate. The magistrate rang Superintendent Carter up on the telephone and asked him whether he (Superintendent Carter) would allow Dr. Kapadia, the accused person, to go on bail. What was the answer which Superintendent Carter gave? The answer, Sir, was "You may please yourself release him on bail, because I think I have a strong case."

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Now, in this state of affairs, can it be said that Superintendent Carter had any dishonest beliefs in the matter? I think not. He thought that in doing what he did, and in refusing bail to Dr. Kapadia, he was following the dictates of his conscience and doing nothing wrong. We are not concerned, Sir, with the question at the present moment as to whether this belief of Superintendent Carter was wrong or erroneous. I feel that that belief was erroneous; the learned magistrate also has stated that Superintendent Carter had no justification for the arrest of Dr. Kapadia, in other words that that belief on the part of Superintendent Carter was wrong, was erroneous. I shall admit, and I shall take my stand upon the position that I agree that that belief which was in the mind of Superintendent Carter was wrong, was erroneous. But it is not what the learned magistrate believed or what I believed but the belief of Superintendent Carter which this House is concerned with. Is there anything to show that his subsequent conduct was dishonest? Under section 107 of the Police Act there was absolutely no other alternative for Superintendent Carter than to act as he did. Section 107 of the Police Act says:

"When any person accused of any non-bailable offence is arrested or detained without a warrant, by an officer in charge of a section, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused."

The Superintendent honestly believed that there was such an offence committed. Then, Sir, Superintendent Carter under the law could do nothing other than refuse bail and then allow the magistrate to deal with the case as he liked.

A great deal has been made of the supposed fact, and the honourable member for Ahmednagar who is generally correct in his statement of facts, made much of the supposed fact that the opinions of the Sub-Inspector and Mr. Dalton were before Superintendent Carter at the time Mr. Carter made the order for arrest, that those opinions were against the arrest and yet Superintendent Carter ordered the arrest. Sir, if anybody cares to go through the papers, he will find that Sub-Inspector Sawant when asked in cross-examination whether he communicated his opinion to Superintendent Carter, said "No, I did not communicate my opinion to Superintendent Carter." Again there is nothing on the evidence to show that the sub-inspector communicated his opinion to Superintendent Carter before he ordered the arrest. I say it is improper for the honourable mover of the resolution to be continually trotting this out as a fact that the opinions of these two officers were before Superintendent Carter when he gave his orders for arrest.

Sir, a great deal has also been made of the fact that leave was granted to Mr. Carter. The Honourable the Home Member has already explained the circumstances under which leave was granted. I would like to ask the honourable members of this House to go through the papers and see what happened on the day on which it was reported to the magistrate that Superintendent Carter was not able to be present in the court for cross-examination. The Counsel of Dr. Kapadia, a very able pleader, a leader at the criminal bar, submitted to the learned magistrate that it was not necessary to postpone the case, because Mr. Carter's evidence

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was already before the magistrate. Now, I ask, Sir, whether it was not the duty of the learned pleader who appeared for the defence to request the magistrate that an opportunity might be afforded to Mr. Carter to explain his position, and that the case might be postponed for one month, or two or three months, if necessary, for further cross-examination of Superintendent Carter, if the pleader hoped by such cross-examination to prove dishonesty in Superintendent Carter. I say that the pleader took the proper view in that there was no use in having Superintendent Carter for further cross-examination.

The Honourable the PRESIDENT: The honourable member has exceeded his time by five minutes.

Mr. D. J. FERREIRA: I have almost finished. The honourable member for Ahmednagar said that the question was whether Superintendent Carter exercised his discretion in a proper manner or not. That is not the point before the House. The point before the House is whether Superintendent Carter acted according to his honest conviction. There were the scales before him; he saw the scales; he knew that they were purchased for Rs. 12 not by an ordinary man, but by an educated man, a medical practitioner well acquainted with the value of scales; he saw the mahogany box which cannot be of Bombay make. He considered all these facts before him, he believed it was a good case against Dr. Kapadia, and therefore, on these facts before the House which suggest honest belief, and indeed honest belief is admitted, the resolution must fall to the ground.

The Honourable the PRESIDENT: The discussion has gone on sufficiently long, and I expect that some member of the legal profession would give the discussion its proper turn so as not to confuse the main issue by mixing it up with matters which really ought not to come within the relevant sphere of the debate. I understand the position of the mover and those who support him is that Superintendent Carter has not properly administered the law so far as the power given to him as a police officer in the matter of arrest and bail is concerned. Is not that the position?

Mr. JEHANGIR B. PETIT: Sir, we take our stand on the judgment of the Chief Presidency Magistrate. We regard it as final and ask Government to take action upon it in the light of the decisions contained in that judgment and the evidence upon which it was based.

The Honourable the PRESIDENT: So far as that point is concerned, I thank the honourable member for putting his point neatly. Perhaps the ruling I gave yesterday, just before rising, anent comments on a magistrate's judgment was not put quite precisely: we were all rather in a haste to adjourn. I said that comments upon the decision or judgment of a magistrate would be improper. I think I ought to define that point precisely. In the judgment of a criminal case the only point which must be taken as final and cannot be commented upon or criticised is the conviction or the acquittal of the accused and the reasons given for the decision. But when a magistrate deals with an incidental issue arising out of that final decision, such as the

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conduct of a particular police officer. that is not a final decision ; because— to take this particular case—Superintendent Carter was not the accused before the magistrate. Whether the decision on this incidental issue is correct or not, is a point into which it is competent for the Government and for this Council to go. The magistrate is not the final authority. You may attach a great deal of importance to his views ; but the fact that the magistrate sends a copy of his judgment and brings his opinion to the notice of the Commissioner of Police shows that the authority in respect of that matter is with Government. It is the Commissioner of Police who has to deal with the matter departmentally ; then, after the Commissioner of Police, there is the jurisdiction of a superior authority and that is the Governor in Council.

But the question further arises : What matters are relevant to the motion here ? Where in a similar matter the Speaker was called upon to give a ruling he said :

" I cannot decide the question whether a matter is a matter of administration or a matter requiring alteration of law. If it turns upon an interpretation of a statute, then that is a matter for the law courts. I am asked to decide whether what is being done is being done under the Act or outside it. If I decide that an Act is being violated I should allow the honourable gentleman who says that Government are violating it to proceed. But the matter is one of contention between the construction of the two sections of the Act. It must really be a matter for a law court to decide. The point however before the House is : Are Government properly construing the Act ? I cannot decide that. If the courts decide that the law is not being properly administered, then of course the honourable member will have a proper and legitimate reason for discussing the question. But I think the honourable member must first of all show that the law is not being carried out in the sense in which it received the assent of Parliament." (Parliamentary Debates, 5th Series, 1913, vol. 48, col. 898).

Applying that ruling here you have to make out that the intention of the law is not being carried out. So far as the conduct of Superintendent Carter is concerned that is the point to be made out. Now, what is the construction of the law adopted by the courts in this country so far as the power of a police officer in the matter of arrest and bail is concerned ? The debate must proceed on that construction. Honourable members must address themselves to questions relevant to that law. There is a decision of the Bombay High Court in Indian Law Reports, Bombay Series, Volume XII. I hope the House has no objection to my giving it.

The Honourable Mr. M. H. W. HAYWARD : None whatever, Sir.

The Honourable the PRESIDENT : I will read from page 384, where a decision of the High Court of Calcutta is cited and relied upon by the High Court of Bombay. There it was ruled as to possession of stolen property :—

" What is a reasonable complaint or suspicion must depend upon the circumstances of each particular case : but it must be at least founded on some definite fact tending to throw suspicion on the person arrested, and not on mere vague surmise or information. Still less have the police any right to arrest persons as they appear sometimes to do merely on the chance of something being proved hereafter against them."

Mr. Justice Birdwood on page 388 says :

" As to arrest by a constable, that is also the law here ; and a reasonable suspicion is something more than a bare surmise. It must rest, as was stated in *Queen vs. Behary Singh*, on some definite fact tending to throw suspicion on the person arrested."

[The President]

This debate has gone, I am afraid, beyond the settled law, but it must now be confined to its proper limits— not whether Dr. Kapadia was guilty or not, but whether Superintendent Carter exceeded his duty in point of arrest and bail, and exercised his discretion vexatiously or unnecessarily.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir, I have heard the mover in support of the resolution as well as the Honourable Member in charge of the Home Department. To my mind, Sir, the issue is whether Superintendent Carter was justified in arresting Dr. Kapadia or not, and after having arrested him for a non-bailable offence whether he would be justified in giving him bail or not. I am very much indebted to the Honourable the President for having quoted the ruling that there ought to be reasonable grounds for an arrest. Now, I say that Superintendent Carter had more than reasonable grounds for arresting Dr. Kapadia. Now, Sir, theft was committed on the night of the 18th ; two scales encased in separate mahogany boxes were stolen. On the 19th the thief sold them to a hawker. On the following day, the 20th, that is, two days after the theft, they were sold to Dr. Kapadia for Rs. 12, and subsequently this portion of the stolen property was by the police traced to Dr. Kapadia's dispensary on the 27th. The invoice showed that the value was Rs. 202. The fact that the original price of the scales and these mahogany boxes was Rs. 202 and that they were purchased by Dr. Kapadia for Rs. 12 was a reasonable ground for believing that there was dishonest purpose. Further, Sir, the law is very clear to the effect that, if immediately after a theft has been committed, the stolen property is found in the possession of any man, under section 114 of the Evidence Act, the presumption is that he is either a thief or a receiver of stolen property. Sir, under those circumstances, when the presumption was against Dr. Kapadia as he was immediately found in possession of the stolen property, it was not for Superintendent Carter to adjudicate upon the mixed question of fact and law.

Again, Sir, looking to the fact that the original price of the scales was Rs. 202 and that it was purchased by Dr. Kapadia for only Rs. 12, the inference was against Dr. Kapadia. Further as to the character of the scales stolen, we find that they were manufactured in Manchester and were contained in a mahogany box and that a mahogany box could not be had in India. Those were other important points which had to be taken into consideration.

Mr. C. M. GANDHI (Surat City) : I rise to a point of order. The Honourable Minister is only repeating the same arguments which the Honourable the Home Member has advanced.

The Honourable the PRESIDENT : I think the debate has not gone to the extent of tedious repetition. Perhaps we might wait till it does.

Mr. C. M. GANDHI : Very well, Sir.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Now, Sir, from whom had Dr. Kapadia purchased these valuable articles ? He purchased them from a hawker, and they were in a mahogany box

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which cannot be made in India. This also is against him. He ought to have known that a hawker is not likely to possess such a box and scales. The hawker who sold him the scales did so at Null Bazaar, which within the knowledge of all of us is a place where stolen property is disposed of. (Honourable Members : No, no.) And, Sir, it was said that these articles were quite useless. Here are the two scales before the House and the mahogany box (pointing to the articles which were shown in the House).

(The Honourable member for the Millowners' Association—Mr. Jehangir B. Petit—also raised and showed another pair of scales in the House.)

(At this stage Mr. Dipchand T. Ojha, representing Karachi City, made a remark which was inaudible.)

The Honourable the PRESIDENT : The honourable member for Karachi has no right to interrupt except to raise a point of order.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Then, Sir, much was made of the fact that a similar article could be had for Rs. 20. But there is nothing on the record to show that an identical one could be had for Rs. 20. Even assuming that a similar article—not an identical article—could be had for Rs. 20, there was a mahogany box with it, and as a mahogany box is quite different from other boxes, the price of such a box has to be taken into consideration. A doctor, an educated man, must have known that he was purchasing property which was worth much more than the price he paid. Therefore, from all these circumstances, it was clear that the articles purchased were stolen. Now, Sir, having arrested him for a non-bailable offence, I do not think Superintendent Carter could release him on bail. He honestly believed in the guilt of the accused, and therefore there was no go for him but to send him up before a court for trial. So I think he was quite justified in doing so. There has been alleged no motive against him at all. If he did not honestly believe that Dr. Kapadia had committed an offence,—and there has been absolutely no motive alleged in the court against Superintendent Carter,—why should he take the risk of sending up a respectable and wealthy man for trial when he believed that there was no evidence? The very fact that he placed him before a court for trial is presumption that there was sufficient evidence against him and that there was absolutely no motive for him to send him up before a court maliciously. With these remarks I oppose the resolution.

Rao Bahadur R. R. KALE (Satara District) : Mr. President, at the outset I associate myself with the honourable member for Ahmednagar in emphatically repudiating the suggestion that honourable members have any private motive in bringing forward this resolution for I am one of those who happen to have given notice of a very similar resolution. I emphatically repudiate the suggestion that Dr. Kapadia has briefed any of us.

With this preliminary remark, I will now proceed, Sir, to point out that in this case we have to see that the Honourable the Home Member has gone beyond and further than what the police prosecutor himself stated in the court of the Chief Presidency Magistrate. We are told

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that the prosecuting inspector Mr. Guider is a man of considerable experience and what is said in the police court is this ; and it appears in the magistrate's proceedings :—

“ Prosecuting Inspector Guider has admitted that somebody at the Phalton Road Police Station is to be blamed for the arrest and detention of the accused and his being placed before this Court, but he says that Superintendent Carter is not to be blamed for it but that the persons actually to be blamed for it are Inspector Dalton and Sub-Inspector Sawant. I think this is an unworthy attempt to try and shield the Superintendent at the expense of his subordinates.”

Now, Sir, you will see, therefore, that this police prosecutor himself admitted that somebody was to be blamed for the arrest and sending up of Dr. Kapadia before a court. His case was that it was Inspector Dalton and Sub-Inspector Sawant who were to blame. Now, the Honourable the Home Member here has tried to make out that there was nobody to be blamed at all, and that the whole thing was perfectly justifiable. Now, Sir, the issues that arise for consideration in this case are three : First of all, if Superintendent Carter is liable to punishment ; and, secondly, what that punishment should be, if he is so liable. Now, as regards the first point, the liability of Superintendent Carter to punishment, it depends upon certain sections of the Bombay Police Act and those sections contain certain provisions which entrust the police officers with certain duties and say that he has to act in the exercise of his duty in good faith, and “ good faith ” is defined in law to mean “ with due care and caution ”. That is to say, he is not to vexatiously and unnecessarily arrest and detain any person. And, lastly, he is not to act in a manner prejudicial or likely to be prejudicial to the department to which he belongs. Now, Sir, these are the three questions for consideration, and I am endeavouring in my own humble way and to the best of my ability to show whether on the first point Superintendent Carter has acted in the discharge of his duty with due care and caution. Secondly, whether he had followed his duty first of all by arresting and subsequently by not sending him to the magistrate immediately without any delay, and thirdly by not admitting him to bail, and lastly whether he had acted in a manner highly improper or likely to throw discredit on the discipline of the police. Turning to the first point, as to whether he acted in good faith, as I said, it will be seen and my submission is that he has acted not only without due care, but without any care, and secondly that he has acted not only without any caution but in spite of caution, and I shall endeavour to show that it is so from the evidence and from the magistrate's judgment. As the Honourable the President has remarked, the magistrate's judgment is some evidence in our favour, so far as his strictures upon this superintendent are concerned. As the honourable member for Ahmednagar district has said, it was open for Government to revise the matter or it was open for Government to get the magistrate's order modified as the recent decision of the High Court shows that, if a remark is passed against a witness, it is quite open to him to ask that remark to be eliminated from the records. Nothing of this kind has been done. That being so, I shall only point out the reckless manner in which Superintendent Carter has acted. It has been pointed out by honourable members who opposed this resolution that the fact was that the scales

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were worth something like Rs. 200, whereas they were purchased for only Rs. 12. The position with regard to this matter is this. With regard to the price it is stated by Mr. Norris in his evidence, and what he has stated there is as to the scales before the court. But the Honourable the Home Member said that Mr. Norris did not know the scales. Quite so. They were not shown to him by the police in the investigation and, therefore, there is gross carelessness because the police ought to have taken care to show him these scales and got from him a definite answer whether these scales that were found in that condition in which they were found were worth something.

The Honourable Mr. M. H. W. HAYWARD : I will explain the mistake in the honourable member's mind. What I said was that the scale was never shown to the witness in the Court.

Rao Bahadur R. R. KALE : I am reading from Mr. Norris's statement. He says :

"The two scales before the court are here. They are incomplete. If they are offered to me for sale in this condition I would not purchase them at all because they are valueless for the purpose for which they are made. Till now, the police have not questioned me about the value of them in their present condition : If they had questioned me I would have told them what I have just told the court about their being valueless."

The Honourable Mr. M. H. W. HAYWARD : I may explain, Sir, that the scales were never shown to the witness in the court.

Rao Bahadur R. R. KALE : I must submit with my knowledge of the court as public prosecutor in criminal trials, whenever a witness speaks of an article before the court he obviously sees the articles, and that is the way it is written in the deposition. How could the witness have given the value unless the scales were before the court ?

The Honourable Mr. M. H. W. HAYWARD : The witness said that in the inquiry.

Rao Bahadur R. R. KALE : Government have refused to lay the papers about the inquiry on the table. A question was asked in this Council and the answer given was that they had some inquiry. Then, a supplementary question was asked whether the Government were prepared to place on the table the papers of the inquiry, and the answer was that it was a confidential inquiry and that, therefore, they refused to place the papers on the table. That shows the weakness of that inquiry. (Hear, hear.)

The Honourable Mr. M. H. W. HAYWARD : I did not wish to criticize in this Council the judgment of the Chief Presidency Magistrate.

Rao Bahadur R. R. KALE : I have the question and the answer here.

The Honourable Mr. M. H. W. HAYWARD : I explained that yesterday.

Rao Bahadur R. R. KALE : Mr. Petit asked a question : "Will Government place on the table the papers of the inquiry ?" And the answer was that it was a confidential inquiry, and that with due regard to public interest the papers could not be placed on the table. So I must say we do not know what is in the confidential report or inquiry and so we have to fall back upon the magistrate's record which was before us. My

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complaint, Sir, is that Government should not say that something is said by the witness in the confidential inquiry and that they depend upon it. I must say, Sir, that we take exception to such procedure. Evidence before the magistrate, evidence taken by questions from the prosecuting police inspectors, is being ignored and statements are taken into account which are made in a confidential inquiry. That is what we object to.

Then, the next point about the utter carelessness with which Superintendent Carter had acted is this. Was it ascertained whether Dr. Kapadia knew or had reason to believe that the property was stolen property? Now the words "reason to believe" as stated in Indian Law Reports, VI Bombay are very much stronger words. Suspicion merely is not enough. As ruled by the High Court, knowledge actually is necessary. Therefore, the question was whether under the circumstances in which the scales were found and having regard to the fact that Dr. Kapadia said in his statement that similar scales were bought by him for Rs. 20 and to the fact that there is evidence that there is nothing on the scales to show that they were made in England or manufactured in England, Superintendent Carter acted with due care and caution in arresting Dr. Kapadia. It has also been brought out and stated in the evidence that it is not possible to say from the box or from the scales themselves that they were manufactured in England. If that is so what is the use of putting forward this peculiar argument about the box being a mahogany box manufactured in Manchester and that such boxes cannot be had here? To me at least the difference between an ordinary box and a mahogany box is nothing. I cannot say from looking at the boxes now on the Council table which is mahogany and which is ordinary (Laughter). The point is whether Dr. Kapadia under these circumstances when the scales were placed on his table had the least suspicion that they were stolen. The theft was not announced nor had he known that a theft had taken place on the previous night. It was not tom-tommed about or advertised. Then it has been admitted that these scales were not in order, that they were inaccurate; that is what is stated by one of the partners of the firm of the complainant. The whole thing consists in the accuracy or inaccuracy of the scales. The Honourable the Home Member stated that the scale was inaccurate by '1 grain, that is to say, very minute and delicate. For a medical man who uses the scales for ordinary purposes, that is everything. That is a point also to be considered.

It has been pointed out that similar scales could be had in the market at the time for Rs. 16 or Rs. 20. That was said both by Mr. Dalton and Mr. Sawant after a thorough and a very independent enquiry, and they have stated in their evidence that they had told this fact to Superintendent Carter. I take exception to the Honourable the Home Member's statement that those two officers did not give full information to Superintendent Carter. I say, Sir, that they did give him a full account of the investigations that had been made by them. Mr. Sawant, the sub-inspector of police, distinctly says that he had pointed out the results of the enquiry which he had made into the value of the scales in the condition in which they were then. He says further that, when he pointed this out

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to him, Superintendent Carter said " Oh, I don't mind ; I don't care, we have the invoice price. In this it is stated to be Rs. 200 ". When the complainant's statement was taken, the invoice was given at the time the complaint was lodged. The point is, was any attempt made to see what the actual market price of the article said to be stolen was at the time ? I say, Sir, it was gross carelessness on the part of Superintendent Carter. Sub-Inspector Sawant states that he went about in the market and satisfied himself about the price of the scales, and he further says that he could not have arrested Dr. Kapadia or made a case against him on the evidence that was then before him. There was no further evidence before Superintendent Carter. Sub-Inspector Sawant further says that he told Superintendent Carter that similar scales could be had in the market for Rs. 16. Just see, Sir, even with regard to this case, Sub-Inspector Sawant had made enquiries. It is now stated that he should not have made those enquiries. But, Sir, his evidence is there that new scales could be had in the market for Rs. 16.

One more point was made about questioning Norris. Was it also not necessary to ask Norris a question about the price of those particular scales ruling at the time ?

These are the matters which should be regarded as not only showing the utter carelessness, the gross carelessness on the part of Superintendent Carter, but they show that he acted in spite of caution that was conveyed to him by Inspector Dalton and Sub-Inspector Sawant, who had both told him that similar scales could be had in the market for Rs. 16.

Now, let us see Dr. Kapadia's position. The scales were openly bought and openly used, openly placed on a table so that any one might see them. If Dr. Kapadia had guilty knowledge or had reason to believe that the property was stolen, he would in ordinary circumstances have tried to conceal the scales for a year or so and then, after the case had been forgotten or after the case had been hushed up, he would have brought them out to be used openly. That is another point, I submit, that Superintendent Carter acted in a grossly careless manner without taking due precaution.

Another point made by the Honourable the Home Member was that Dr. Kapadia should have made a request to Superintendent Carter to send him up to the magistrate at once. It is laid down in the City of Bombay Police Act and other enactments that the police ought to forward any person arrested without any delay. My point is that if Dr. Kapadia was arrested at 8-30 in the morning, he should have been at once sent up ; according to them, the whole investigation was completed, there was nothing remaining for further investigation and Superintendent Carter was in a position to send Dr. Kapadia up immediately. But, Sir, he showed gross carelessness in arresting Dr. Kapadia and not sending him up to the magistrate. Why did he not send him up ? The charge sheet shows that Dr. Kapadia was arrested at 6 o'clock in the evening and that is corroborated by the statement of Mr. Sawant in which he states, in answer to the court's question, that the first information was recorded by him under date 28th at 6 p.m. It was signed by him and by

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Mr. Dalton. This information was written at 6 p.m. That was half an hour before they received written order for bail from that court.

Honourable members will see from this what was at the back of the mind of the superintendent in question. He did not want to show that there was any first information until 6 o'clock. My honourable friend from Bombay opposite who has had experience of magisterial work will no doubt be able to tell you that the time of arrest as a rule is put forward by the police in order to enable them to keep the persons in imprisonment for 24 hours, because that is the maximum limit. I cannot explain otherwise this conduct in putting down the information at 6 p.m. when information was received already. An attempt seems to have been made to make out that there was no delay—no unnecessary delay—in sending up the arrested person before the magistrate. The Honourable the Home Member says that if Dr. Kapadia was anxious to be let off on bail he should have made a specific request. I say why should he make a request like that? How could he request Superintendent Carter when Dr. Kapadia was informed of his being under arrest after the superintendent in question had gone away? My point therefore is.....

The Honourable Mr. M. H. W. HAYWARD: I should like to know, Sir, whether the honourable member said that the charge sheet showed that Dr. Kapadia was arrested at 6 p.m. I have got the charge sheet here and it shows that he was arrested at 8-30 a.m.

Rao Bahadur R. R. KALE: That is how I am instructed. I want an explanation as to why in the complaint before the magistrate the time of arrest is shown as 6 p.m., which complaint was signed by Mr. Dalton, if the actual time of arrest was 8-30 a.m. If, however, the charge sheet shows 8-30 a.m. as the time of arrest, then it was quite illegal to arrest a man even before any information was lodged. It seems to me that there is something very suspicious about this arrest matter and that as Dr. Kapadia was arrested at 8-30 a.m., when there was no complaint and as there was some hesitation as to sending him up from 8-30 a.m. to 6 p.m., Dr. Kapadia was kept in imprisonment without reasonable grounds. I say that in the first instance this arrest was improper; secondly, I should like to read to the Council article 581, Part I, Chapter XX, of the Bombay District Police Manual which bears on the question of bail:—

“In view of the special hardship sometimes involved in India in the arrest and detention of persons accused of non-bailable offences, it is clear that the practically total neglect by the police to use the discretion given to them by law of admitting such persons to bail is a source of great hardship and wrong for which the law itself is not responsible. The law of England is that “the test whether a party ought to be bailed is, whether it is probable the party will appear to take his trial.” This test “ought to be limited by the three following considerations. When you want to know whether a party is likely to take his trial, you cannot go into the question of his character or of his behaviour at a particular time, but must be governed by answers to three general questions. The first is, what is the nature of the crime? Is it grave or trifling?..... The second question is, what is the probability of a conviction? What is the nature of the evidence to be offered for the prosecution?..... The third question is, is the man liable to a severe punishment? (per Coleridge J. in re Robinson 23 L. J. Q. B. 286, B. C.).” This is precisely the law of bail of India as laid down in the Criminal Procedure Code. The first and third questions regarding the gravity of the offence and the severity of the punishment are answered in the second schedule of the code. The second question is

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necessarily left by section 497 to be answered by the court or by the officer in charge of the police station, according to his discretion. It is the failure on the part of the police to exercise that discretion that has led to much hardship. This failure to exercise discretion arises from the fact that the difference between the justification for arrest (section 54) and the justification for refusing bail in non-bailable cases (section 497) has not been sufficiently or generally realised. "Reasonable suspicion" will justify the arrest of an accused: but the refusal of bail requires "reasonable grounds for believing that the accused has been guilty of the offence of which he is accused". If it appears "at any stage of the investigation, that there are not reasonable grounds for believing that the accused has committed such offence, but there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail [section 497 (2)]. If there is a reasonable complaint or credible information or reasonable suspicion against a man, the police officer has power to arrest: but unless the evidence against the accused is such as to constitute "reasonable grounds for believing in his guilt", the arrest must (according to law) be at once followed by the offer of release on bail. "(paragraph 156 of the Police Commission's report and paragraph 17 of Government of India's letter No. 1113, dated 8th November 1905, printed in the preamble of Government Resolution in the Judicial Department, No. 6642, dated the 19th December 1905.)"

My point, therefore, is that these instructions in the Police Manual must have been known to Superintendent Carter, who is a man with 25 years experience in the service, because in India a man feels the humiliation of an arrest, and police officers are expected to be more generous in liberating people on bail.

Mr. A. MONTGOMERIE: They are not in the Bombay Police Manual.

Rao Bahadur R. R. KALE: But the principle is the same. The question is one of discretion. I say it is not strictly illegal; it is a question whether it is proper. My submission is that in this matter that discretion has not been properly exercised. It is not merely a question of this particular case. A good deal of this is occurring in the mofussil and we felt it our duty to take this opportunity of placing before the House how Government try to support its officers, and how it brings the administration of justice and the general administration into hatred and contempt when subordinate officers do not do their duty properly. The people say "Oh, what is the Sarkar? It is merely nothing but the police". They are always complaining like that, and it is for this purpose, and in order to.....

The Honourable the PRESIDENT: Is it necessary for the honourable member to dilate upon that point?

Rao Bahadur R. R. KALE: But for the Honourable the Home Member's aspersion.....

The Honourable the PRESIDENT: It has already been put very forcefully by the honourable member for Ahmednagar.

Rao Bahadur R. R. KALE: I only wanted to say how people are dissatisfied.....

The Honourable the PRESIDENT: If arguments are being repeated, I shall have rigidly to enforce the time limit of fifteen minutes.

Rao Bahadur R. R. KALE: My point is how this matter is likely to be prejudicial.....

The Honourable the PRESIDENT: I thought that was the honourable member's last point.

Rao Bahadur R. R. KALE : I do not wish to take more time over this matter. My point is that the police ought not to treat respectable citizens in this manner. A respectable man in the city of Bombay is arrested.....

The Honourable the PRESIDENT : I hope the honourable member is now not repeating what he said at the beginning.

Rao Bahadur R. R. KALE : I do not wish to take any more time of the Council. For these reasons, I hope the Council will support the resolution.

Mr. J. B. KANGA (Advocate-General) : Mr. President, I ask the House to consider this question very dispassionately, and not to be led away by prejudice. I see that considerable sentiment, prejudice and passion find their play in this House at the present moment. The question that we have to consider is the motion of the honourable mover. What is the motion ? It is :

"This Council recommends to the Government that, in view of the judgment of the Chief Presidency Magistrate and his remarks against Superintendent Carter in the case of Dr. S. P. Kapadia, Superintendent Carter be adequately punished in the interests of the good name of the police force and the safety of the public."

The House is asked to recommend to the Government that, in view of the strictures of the learned Chief Presidency Magistrate, Superintendent Carter should be punished. Remember now that the case before the Chief Presidency Magistrate concerned Dr. Kapadia. What the magistrate was considering was the guilt or the innocence of Dr. Kapadia. No doubt, as was pointed out a few minutes ago, he had incidentally to consider the question as regards the conduct of Superintendent Carter just as judicial officers have to consider the evidence of witnesses, before them. Now, it is the first principle of British jurisprudence and the law as established in this country that no one should be condemned without giving him a full hearing. Therefore, under this motion itself, we cannot take the judgment of the Chief Presidency Magistrate as final and condemn Superintendent Carter. That is an impossible view to take. According to British law, and the law as administered in this country, notice should be issued to the person whose conduct is called into question ; he must be told what charge he has to meet, and then he must be given an opportunity of defending himself, and if necessary, defending himself with the assistance of lawyers, and then, whatever finding is given, that finding would be final. As I said, in a case where a judicial officer finds that a witness has perjured himself, in his judgment he says that perjury has been committed. But what does he do ? He issues a notice calling upon the witness to show cause why he should not be prosecuted. Then an investigation is made, and sanction to prosecute may or may not be granted. The Chief Presidency Magistrate, in this case, has himself realised that, and in the discharge of his duty, and after passing strictures against Superintendent Carter in his judgment, he has sent the papers to the Police Commissioner, asking him to take such action as he would think proper. Mind you, I am not criticising the judgment of the Chief Presidency Magistrate. I am not, for a moment, suggesting that the Chief Presidency Magistrate had no power or authority to criticise the conduct of Superintendent Carter. It was within

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his power to do so and after criticising the conduct of the Superintendent he sent the papers to the Commissioner of Police. Then we are told by the Honourable the Home Member that an enquiry was held as to the conduct of Superintendent Carter—such enquiry as the law allows—and it was found that there was no reason to punish him. On that view of the case the whole matter ought to end.

However, by this motion, this House has taken upon itself the consideration of the propriety or impropriety of Superintendent Carter's conduct and the House, as a matter of fact, is going into it. I may again tell the House that Superintendent Carter is not at the bar of this House. Superintendent Carter has not been afforded an opportunity of cross-examining, through his lawyers, the various witnesses who appeared before the learned magistrate. However, the Council has taken upon itself the task of investigating into his conduct on such materials as we have, namely, the materials which were before the Chief Presidency Magistrate. I say to this House that that is not adequate, and that it is not fair to Superintendent Carter that we should sit here and adjudge him guilty, not only adjudge him guilty, but recommend Government to punish him, on the materials that were placed before the Chief Presidency Magistrate, and without hearing Superintendent Carter's case. That is the one point which I want the House to consider.

Then, I want to make a few remarks on the subject of bail on the materials that are before the House. As a public servant Superintendent Carter had ample jurisdiction to arrest a man without warrant in a cognisable case. It was urged by my honourable friend for Satara that there was no information and yet Dr. Kapadia was arrested. But information was received that there was a theft. Superintendent Carter found the thief; he went with the hawker to the dispensary and found the stolen articles. In schedule 2 of the Criminal Procedure Code you will find that the offence under section 411 of the Indian Penal Code, "dishonestly receiving stolen property knowing it to be stolen" is given as a non-bailable offence. It was within the jurisdiction of Superintendent Carter to arrest Dr. Kapadia without a warrant. Under section 114 of the Evidence Act illustration (a), to which reference has been made by the Honourable Minister for Local Self-government, Superintendent Carter presumed that Dr. Kapadia had received the scales knowing them to be stolen. This presumption may be rebutted. The illustration says:

"The court may presume that a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen unless he can account for his possession."

In this case, therefore, the police officer starts with the presumption. He says to Dr. Kapadia "You are in possession of stolen property, and the onus is thrown on you to account for the possession. If you do not explain how you came to possess it, either you are a thief or receiver of stolen property". The explanation was given that a hawker whom he knew sold the scales to him for Rs. 12. He bought the scales in the presence of his patients in the dispensary in the evening. Superintendent Carter was the officer in charge at that time; he ascertained the invoice

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price of the scales ; and took into consideration the fact that Dr. Kapadia was a medical practitioner of several years standing and had purchased the scales for so low a price as Rs. 12. No doubt, the purchase was made in the midst of his patients in the dispensary ; but the patients were not concerned with what the doctor was buying. There were reasonable grounds for believing that Dr. Kapadia had purchased stolen property, and Superintendent Carter came to the conclusion that Dr. Kapadia was guilty of that offence. You are now asking Government to punish him. The question you have to consider is whether Superintendent Carter exercised care and caution or not, whether the conclusion he arrived at was *mala fide* or *bona fide*. In this House I heard it stated that he did not exercise discretion because Dr. Kapadia was a respectable man. That is not a correct view to take. The sole question before Superintendent Carter was whether or not there were reasonable grounds for believing that Dr. Kapadia must have known that that property was stolen. He had for his guidance the invoice, the value of the scales, and the fact that a medical practitioner had purchased the scales for his own use. You may say that these are not sufficient grounds for coming to that conclusion ; but can you say that Superintendent Carter did not exercise caution and care, and did not act in a *bona fide* manner ? Is there any ground to show that this officer did not exercise care and caution ? It was argued that Dr. Kapadia was a respectable man and he would not have run away, and so on. But the Criminal Procedure Code makes it incumbent upon the police officer to arrest a person if there are reasonable grounds for believing in his guilt. The learned magistrate has stated that Superintendent Carter had given six reasons. The magistrate does not say " I do not believe those reasons ". Then if you read section 107 of the Police Act, you will see that the police officer had no discretion left in the matter. The first part of the section says that he may be released on bail but he shall not be so released if there appear reasonable grounds for believing that the accused has committed such offence. If he comes to the conclusion that there are reasonable grounds for believing that the accused is guilty, then the section says that the person arrested shall not be released on bail. And I may inform this House that the power of Presidency Magistrates is similarly circumscribed. The Presidency Magistrate has no power to release the accused on bail if the Presidency Magistrate is of the opinion that there are reasonable grounds for believing that the accused is guilty. Though, so far as the High Court is concerned, the section says that bail may be given in any case by the High Court, the learned judges of the High Court have by decisions imposed fetters on their powers. I refer to Sir Lawrence Jenkins' decision following the decision of the Madras High Court where it was held that bail should not be granted by the High Court in non-bailable cases except in special circumstances. Therefore, except in special circumstances, the High Court would not give bail in non-bailable cases. The only question that Superintendent Carter had to decide was whether there were any reasonable grounds for believing that Dr. Kapadia was guilty, and once he came to the conclusion that there were reasonable

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grounds for so believing, then you cannot say that he was not justified in not releasing Dr. Kapadia. He might have taken the accused to the magistrate: I do not dispute it. But the section does not say that he must do so. The section says that, so far as the police officer is concerned, he shall not release the person arrested on bail. He might have been very wise, I quite agree, if he had at once taken Dr. Kapadia to the magistrate. (Rao Bahadur R. R. Kale made an observation which was inaudible.) The honourable member refers to section 19. I say section 19 has no application to bails. It is only section 107 that applies. The Honourable the President has pointed out the decision in Indian Law Reports, 12 Bom. According to that decision, mere vague suspicion would not suffice; there must be something more. That is absolutely correct. But I may also here point out to you that you are judging whether there were reasonable grounds simply on the materials placed before the magistrate and you are asking that Superintendent Carter be punished on that ground alone. I say justice demands that Superintendent Carter must have an opportunity of placing further facts before you.

Rao Bahadur R. R. KALE: Please refer to section 19 (d) of the Police Act; it refers to the delay in sending before the magistrate.

Mr. J. B. KANGA: Section 19 (d) of the Police Act says:

"Any police officer who vexatiously and unnecessarily delays forwarding any person arrested to a magistrate....."

Now, can we say that there was vexatious and unnecessary delay? The police officer has to make an investigation. The maximum time given to him to detain is 24 hours. Can it be said in this case that there was vexatious and unnecessary delay? Dr. Kapadia himself instead of saying "Take me before the magistrate" said "Take me to the town: I have to go and see a patient." (At this stage the honourable member was interrupted from several parts of the House.)

The Honourable the PRESIDENT: I cannot allow conversation across the table.

Mr. J. B. KANGA: Sir, lawyers are used to it.

The Honourable the PRESIDENT: The Advocate-General may be used to it elsewhere, but I cannot allow it here.

Mr. J. B. KANGA: I ask whether there was any vexatious and unnecessary delay? Nothing is suggested against Superintendent Carter; no dishonest motive is imputed to him. The only charge made against him now is one of negligence. I see that on the papers before me I cannot come to the conclusion that there was any vexatious or unnecessary delay.

Then, Sir, I will also point out, if I may, that the honourable mover has been led away by his zeal for the cause he was pleading to the length of stating that Superintendent Carter made false statements before the police court. If that had been done, the learned Presidency Magistrate would have been the first to point out that he had made false statements. The learned Magistrate merely said that he gave six reasons and that he

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did not accept those six reasons. I do not find anything else. There is not a word in the learned magistrate's judgment to show that he did not believe in the word of Superintendent Carter. On the other hand, when the learned magistrate asked him whether he could grant bail, Superintendent Carter said that in his opinion the case was a strong one. Even when the magistrate asked him, he adhered to his statement and said: "I have reasonable grounds for believing in the guilt of the accused; the learned magistrate may release him in pursuance of his powers." This is what appears in the judgment of the learned Presidency Magistrate:

"I asked him over the telephone whether under the circumstances he of his own accord would release him on bail or whether he would require my order. Superintendent Carter replied that he did not wish it to be thought by the Court that the case against the accused was weak; so he would prefer that an order for bail was made by me."

The meaning of that is that Superintendent Carter told the magistrate that he had reasonable grounds for believing that the accused was guilty. The honourable member for Ahmednagar said in so many words that Superintendent Carter was justified in the first instance in making the first arrest, and he said also that it was a dangerous weapon in the hands of the police, but he said that his indiscretion lay in not putting him before the magistrate. It may be an error of judgment. Are you going to ask Government to punish a public servant with a good record of service for not exercising his discretion? That is the whole question before you. It may be that you, looking at everything now after several days' deliberation, have come to the conclusion that Superintendent Carter, who acted in the course of a few hours, exercised his discretion wrongly. I dare say you will come to that conclusion. But that is not the question before you. The question is whether there was such gross negligence which demands that Government should adequately punish him.

Mr. C. M. GANDHI (Surat City): Sir, I only want to refer to one point in the speech of the Honourable the Home Member and I will then deal with the arguments advanced by the learned Advocate General. The speech made an innuendo against members of this Council for raising up this controversy after a period of twelve months. I may remind the Honourable the Home Member that soon after the judgment was given, on the 25th of January 1922, a number of questions were asked at the next meeting of the Council about it. I was one of those who tried to raise my humble voice against the manner in which Dr. Kapadia was treated during the debate on the demand for the Police grant. And at that time the Honourable the Home Member undertook to make a full and thorough enquiry. A full and thorough enquiry has been made and the facts which have been elicited at that enquiry are now placed before us. So, the question before the House is whether those facts are or are not a sufficient justification for the manner in which Superintendent Carter behaved. I agree with the learned Advocate General in saying that no man shall be condemned unheard, but here not only has Superintendent Carter been heard and fully heard, but we have his advocate, his counsel, the Honourable the Home Member, placing before this Council any reason which

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could be urged on his behalf and on hearing that pleading on his behalf if the House is not convinced that there was any reason for Superintendent Carter to behave in the manner he did, then I would say that adequate punishment ought to be given to Superintendent Carter. By adequate punishment this House does not demand any very severe sentence. This House will be satisfied if he is merely reprimanded, if he is censured, for having failed to discharge his duty as he should have done, because the motive or the reason which has actuated several members of this House in bringing similar resolutions is not to have any vindictive punishment meted out to Superintendent Carter, but to see that the rights and liberties of a public citizen are protected. The question, therefore, is whether at the time when Superintendent Carter gave his order to arrest Dr. Kapadia he had any reasonable grounds for believing that the man was guilty. Even if he had a reasonable suspicion, it might be a good ground for sending him up to take a trial before a court, but that could not be a ground for detaining Dr. Kapadia in custody. Therefore, let the House consider what were the facts when Superintendent Carter gave the order that he did. Inspector Dalton says "I put up the accused before the superintendent as a witness in the theft case." Sub-Inspector Sawant, the investigating officer, has stated on oath that he had no reason to attribute any dishonest intention to Dr. Kapadia, and after that, no enquiry was made. What was it then that led Superintendent Carter to behave in the manner he did? When this House cannot find any good reasons whatever justifying his behaviour, is it not fair that it should suspect something wrong with the man demanding punishment? It is difficult to prove motive. It is not even possible to allege it at times, because human motives are inscrutable in many cases. But if on the facts before Superintendent Carter, two officers of the Police Department, one actually the investigating officer and another his superior, Mr. Dalton, both came to the conclusion that there was no *prima facie* case to put Dr. Kapadia before the court as the accused and placed him as a witness before him—the Honourable the Home Member said he was not brought up as a witness but as an accused, but here is Sub-Inspector Sawant's statement on oath that he put the accused as a witness in the theft case—if that was so, then what happened on that particular day which induced Superintendent Carter to come to a different conclusion? The learned Advocate General says if a man is found in possession of property soon after the theft is committed, the presumption of the fact is that he is either a thief or a receiver of stolen property. Of course, so far as Dr. Kapadia was concerned, it was good he was not suspected to be a thief. So, according to the learned Advocate General, the only other presumption was that he was a receiver of stolen property. Was his university degree, his education, his standing in the profession with twelve years' practice, of no consequence or consideration to Superintendent Carter? If there was a presumption, under section 114 against him, could not the circumstances of this man's life, considered with due care and caution, exclude such a presumption, especially when two police officers say he was not guilty? He had no new facts before him. Here was a respectable man, who was

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charged with the offence of receiving stolen property worth Rs. 60—I am coming to the value of the property presently—he said he had purchased it from a hawker, and if Superintendent Carter felt it doubtful, nobody says he was not justified in sending that man up to a court for trial. He could have sent him up for trial, but certainly in a case like that he ought to have bailed him out, and if he failed, the question is whether he acted with due care and caution or not. The learned Advocate General says that once he made up his mind that there were reasonable grounds for suspicion, he had no option. But the question is, in the face of the deliberate opinion of the two police officers, what was there which weighed with him and induced him to make up his mind that there were reasonable grounds? What were those reasonable grounds? Now, we have got these facts. Mr. Norris, who was a partner in the firm—the Home Member said he was merely a manager of the firm—says according to the catalogue the price was £5-5-0. Another witness says a similar English pair of scales could be had for Rs. 60. Dr. Kapadia, who had been using a similar scale for several years had bought one for Rs. 20, and on that very day it was ascertained by enquiry that another pair of scales could be purchased at that price and it was shown to Superintendent Carter, and the investigation which was made by Sub-Inspector Sawant and the other man also showed that a similar thing could be purchased for Rs. 20 or so. But the learned Home Member said that this pair of scales was in a mahogany box, and because it was a mahogany box anybody ought to presume that it was a pair of English scales. Now, supposing we are told that a certain lady resides in a palace, therefore should it be presumed that she was a princess? Because the case in which the pair of scales was sold was a mahogany case, therefore the inference must be that it was English! But, Sir, there was nothing either on the box or on the scales to show that it was English or which justified that presumption. And, when a man purchases a thing, does he pay so much attention to the box or does he pay his attention more to the pair of scales? Dr. Kapadia purchased the scales with the view that with his mechanical skill and knowledge he might be able to make the parts one complete pair of scales. He had to put weights on either side and to make it work, and, as the complainant himself says, no man would purchase it in the condition in which it was at the time. But, after all, as I have put it and as I think the learned Advocate General very tersely put it, the whole question was whether there were any independent materials before Superintendent Carter which were not before the immediate investigating officers, which could have induced any reasonable man, acting with due care and caution, to believe that a respectable man, apparently one not given to receiving stolen property and apparently one not likely to be a thief, was likely to be guilty of receiving stolen property. The answer to that question in the mind of any reasonable man would be only one, namely, that the chances were, nine to ten, that he was not guilty. It is much better, I say, that in such cases the police officer ought to exercise his discretion in favour of the subject and not use it against him. That is the whole complaint. The reason why this House has taken up the question

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is as to whether the police are going to be allowed to exercise their powers in the manner in which they have done up till now. (Hear, hear.) It is a common complaint that when strictures are made against the police, I state from my own personal experience that instead of finding the policeman punished we find him honoured. I know of two cases where strong strictures were made against policemen in the discharge of their duties and in the next honours' list we found the men honoured. It is that kind of thing which we complain of. We were grieved to hear the tone and the spirit in which the Honourable the Home Member told us what he thought of the matter. That as the representative of the Judicial Department he should have tried to justify the conduct of a public officer in that way was very regrettable. The point in short is that we are perfectly indifferent as to the amount of punishment meted out to Superintendent Carter. We only insist that if a public officer whose duty it is to protect the liberty and person of the ryot does not perform his duty properly and is guilty of gross neglect he should be duly punished. If this man was found guilty, he should certainly have been sent up to a magistrate at once. When it has been found that he has failed to do his duty, then the question is whether Government were justified in defending the conduct of such an officer in the manner in which they have done. And I am only sorry, Sir, that Dr. Kapadia should have been said to have engineered this malicious campaign. I do not want to say anything more, but in concluding my remarks I put it to the House whether a Minister responsible to this House can canvass for votes in a matter like this.

Mr. KANJI DWARKADAS : Sir, I move a closure.

The Honourable the PRESIDENT : I accept the closure. During the time that the Honourable the Home Member was absent the honourable member for Surat (Mr. C. M. Gandhi) complained that a remark had been made by the Honourable the Home Member in his speech that this case had been taken up by the honourable members here as a result of a malicious campaign engineered by Dr. Kapadia.

The Honourable Mr. M. H. W. HAYWARD : I made no such remark. I explained it in my concluding remarks that I recognized all honourable members to have been moved by absolutely correct motives. I said they had been misled by the representations made by Dr. Kapadia.

The Honourable the PRESIDENT : I think that explanation shows that no imputation upon any honourable member was meant.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association) : Mr. President, I regret to have to say that the Honourable the Home Member's reply is an exceedingly feeble one and that he has failed to make out a case in favour of Superintendent Carter. This will be quite clear to honourable members when they carefully consider the whole case in the light of the numerous details placed before them by various honourable members and of the judgment of the Chief Presidency Magistrate, upon which, as I have already said, we take our stand. I shall content myself by saying that many of the arguments advanced and the statements of facts made by the Honourable the Home Member and those who

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have supported him, are based on misconceptions and are inconsistent with the facts of the case. I am prepared, if necessary, to prove this by quotations from the detailed evidence recorded in the court of the Chief Presidency Magistrate, but shall not take the time of the Council at this late hour unless called upon to do so. I shall only allude to them from time to time, for developing my case and sometimes for exposing the absurdity of the attitude taken up by the Government. I shall only say this, and I do so with all the emphasis that I can command, that the Honourable the Home Member is hopelessly wrong in his line of defence and has totally failed to make an impression upon the House in justification of his attitude. I shall, however, be prepared to stop at any point, whenever challenged to do so, and be ready to place facts and figures before the House, in support of my contentions. If I am not thus asked to produce my evidence, I shall claim that the Government and the Council accept the grounds upon which I take my stand and form my conclusion. The whole point which the Council has got to consider is whether Superintendent Carter did or did not misuse his powers in ordering the arrest of Dr. Kapadia in view of the circumstances of the case placed before him by the two investigating officers who had come to an opposite conclusion. We must remember that they had to confess in the course of their cross-examination that all the evidence which they had collected was placed by them in their turn before Superintendent Carter. We must also remember that they had to admit that in spite of their efforts, they could not make one whole and accurate pair of scales out of the pieces—a statement which had been substantiated subsequently by the evidence of at least one member of the complainant firm. Besides all this information in his possession given to him by two of his chief responsible investigating officers, the House has got to determine what additional evidence Superintendent Carter had in his possession to justify the arrest of a respectable citizen of Bombay, whom his own investigating officers considered to be absolutely innocent. The two investigating police officers did not consider it proper to arrest Dr. Kapadia, as they rightly pointed out in their evidence before the magistrate; they did not even charge him with the offence which was subsequently brought against him. We have seen that there was thus not one particle of evidence in the possession of Superintendent Carter to justify the order that he gave of arresting Dr. Kapadia in the manner that he did. It was also conclusively proved in the course of the evidence before the Chief Presidency Magistrate, that these were the only materials that Superintendent Carter had before him, that he had no further information in the matter and that he did not even care to make enquiries as to the market value of the articles concerned. In this connection, I venture to draw the attention of this House to the fact that the practice usually followed in police cases by investigating officers is that no reliance should be placed on the invoice values. This was brought out in the evidence and is very significant, as much stress was laid on this point by the Honourable the Home Member and capital was sought to be made by the use of the argument that Superintendent Carter placed his reliance only on the invoice price. It is significant

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in the extreme that my friend the Honourable the Home Member has built his whole defence on this point. It has been seriously urged that because the invoice price of the article was Rs. 200 and because Dr. Kapadia bought it for the small sum of Rs. 12, that therefore he was guilty of dishonesty and that he must have bought the articles in question with the knowledge that they were stolen property. I say that the Honourable the Home Member has no right to come to that conclusion in view of the evidence of the other two police officers, as recorded in the magistrate's court. I wish to lay stress on this point and to draw the careful attention of the House to it, because, not only has the Honourable the Home Member referred to it, but also many of his supporters, including my friend the Honourable the Minister for Local Self-government, all of whom have relied on the invoice value of the article. I say emphatically that the invoice price of the article is absolutely immaterial and has nothing to do with the case. I therefore submit to this Council that it has been amply proved here, as it was proved to the satisfaction of the Chief Presidency Magistrate, that there was absolutely no justification in Superintendent Carter's order to arrest Dr. Kapadia; and that he was therefore guilty of very grave and deliberate misuse of power, to my mind, with some ulterior motive.

There is another point relating to the question of releasing Dr. Kapadia on bail, to which I should like to refer. This matter has been gone into thoroughly by our many legal friends in this Council; and it is clear from their opinions that there is enough discretion in law given to police officers of the position of Superintendent Carter to grant bail in cases where there does not exist any reasonable evidence of guilt on the part of the person arrested and where there are ample grounds for further inquiry. Superintendent Carter knew that the person arrested was a respectable and responsible citizen of Bombay. He further knew that he was not likely to run away. He also knew the market value of the scales at the time as reported to him by his subordinate officers. If he did not agree with them, it was a clear case for further inquiry. And still Superintendent Carter not only ordered Dr. Kapadia's arrest but also refused to release him on bail! As has been so ably pointed out by my honourable friend from Ahmednagar, even when an officer of the position of Superintendent Carter honestly comes to the conclusion that he did that Dr. Kapadia was guilty of the charge brought against him, the House is entitled to consider and decide whether there were or there were not sufficient grounds for Superintendent Carter for making further enquiries into the matter before refusing bail to him as was done in this case. Section after section from different Acts, from the Police Manual, from directions given by the High Court, and opinions expressed by various Police Commissions, was quoted to prove that Superintendent Carter had the power to give bail if he had chosen to do so. I venture to think that there is absolutely nothing in the argument that even if Superintendent Carter had desired to grant bail he could not have done so under the law. I must emphatically assert that the Honourable the Home Member has entirely failed to make out a case on this as on the

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other points which he urged. I therefore feel confident that the House will come to the conclusion, as I hope it will, that Dr. Kapadia was most improperly and unjustifiably imprisoned and that Superintendent Carter had no right to refuse to release him on bail in the manner that he did.

I ask the Honourable the Home Member in all earnestness, to consider this matter from the standpoint of the Indian members of this honourable House. I put it to him to decide for himself whether there was any legitimate ground for Superintendent Carter to act in the manner that he did, particularly in view of the very emphatic result of the investigations of his own officers in favour of Dr. Kapadia and in spite of their advice to the contrary.....

Mr. D. J. FERREIRA : I challenge the statement, Sir, that Superintendent Carter was advised by his subordinates.....

The Honourable the PRESIDENT : Is the honourable member representing the Bombay Millowners' Association going to give way to the interruption ?

Mr. JEHANGIR B. PETIT : Yes, Sir ; I have already said that if any one challenged the accuracy of my statements, I would be very glad to give him satisfaction on the point.

Mr. D. J. FERREIRA : I challenge the statement, Sir, that Superintendent Carter was advised by his subordinates that there was no case for ordering Dr. Kapadia's arrest. I have read the evidence most carefully and the deposition of Mr. Dalton, when he was asked in the police court whether he communicated his opinion that he himself believed that Dr. Kapadia had no guilty knowledge to Superintendent Carter, is to the effect that he did not communicate that opinion to Superintendent Carter because he was not asked his opinion. Similarly, there is nothing in the evidence to show that Mr. Sawant, the sub-inspector, did give his opinion to Superintendent Carter that there were not grounds enough to warrant an arrest of Dr. Kapadia. I challenge that statement of the honourable mover of the proposition. I do so on the invitation of the honourable mover himself. I am of course not admitting that the opinions of the inspector and sub-inspector were as suggested.

Mr. JEHANGIR B. PETIT : My honourable friend is absolutely wrong in thinking as he does. If he will turn to the evidence of Inspector Dalton and Sub-Inspector Sawant, he will find that they had to admit that all the facts that they had collected as the result of their investigations and the conclusions to which they had come in consequence, had been very fully placed by them before Superintendent Carter. Their evidence teems with such admissions, which I can read out, if called upon to do so, as I have the entire evidence before me here. If, however, my honourable friend, who has challenged my statement, wishes to quibble and desires to object on technical grounds to the use made by me of the word "advice," I shall not use that word. It is enough for me if my honourable friend admits that all the knowledge which those two officers had acquired as the result of their personal enquiries, along with their conclusions thereon, had been placed by them before

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Superintendent Carter, and that he had no additional evidence in his possession to justify the conclusions to which he had come in spite of the opinions of his own investigating officers to the contrary.

The Honourable the PRESIDENT: What the honourable member means to say, I presume, is that according to the law laid down by the court, to which reference has been made, these subordinate officers placed all the circumstances of the case before the Superintendent and, under those circumstances, there was no definite fact for him to justify the arrest.

Mr. JEHANGIR B. PETIT: That is right, Sir.

The Honourable the PRESIDENT: If the honourable member had put it that way, his statement would not, I presume, have been challenged.

Mr. JEHANGIR B. PETIT: The next point is whether Superintendent Carter was justified in refusing bail in the manner that he did and in putting Dr. Kapadia to all the consequent inconvenience and humiliation. I am sure that on that point the House will come to the conclusion that Superintendent Carter was not justified in acting as he did towards Dr. Kapadia.

I wish briefly to reply to certain other points which some members have tried to make and which I think are very relevant to the case before the House. A point has been made by the Honourable the Home Member and the honourable member nominated to represent the East Indian community that if Dr. Kapadia felt that he had a real grievance, why was it that he did not appeal? I cannot answer the question better than by making a similar inquiry as to why, if the Government felt that they had a very strong case in favour of Superintendent Carter as they want us to believe, they did not choose to appeal against the magistrate's decision? I say that the Government did not appeal against the decision in question because they knew very well that the case against Superintendent Carter was so strong that they could never have succeeded in clearing his character. I maintain that, that is why they did not appeal and resorted to the questionable method of overriding the decision of the magistrate by the farce of a departmental enquiry, conducted in the dark and behind Dr. Kapadia's back. Although repeatedly asked to do so, they have, for reasons best known to themselves, not chosen to place the details of that inquiry before the Council. It is now for this House to attach such importance as it may think proper to the result of this inquiry and I am sure it will take it at its proper value.

There is another point to which I should like to reply. The action of the Government in taking sides with Superintendent Carter and in sending him away in the manner that they did, when he was in the midst of his cross-examination, was, to say the least, most suspicious and deplorable. The case was tried some time in January. Superintendent Carter who was under cross-examination suddenly fainted; and ultimately disappeared with the help and concurrence of the Government. The only excuse that was advanced in justification of this extraordinary step, was

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an oral assurance given to the court by the prosecuting inspector, days after he had left the city, that Superintendent Carter was not well and had to be sent away on a long change under urgent medical advice. No medical certificate was produced at the time. The whole matter appeared to every one who had eyes to see to be a well-thought-out plan to save Superintendent Carter from an inconvenient and damaging position. The Honourable the Home Member has, however, told us now that there was a medical certificate. He has had to admit that it was given some time in April; that is fully two months after the trial and the suspicious disappearance of the Superintendent from Bombay. I put it to the Honourable the Home Member himself in all sincerity what conclusion he would himself come to under similar circumstances and whether he would not be suspicious as we are of a transaction of this character. I put it to him to judge for himself whether a reasonable explanation has been given to the House for the sudden disappearance of Superintendent Carter from Bombay when he was in the midst of the most important part of his cross-examination. I ask him to seriously consider whether the certificate of the Police Surgeon, dated the 13th April, can be properly and legitimately urged as an excuse for giving leave to Superintendent Carter in February. If the certificate is so reliable, is it not due to the Honourable the Home Member himself and to this House, that it should be laid on the table? It is significant in the extreme that he has repeatedly and deliberately refused to do so. Under these circumstances, he will have to thank himself if the House comes to the conclusion that there is something in this certificate which cannot see the light of day and which the Government would be ashamed to see exposed. I have no doubt in my mind in the matter. It is clear to me that the certificate is an after-thought, and is merely an attempt on the part of the Government not only to burk the real issue and to defeat this motion, but also to make it difficult for the House to ascertain and allocate to the Government their proper share of responsibility in the enactment of this discreditable affair.

Then there is another point of some importance, namely, the appearance of the scale. Much has been made of it and of its English origin; and it has been urged, with some show of reason, that Dr. Kapadia was wrong in buying such articles from a hawker. I think there is nothing in this point; and I am sure none will realise it better than the Indian members of this House, every one of whom must at some time or other of his life have bought even valuable articles from street hawkers. I have myself bought dozens of articles from hawkers at various times. When one makes such purchases, one never dreams of doing anything wrong, much less of buying stolen property. If by some strange mischance stolen property is sometimes traced to respectable people, it is a most dangerous precedent to establish in this country, if it is forthwith assumed therefore that such articles were bought with the knowledge that they were stolen property. In Dr. Kapadia's instance, particularly, there was not a particle of evidence to show that such was the case, and the burden of proof lay absolutely on those who maintained that it was so.

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There are many other points of minor importance, to all of which there is a satisfactory answer. But I will not detain the House any longer and shall content myself by saying that in view of the judgment of the Chief Presidency Magistrate, his remarks against Superintendent Carter and the evidence recorded in his court, the House is, in my opinion, perfectly entitled to ask the Government to adequately punish Superintendent Carter for his behaviour in this matter. It may be technically correct that the remarks of the Magistrate are merely in the nature of comments. But it is for the House to determine whether more reliance should be placed upon the comments of a magistrate who conducted the inquiry and had all the facts of the case before him, or upon the *ex-parte* result of a departmental inquiry conducted in camera and behind the backs of the public, even the details of which the Government have not dared to place on the table.

There is one more fact to which I should like to make a pointed reference; and that is, that the Honourable the Home Member in the course of his speech said that there were certain facts which Government could not possibly place on the table of the House. I venture to hope that such an argument will not weigh with this House. If the Government are in possession of certain facts upon which they have come to a conclusion different from the judgment of the Chief Presidency Magistrate, they must put them on the table of the House. Unless they do so, they have no right to expect the House to support them in the conclusion to which they have arrived. Mr. President, I repeat.....

The Honourable the PRESIDENT : There are only a few minutes more to seven o'clock.

Mr. JEHANGIR B. PETIT : I will finish in a minute. I hope, Sir, that the Honourable the Home Member, in view of the sentiments and opinions to which expression has been given in the House, both to-day and yesterday, recognise the desirability and necessity of accepting this resolution, if for nothing else, at least in the interest of the police force itself and for the good name and intentions of the Government. With these words, Mr. President, I hope the Council will accept the resolution.

The Honourable Mr. M. H. W. HAYWARD : May I reply now or on Monday ?

HONOURABLE MEMBERS : Yes, yes.

The Honourable the PRESIDENT : I think the Honourable the Home Member had better commence his speech. I am in the hands of the House.

HONOURABLE MEMBERS : Finish to-day. We will sit out—No, no.

The Honourable the PRESIDENT : I want if possible an undivided opinion on the part of the House whether we should adjourn now or continue.

HONOURABLE MEMBERS : Let us finish to-day.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I will be as brief as I can at this late hour of the evening. I understand my use of the word 'brief' in another reference has caused vexation to some of

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my honourable friends opposite. I used the word, if at all, metaphorically in reference to the honourable mover, because I know, and he knows I know, he has received instructions in this matter, very rightly, from Dr. Kapadia. I made use of the word, if at all, not in the legally strict sense, and had no intention whatever of suggesting that regular briefs had been taken by other honourable members. I merely wanted to indicate that there had been great agitation about Dr. Kapadia's case, and that the case had not been put as fully and properly by him before honourable members as it has now been put before the House. I hope this explanation will remove any misunderstanding. There was no intention whatever of calling in question the honest motives of the supporters of the motion that is now before the House.

I will also say at once that I do not wish, and that I have never wished, to cast reflections on Dr. Kapadia, or to criticize as against him the judgment passed by the Chief Presidency Magistrate. I accept as regards him the judgment of the Chief Presidency Magistrate. I have merely endeavoured to put forward the facts which were present to Superintendent Carter. Superintendent Carter was not the judge of Dr. Kapadia; he had proceeded on the facts before him, and had in his official duty as a police officer come to the conclusion he did, arrived at on those facts. He might have come to a wrong conclusion or a right conclusion. The question is whether it was a reasonable conclusion for a police officer placed in his position. I do not wish to question the ultimate result. When the full facts were placed before the magistrate, he found that the conclusion arrived at by Superintendent Carter was wrong. Honourable members know perfectly well that conclusions drawn by police officers are not always accepted by courts. I wish to emphasise this, that there are these two entirely different questions. I wish to leave aside the question of the innocence of Dr. Kapadia as it now rests in the judgment of the learned magistrate. I desire the House merely to look into the question as it presented itself to Superintendent Carter.

It has been suggested that an appeal ought to have been filed against the decision of the Chief Presidency Magistrate acquitting Dr. Kapadia. It is only in exceptionally important cases that such appeals are filed.

Rao Bahadur R. R. KALE: This is an appeal against discharge.

The Honourable Mr. M. H. W. HAYWARD: I say it is unusual to lodge an appeal even against discharge.

The Honourable the PRESIDENT: Is it of any relevance after the Honourable the Home Member's statement that the judgment is accepted?

The Honourable Mr. M. H. W. HAYWARD: I am obliged to you, Sir. I do not think I need touch that question further. But there is this further question. It was suggested that an appeal might have been lodged for expunging the remarks of the Chief Presidency Magistrate about Superintendent Carter from the records. It will be remembered that jurisdiction to do this was recently denied by the High Court of Allahabad.

The Honourable the PRESIDENT : Is that relevant here ? That was decided by the Chief Justice of the Allahabad High Court on an application made with regard to the judgment of a judge of the High Court itself, and that on the ground that a Judge of the High Court is not subordinate to that court but is the court itself. That is what I understand from reading the report of the judgment that appeared in the papers. That was not the case of any inferior or subordinate court.

The Honourable Mr. M. H. W. HAYWARD : But in any case, there would have been no point in applying to the High Court, when the matter was going to be enquired into by Government. It was admittedly the business of the Commissioner of Police to make the enquiry and see whether the remarks were justified ; it was not necessary after that enquiry to take the matter to the High Court. If such an application had been made, it would probably have met with the remark : " We are not going to be troubled with this. We have got more important things to do." I do not think it would be fair to draw any adverse conclusions from the fact that no application was made in this matter to the High Court.

It has been objected that the papers of the enquiry ought to have been laid on the table of this House. The Chief Presidency Magistrate's judgment as regards Dr. Kapadia was intimately connected with his remarks against Superintendent Carter and it was very difficult to lay all the papers on the table without appearing in some measure to criticise the judgment of the Chief Presidency Magistrate. It was my anxious desire, neither in my own speech nor in papers to be laid on the table, to seem to criticise the decisions of our courts of justice, and set a bad example to this Council. I hope honourable members will give me credit for acting solely on this ground. The Commissioner of Police's reports in parts necessarily in some degree reflect on the decision of the Chief Presidency Magistrate, and, therefore, could not properly be laid on the table of this House.

I will not deal with the facts any more because they have been fully stated. I have done my best to present the exact facts to be drawn from the papers both of the police enquiry and of the trial in the magistrate's court. I think from this statement of facts it has come out clearly that the arrest was perfectly justified. There was, at the least, a good case for making the arrest. The case has been well put in a very lucid speech by my honourable and legal friend opposite, a nominated member of Bombay. It is quite unnecessary for me to add to his exposition of the matter. It was a clear, dispassionate and judicial speech ; it has reduced the matter to its proper proportions in a far abler manner than my own remarks, which seem to have reminded some honourable members of a long pronouncement from the Bench of the High Court.

The result has been to show that the arrest was beyond doubt a justifiable arrest. But it has been urged that bail ought to have been given. Well, I think the legal position with regard to bail has also been fully cleared up, and it has been shown beyond dispute that Superintendent Carter, having come to the conclusion he did, was not competent to grant bail. I do not think any member of this House will now seriously urge

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that Superintendent Carter dishonestly came to that conclusion. He may have been absolutely wrong, but will a single member of the House say that he was not honest? The only question, therefore, is whether he would not have been more discreet if he had himself at once taken Dr. Kapadia to the magistrate. Now, it was not his duty to do so. He had ordered proceedings to be taken and it was for the inspector to place Dr. Kapadia in due course before the magistrate. It will be useful perhaps for me here to clear up some apparent misapprehensions as to the relative positions of the inspectors and superintendents in Bombay. The inspectors in Bombay are the officers in charge of sectins, or in other words, of police stations, and it is their business primarily to make investigations and conduct enquiries; but in any case in which they are not quite sure what is the right procedure to adopt and in all important cases they refer the matter to their superior officer, who is the superintendent of the division, in this case Superintendent Carter. He, as the superior officer, has all the powers of investigation and enquiry of subordinate officers. When once the matter has been placed before him, the subordinate officers are absolutely bound to carry out his orders and the responsibility is his. He has to consider the facts and he may take their opinion; but whatever their opinion it is for him to decide and if necessary to act contrary to their opinion on his own responsibility. They may be wrong or they may be right, but he has to exercise his own judgment. (An Honourable Member.: And that is why we insist on his being punished.) I do not think it would be fair to punish any man for coming to his own conclusions on his own judgment. I do not think that anything ought to be urged on such a ground against Superintendent Carter. I certainly would not myself impeach the honesty of any member of this Council for coming to his own conclusions on his own judgment in this House.

It was not then his duty to take Dr. Kapadia to the magistrate. He was not bound to do so. It is no part of his duties. But I think myself that a superintendent might well in a case like this exercise his discretion and say to the suspected man: "Well, I take this view of the case. I may be wrong; but I have taken that view, and I have no authority therefore to release you on bail. But if you wish to represent your case forthwith to the magistrate, then come along with me and put your own point of view before the magistrate." I am quite prepared to tell him that I think it would have been prudent on his part, as on the part of any other superintendent, if he had treated this matter in that sort of manner. But it was at most an indiscretion not to have done so; and I put it to the House whether it would be fair to punish a man for such an indiscretion which at most would be a mere error of judgment and in no sense whatever a breach of the law. It would have further to be remembered in this particular matter that the superintendent had long been suffering from overwork and had shortly afterwards to go on long leave for over eight months on medical certificate. And there is this further point with regard to the question of the exercise of such a discretion: that this happened in the middle of the Christmas holidays when the courts were not sitting. He could not be sure where to find the

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magistrate. It would have been necessary to trouble the magistrate at his house

Rao Bahadur R. R. KALE : In such cases, the accused are taken to the house of the magistrate.

The Honourable Mr. M. H. W. HAYWARD : So he might have taken him to the house, but it would have been disturbing the magistrate in his well-earned Christmas holidays. I do not say that he ought not to have taken him on this account. All that I say is that this is a circumstance which you must take into consideration, namely, that this happened in the middle of the Christmas holidays. But after all, as a matter of fact, Superintendent Carter did arrange for his release that very night on bail, as reference was actually made by Dr. Kapadia's brother to the magistrate. So, even if he did not make use of a discretion as he ought to have done, his failure to do so was remedied in a reasonable time and Dr. Kapadia had not to suffer the indignity of being kept during the night in custody in the police station. I quite admit that it is a serious matter for a respectable citizen to be sent on his daily rounds in company with a police officer even though of the rank, as in this case, of a sub-inspector. I should have been glad if it had been avoided. But it was at the very most the result of a mere indiscretion which does not merit a vote of censure against Superintendent Carter by this House.

I think that the matter which has now been fully enquired into and discussed ought to be allowed to rest as it is now. I therefore put it to all members that they ought to support me in this case and to abstain from voting against Superintendent Carter, and that this House ought to be satisfied with the decision reached in this matter by the Government.

(Mr. LALJI NARANJI at this point made a remark which was inaudible.)

Question put.

The Honourable the PRESIDENT : I think it impossible for me to decide the voting by the voices collected.

Dr. S. S. BATLIWALA : I demand a division, Sir.

House divided. Ayes, 49 ; Noes, 28. Resolution carried.

Division No. 1.

Ayes.

ABDUL KADIR KHAN ABDUL AZIZ KHAN,
Mr.
ADHAV, Mr. P. N.
BATLIWALA, Dr. S. S.
BEDREKAR, Khan Bahadur I. M.
BHATT, Mr. G. C.
BHURGRI, Mr. J. M.
BOLE, Mr. S. K.
CHAUGULE, Mr. ANNAPPA PHADEPPA.
CHITALE, Rao Bahadur G. K.
COOPER, Khan Bahadur D. B.
DADACHANJI, Dr. K. E.
DALAL, Sardar Khan Bahadur ADARJI M.
DALAL, Mr. D. B.
DESAI, Rao Saheb HARILAL D.
DESAI, Rao Saheb DADUBHAI P.
DWARAKADAS, Mr. KANJI.

FERNANDES, Major C.
GANDHI, Mr. C. M.
GARG, Rao Bahadur S. D.
GHOLAP, Mr. D. D.
GODAD, Khan Saheb ABDULLA AVJAL
GODBOLE, Dewan Bahadur K. R.
GUPTA, Mr. V. R.
HAJI, Mr. IBRAHIM S.
HALKATTI, Rao Saheb PHAKIRAPPA
GURUBASAPPA.
HULEKOTI, Mr. CHANAPPA CHANVIBAPPA.
KALE, Rao Bahadur R. R.
KASSIM, Mr. G. H.
LALBHAI AMBARAM, Mr.
LALJI NARANJI, Mr.
MANSURI, Khan Saheb A. M.
MODI, Sardar Davar T. K.

Ayes—contd.

MOHIDINKHAM, Khan Saheb HAJI
 HAZRATH KHAN.
 MOHOMED SALAHUDDIN K., Mr.
 MUKHI, Mr. J. P.
 MUTALI, Sardar V. N.
 NILKANTH, Rao Bahadur R. M.
 NIMBALKAR, Mr. K. B.
 OJHA, Mr. DIPCHAND T.
 PARULEKAR, Rao Saheb L. V.

PATEL, Mr. B. P.
 PATEL, Mr. J. B.
 PAWAR, Shrimant J. A.
 PETIT, Mr. JEHANGIR B.
 SAHERWALA, Khan Saheb I. A.
 SALGAR, Mr. R. G.
 SURVE, Mr. A. N.
 TRIVEDI, Mr. G. B.
 VICHARE, Rao Bahadur D. A.

Tellers for the Ayes: Dr. S. S. BATLIWALA and Mr. C. M. GANDELI.

Noes.

ADDYMAN, Mr. J.
 CADELL, Mr. P. R.
 COCKE, Mr. H. G.
 DABHOLKAR, Mr. V. A.
 FERREIRA, Mr. D. J.
 GHULAM HUSSAIN, The Hon'ble Khan
 Bahadur SHAIKH.
 HAYWARD, The Hon'ble Mr. M. H. W.
 HEPPEL, Sir LAWLESS.
 JADHAV, Mr. B. V.
 JENNINGS, Major General W. E.
 KANGA, Mr. J. B.
 KER, Mr. J. C.
 LAWRENCE, The Hon'ble Mr. H. S.
 LOBY, Mr. F. B. P.

MEAD, Mr. P. J.
 MEHTA, The Hon'ble Mr. C. V.
 MONTGOMERIE, Mr. A.
 MURPHY, Mr. S. J.
 NELSON, Mr. F.
 PARANJPYE, The Hon'ble Dr. R. P.
 PRADHAN, Mr. M. W.
 PROES, Mr. E. M.
 RAHIMTOOLA, The Hon'ble Sir IBRAHIM
 ROTHELD, Mr. O.
 SHEPHERD, Mr. W. C.
 SHIRRAS, Mr. G. FINDLAY.
 THOMAS, Mr. G. A.
 WOODS, Mr. E. E.

Tellers for the Noes: Mr. G. A. THOMAS and Mr. V. A. DABHOLKAR.

The Honourable the PRESIDENT: The Council is adjourned till 2 p.m. on Monday, the 26th February 1923.

Monday, the 26th February 1923.

The Council re-assembled at the Town Hall, Bombay, on Monday, the 26th February 1923, at 2 p.m., the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

Present :

ADHAV, Mr. P. N.
 BATLIWALA, Dr. S. S.
 BEDREKAR, Khan Bahadur I. M.
 BHATE, Mr. G. C.
 BHURGRI, Mr. J. M.
 BHUTTO, Khan Bahadur S. N.
 BOLE, Mr. S. K.
 BULLOCKE, Mr. A. GREVILLE
 CADELL, Mr. P. R.
 CHAUGULE, Mr. ANNAPPA PHADEPPA
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 DABHOLKAR, Mr. V. A.
 DADACHANJI, Dr. K. E.
 DALAL, Sardar Khan Bahadur ADARJI M.
 DALAL, Mr. D. B.
 DESAI, Rao Saheb HARILAL D.
 DESAI, Rao Saheb DADUBHAI P.
 DUBHASHE, Mr. SHANKAR BALKRISHNA
 DWARKADAS, Mr. KANJI.
 FERREIRA, Mr. D. J.
 GANDHI, Mr. C. M.
 GARUD, Rao Bahadur S. D.
 GHOLAP, Mr. D. D.
 GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH
 GODAD, Khan Saheb ABDULLA AVJAL.
 GULAMHUSEN, Mr. SULTANALI SALEMANJI
 HAJI, Mr. IBRAHIM S.
 HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA
 HAVELIVALA, Mr. M. A.
 HAYWARD, The Hon'ble Mr. M. H. W.
 HEPPER, Sir LAWLESS

HULKOTI, Mr. CHANNAPPA CHANVIRAPPA
JADHAV, Mr. B. V.
JENNINGS, Major-General W. E.
KALBHOR, Mr. G. M.
KALE, Rao Bahadur R. R.
KAMBLI, Mr. S. T.
KASSIM, Mr. G. H.
KER, Mr. J. C.
LAGHARI, Khan Bahadur KHAIR BAKSH
LALBHAI AMBARAM, Mr.
LALJI NARANJI, Mr.
LAWRENCE, The Hon'ble Mr. H. S.
LORY, Mr. F. B. P.
MANSURI, Khan Saheb A. M.
MEAD, Mr. P. J.
MEHTA, The Hon'ble Mr. C. V.
MODI, Sardar Davar T. K.
MOHIDINKHAN, Khan Saheb HAJI HAZRATH KHAN
MOHOMED SALAHUDDIN K., Mr.
MONTGOMERIE, Mr. A.
MUKHI, Mr. J. P.
MURPHY, Mr. S. J.
MUTALIK, Sardar V. N.
NELSON, Mr. F.
NILKANTH, Rao Bahadur R. M.
NIMBALKAR, Mr. K. B.
OJHA, Mr. DIPCHAND T.
PAHALAJANI, Mr. B. G.
PARANJPYE, The Hon'ble Dr. R. P.
PARULEKAR, Rao Saheb L. V.
PATEL, Mr. B. P.
PATEL, Mr. J. B.
PAWAR, Shrimant J. A.
PETIT, Mr. JEHANGIR B.
PRADHAN, Mr. M. W.
PROES, Mr. E. M.
RAHIMTOOLA, The Hon'ble Sir IBRAHIM
ROTHFELD, Mr. O.
SAHERWALA, Khan Saheb I. A.

SALGAR, Mr. R. G.

SETALVAD, the Hon'ble Sir CHIMANLAL

SHEPHERD, Mr. W. C.

SHIRRAS, Mr. G. FINDLAY

SURVE, Mr. A. N.

THAKOR of AMOD, Sardar NAHARSINGHI

THOMAS, Mr. G. A.

TRIVEDI, Mr. G. B.

VICHARE, Rao Bahadur D. A.

The Honourable the PRESIDENT : Order, order.

PRESENTATION OF PETITIONS

Khan Saheb I. A. SAHERWALA (Northern Division) : Mr. President, I request permission to lay before the House a telegram received from the citizens of Godhra which reads as follows :—

“ We rafter merchants of Godhra section not getting wagons since two months. We wired and applied railway authorities but no actions have been taken ; when we go to D. T. S., Rutlam, he insults us by closing his saloon doors and murmuring in angry tones ; we have undergone in lacs of rupees loss ; please move into the matter—rafter merchants.”

I do not know why this injustice is being done to the citizens of Godhra district.....

The Honourable the PRESIDENT : Order, order. This is not the time for debating. The honourable member, I understand, is merely presenting a petition in the form of a telegram from certain inhabitants of the Godhra district. So that may be presented. The petition presented by the honourable member for the Northern Division is from certain inhabitants of the Godhra district complaining that they are not being supplied with wagons these two months although they have been to the authorities and that therefore great hardship is caused. Is it the pleasure of the House that this petition be admitted and laid on the table ?

The petition was ordered to be laid on the table.

The Honourable the PRESIDENT : The honourable member who has presented it or any other honourable member will be at liberty to allude to the petitioners' grievances and to comment upon them, during the supply debate on the budget demands.

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST

Mr. D. D. GHOLAP : Mr. President, the resolution which I wish to move is as follows :—

“ That this Council recommends to the Government the commutation of the Maharki vatan.”

Some of my honourable friends have asked me “ What is your intention in moving this resolution which is composed in a line and a half ? What do you mean by moving this resolution ? What is the necessity of a resolution of this kind at the present time ? ” I say that they are right in asking me these questions, because not being born in Mahar families they do not know what is what in regard to these vatans. I was born in a Mahar watandar family, and therefore am in a position to know exactly just where the shoe pinches, that is to say, I have got full

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experience of the troubles that the Mahar watandars have to suffer day and night. The Mahar vatan is one of the very oldest vatans given by the past rulers to some of their subjects as remuneration for transacting some official business pertaining to the villages. No doubt it might have been a good system in those days both for the watandars and their masters. The Mahar's loyalty towards his rulers and his honesty in work is well known, and I believe the same will be the case in future also if his just grievances are redressed at an early date. Looking to the present state of the country, and of all other communities, one will find that the watandar Mahars are in a very miserable condition both in social and economic matters. The reasons are that they are unfamiliar with any industries or business but only depend on the vatans. And to my mind it is not their fault to do so, but their vast ignorance and the rigid caste distinctions in Hindu society which have kept them far below the common level of progress are to be blamed.

If any one will go to the country side and ask the Mahar who he is, and what his occupation is, he at once will say that he is a Government servant and for his services towards Government as well as the public, he will say that he has got inam lands which have been divided in small fragments and the 52 rights of baluta from the ryots which he does not know at all and gets a very little out of them in some places and in some places none at all. It is true that the Mahars do not get anything out of baluta from ryots, because this is not the time of 794 years back when the sanad of the 52 rights was granted to the Mahars by the King of Bedar at Mungi Paithan. Time is changing day by day. In times past, rain was being distributed at requisite times owing to the density of forests all over, and therefore, the ryots were having ample grain as there were no conveniences to transport the corn from one part of the country to the other. So the ryots might have been giving grain to the Mahars as baluta according to the sanad to the extent of one and one-fourth maund for each khandi. But what is the condition now? Rain does not fall regularly, which causes a famine almost every three years. Besides this, since the British period began in this country, we have got railways, roads and other means of transportation of grains from one side of the country to the other affected by famine or any other calamities. At the same time we get a very little rain owing to the destruction of forests for the purposes of cultivation resulting in the ryots having very low produce out of their lands. Also the rising prices of food grains and other commodities of life made the ryots tighten their hands in giving the balutas to the Mahars as per the sanad of 52 rights. There is a tendency to be seen in all parts of the Presidency on the part of the ryots to say "Mahars are Government servants, why should we pay them for nothing?" On the other hand, Government have declared that the Mahars are not full-time and salaried servants of Government, and that they do not come within the category of Government servants. But what is the real fact? The Mahars are not Government servants, neither do they serve the ryots: they serve the village officers and their relations in the name of public business, rather than the Government. Therefore, the

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Government do not see that the Mahars are useful to them or to the ryots. Then, if the Mahars are not doing full time Government duty helping the ryots neither, what are they doing? They are engaged day and night in doing the private work of the patel and talati, being under their influence.

Looked at from an individual point of view, I might say, Sir, that when I was receiving my primary education, several times I had attended to the private work of the village officers in the name of Government business. Once in 1910 I had been to my native place from high school owing to some holiday. My father was busy in sowing the seeds in our field. Therefore I had to go to do the private work of a patel and that work was to cut a long bamboo stick which was to be sent to one of his relations at another village at a distance of eight miles. While I was cutting the bamboo from the cluster, by the grace of God I luckily escaped from the attack of a serpent. But my misfortune was not over, as I was obliged to take the bamboo to the village where it was required very urgently owing to the Dasserah festival the same evening. What happened on the way? While I was crossing over a hill with my other colleagues taking the bamboo on our shoulders, I tumbled down the hill as it was dark and I received several wounds which have still left their scars on me.

As a rule "the heart best knows its own bitterness." I toured for the last two years almost in all the parts of the Presidency with a view to inquire of my fellow-brethren what happiness they have in their watans. What I learnt was that most of the Mahars, rather all of them, have fallen into a dilemma. That is to say, though they are the watandars having some inam lands in their possession, they are in extreme poverty, as their lands are sub-divided into parts and strips on which they cannot maintain themselves adequately. Owing to the *annewari* registration, they have clung to their small watans and do not know any industry, neither do they go to earn any daily wages, but keep up all the day long without any work, on account of the uncertainty of orders from the village officers. They do not even find time to cultivate their lands, as they are often subjected to corporal punishment by those officers, if they fail to attend to their calls. They are living from hand to mouth, often starving, ill-fed, ill-clothed. Consequently they are socially as well as economically in a deplorable condition.

There is a saying that under the British rule there is justice and mercy. But what of that to the Mahars? Are they partners in its pleasures? I am sorry to say that they are not so fortunate, but, on the contrary, they are treated worse than a common animal by the Government servants of the lowest rank and the village officers. For instance, let me say that in a village, a police sub-inspector in the East Khandesh district asked the Mahars on duty to bring some grass and other food for his bullocks without any charge, as it is a habit with these officers not to buy anything for their animals. After failing to bring the requisite amount of food, the Mahar was so bitterly beaten by the sub-inspector, that, at the end, he fell to the ground.

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In September 1921, a horse of the mamlatdar of Yaval in East Khandesh was sick. So, it had to be sent to the veterinary dispensary at Savada, which is in Raver taluka. The Mahars of Faizpur, a small town in Yaval taluka, were taking the horse to the dispensary daily. Even while they were doing all this, the talati of Faizpur did not lose his chance of taking revenge against the Mahars, as they had refused to do his private work. He misrepresented to the mamlatdar that they did not take proper care of his horse. On hearing that, the mamlatdar was excited to violent anger and made one of the Mahars to run before his tonga with fifteen cocoanuts for eleven miles in the evening. The next day he called all the Mahars of Faizpur to his *thana*, i.e., Yaval, took their thumb impressions on a document which was not read out to them, and ordered the Mahars to go to Yaval every day to salute him for one month, and failing that, they were threatened with heavy loss, the nature of which was not made known to them. Fortunately, the case was brought to the notice of the Collector of the district, who degraded and transferred the mamlatdar at once to another place.

On refusing to do the private work of the police patel at Peth in Satara district, the mamlatdar of Walwa acted upon the words of the patel and attached the Maharki inam lands last year. A schoolmaster in the same district who forgot to give his reports to the deputy educational inspector sent a Mahar who was old to a place twenty miles away, without giving him any bread. A free-school master at Vadus gave some bread to the Mahar in the evening and advised him to write to the Collector about the matter. But what happened after an enquiry was that the school master who advised the Mahar to take action was transferred to an inconvenient place as a reward for his benevolence.

In 1921, at Kodni, in the Belgaum district, the police patel sent one sepoy to the Maharwada to bring some hens for his feast. The man took four or five hens without any charge. When doing so, one Mahar offered some resistance, but the patel came to the Maharwada, forcibly entered into the house of the Mahar, and slapped him till he lay on the ground. Such instances have already appeared in the public press from time to time. There are so many instances of this nature, that it will take unlimited time to narrate them.

The Mahars being extremely inoffensive men, all lay a load on those willing horses, but no one knows the weight of another's burden. For all this trouble, do they get anything out of their 52 rights? I am sorry to say that they get on an average from Re. 1 to 8 annas per month, at some places three-fourths of an anna, and even a round zero. Therefore, thousands of Mahars are pouring into Bombay every year to work and live there, but unfortunately there also they have got the difficulty of inadequate residential accommodation, which compels them to pass their lives in a very miserable condition.

We have heard of the slave trade in America, but the Mahars of this country get actual experience of it at the present time while performing Government service. Sometimes the Mahars are taken to some work, and at the same time their wives and children to other work. While

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performing these duties, they cannot see one another for ever at times. About two or three years ago, a Mahar from Sholapur district was sent with the report of a jamadar to the taluka. But when he was crossing a brook he was drowned. The case was not brought to the notice of the Government, as the Mahars were threatened with the burning down of their houses.

In 1907, when I was about ten years old, my mother died from plague. After her death, my elder brother was attacked by plague and was lying in bed with my younger sister. One day, my father was obliged to go with a letter to another place nine miles away, leaving my brother and sister on the point of death. When he returned home in the evening as it was the rainy season and the rivers were over-flooded with water, he found that my sister had been buried. This will convince the House that the Mahars must serve even at the cost of their kith and kin, even their children. May I ask whether this is humanity?

I cannot speak more on this resolution, but leave it for the kind acceptance of this House. The watandar mahars are now quite tired of it and there is no resource left to them to defend themselves against their miserable state except the commutation of their watans. Government have commuted the kulkarni watans of about 7,000 villages in the Central and Southern Divisions alone. Also a native state in the Deccan has commuted the Maharki watan, by which the Mahars of that state are more happy than they were before. On the same basis, I beg to urge upon the Government the necessity of the commutation of the Maharki watan, as it is found that the duties of the Mahars, as part time village servants are too laborious, that their remuneration for these services is too low, and that the numbers generally requisitioned by the village officers to do the duties are too large.

By commutation I mean that the service be done away with and the land retained on payment of full assessment.

With these few words I beg to place the resolution before the Council.

Mr. O. ROTHFELD: I beg to interpose at this stage in the hope of saving the House some time. This particular subject is one with which I have considerable acquaintance. In the first instance, it must be remembered that this Mahar watan system pertains to the Deccan and Khandesh and to certain parts of southern Gujarat only. In the villages of these parts certain services are rendered by this class of watandars in consideration of land held by them in inam. In a great many villages these watandars have increased in number with the general increase in population and have sub-divided their rights and their services to such an extent, that it is detrimental to their interests and to the interest of the service itself. I would like to emphasise the fact that these sub-divisions have been made by Mahars themselves and they have not been forced upon them by any outside influence, Government or otherwise. The House will also remember that this sub-division has gone on to such an extent that it is far in excess of the land that would be required for the sufficient remuneration of the people actually required for the service. In a very considerable number of villages, there are more than

[Mr. O. Rothfeld]

the required number of Mahars for the service. What the honourable mover of the proposition intends is not conveyed by the wording of the resolution. His intention seems to be that the excess amount of land not required for the remuneration of the necessary officiators should be charged the full assessment and left in the possession of the actual holders and be treated in future as if their holdings were ordinary assessed Government ryotwari land. This is a proposition which is hardly covered by the wording of the resolution. I may be allowed to point out that this procedure he is asking for is as a matter of fact being introduced in certain districts, and to my certain knowledge in Khandesh. While I was Collector of Khandesh many Mahawatans were thus resumed, using the word resumed in its correct technical sense which covers the meaning desired by the honourable mover; this procedure was laid down in a circular issued by Sir George Curtis, then Commissioner of the Central Division and published, I think, in the year 1915; and these orders are still in force. The circular enjoins upon the Collectors the desirability of reducing the number of officiators to the minimum required and in equitable proportion resuming the excess land. What I would point out to the House is that by adopting the resolution we shall be forcing upon the Mahars a policy which will be extremely hard to a majority of them, and in their own interest it is not desirable to push forward unduly the policy of resumption. Mahars are now-a-days alive to the fact that they are losing the benefits of their watan by having too many to share it; and they are quite prepared to discuss the matter; and it is possible in a great many cases to persuade them to select out of their number the one or two required for service and to allow them to enjoy the inam. It is not possible to force general and immediate resumption on them; but it is possible to discuss with them the proposition that they are losing by the present sub-division and that by making arrangements among themselves they can profitably hold the inam lands. I, therefore, think that the honourable mover of the resolution should not try to press the resolution but should leave the question as it now stands. The Commissioner of the Central Division has already issued an order that where a watandar holds inam land in excess of what is his proper share for the services required of him such excess land should be resumed by Government. In the last sentence of his speech the honourable mover of the proposition stated that the services should be done away with and the land retained by the Mahars on payment of full assessment. He is there going beyond the possibilities of the time and taking a position which, at the present day, is not a practical proposition. If the resolution is adopted in any general sense, the result would be that the House will have to employ a large number of stipendiary servants on the same work. I do not think that in the present financial position of this Presidency either Government or this Council can contemplate such a step. And such compulsory measures would rouse a feeling of discontent and general dissatisfaction among the masses. I trust that these words will have helped to explain the position and that the honourable member will not desire to press his resolution.

Rao Bahadur R. R. KALE (Satara District): Sir, at present as the law stands section 15 of the Act provides for the commutation of watans. Such commutations are to take place with the consent of the holder. Section 5 of the Watan Act says :

“The Collector may, with the consent of the holder of a watan, given in writing, relieve him and his heirs and successors in perpetuity of their liability to perform service upon such conditions, whether consistent with the provisions of this Act or not, as may be agreed upon by the Collector and such holder.”

In the beginning the policy of Government was to commute only non-service watans : services which were not required were commuted. Now, Government have begun the policy of commuting service watans, but here they have not proceeded to take drastic action because the law states that it should be left to the willingness of the parties. So far as I am aware the commutation of kulkarni watans has also been made in the past where the kulkarnis themselves expressed their willingness to have their watans commuted. Therefore, it seems to me that this is a matter of policy, and so far as I am aware the policy is in the right direction of dispensing with the watans. If therefore the Government have launched upon a policy of commuting kulkarni watans and if as a result of that you find that a large charge is borne by the Finance Department, I see no reason why in the interest of the Mahars themselves this reform should not be pushed on. As the honourable mover has told you, the services required of the Mahars are rendered at a very small cost. You cannot get such services cheap if the watans are commuted and if you employ paid servants. At the same time you must look at the question from the Mahar's point of view. They cannot leave their villages as they are village servants and are expected to do some duty in the administration of the village. Therefore they cannot go to Bombay and earn their livelihood there. The result is that they have been obliged to stick to their own villages, and as was stated by the last speaker the Maharki inam is sub-divided into small portions and it is practically reducing the yield of the land to a very very small point indeed. If a policy is begun of reducing the services rendered to such as are absolutely necessary, I think a beginning in the right direction will have been made. At present what happens is that a large number is employed on services which are not really required, for example, carrying letters, which can be done by the post office. And one would be pleased to see the services of Mahars defined. At present what happens is, the services which the Mahars are expected to do are not defined. A standard should be laid down of the exact services that they can be required to do. If that is done, then, Sir, I believe the number of village servants will and can be reduced to a material extent. In that case the rest of the Mahars might be relieved. I therefore think that if a policy of this kind is initiated the Maharki watans will be commuted gradually.

The second question raised by the honourable mover of the resolution was regarding the *baluta*. He said that the Mahars do not get sufficient *baluta*, for reasons not known. But there again there is the provision in the Watan Act, section 18 :

“When all or any of the property of a village-watan of lower degree than that of patel or kulkarni consists of a right to levy in money or kind directly from individuals, it shall be

[Rao Bahadur R. R. Kale]

lawful for the Collector, on the application of any person interested, to cause the nature and extent of such right and of the duties to be performed, and the persons, families or classes liable to make payment and to perform the duties, to be defined in writing by a panchayat of five persons, whereof two shall be appointed by the villagers, two by the watandars, and one, who shall be sar-panch, by the Collector."

And it is provided that this decision shall be in accordance with the opinion of the majority of the panchayat. This is a very useful section. But so far as I am aware there are very few decisions of the panchayat. Indeed in my district I only know of one instance—because I had occasion to go into this matter in connection with a litigation in a civil suit. Decisions of that kind are very few indeed. If there are really any hardships the revenue authorities should get such panchayats arranged and settle the disputes. This will inure to the benefit of the Mahars and of the village community themselves. So, there is this remedy, and the Mahars themselves can apply to the revenue authorities to get their remuneration fixed in kind and their duties defined. So that is a question which really depends upon the Mahars and the villagers, and the honourable mover of the resolution can do a great deal if he awakens the Mahars in the mofussil to their rights. If the Mahars in the villages have as a matter of fact sufficient willingness to come forward and apply for their services being commuted and be prepared to have their land subjected to full assessment, then I have no objection to have their watans commuted. So, I submit the proper course will be for the honourable mover of the resolution to create a sort of awakening among the Mahars; and if Government will move, there are sufficient powers under the Watan Act by which the object which he wishes to attain can be realised.

Mr. B. V. JADHAV: Sir, my honourable friend the member representing the depressed classes has moved this resolution which unfortunately is indefinite and does not state what is wanted to be done in the matter. The discussion of this resolution will, I humbly submit, provide Government with suggestions to shape their policy for the uplift of these unfortunate people.

The Mahars are on the lowest rung of the village community. The village administration has at its head the patil and the Mahars are overburdened with work imposed upon them by all the village servants higher than themselves. This is not all. When a Government officer from the Commissioner and the Collector downwards to the pattewalla of the mamlatdar or a policeman visits a village the Mahars of that village are called upon to serve the distinguished visitor. There is no limit to the work exacted. When the officer rides into the village, his horse is at once made over to the care of the village Mahar for even grooming and the groom simply looks on and showers abusive language on the poor Mahars. The Mahar must search in every nook and corner for *harali* for the horse and always be ready to wait upon the officer and the elders of the village. I myself was a revenue officer, have travelled great deal into villages and know what their real grievances are and therefore speak with much feeling on this subject. An effort has been made in the Watan Act to settle disputes between the Mahars and others by arbitration. But I humbly submit that these provisions are not at all

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adequate and useful. The Mahars have really to do work for two masters, the village community on the one hand and the Government on the other as represented by the patil and higher officers. The Mahar is one entitled to receive *balutas* in villages and it is said that the *baluta* is given for the services rendered by the Mahar to the village community. They are as a matter of fact intended for services rendered to Government, and that is the reason for the imposition. Sir, the Mahar has to perform certain duties to the village community : therefore some imagine that the *baluta* or share in the produce is for such service. But, Sir, that share in the produce is for service rendered to Government. Had it been for service rendered to the village community, then the villagers themselves would have very willingly paid that share and there would have been no necessity of enacting any special sections in the Watan Act to recover it from the villagers. A special section in that Act says that in case a dispute arises between the villagers and the watar Mahar as to the share of the produce due to the Mahar the Collector is to go by the decision given by a majority of a panchayat, consisting of two nominated by each side and an umpire nominated by the Collector. If the Collector were to take the duty of becoming an umpire himself and not leave it to the majority of this panchayat, there would have been a fair chance of the Mahars getting justice. But as a matter of fact, he appoints one from among the touchable classes as a sar-panch, and thus there is a majority of the touchable classes on the panchayat. No prophet is needed to tell us what the decision would be. The decision is based upon the vote of the majority of the panchayat and the poor Mahars, who are not fully and properly represented on the panchayat, do not as a rule get a decision in their favour ; and this is the reason why they do not go to the Collector so often as they ought to for getting their claims recognised. The services which are required by Government from them are not really very onerous. But Government in the case of these Mahars is a very indefinite thing. From the village patel and the village accountant and the village officer generally, upwards to the mamlatdar and the Collector, everybody and every servant of Government high or low is their Sirkar and they have to render service to each of them. That is very hard indeed, and until they are freed from this thralldom no improvement in their material or social condition can be expected. My honourable friend representing the depressed classes has come forward with this resolution to show that these classes have real grievances, and wherein lies their salvation. He knows that the root cause of their degradation lies in their attachment to the watans which reduces them to servility and to slavery to the touchable classes. Until they are freed from that slavery, no improvement in their status can be expected. As I said above, the legitimate services that Government requires of them are not very onerous and therefore it will not be difficult to provide for a commutation of the watan and to make provision for those services only which are really required by Government for the administration of the village. But the real difficulty is, as long as the Mahars are there to serve, there are hundreds of men who want to exact work from them. The honourable member

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for Satara has stated how they are asked to go from village to village to carry even unimportant letters. I think, therefore, it will not be difficult for Government to provide some other agency for this kind of work from the amount that will be saved to them from the commutation of watan lands. What my honourable friend requests is that the services of the Mahars should be dispensed with and they be left in the possession of lands which they have been enjoying at present on paying the full assessment. I do not think it is an impossible or a very difficult proposition. The low and the depressed condition of the Mahars is due to their great attachment to their watan lands. These are shackles for them, but which few of them know. A provision ought to be made for those who know much better and wish to be freed from the chains of watan service. We all aim at their improvement. I do not think my honourable friend requires Government to abolish all Maharki watans at once. All that he requires is that the Mahars should be left in the enjoyment of the lands which they at present enjoy, subject to their payment of the full assessment. At present 75 per cent. is remitted on their watan land because the men who are in possession of that land have to perform certain services. If those services are not to be exacted, then, of course, no one can say that full assessment should not be levied. The Mahars who get real benefit from this arrangement will be ready and willing to pay the assessment, because in that case they will be freed from slavery and will be free to go anywhere they like and earn much more than they can get in their villages.

The watandars at present are very negligent of their lands as they can spare very little time to their proper cultivation. They do not take interest in their lands which are small strips and are not sufficient to feed them. I have therefore great pleasure in supporting this resolution which in fact is a recommendation to Government to look into the conditions of the depressed classes and to devise means as to the best way in which those conditions should be improved.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I need hardly assure the last speaker that Government fully sympathise with the condition of the depressed classes and that they have been trying to do all they can to apply remedies when opportunities arise. The honourable mover while asking for the adoption of a policy of commutation of Maharki watans, imported into the discussion a large number of instances of hardships and grievances suffered by this class. It will be apparent, Sir, that this is hardly the time when Government can take into consideration any grievances brought to their notice in this manner. If the honourable mover has any specific grievances under which the Mahars as a class suffer, he can bring them to the notice of Government, and I am sure they will be sympathetically examined.

The question before the House is a very important one. It lays down a new policy for the administration of villages. The villages as at present administered have various officers who are employed on payment by means of watan lands. The kulkarnis used to be employed on that system and a scheme has been introduced by which their services are

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commuted on certain terms. The honourable mover now desires that the Mahars should be placed on the same footing and that their watan lands should also be commuted. I should like to draw the attention of this House to the fact that that will really mean employment of village officers on monthly salaries. The whole system on which the administration of rural areas has been carried on in the past is proposed to be changed and a new system is suggested which would bring about only paid servants to carry on the village administration.

Now, I should like to invite the attention of honourable members to the fact as to what a far-reaching question it is. While the kulkarnis are few in number comparatively to the Mahars in all the villages, the commutation of Maharki watans would require close and elaborate investigation as regards the liability that will be involved. The Mahars at present are not whole-time officers of Government. They render certain services to the community also. While Government pay them by means of watans, the community pay them by means of what is called *baluta* which is not a compulsory payment in the real sense of the term. Now, if the whole system is to be changed and the watan lands are assessed at the figure of ordinary land revenue those services will have to be paid for in cash and a large establishment throughout the Presidency will have to be employed in order to discharge the necessary duties which the Mahars are now performing. The best remedy to meet the case appears to me to be the extension of the principle of village panchayats. Unless there is a local body which would control the services required, any proposal of a wholesale commutation of the Maharki watans is hardly a matter of practical politics. If the principle of village panchayats is extended very largely it will provide what is required in the altered conditions, to those which prevailed when this system came into force. It was a time when there were no railways, when there were very few road communications, the villages were self-contained units, and village economy was secured by getting work done by means of the grant of lands which are known as watans. Now a great advance has been made. Railways have been constructed. Roads have been made and the administration from headquarters is more in direct touch with villages than it was at one time. Having regard to that fact the system will have to be gradually changed. Government have provided the means of bringing that about by passing the Village Panchayats Act. And I think that this Council should direct its attention to calling upon Government to extend that Act as far as it can reasonably be done. Under that system there will be local self-government in the villages and the administration will be carried on in a manner most conducive to the interests of the village community. I do not propose to dilate on this question at any great length. I have merely to point out the difficulties that stand in the way and I should like to ask whether it would not be preferable to concentrate on the extension of local self-government in villages rather than suggest a remedy which from a practical point of view is hardly possible.

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I do not propose to go into the question as to the manner in which these Mahars are made to serve. If there are any specific grievances of the kind that the honourable mover brought to the notice of this Council and if they are submitted to Government, I am sure Government will give the best consideration to them and will try to apply such remedies as may seem necessary.

Mr. B. V. JADHAV : Will Government see their way to keep Mahars for village services in such places in which village panchayats have been established ?

The Honourable the PRESIDENT : I think that question may be put to-morrow during the question time if it is admissible.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I support the resolution for commutation or resumption of Maharki Watan if Mahars themselves desire it. At the same time I do not think that the Mahars can exchange their present slavery for freedom even if their watans are commuted, because their very position in the village economy is such that it is doubtful even after commutation whether the other upper communities or the village patil will cease to continue their unfairness especially as the Mahars are dependent on them for such things as drinking water and so on where there are no wells for Mahars.

The Honourable the Registrar of Co-operative Societies touched upon the Village Panchayats Act under which the villages would, he says, be self-governing. I rather think that this Village Panchayats Act itself is a misnomer.....

Mr. O. ROTHFELD : I was discussing the merits of the Village Panchayats Act and not the merits of self-government as has been suggested by the honourable member for Kaira.

Rao Saheb D. P. DESAI : That Act cannot mend matters in a village as the Act merely aims at establishing small municipalities, and not real panchayats as of old and that is why I say it is a misnomer. These panchayats cannot act as arbitrators or judges in small matters ; only municipal functions are entrusted to them.

The Honourable the PRESIDENT : The honourable member is rather wandering away from the point of maharki watans.

Rao Saheb D. P. DESAI : I think that commutation of their watans will not succeed in bringing the much sought relief to the watandar Mahars which is desired by the honourable mover of this resolution, but since the mover thinks that such a course will ameliorate their condition let the resolution be given a fair chance.

Mr. G. B. TRIVEDI (Thana District) : Mr. President, I thank the Honourable the Leader of the House for the sympathy he has shown on behalf of Government for the grievance of the depressed classes ; he accepts that the grievance is there and he also accepts that a new policy for village administration is necessary. I therefore think that the time has come when Government ought to lay down a new policy for village administration. I understand from his speech that the only question is

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the question of finance, that if these watans are commuted as suggested in the resolution, then the service shall have to be paid for like other services and so we shall have salaried servants instead of the present system of watans. When we have not only improved the salaries of all the servants of the State from the highest to the lowest down to the talatis, why should we be debarred from doing justice to a community which is dumb and which has been oppressed not only by the menial servants of Government but by the community itself, so that their present position is that of being ground down between two stones? I think that Government should translate their sympathy by coming forward, if not at once, at least slowly by starting an enquiry and find out what the financial liability would be and how they would be effected by the commutation of watans. They ought not to merely stop with mere lip sympathy but they ought to translate their sympathy into action by starting an enquiry and seeing whether the Mahars' grievance can be redressed by the commutation of watans and to what extent. So I would suggest as a solution that if the Honourable the Revenue Member has sympathy with the depressed classes, this resolution may be amended thus :—

That this Council.

The Honourable the PRESIDENT: Has the honourable member given notice of his amendment?

Mr. G. B. TRIVEDI: No, Sir. I would suggest this modified amendment, namely, that this Council recommends to Government to make enquiries and take steps.

The Honourable the PRESIDENT: Is it necessary to move an amendment of that character? Because since the resolution moved recommends to Government the commutation of maharki watans, it includes an enquiry and action upon that enquiry. It is not necessary to move an amendment which is substantially included in the original resolution itself.

Mr. G. B. TRIVEDI: As the honourable member, the Registrar of Co-operative Societies, stated that there would be difficulty and he asked the honourable mover to withdraw the resolution.

The Honourable the PRESIDENT: That does not touch the point of order. An amendment like the one suggested is unnecessary and therefore not in order.

Mr. G. B. TRIVEDI: I submit, Sir, if Government want to translate their sympathy into deeds, then they may start with an enquiry at once by accepting this resolution, and then come to this Council to say that if we want to adopt the new policy of liberating the Mahars from their present slavery and of actually putting them in the same line as other servants of Government, such and such will be the financial liability of Government, and then the Council will see, but I do not see why Government should not accept this resolution as it stands.

We have been told that the best solution will be the extension of the Village Panchayats Act. I am not competent to speak anything on it,

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but my fear is that perhaps the position will be worse, because you will leave them to the tender mercies of the village community who at present do not sympathise with them. Therefore, I would rather wish that Government took up this question and not leave it to the tender mercies of the village community. With these words, I hope that the Government will accept the resolution.

Mr. C. M. GANDHI (Surat City): Mr. President, this resolution, as far as it goes, has my limited sympathy. I cannot understand why Government should insist on a system of service to be taken from Mahars, when the Mahars as a body, or a majority of them, do not desire to have that service forced on them. So, in a village where the body of the Maharki watandars or a majority of them desire that their watans should be commuted and they should be freed from the obligation of service, I say it is due to Government that they should commute their watans and resume the watans as far as the watandars desire. The Honourable the Leader of the House says that if that is done, it may land us into financial obligations which we may not be able to meet. That may be true to a certain extent. But it is not right that if the watandars feel that they should be free to move about—because Government cannot have the service as cheaply on cash payments as they would otherwise do—they should insist on the continuance of this old system. But there is another side to the question. The honourable the nominated member for Satara said that watandars passionately love their lands and that they will not like to leave them. It will not be right, therefore, at the instance of the honourable mover of this resolution, that Government should embark on a wholesale policy of commutation and resumption of the watans even in places where the majority of the watandars do not like it. Therefore, I think Government should begin to take action and see that the desire of the honourable mover is carried out in all those villages where either the whole or a majority of the watandars desire it.

The Honourable Mr. H. S. LAWRENCE: Mr. President, the House has heard that this is a matter which involves the question of finance, and I feel, therefore, that I should say a word on the subject, although I admit that I am not well prepared with information on it, for this reason that, so far as I know, this is the first time that an application or a request for any general action in regard to Maharki watans has ever been placed before Government. If there is a general desire on the part of the Mahars that their watans should be resumed and some redistribution of emoluments for their service should be established, then I think the House will be very wise in recommending that a definite enquiry on the subject should be instituted. So far as I know, no such enquiry has been made in the past. Some honourable members have suggested that the Mahars are in some way compelled to retain their watans and suffer from some form of slavery. I am not aware that they suffer at all by the present system. The watans were instituted for the protection of the Mahars, not in order to enslave them. They are continued now in most places, I believe, through the desire of the Mahars that they

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should continue. If any great change is to be made, the request must proceed from a large number at any rate of the Mahars. An honourable member has suggested that Government are unwilling to take this matter up, because it may cost a large sum of money. I do not know whether there is any foundation for that statement, for I remember that somewhat similar action was taken ten years ago in regard to other village servants known in the Southern Mahratta country as *shet sanadis*. There also a large number of men were doing part-time service similar in character to that of the Mahars, and Government, on their own initiative, for the purpose of economy, reduced the number of *shet sanadis*, increased their emoluments, and made an economy in the charge on the public purse into the bargain. Another honourable member has suggested that it is only right and proper that Government should pay more money to the Mahars than before, on the ground that salaries all round have been increased. Now, Sir, that, I think, proceeds on the mistaken impression that the Mahars are in a great measure paid in cash. That is not so. They are paid in kind. They are paid by the produce that they obtain from their fields, and just as the price of food grains has increased in recent years, so also has the value of the produce which the Mahars obtain increased in value. In part also the Mahars are paid by *baluta*, that is payment, in a large part, by the villagers in kind, although in some places *baluta* has been transmuted into cash payment. So that, it is altogether a very complicated and intricate business, and it is not easy to come to any definite conclusion on the point without a considerable amount of detailed enquiry.

The honourable mover has supported his case by some pathetic personal stories of tyranny exercised over the Mahars in the villages and by subordinate officers of Government. I do not know quite how that is relevant to his case. Apparently, he suggests that there are Mahars who are unable to leave their villages, even though subjected to tyranny. It is no doubt true that it is their desire to cling to their ancient fields that keeps them there, but if any idea is prevalent that a man is confined to his village against his will by the villagers, even though he is willing to make arrangements with his fellow Mahars to enable him to retain whatever right he has in his field, and to go elsewhere for better chances of subsistence, that idea, I think, is entirely erroneous. I submit, therefore, Sir, that it is very difficult for this House to come to a definite conclusion with the information that it has before it; but I would suggest that the feeling of this community be obtained through the ordinary channel.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Sir, I rise to address the House on this question with some diffidence. Members like me who hail from the cities, who are unacquainted with the details of the matter under discussion and who do not possess first-hand knowledge of it, must necessarily find it somewhat difficult to vote for the question one way or the other without the guidance of honourable members from the mofussil, many of whom no doubt have first-hand knowledge of the matter in their possession. But, Sir, judging by the

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speech of the honourable mover of the resolution, I am inclined to think that he has made out a very good case. He has told us that a certain amount of hardship is now being inflicted on these Mahars under certain eventualities by the action of Government officials. The Honourable the Finance Member has, on the other hand, told us that this fact has no relevancy to the subject matter of the resolution before the House and ought not therefore to weigh with us. At the same time we have been told, Sir, and it has not been denied, that these watandars have got to render free service to the Government in return for the watans that they hold. When their services are thus required they are, therefore, bound to render them; and if they fail to do so, either they are liable to be punished or their watans may be forfeited. It appears, Sir, that, although the Mahars value their watans these watandars under certain circumstances are liable to be punished and ousted from their holdings particularly in the event of their failure to render the services expected of them. At the same time we have been told that there is a strong desire existing on the part at least of some of the watandars to be relieved of this liability to serve, even at the risk of being deprived of their watans. So far as the facts placed before this House are concerned—and I take it that they are accurate—I see no objection to the resolution and I cannot understand how the House can possibly reject it. If such a desire as is embodied in this resolution is expressed on behalf of some of the watandars and if it is desired that their watans should be commuted and that they should be relieved of their liability to serve in this manner, I think it is but right that they should be so relieved. I venture to think that it is an exceedingly reasonable request and no Government has any right to insist upon this system being continued against the wish of those primarily concerned in it. If there is any doubt in the matter, it may be referred to a small committee for enquiry and early report. But the demand contained in the resolution should not be shunted aside until such a committee is appointed. If the relief sought by this resolution is meanwhile demanded, I think it is but fair that it should be given to those watandars who want it, without doing any injustice either to the Government or to such watandars as choose to give up their watans and be relieved in return of their liability to serve. Under the circumstances if you will, Sir, permit me to do so, and if the honourable mover of the resolution accepts it, I beg to suggest a rider or, in the event of its non-acceptance by the proposer, to move an amendment to the resolution by the addition of the words “whenever a watandar so desires” at the end of the resolution. If this is done, the recommendation will be confined only to such watandars as demand the commutation; and not to all, as is contemplated by the resolution.

The Honourable the PRESIDENT: I quite understand: but that can be done even without the amendment.

Mr. JEHANGIR B. PETIT: The resolution recommends to Government the commutation of watans in all cases. I am trying to ask the Government to commute them only in cases where the watandar so expressly desires.

The Honourable the PRESIDENT : To commute it in all cases according to law : that is presupposed.

Mr. JEHANGIR B. PETIT : If that is what the resolution conveys, I do not propose to move any amendment. All that I wish to say is that the request contained in the resolution, if it applies only to those watan-dars who wish to be relieved of their liability to serve, appears to me to be a reasonable one, and as such ought to be accepted by the House without any hesitation.

Rao Bahadur G. K. CHITALE (Ahmednagar district) : Sir, the confusion on this question is worse confounded in the mind of my honourable friend, the previous speaker. It is natural because this has got many aspects of a practical kind. Those people concerned with this question know where they exactly stand. The patels, even though they ask for more remuneration, are not willing to part with their watan. If a watan brings in an income of Rs. 50, they are not willing to exchange it for Rs. 150 and even more. Maharki watan is also of that description. This question of joint family makes the problem still more complex. This watan is shared by officiating Mahars and the kindreds of watan-dars. This has been so for generations. Even though it might be in a particular village one or two Mahars are doing service, everybody knows it is shared by his *bhoubands*. If you convert that into remuneration in rupees, annas, pies, you will have a strong feeling against it. Another thing is that they want to get a share and that is one of the main objections of Mahars against the commutation of their watans. Under these circumstances you will realise how the problem deserves to be looked at. You cannot get rid of these old things and substitute either by way of enactment or resolution new things in their place. The whole village economy has been handed to us by tradition. Everybody is satisfied and comfortable so long as there are no ambitions or expectations raised which are not likely to be fulfilled. I put it to the honourable mover of the proposition how much reasonable remuneration he would like a Mahar to get. A village would require the service of two Mahars at least. We have got 26,000 villages in this Presidency, and we should have,—it is a simple arithmetical calculation,—52,000 Mahars for service. I am not sure what the amount will come to, but according to my calculation the least cost will be half a crore. That is the arithmetical point of view. And there is the sentimental point of view. If you try to take the Mahars' view you will find that they would not exchange the watan for any amount for reasons of sentiment. I am speaking of Mahars in the villages which are not near the towns. If any Mahar requires commutation, he can have it under the Act. The Act does not require any amendment. Under the circumstances, I do not think that any practical purpose will be served by pressing this resolution.

Dr. S. S. BATLIWALA : Sir, I move a closure.

Mr. D. D. GOLAP : I beg leave to withdraw the resolution.

Resolution by leave withdrawn.

Mr. IBRAHIM S. HAJI (Bombay City) : Sir, I beg to move :

This Council recommends that Government should add the following conditions in the license granted to the Committee of the Western India Turf Club under sub-section (2) of section 4 of the Bombay Race-courses Licensing Act, 1912 (Bom. III of 1912) :—

(a) That the licensees shall cause to run 20 per cent. races of the country-bred horses in a season in Bombay and Poona respectively.

(b) That the licensees shall offer 20 per cent. of total stakes money for races of the country-bred horses.

Sir, I move this resolution with a view to give encouragement to the improvement of the country-bred horses in this country through the Bombay race-course. Until 1912 Government had no control over the race-course, but under the Act of 1912, namely, the Bombay Race-courses Licensing Act, the race courses of the Turf Club have been brought under the control of Government, and therefore under the control of this Council. During the debate of the Bill of 1912 in this Council, His Excellency the Governor, who was the then President of the Council, said that it was absolutely essential to control race-courses so much so that he would not wish that any amendment should be passed with a view to insert the conditions of the license as part of the Act, the intention being that the Government should have a free hand to see that the race-courses are controlled effectively.

(The honourable member was inaudible at this stage and some honourable members were conversing *inter se*.)

The Honourable the PRESIDENT : The acoustic properties of this hall are poor. If honourable members cause noise by conversation it is not possible to hear speeches.

Mr. IBRAHIM S. HAJI : Now, Sir, in the resolution I am asking that conditions should be inserted in the license granted to the Turf Club to make it obligatory on them to run 20 per cent. of the races with country-bred horses and to set apart 20 per cent. of the stakes money for races of the country-bred horses. I may here give a few figures to show how inadequate has been the encouragement given by the Western India Turf Club to the country-bred horses. In Bombay 180 races were run during a season : not one of them was specially arranged for country-bred horses. In Poona 144 races were run ; out of these 89 were arranged for English horses ; 47 for Arabs and only 8 for country-bred horses. Now, in all six lakhs of rupees were given away in prizes, but only a meagre amount of Rs. 30,000 was given for country-breds.

This is the position, Sir, that one of the intentions of Government has remained unrealised since 1912, and now ten years have passed and yet they have failed to observe what the effect of that silence has been and failed to meet the public demand on the subject. Sir, from 1897 till now 25 years have passed and yet nothing has been done in the desired direction. According to the latest figures of eight races which were run in Poona last year we may safely conclude that the advance made by the Turf Club in the last 25 years was only 5 per cent. Now, we cannot be sure of the distance that we shall have to travel if we are left to the tender mercies of the Turf Club, and if Government do not ask them to do what we desire they should do, I am sure that we shall have to pass another long period of exactly 100 years before we can expect the

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club to run 20 per cent. of the races of the country-bred and 20 per cent. of the stakes money offered for the same.

Sir, in this Bombay racing season there have been about 170 events and more than Rs. 10,00,000 have been spent away by the Club as stakes money and also ten gold and silver cups for English and Arab horses. These are the encouragements that have been given for importation of horses from Australia, England, Paris and Arabia. The argument might be laid before me, where are the country-bred horses to run special races for them? I have got the figures to show that last year in Poona out of the 500 horses that ran there, there were 31 country-bred horses. If any honourable member on behalf of the Turf Club—and I am sure there are a great many in this House, particularly on the front benches—were to ask me, I would tell him that if you help and give the necessary encouragement, you shall see not 31 but 300 country-bred horses on the race-courses.

Now, Sir, I will just explain in brief what are the encouragements given to these horses. First of all, the English horses are divided into three divisions. The horses are made to run separately into three divisions, and therefore all horses of different ages and abilities are given the chance of winning the race. Secondly, they give nice training-money to the English horse-trainers as compared with the Arab and the country-breds. And thirdly, whenever a new importation of a horse takes place, that horse is brought to the race-course and special races are run for such horses. So, first of all, on their arrival they are given the chance to run first and win a race. Thirdly, a special race and the biggest race is arranged for the horses or ponies three years old and the highest stakes are given to the owners of such race horses. Therefore, we see that these horses are imported into this country in thousands. When these encouragements and these facilities are not given to the country-bred horses, I submit very few owners of country-bred horses would like to put their horses there at the race-course and send them to the race-course either at Poona or at Bombay. They cannot do it because they know very well that not a single race is run for them and they cannot send any horse to Poona because that would entail on them besides an extra cost of transportation without having any chance for a special race. These are the conditions, Sir, under which the country-bred horses are left uncared for and unencouraged.

I would remind this House what has taken place in Delhi on the 20th of last month when the inauguration of the Indian National Horse Breeders Association took place, and when the gallant member, Major-General James, the Director of Remounts in India, spoke in terms which this House would like to hear with a unanimous feeling of pleasure. He gave great importance to the question of country-bred horses, and I am sure that the Honourable Minister for Agriculture and also the Honourable the Home Member and I may also say the Honourable Member for Veterinary will take guidance from what has been said by the gallant Major-General James. He said, Sir, this—I hope I am not taxing this House if I read a little extract from his speech which I submit, Sir, is very pertinent to this question and particularly when I am quoting an

[Mr. Ibrahim S. Haji]

authority on the question, I think this House would like to hear it. The extract is as follows:—

“Every country would like to make itself self-contained in all the essentials of life and, if he were an Indian, he would never rest until he had racing for horses produced in the country at least on a level with racing for imported horses. The object was to make India self-supporting from the race horse to the hack.”

This is what he says. Then, what are the advantages to be derived from this country breed of horses? If the country-bred horses are placed on a level with the imported horses—not that they should be introduced to the exclusion of other horses, but he means equal opportunities and greater facilities and encouragement should be given to them—then, there are great advantages to be derived thereby, and he says that the object of the association was to make clear that India should be made self-supporting in the matter of our horse supply, either on the race-courses or with respect to other national wants; and it is surely proper that we should improve the breed of our horses in the country itself and so keep money in this country which is now allowed to go abroad. General James further said “Horse breeding in India was of vast importance not only in its nature as a valuable home industry but also from the point of view of the army and the defence of the country.”

This is, Sir, the gist of the whole resolution that I have placed before this House and I am sure the House will see that the 20 per cent. that I am asking for is a fair and modest demand, because I do not want to demand too much at once, because I do realise that at present there are not quite a sufficient number of country-bred horses unfortunately, either due to Government's inaction or to a want of patriotic owners of horses among our people. I do so, Sir, because there are few horses of country breed and that therefore many races will not be run of such horses and I hope this reasonable condition of 20 per cent. races of country-bred horses in a season in Bombay and Poona will be introduced in the license. Unless the license is amended in the manner I suggest the result will be that the number of races will remain the same without the country-bred horses having any chance. I therefore submit, Sir, that these two conditions should form part of the license.

The Honourable the PRESIDENT: The honourable member must raise his voice so as to make himself heard by the House and the official reporter.

Mr. IBRAHIM S. HAJI: I think if I make myself heard by the officials it is enough.

The Honourable the PRESIDENT: No, the honourable member must raise his voice, otherwise the official reporter shall have to say that the honourable member addressed the house but was inaudible.

Mr. IBRAHIM S. HAJI: If the country-bred horses are not allowed to run to the extent of 20 per cent., I am afraid there will be no encouragement to them.

After recess.

The Honourable the PRESIDENT: Order, order.

Mr. IBRAHIM S. HAJI : Before I proceed I want, Sir, to show to this House how these conditions could be put in the license that the Government have granted to the Western India Turf Club. Under sub-section (2) of section 4 of the Bombay Race-courses Licensing Act, 1912, it is enacted that the Governor in Council may withhold such license or grant it subject to such conditions and for such period as he may think fit. Now in the license that the Government have granted under this section to the Western India Turf Club one of the conditions is as follows :—

“That there shall be introduced such other conditions as may from time to time be deemed proper and necessary with the approval of the Governor in Council.”

Now, these are the powers that Government have to ask the licensees to introduce these conditions. The resolution therefore calls upon Government to put into effect the very simple remedy suggested by me not only in the races that are held in Bombay and Poona but throughout the Presidency wherever races are run. In Karachi also country-bred horses have no runs of their own and at Kirkee similar is the case, but the Karachi and Kirkee race-courses are not licensed.....

The Honourable the PRESIDENT : We are not dealing with the cases of unlicensed race-courses. So the honourable member must not wander away.

Mr. IBRAHIM S. HAJI : I am only emphasising the fact that in this Presidency country-bred horses are not encouraged. When the Bombay Race Courses Licensing Act was being enacted in the Council, the spokesman of the Western India Turf Club, Mr. W. C. Symes, said : “There is a good side to everything, even to racing. Not only does it afford an honest livelihood for a large number of people both directly and indirectly but it promotes trade and encourages the breeding.” I may now ask the champions of the Western India Turf Club to show how they have encouraged the breeding of country-bred horses. Has not General James said in his speech that “Racing in India has hardly justified its existence under present conditions because the most important races were framed for and the largest stakes were given to the imported horses”? He had to appeal to the racing authorities “to encourage breeders by the forming of suitable races with attractive stakes for the Indian horse.”

In conclusion, I most emphatically appeal to the Western India Turf Club to encourage the country-breds in the manner suggested in my resolution, but an appeal to the Western India Turf Club may fall on deaf ears ; so I ask this House to adopt the resolution unanimously.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, I wish I could understand the resolution in a more detailed form. My difficulty arises from the fact that I should like to know either from the honourable mover or his supporters how many real country-bred sires there are in the country. It is easy to use the expression “country-bred horses”, and if I am asked to give what little knowledge I possess in regard to horses, one of the country-bred horses which was prized most for speed in the olden days was Bhimthadi sire. May I know from any one in this House including the honourable mover whether we can get any really pure country breed in this country at the present time ? I am sure the answer will be very difficult. The main breeds come from England, Arabia,

[Rao Bahadur G. K. Chitale]

Persia and Australia from which you get very good ponies. But nine-tenths, you may take it from me, are hybrids, the progeny of sires imported from England, Arabia, Persia and Australia. I wish I could be assured by any honourable member of this House that even 20 per cent. of the present horses are real country-breeds born of country-bred sires. What at the present time are called country-bred horses in this Presidency are half-breeds or quarter-breeds. After all the sires are well known. My own district local board kept about ten horses—ten sires. Unfortunately, we have cut down the number to half now.

I have considerable sympathy with the proposition of the honourable mover that real country-breeds should be encouraged. I will go so far as to say that even half-breeds are better than all foreign breeds. That is another matter of course, but all that I have to say is that, after all, I have not got much faith in even half-breeds to tell the truth, or for that matter, quarter-breeds. Let us have pure breeds. You can have purity gradually, as the weeding out process is slow and difficult, and therefore great service will be done if in the first instance like all other country cattle you are able to get really good country-bred sires, the same as used to be done in the olden times when they were used in great wars and when they were supposed to be able to gallop from 100 to 200 miles at one stretch. All that is now changed and as far as everyone knows, we have been importing horses from Australia, England, Persia and Arabia and the purity of blood is lost. Under those circumstances, I do not exactly know if the honourable mover of this resolution wants that what he calls country-breeds (in my opinion he really means thorough-breeds) ought to be encouraged. Half-breeds do not deserve to be encouraged. It would only profit the horse-dealers who know the sires, who know the mares and who know the progeny and they know how a particular colt is bred. Everybody knows that there is no purity of blood available in the present day country horses and under those circumstances I would like exactly to know what is meant by the use of the expression "country-breeds" which breed is not in existence at all as I have pointed out. Like all other cattle you will find that we have got a hybrid in horses. There is not the slightest doubt that absolutely pure breeds ought to be encouraged by all means in our power, but under the existing circumstances I am afraid that unless that point is made clear this House and the honourable members of this House will find it very difficult to vote for this resolution. Somebody therefore should enlighten us as to whether we can get a really pure breed of sire in this Presidency at the present time before we can be induced to accept the proposition involved in this resolution.

Mr. P. R. CADELL: Mr. President, I rise to oppose this resolution not as an expert in horse-racing which I am not, but as a lover of the animal which is justly called noble and also as a well-wisher of the object which the honourable mover has in view, namely, the improvement of the indigenous breed of horses in this country. I will give four reasons which I hope will convince the honourable mover of this resolution and the rest of the House that this resolution is not a resolution which, if passed to-day, will do any real good.

[Mr. P. R. Cwelle]

These are the reasons. In the first place, the Turf Club is doing all it reasonably can to improve country-bred horse racing, and the assistance already offered has proved far in advance of the response made. It is perfectly true, as the honourable mover said, that there are no races of country-breds in Bombay. The reason for that is that, in the first place, the cold weather, during which races take place in Bombay, is also the season for racing in Northern India. It is in Northern India that the real country-bred horses exist, and it is very natural that the owners of such country-bred horses prefer racing in Northern India to Bombay. The second reason is that there are a large number of races for Arab ponies in Bombay, and the encouragement of Arabs is and must be for many years essential for the horse supply of the country, and therefore the Turf Club, by having races for Arabs, is doing good to the cause of horse-breeding in India. In Poona, last year, the Turf Club gave, not Rs. 30,000 but Rs. 51,000 in addition to a gold cup for racing confined to country breeds, but the result has so far been extremely disappointing. I take it from the honourable mover that there were eight races. He said that 31 country-bred horses were entered, but, as a matter of fact, only 28 horses ran in those races, that is an average of $3\frac{1}{2}$ horses per race. Now, the average for races open to English and the Australian horses is about 12, and for Arabs 17 or 18. It would be absurd to say that larger and more prizes should be given for country-breds. When the response is greater, the Turf Club will increase the prizes. Experience has so far been exactly the same upcountry, for example at Meerut, where the total value of the country-breds running hardly exceeded the amount of the stakes offered.

My second reason is that the establishment of more races of horses bred in this country without any limitation as to the description of a country-bred horse would not be the best way to achieve the object aimed at, which is to establish an indigenous breed capable of being raised by the small breeder and likely to perpetuate itself in the country. It must be recognised that some importation of foreign blood has always been necessary for the improvement of the class of horses in this country. I doubt very much whether there is any truly indigenous strain of great value in India. It is true that there are valuable indigenous strains in Kathiawar and Marwar, but it is curious that these are the regions believed to have been overrun by the Scythians who, we all know, were dependent on their horses. Anybody who has read the history of India knows that the armies of the Moghuls in Northern India depended upon the imported Turkoman and Persian horses. Similarly, the Hindu and Mahomedan kings in the Deccan depended for their cavalry on horses brought from the Persian Gulf by sea and landed at Cheul and Goa. This state of affairs has continued up to the present day. As the honourable member for Ahmednagar said, the horses in his part of the country are not really pure country-breds, as they have an Arab strain in them. The real difficulty, therefore, is to get a definition of the country-bred horse that would encourage the breeding of suitable horses in this country. The honourable mover has read extracts from the speech made by General James. He very naturally read parts of it only

[Mr P. R. Cadell]

but General James pointed out that the real crux of the difficulty of the situation was the imperfect definition of the country, and the results that followed from it. The definition of a country-bred horse means a horse got and foaled in this country. This is not a perfect definition, but it is difficult to suggest any other, as it would be impossible to trace and classify the exact amount of foreign blood in any animal, until, as advocated by General James at Delhi, an adequate stud-book is established. I may say that the same definition is used in South Africa and in the Argentine, where people are anxious as in this country to improve the local animal and not to be entirely dependent on imported horses. The result of the definition is that the horses run as country-breds in the races are really not Indian horses at all. They are born in India, but they are really English or Australian thorough-breds. They are exotics artificially nurtured, and it is very doubtful whether any of them would be used, after their racing career was over, for breeding purposes. They are in any case entirely useless for improving the stock of horses in this country. Therefore, to encourage races for them will not do much good and will not really fulfil the object which the honourable mover has in view.

The third reason is that there is a very much better way of encouraging horse breeding in this country, and that is by contribution to the organisations which have been established for that object and specially for the encouragement of the breeding of horses by small owners in parts of India most suitable for the purpose. Unfortunately, these areas do not lie in the Bombay Presidency, still there is no reason why it should not be successful in other parts of India. General James has advocated the forming of a breeders' association and the formation of what is known as a Stud-Book. That of course exists in India and Australia and the exact breeding of race horses is known. But we have got nothing of that sort here at present. The Turf Club has been doing what it can to encourage horse breeding in this country. For the past few years the Turf Club has been giving a sum of Rs. 30,000 annually for horse breeding of this nature and so much success as has attended such breeding in Upper India is largely due to that grant. Similarly, last year the Turf Club made a grant of Rs. 25,000 to the Delhi Horse Show which was admittedly most successful so far as the exhibition of country bred horses was concerned.

Unfortunately, the Turf Club will not be able to continue these contributions in the future. Government are going to tax the receipts of the Turf Club so heavily that the Turf Club will have no money over or only a very small balance. Therefore, it will not be possible to the Turf Club to go on making these contributions.

The honourable mover of the resolution and those who are likely to support him would do better if they press Government to pay over to the cause of horse breeding some of the money which they take out of horse-racing, as is done in France and Australia.

The fourth reason against the acceptance of the proposition is that it is a business proposition. Now the Government propose to tax horse-racing so heavily, it is neither fair nor prudent to prescribe the nature of

[Mr. P. R. Cadell]

the sport to be offered. No one would think of suggesting that Government should, as a condition of the grant of a theatre license, prescribe only that Sanskrit dramas or Shakespearian plays should be performed. If Government did so the public would stay away and Government will lose the entertainment tax. Similarly it is useless for Government to attempt to force a certain class of race upon the racing public, unless these races produce good entries and good sport.

For these reasons I hope the mover of the proposition will, as his object has been attained by giving free vent to the matter, see fit to withdraw the resolution. If he does not see his way to do so, the House will decline to accept so doubtful an expedient as that offered by the honourable mover.

Mr. B. P. PATEL (Ahmedabad District): Sir, I beg to support the resolution. In Gujarat and other places, horse shows used to be ordered now and then by Government, in order to encourage horse breeding by giving prizes and certificates. This practice has been stopped, owing to scarcity of money with Government as usual or something like that. Of course, cow, bull and other cattle shows are held at the Northcote cattle breeding farm at Chharodi but not the horse show at all. Now, as this is the only way which my honourable friend for Bombay (Mr. Ibrahim S. Haji) points out which remains to encourage the country-breed, I request the House to pass the resolution in question for encouraging country-bred horses. With these remarks I resume my seat.

Mr. KANJI DWARKADAS: Mr. President, the honourable the Chairman of the Bombay Port Trust in a very clear speech has conclusively proved that it is not a business proposition to accept the resolution in its present form. There is one way by which we could encourage breeding of horses. But that is not within the province either of this Council or the Bombay Government. I shall not, therefore, discuss it, but I shall just mention it without your being forced, Sir, to rule me out of order. It will be a very good thing, now that India has definitely decided upon a policy of protection, to levy a heavy import duty on horses imported for racing purposes. But it is not within our province. I am glad that the honourable member for Bombay does not want. . . .

The Honourable the PRESIDENT: It is quite within the honourable member's province to say that he will not buy any horse but the country-bred.

Mr. KANJI DWARKADAS: I do not propose to go in for horse-racing, and therefore it does not apply to me. I am glad that the honourable member for Bombay does not ask immediately for total indianisation of horses. It is not practical politics to do so. After the speech of the honourable member the Chairman of the Port Trust, I hope my honourable friend from Bombay (Mr. Haji) will withdraw his resolution.

Mr. B. V. JADHAV: Sir, horse-racing is encouraged in England and other countries although it leads to gambling on an enormous scale. It is only justified on the ground that it has done an amount of good in giving an impetus to the improvement of horse breeding. England has benefited

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immensely from the institution of races ; and the English thorough-bred is at present the best horse in the whole world. I might inform my honourable friend from Ahmednagar that a thorough-bred horse is not a horse of pure English blood. Had Englishmen cared more for purity of blood and excluded foreign blood altogether, the English thorough-bred would not have held the position it is holding to-day. The English thorough-bred is the progeny of the Godolphin Arab imported into England and English turf owes much to the Arab blood for the improvement. An improvement in the breed of horses is only possible by judicious crossing and not making a fetish of pure blood. If one insists on a pure breed, he will have in the long run to be satisfied with a poor breed. The advocates of caste are as a rule very fond of praising pure blood. I need not dilate on this subject further.

The honourable mover of the resolution admits that importation of foreign horses and especially English horses is necessary for the improvement of the country-bred. But his complaint is that too much attention is paid to the thorough-bred imported into India and the improvement of the country-bred horses is very much neglected. The honourable Chairman of the Port Trust has stated that only 31 country-bred horses competed in the Poona races. It is a very poor show, indeed. But the reason for this I think is that sufficient encouragement is not given to country-breds to attract larger numbers. If country-bred horses are divided into different classes and substantial prizes are offered, private owners will come forward in larger numbers and it will lead to the improvement of the country-breed. The stakes need not be as high as those for the thorough-bred, but they will have to be substantial to induce private owners and the small breeder to come forward for competition. Sir, the introduction of the motor car has dealt a great blow to the demand for horses. If the Turf Club does not give the necessary encouragement, horse breeding will receive a check. I do not know whether the encouragement given by the Army Remount Department will be sufficient and I claim that the Turf Club should also co-operate in this cause.

The English thorough-bred horses improved mainly because the Turf encouraged them, and I think that one might expect the same result if country-bred horses are encouraged on the Turf here. The complaint now is that the Turf Club is paying too much attention to the thorough-breds, with the result that horse owners care more, if not exclusively, for them, and do not take any notice of country-breds ; so much so that I learn from a good authority that nearly fifty lakhs of rupees are spent on the purchase of thorough-bred horses every year. I speak subject to correction, but I think the real figures are not far removed from this sum. I am told that next year a new prize amounting to nearly Rs. 60,000 will be given. I leave it to the House to imagine what the effect of offering such high prizes to thorough-bred horses will be. The owners will of course vie with one another in importing thorough-bred horses costing from one to two lakhs each. The importation of so many high-priced horses will not provide any material stimulus for the improvement of the country-bred horses. The supporters or the advocates of the Bombay

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Turf Club say that the Club is doing all that it can to encourage country-bred horses, and we are told that prizes of Rs. 30,000 and Rs. 25,000 have been awarded from the Turf Club funds for the encouragement of country-bred horses elsewhere. This shows that the Turf Club is very charitable towards the country-bred horses, outside the Presidency, but they will have nothing to do with them on their own race course in Bombay. The Turf Club will be glad to see encouragement given by race courses in northern India and in the Punjab to the breeding of the indigenous horse but they themselves will not move a finger and will not give any encouragement to the country-bred horses on their own course in Bombay.

Next to thorough-bred horses, Sir, an undue importance is given to the Arab horses. We do want Arab stallions but not in so large numbers. Some importation is necessary, but the ultimate object ought to be the improvement of the local breed in the long run and not, as has been the case, the indiscriminate importation of Arab horses and of thorough-bred horses for racing purpose only without any regard to the improvement of the breed. It is contended that the proportion proposed of 20 per cent. in the beginning will be too much and there may not be sufficient runners. I do also fear the same thing. But if the Turf Club makes up its mind to offer substantial prizes to the country-bred horses some two years hence, I have no doubt that by that time the people will not be slack in getting advantage of the offer and enough country-bred horses will be entered for the races. Therefore, I feel, Sir, that some such restriction on the Turf Club is quite necessary. It is not quite essential for good sport on the course that the races be run with the speediest horses. Slow horses will provide as much sport as the speediest horses. All the horses need not be the fleetest ones. What we want is that there should be encouragement given to country-bred horses. The principle should be accepted by the Turf Club which is getting nearly a crore of rupees every year, that it is their duty to do something substantial to help to improve the country-bred horses.

Mr. G. C. BHATE (Kolaba District) : Sir, if the race course is the only way to improve the country breed I feel no interest in it. The resolution pre-supposes that racing is to go on for ever. I do not see how the matter is a matter of general public interest if the whole Presidency is taken into consideration. If the House passes the resolution as it is it may be presumed that the whole House is in favour of continuing the races for ever. I think, therefore, a word of protest is necessary and hence I take the trouble to stand on my legs and protest against this presumption.

The Honourable Mr. H. S. LAWRENCE : Mr. President, it is suggested that money should be provided from the funds of the Turf Club for the benefit or advantage of horse breeding. Sir, to my mind, that is the correct and proper method of encouraging horse breeding. At one time, as Director of Agriculture, I had occasion to look into the breeds of horses in every part of the Presidency and I entirely agree with the last speaker that the improvement of horse breeding is not necessarily concerned with the getting of the speediest horses. The old breeds of horses in India were not famous for their great speed, but for their wonderful endurance.

[Mr. H. S. Lawrence]

In the old days these horses were used not on high roads, which did not exist, but in the wild country broken up by nullas, rocks and jungle, and the great feature of these horses was their hardiness, their sure-footedness, their ability to cover the most terrible country without coming to grief. As a consequence of generations of breeding those breeds have developed certain peculiarities of formation which are entirely at variance with the qualities which are embodied in the race horse. Now, take the Kathiawari. The Kathiawari horse could put its feet one over another in order to follow a very narrow track, totally different from the wide chested race-horse which puts its feet far apart.

Now, if you are going to breed a race-horse you have got to run counter to the tradition of generations. I submit, Sir, therefore, to this House that a far better plan would be to take advantage of the yield or income we shall derive from the Turf Club by means of the extra taxation we shall impose and utilise a proportion of it towards that object, and I would beg to reinforce the argument put forward by the Honourable the Chairman of the Port Trust and repeat his statement that, if you are going to tax, and tax considerably, a company which has charge of a particular interest, it is far more businesslike for this House to allow that company to transact its business according to its own ideas of profit and good management and then secure from them our moneys and utilise those moneys according to the method which this House considers most suited for the improvement of horse-breeding.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): I must confess, Sir, that there is very considerable force in the remarks made by the Honourable the Finance Member and the Honourable the Chairman of the Bombay Port Trust. Whilst I do so, I wish to make it quite clear however that I am not a sportsman, and do not believe in racing either as an encouragement to horse-breeding or even as a fashionable source of pleasure and recreation. But, Sir, following as I have done the debate and the remarks of the honourable members who have spoken before me, I feel that this House will be well-advised in not interfering with the details of the management of an organization which we have already taxed very fully and which we hope to tax in the very near future to a much greater extent for the benefit of the provincial exchequer. I think it will be well and in the fitness of things if they are allowed to manage their own business as they wish. If this House so wishes, horse-breeding can be encouraged in a variety of ways open to the Government, other than by a proposal of the kind now before us, which to my mind constitutes an interference with the internal working of an organization, from which a considerable sum of money is now being received, and a much larger sum is likely to be received in course of time from the additional taxation which we hope to impose. Under the circumstances, I think the House ought not to agree to interfere with the internal working of the Turf Club and ought to give effect to its wishes in the manner suggested by the Honourable the Finance Member and the Chairman of the Bombay Port Trust.

Mr. IBRAHIM S. HAJI (Bombay City): Mr. President, I would like to reply to some of the objections urged against my resolution by the Honourable the Chairman of the Bombay Port Trust. He referred to the argument that in cold weather country-bred horses have races in Upper India. I submit that is really a cold argument to urge against my resolution and one without any weight in it. When the English horses for over Rs. 60,000 of the stake money are able to come all over from Calcutta to Bombay, I am very sorry to hear from the Chairman of the Port Trust that the country-bred horses do not come forward for races in Bombay. I am very sorry that such an objection should have been urged by him in this House. Where there is a will there is a way, Mr. President, as we all know. If the Western India Turf Club wants to improve the position with regard to country-bred horses, there are a thousand and one ways of doing it. There is nothing at all in the argument brought forward by the Chairman of the Port Trust that the races in Upper and Southern India attract away lots of country-bred horses and therefore no race is allowed for country-breds in Bombay. I submit, Sir, races for English and Arab horses are arranged everywhere in cold weather, still the best ones remain in Bombay and come to Bombay, for there are handsome stakes and cups for them.

Now, Sir, another argument brought forward is that the Turf Club pays Rs. 30,000 and Rs. 25,000 for horse shows in Delhi. Now what I say is, very much more can be and ought to be spent for the country-bred horses. The honourable member took upon himself to assume that there is nobody to support my resolution. If he goes to the public, he will find that there is a very great demand in this matter, that there is a hue and cry that no country-bred horses are allowed in the races either in Bombay or Poona and they are not encouraged on the race-courses.

Now, my honourable friend, an honourable member from Bombay, seems to have been satisfied with the arguments of the Chairman of the Port Trust. He said the speed of the other horses did not justify us to include them along with the country-bred horses, that the speed of the country-bred horses was not sufficient for being included in the races. That is not the question, Sir. They are not to be mixed up with other horses. They are separate horses by themselves. The people who assemble at the race-courses in large numbers assemble there with one fundamental object of betting and trying to get money, and I am sure they do derive as much sport from English and Arab horses as they would from the country-breds provided the totalisator is allowed to move. My honourable friend for Kolaba said that my resolution might result in perpetuating races in this Presidency. I assure him that, if it were in my power or in the power of this House to stop the races to-day, I would have moved that resolution at once. That would mean the turning of a very strong machinery and it would, in the present circumstances, be most difficult to bring a resolution or amendment of the Act to stop the races. But, as long as the races go on, I am sure the honourable member for Kolaba would agree with me that such country-bred horses should be allowed to run, at least up to a certain percentage as recommended in my resolution.

[Mr. Ibrahim S. Haji]

The Honourable the Finance Member mentions that the management of the company (the Turf Club) should not be disturbed and that this House should not dabble with the internal arrangements of the company. But, Sir, it is not a new thing that I am suggesting in my resolution. This question of country-bred horses has been brought forward by the public from time to time. At the race-courses the most pernicious attempts take place to discourage country-bred horses and things have gone to such an extent that some action on the part of Government and this House is called upon. My honourable friend Mr. Petit has done a mistake in considering that what the Honourable the Finance Member has said is reasonable. If the honourable member from Bombay had studied the question more deeply, he would have known that the Turf Club is not managed by a company on business lines, like export and import businesses, and he would not have agreed for a minute with what the Honourable the Finance Member said in that connection. If he had studied carefully the Act, III of 1912, which treats of the powers of the Government with regard to licenses to run races, he would have seen that it is very essential that the Turf Club should be made to encourage country-bred horses in the manner I recommend, and I am sure, Sir, that with the reply I have made to the various objections the House will still see that my resolution is for the good of the country-bred horses, and for the country.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I do not propose to offer many remarks on this resolution. But I do wish to express my entire sympathy with the objects which my honourable friend the mover and my honourable friend sitting next him have in bringing forward this resolution before this House. I would, however, suggest at the same time that this matter is really a matter more closely connected with local self-government than with the department of Law and Order and the Police. I have admired very considerably the prudent silence of the Honourable Minister in charge of the department of Local Self-Government. He has not got up to offer us any of his lakhs of rupees towards the improvement of horse-breeding. He has left it to be done by means of the bludgeon powers vested in the police. I submit, Sir, that that is not the right way of improving the breed of horses in this country (laughter). I submit, Sir, that it would be utilising this particular Act which has been introduced for regulating race-courses for purposes other than those for which it was intended by the legislators who passed it into law in a previous House. I have examined the sections of the Act with care and it is quite true that the provisions are exceedingly wide and it would in all probability be quite within those provisions to make the conditions required by the honourable mover. But I would invite his attention to this fact that they were not among the objects and reasons with which the bill was introduced in the previous House. If he will refer to the objects and reasons in the book which he was so good as to lend me a few moments ago, he will find that the enactment was due to the fact that there had been serious gambling on the Poona and Bombay race-courses and that it was thought necessary to stop it by bringing race-courses under the control of Government.

Mr. IBRAHIM S. HAJI : I would point out that the words are :

"Whereas it is expedient to make provision for the regulation of horse-racing in the Bombay Presidency."

The Honourable Mr. M. H. W. HAYWARD : I read also those words, Sir, that are now quoted to me by the honourable member. The words are not "horse-breeding;" they are "horse-racing." I think I was correct in saying that the object was to bring racing under the control of Government.

I won't repeat the arguments which have been adduced by previous speakers. I will simply emphasize this that the Western India Turf Club is already doing a very great deal towards the objects for which the honourable mover has moved this resolution. They have found from experience—actual experience has taught them—that owners and breeders will not bring their country-bred horses to races in Bombay and that that is why they have no longer been offering prizes and attractions to owners of country-bred horses to bring them to Bombay. They have tried and they have found that there was no response. It was no use therefore putting these prizes into their races, prizes which would not attract racing. They have therefore left them for some time out of their racing programme for the Bombay season. On the other hand, they have given considerable encouragement to horse-breeding in this country and financial assistance to up-country races where the owners and breeders of country-bred horses prefer to take their horses to race. They have given funds towards horse shows held in order to encourage the country breed of horses. They have given Rs. 25,000 for the Delhi Horse Show. They have given Rs. 30,000 towards up-country races for the encouragement of horse-breeding in India. They have also given not less than Rs. 51,000, last season in prizes and a gold cup valued £100 for races for country-bred horses during the Poona season, and notwithstanding the offer of these valuable prizes the results have been exceedingly disappointing even in Poona. It is therefore quite clear that the Turf Club have this matter very much in view and are quite as anxious as the honourable mover for the improvement of country-bred horses in India. I think, therefore, for these no less than the good financial reasons mentioned by other speakers on this motion that it would be just as well to leave this matter of arranging their programme of races in Bombay and in Poona to the experienced racing men who form the committee of the Western India Turf Club. It would be much wiser than trying to tell them how to fashion their programmes and to invite the failure which would inevitably result if the programme were drawn up by an inexperienced committee of this House.

Question put and lost.

The Honourable the PRESIDENT : Mr. Surve, Resolution No. 1.

Mr. V. A. DABHOLKAR : Mr. President, before you ask the honourable mover to move this resolution may I be permitted to rise to a point of order? The honourable mover wants this Council to recommend to Government not to recover the amount of money—which is to be recovered—from the citizens of Bombay in connection with the disturb-

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ances which took place in November 1921 at the time of the Royal visit.

There are two points that I am going to raise. The first is, Sir, that this compensation which has been awarded is being recovered under the law of the country, and my point of order is that unless that law is amended Government cannot be asked not to recover the amount. Secondly, that the honourable mover makes no provision in his resolution for returning the money in the cases of those from whom the money for compensation is recovered.

The Honourable the PRESIDENT: What is the point of order?

Mr. V. A. DABHOLKAR: It is this that unless this law is amended.....

The Honourable the PRESIDENT: Does the honourable member mean that Government have no power to do what the resolution recommends under the existing law?

Mr. V. A. DABHOLKAR: Government have not got any power unless the law is amended.

The Honourable the PRESIDENT: Under what section?

Mr. V. A. DABHOLKAR: Section 45, Sir.

The Honourable the PRESIDENT: Section 45 makes it obligatory on Government to collect the money, *volens volens*. Is that so?

Mr. V. A. DABHOLKAR: I think under that section this notice of motion of Mr. Surve is out of order.

The Honourable the PRESIDENT: What has the Honourable the Home Member to say to that?

The Honourable Mr. M. H. W. HAYWARD: I submit, Sir, that the point stands like this. Section 45 invests the Chief Presidency Magistrate and the Chief Presidency Magistrate alone with the power to hold an enquiry and determine the amount of compensation and to require the Municipal Commissioner (not the Government), the Municipal Commissioner, to recover such compensation and no power is vested by this section in Government at all except in the last two lines of clause (b) which says "subject to any general or special orders of the Governor in Council in this behalf". No general or special orders have been passed in this behalf by the Governor in Council.

The Honourable the PRESIDENT: That is what the honourable mover seems to suggest by his resolution, as I understand it.

The Honourable Mr. M. H. W. HAYWARD: I think the point of my honourable friend is this that the Chief Presidency Magistrate submitted his proposals to Government and asked whether they wished to issue any general or special orders in this behalf. His proposals were examined and he was told "no, Government did not propose to pass any general or special orders." I think my honourable friend means that having once exercised that discretion it is not now open to revise it on the part of Government.

Mr. V. A. DABHOLKAR : My second point of order is this : he says "which is to be recovered from the citizens of Bombay"; also he says "not to recover the amount of money which is to be recovered, etc., etc." I ask, in case if some portion of this money is recovered, what is to be done to that money ?

The Honourable the PRESIDENT : It is for the Council to decide whether the resolution is absurd and it will not have it. The first point raised is really a point of order, the second is not. I will however allow the honourable mover to move his resolution subject to any ruling I may deem fit to give on hearing him.

Mr. A. N. SURVE (Bombay City, North) : I thank you for giving me permission to move this resolution which reads as follows :—

"This Council recommends to Government not to recover the amount of money—which is to be recovered—from the citizens of Bombay in connection with the disturbances that took place in November 1921 at the time of the Royal visit."

What my resolution seeks to do is to exempt the citizens of Bombay from the levy of taxation and I bring this resolution before this House for some special reasons. Those special reasons are that in Bombay there exists a contractual relation between the municipal corporation and the Government under the Police Charges Act.

The Honourable the PRESIDENT : I am now able to rule that the point of order raised falls not under clause (2) but 1(b) of the section. It is the Chief Presidency Magistrate who has to move and then only the power of the Government can be exercised. That clause does not contemplate a whole class but only individual persons and therefore what applies here is sub-clause 1(b). I understand the objection raised is that the provisions of this sub-clause have already been complied with and that therefore the Chief Presidency Magistrate and the Governor in Council are *functi officio*. Is that so ?

The Honourable Mr. M. H. W. HAYWARD : Yes that is the point, namely, that the Chief Presidency Magistrate has already given some directions and those directions have been given in accordance with and subject to the general or special orders of the Governor in Council. The Chief Presidency Magistrate was told that his proposals were accepted by the Governor in Council.

The Honourable the PRESIDENT : But there is the other difficulty. The direction is to be given by the Chief Presidency Magistrate and the Chief Presidency Magistrate, having exercised his function, cannot ask again. Will the Honourable the Home Member consider that matter ?

The Honourable Mr. M. H. W. HAYWARD : I do not think that we can give directions to the Chief Presidency Magistrate if he does not choose to come to us with proposals.

Rao Saheb HARILAL D. DESAI (Ahmedabad City) : I may mention that in the case of Ahmedabad such a levy was made on the occasion of the visit of the Duke of Connaught but the whole fine was ordered to be remitted under the same Act.

The Honourable Mr. M. H. W. HAYWARD : Not under the same Act. This is the City of Bombay Police Act which is entirely different from the District Police Act.

The Honourable the PRESIDENT : What are the provisions of that Act ?

The Honourable Mr. M. H. W. HAYWARD : The Act is not with me at this moment, but the provisions are entirely different.

Mr. A. N. SURVEY : My submission is that orders under the police section are administrative orders ; they are not judicial orders. When the particular officer passes judicial orders, his power is exhausted. This being an administrative order, Government has the power of revising them any number of times, and Government have actually done so in the case of Ahmedabad. The orders were passed by the Magistrate of Ahmedabad. Some portion of the fine was recovered, but a certain amount remained to be recovered.

The Honourable the PRESIDENT : What happened in Ahmedabad ?

The Honourable Mr. M. H. W. HAYWARD : I can explain what happened. I can say from my memory of the facts that the compensation was assessed under the Mofussil Police Act. The money was collected and actually paid to all the people who were entitled to compensation. Now, there were some other people entitled to compensation, namely, the municipality and the Government. The municipality failed to collect any further portion of the money for a long time, and so it was thought that it would be as well to forego the collection of any further tax, because the municipality and the Government were the only persons concerned, and so the amount that was due to the municipality and to the Government was remitted by Government.

Mr. C. M. GANDHI : That was also the case in Nadiad.

The Honourable the PRESIDENT : I see that section 45 of the Bombay City Police Act is quite different from section 25A of the District Police Act.

The Honourable Mr. M. H. W. HAYWARD : May I invite your attention to clause (4) which says that every declaration, assessment, direction or order made by the magistrate of the district is subject to revision by the Commissioner ? There is no such provision in the Bombay City Police Act. There, there is a special power of revision by the Commissioner. There is no such provision in the case of Bombay.

The Honourable the PRESIDENT : " Every declaration, assessment, direction or order made by the magistrate of the district is subject to revision by the Commissioner. "

The Honourable Mr. M. H. W. HAYWARD : It does not apply to Bombay. In Bombay there is no power of revision vested in Government.

The Honourable the PRESIDENT : Does not the absence of such a section in the Bombay City Police Act rather tend to show that Government has still got the inherent power to revise so long as the Act has not taken away that power.

The Honourable Mr. M. H. W. HAYWARD : I submit not, Sir. Unless there is express authority, I think Government cannot intervene.

The Honourable the PRESIDENT : It is an administrative order. To-day it may be very convenient for Government to say that they have no power to prevent this money being collected. To-morrow a miscarriage of justice may occur and it would be very wrong and tyrannical for me to hold that once Government have given a direction, it is final. There must be authority somewhere to revise administrative orders and save hardship.

The Honourable Mr. M. H. W. HAYWARD : Government have not been specifically vested with the power of revision.

The Honourable the PRESIDENT : As the paramount authority Government have the power unless the Act expressly says it has not. I have nothing to do with the merits of the case, but on a point of order I think Government, as the final authority, have the power to revise by a general or special order from time to time. Whether it has or not as a matter of law is for the courts to decide ; my ruling is only for the purpose of letting in the resolution to be moved and decided as the Council think fit.

The Honourable Mr. M. H. W. HAYWARD : I think you understand, Sir, that the Act applies to the mofussil and not to the city of Bombay.

The Honourable the PRESIDENT : No ; we are now considering the citizens of Bombay.

The Honourable Mr. M. H. W. HAYWARD : As regards the mofussil, formerly the wording was " Government. " The power has now been delegated to the Commissioner. There was before express authority for Government. My point is that there being no express authority in the Bombay City Police Act, we cannot assume that there is any authority in Government.

The Honourable the PRESIDENT : I cannot bind any one beyond this House by my interpretation of the Act. All I have to decide is whether the resolution should be allowed to be moved. I think *prima facie* Government have power in their executive capacity under this section. Government is the paramount authority, and so long as the Act does not curtail that authority, the powers are reserved.

The Honourable Mr. M. H. W. HAYWARD : When the order is made by the Chief Presidency Magistrate and not by Government ?

The Honourable the PRESIDENT : I am not a court of law. I can only, on a point of order, say whether this House has the right to debate or not ; whether the Government have the power or not is a question which may be left to this House to decide. If the House decides that Government have power, the decision cannot bind any one. It is the courts which alone can give a binding decision by interpreting an Act.

Mr. A. N. SURVE : Bombay stands upon a separate footing. The corporation was under the obligation of paying the police charges.

The Honourable the PRESIDENT: Let the honourable member please confine himself to the resolution.

Mr. A. N. SURVE: I merely wanted to point out that, since the Act has come into force.....

The Honourable the PRESIDENT: We have nothing to do with the police charges.

Mr. A. N. SURVE: Government have taken the responsibility of preserving law and order, and it has been their duty to discharge it. Another reason is that there was an error of judgment on the part of the officer who was entrusted with the responsibility of preserving law and order. The next reason is that if the compensation is not fully recovered the injustice becomes very glaring. Lastly, Government have the power to give such orders as this resolution contemplates. I shall now come to the first point.

The Honourable the PRESIDENT: This resolution, if it is carried, will mean that, if the Government have the right to exercise, they should exercise their power. That is the effect of my ruling. It does not at all come in as a ruling on a point of law, because I am not a court.

The Honourable Mr. M. H. W. HAYWARD: I quite recognise your difficulty, Sir.

Mr. JEHANGIR B. PETIT: On a point of order, Sir, can a matter decided by this Council be taken to a court of law?

The Honourable the PRESIDENT: The House cannot interpret a law and enforce it. That is for a court of law. The courts are the binding authority. We make laws; the courts interpret them; and the executive enforces them.

Mr. A. N. SURVE: I was saying that the police force of Bombay was not adequate. At the very second session of this Council, *i.e.*, ten months before the riots my honourable friend the member for Bombay (North) (Dr. Batliwala) moved a resolution recommending the following:

"This Council recommends to the Governor in Council that in view of several dacoities and thefts recently committed in Bombay, he will be pleased to take steps to replenish the depleted police force and if necessary to increase the same."

That resolution was accepted by Government in February 1921. At that time the Honourable the Home Member stated in open Council that he was quite prepared to accept the resolution if he was allowed to make a short statement. This is the statement he made:

"We have already improved the scale of salaries of the police in order to obtain the recruits necessary to make up the 500 or so vacancies at present in the City Police force. . . . We are therefore quite ready to accept the resolution and to do our best to make the police force sufficient to ensure law and order in the city of Bombay. We accept the resolution readily in the confidence that when we have ascertained how many more men we shall want, we shall immediately get handsome grants of the money necessary from this Council."

Now let us see how far Government have carried out their promise. The sanctioned strength of police officers in the year 1920 was 195, but actually there were 190 officers; in 1921 the sanctioned strength was 196, but there were actually 190 officers. The sanctioned strength of police force was 3,546 in 1920 but there were actually only 3,058 men; in 1921

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the sanctioned strength was 3,538 but there were only 3,312 men. That means that the force was less than the sanctioned strength by more than 200.

Let us now consider the next point, viz., that there was an error of judgment on the part of the officer who was entrusted with the responsibility of preserving law and order. See what the Administration Report of the Bombay Presidency for the year 1921 says on page 7 :

“ Ever since the news had been received in India that the Prince of Wales would visit the country in the cold weather, Mr. Gandhi had preached a boycott of the visit. This had been taken up by the extremist press and as the time for the arrival of the Prince drew near the campaign developed in intensity. Posters and pamphlets, leading articles, correspondence and advertisements in newspapers, meetings and addresses of protest and all the vast machinery of the Congress propaganda organised was directed to this end. The Bombay Provincial Congress Committee on October 7 resolved to organise ‘ a complete hartal ’ and to bring about ‘ by all possible means ’ a boycott of the visit. ”

And still what were the arrangements made by the police at the time the Prince of Wales landed ? At that time the city was denuded of all the police. I am not making a statement of my own. There is a statement to that effect in the Administration Report of the City Police. It reads thus :

“ Owing to the fact that the City was largely denuded of Police in connection with the arrangements of His Royal Highness the Prince, the rioters had their own way more or less for a time. With difficulty the Police made their way back to their various sections and got to work. ”

In view of the fact that the Congress party was trying to bring about a fiasco, was it proper for the officer to denude the city of all the police ? You will thus see that proper steps were not taken to put down small outbreaks if they should take place. This fact is a glowing testimony to the incompetence of the officer concerned. Not only that but when an outbreak did actually take place, what he did will be found at page 7 of *Bombay in 1921-22*. The passage is :

“ About 8 a.m.,—” that is on the day the Prince of Wales arrived—“ trams were stopped on the Ripon Road, and by 9-30 a.m. these attacks on trams had spread south as far as Bhandi Bazar. At 10 o'clock some boy scouts were held up near the J.J. Hospital and a Sub-Inspector and four constables who went to their assistance were assaulted and injured by a violent crowd which then attacked the Nagpada police station ”

Trams were attacked, people were held up and yet the only thing done was that one sub-inspector and four constables were sent to put down an outbreak. Sir, is this not a grave error of judgment on the part of an officer charged with preserving law and order ? It was known that meetings were held at several places ; posters were put up in the city ; and yet the police took no notice of that agitation. Then, on the last day a bonfire of foreign clothes was lighted near the Elphinstone Mill. The police knew this was bound to excite and inflame the minds of the people, and yet it took no steps to prevent it. I say, for these reasons, that the officer committed a grave error of judgment in not taking sufficient precautions to check any disorder that might take place. Another point is that there is section 10 of the City Police Act, which authorises the Commissioner of Police in time of emergency to appoint special police officers. There is no question of money here or sanction of Government either. The Commissioner could have appointed special police officers under this

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section to preserve order and peace, and still he failed to do so. You will find in Volume V of our Council Debates at page 53 a question asked by the honourable member for Thana :

“How many special police constables were enlisted during the recent Bombay riots ?”

The reply to that was :

“No special constables were enlisted during the riots in November.”

Sir, these are the arrangements that were made to preserve law and order.

The Honourable Mr. M. H. W. HAYWARD : Sir, I rise to a point of order. There is no quorum at present in the House.

Honourable MEMBERS : The bell may be rung.

The Honourable the PRESIDENT : I will wait for two minutes. (Taking a count after two minutes). There is a quorum now. I have already warned honourable members that if a count is taken and a quorum is found wanting, the motion and debate in hand fall to the ground. It is the duty of the member in charge of the motion which is under debate to see the House going. If it is Government business, it is the duty of the Government to see that the House is kept going ; or else the business in hand falls. The debate cannot be treated as an adjourned debate once it falls to the ground for want of quorum.

Mr. A. N. SURVE : Sir, the Government have failed in their duty, and therefore Government cannot ask the citizens of Bombay to make good the damages caused.

I shall now refer to the next point, *viz.*, the inequality of taxation and the injustice it causes. In cases where compensation is levied, it is levied from those persons who never joined or had any part in the disturbance : they are penalised for the faults of some one else. Only those persons who are amenable to legal processes are made to pay and the others go scot free, *i.e.*, those who are law-abiding are penalised and those who are not, the law takes no notice of them, which means the innocent are punished and the criminals go unpunished. Therefore the injustice becomes all the more great. Take the instance of Ahmedabad, where there was a disturbance in 1919. The people who were asked to compensate were classed into three groups : first, the income tax payers ; secondly, the manufacturers and thirdly all the people living within the municipal area. The income tax payers had to pay their share ; the manufacturers had to pay their share ; but the municipality did not recover the share of contribution, and Government were obliged to remit that amount. This example strikingly illustrates that the levy of compensation results in arbitrariness and injustice.

Then, Sir, the last point to which I shall refer is that the Government has power of ordering the Commissioner either to recover the tax or to remit it, because sub-section (1) (b) of section 45 states :

“The Chief Presidency Magistrate shall require the Municipal Commissioner by addition of a general tax..... subject to any general or special order.....”

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Now, I do not know whether Government have passed this order or not. Whether Government have passed it or not, the point is this, that I have placed sufficient material before this House and I request it to recommend to Government that in view of failure of duty on its part in not maintaining the police force at its sanctioned strength and the error of judgment and carelessness of the officer concerned in not taking necessary steps in preventing an outbreak, it is not just and equitable, to ask the citizens of Bombay to contribute compensation for no fault of theirs. In this case the order of Government is an order in its executive capacity. Such an order Government revise any number of times and we have the instance of Ahmedabad, where Government have revised their order and remitted the compensation that was to be levied.

Then, before I resume my seat, I would like to draw the attention of this House to the statement made by Sir Charles Ollivant, who was the member in charge of the bill when it was introduced. At that time the present Honourable Leader of this House had taken a very strong objection to this particular section, and thereupon Sir Charles Ollivant had stated as follows:—

“It is curious that a clause which is never likely to be resorted to should cause the greatest amount of discussion and I must admit that the chief reason for insisting upon this clause is that we are simply doing in this bill what every police bill in India has done. We follow exactly the same principle as is adopted in earlier Acts. I cannot understand the argument about inequity.”

The honourable mover at that time said that this section was never likely to be resorted to. I request the attention of the House to this statement.

Sir, I request the honourable members of this House to support my resolution because a point of principle is involved in it. This is not a resolution to be neglected because it affects only the Presidency town and not the mofussil. Whether Government should be made to fulfil their duties or not—that is the question involved in it, and therefore I hope that this honourable House will accept my resolution.

Mr. V. A. DABHOLKAR : Mr. President, I am sorry to say that the honourable mover of this proposition will encourage dacoities in the city of Bombay if it is passed. We have not forgotten or I should say that the words are still ringing in our ears when it was expressly desired that the police force in Bombay should be increased when the budget was being discussed and now when it is a question of compensation to be given to the families who have actually suffered on account of these dacoities, the honourable mover is coming forward to recommend to Government for not giving this benefit to them. The first point that he made was this. He puts all the blame upon the police of Bombay. He said that the police failed to discharge their duties. The honourable mover will be pleased to know that at the time of the arrival of His Royal Highness and his stay in Bombay, there was a large number of up country police brought into Bombay and also the military was assisting the police for restoring peace and order. So the honourable mover will now realise that the police did not fail to discharge their duties. Mr. President, when a political riot like this is organized, it is very difficult for the police

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to take precautions beforehand. The honourable mover must be well aware of the state of the city when riots after the labour strikes take place. Though the police are on the alert and are not engaged for regulating the traffic for the procession of His Royal Highness, yet without the help of the military these things are never put a stop to. So his argument is that because the police were engaged in the procession and other things the city was looted and damaged by the rioters. These political rioters made their attacks on three—the Europeans, the Parsis and the sellers of liquor. The attack on the lives and properties was clear because the picketing of the liquor-shops had failed and they wanted to do harm to the liquor trade in Bombay. May I know from the honourable mover of this proposition whether, if such liquor-shops are burnt and looted, this Government should sit quiet without giving any compensation for the loss of property to those liquor sellers and others who have suffered. Sir, I can even point out instances like this, that an innocent Parsi gentleman, who simply came out of his house before taking his meals to see what the crowd had collected for in front of his house at Bellasis Road, was dragged, stabbed and done to death. If the honourable mover is going to encourage such state of things by stopping compensation and putting the family of that poor Parsi in a state of poverty, by the death of the breadwinner, I think the Council should throw out any sort of resolutions as the one moved by the honourable mover. Mr. President, if the method of collections is wrong, and I understand that the burden will fall on innocent persons who have taken no part in the disturbances or riots, the wise course for him was that when he admitted that these were political riots, and as the political party are responsible for these and they had collected a large fund for Swaraj, he should have suggested that the compensation be given to the suffering citizens from that fund; and this would have been something sensible. But here, Sir, he is ready, in spite of the state of things like the one we had to come forward for stopping the payment of compensation and wants the poor suffering people to be left uncared and unprovided for.

Mr. President, an instance is quoted of Ahmedabad, but as the Honourable the Home Member has pointed out to this House, only in the case of Government and municipality the damages were not paid because the money was not fully recovered and whatever small percentage was recovered was insufficient and so returned; but the citizens were compensated. Mr. President, I bow to your ruling when you say that this question is rather a doubtful one.

The Honourable the PRESIDENT: I have no doubt so far as my jurisdiction on a point of order is concerned, whatever the correct interpretation of the law as to the power of Government be.

Mr. V. A. DABHOLKAR: Even assuming that there is a doubt in the mind of this Council the benefit of the doubt should go in my favour and against the resolution. Mr. President, let us think of the difficulties which would be created if this resolution is passed by the Council.

Mr. G. B. TRIVEDI (Thana District): Sir, although I do not think that I should like to charge the provincial revenues with the compensation

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money that has to be given to those who have suffered in the Bombay riots, I certainly think that there is much force in what the honourable mover of the resolution has said. The whole point is, Sir, that the police authorities failed to keep law and order in the city although they had very forcible notice that there would be something untold. The honourable mover has proved from the Administration Report by reading extracts therefrom that Government themselves admit that they had many forebodings of the happenings that took place.

The Honourable the PRESIDENT: In order to remove all doubts as to the correctness of my ruling so far as the point of order is concerned I ought to draw the attention of this House to what May says at page 469—

“It follows, as a matter of course, that a motion to alleviate the burthens upon the people is not within the scope of the standing orders relating to the imposition of charges upon the people. A bill for diminishing or repealing a tax or other public burthen, unless the imposition of a new tax is proposed by way of substitution, is introduced without the royal recommendation or preliminary committee stage. Amendments, also strictly confined to relief from pecuniary burthens can be considered both in committee and with the Speaker in the chair.”

And on page 506 he writes,

“Proposals to reduce a burthen upon the people may be made in the House or in committee, no special form of procedure being prescribed for such a motion or for the introduction of bills which are strictly confined to the reduction of a tax or charge upon the people.”

I am, therefore, perfectly right in allowing the House to discuss it.

The Honourable Mr. M. H. W. HAYWARD: I should like, Sir, to reinforce your argument. I have looked into the further matter and it has just been brought to my notice by the Legal Remembrancer that section 14 of the General Clauses Act provides that where a power is conferred on the Government, that power may be exercised from time to time as required by the Government.

The Honourable the PRESIDENT: I studiously refrained from saying that, because I thought I might be going beyond my powers in the chair, but now that the Home Member has drawn the attention of the House to it, I might say that it is an elementary principle of law that where power is by a statute given to Government or to any of its officers, to do a thing by a general or special order, that power may be exercised from time to time according to the changing exigencies of the case. I did not like to go into that because I thought I should be turning the President's chair into a judicial bench, but it was that principle of law I had in mind in giving my ruling as a point of order.

The Honourable Mr. M. H. W. HAYWARD: The section had not been brought to my notice before, Sir, or it would have at once been mentioned to you.

The Honourable the PRESIDENT: However, now I think the doubt is set at rest and my ruling is both judicially and presidentially, if I may say so, found correct.

Mr. G. B. TRIVEDI: So, Sir, the point that the honourable mover made—and I agree with him in that—is that the police authorities having

[Mr. G. B. Trivedi]

failed to take precaution, it is but right that we should tell Government that they did not take proper precaution, and therefore it is not the citizens of Bombay who should suffer; although I am not one of those who are likely to sympathise with the party whom my honourable friend who preceded me holds responsible as well as those who are opposed to that party. Why should loyal citizens like the Parsi community suffer? Though they have already suffered by the riots, in addition to that you are going to throw the burden of this compensation on them. The whole fault lies with the authorities and if we can make that point clear we have got the case to say that the Bombay citizens should not suffer for this. As against that it may be said that if Bombay should not suffer then it must come from the provincial revenue. But I cannot make up my mind to say that the provincial revenue should suffer for this, but what I mean to say is that great injustice is being done to the citizens of Bombay for the neglect and the carelessness with which the police authorities managed these things, and the further point is that when an extra grant was asked from us in connection with the Royal visit there were extra provisions for police. I find from reference to the debate that six Sergeants and three hundred men were provided to help the Bombay police and this was in October, one month only previous to the riot, and with the extract before us from the Administration Report we have the proof that Government did anticipate something of this kind. Then it was their duty to ask this Council for more money or for more men. They have the emergency power and they should have gone in for additional expenditure, but they have failed in their duty and they are now charging the loyal citizens of Bombay—both loyal and disloyal if you like—but you are charging the citizens of Bombay for no fault of their own. With these words I show my sympathy with the resolution.

Mr. IBRAHIM S. HAJI (Bombay City): Sir, in supporting this resolution I would like to say that it is very regrettable to see especially an *ex-president* of the Corporation among those who oppose this resolution. He opposes this resolution on the ground that in the course of the riots that took place during the time of His Royal Highness's visit, Parsis, Eurasians and Europeans were killed, their property was demolished and liquor shops were burnt. The honourable mover of this resolution wants to emphasise to this House one fact, that the money which is not yet recovered should not be recovered. The amount recovered was so recovered by increasing rates on tenants of certain localities or wards and they were thus made to pay for the damage and loss caused by rioters. My honourable friend, the mover of this resolution, asks that that should not be done as it is a great injustice, because neither the Chief Presidency Magistrate nor the Government nor any of the nominated members here can say that those tenants are the real persons who were the cause of the burning of the liquor shops or the deaths of Europeans, Eurasians and Parsis. That is the iniquity and the section is absolutely unjust. The honourable mover only claims that the amount that has not been collected should not be collected, and I believe all the members of this honourable House realise the difficulty of

[Mr. Ibrahim S. Haji]

believing that the damage was done by the tenants residing in those localities. You are aware, Sir, that the judgment has been that the tenants of certain localities such as Malabar Hill, Walkeshwar and some portions of Girgaon ward have been exempted from this burden. In other words the burden falls entirely on the tenants residing in those other wards and persons who own buildings in those wards. That is to say, the honourable nominated member means to convey that those are the persons who caused all the damage and all the loss and therefore they must pay for it, but I submit, Sir, that it is a logic to which this House will never consent, and I submit the resolution of my honourable friend is one which will prove quite acceptable to the House in its entirety.

The Honourable the PRESIDENT: There are only fifteen minutes left to us now and if the House wishes to see the resolution talked out, I have nothing to say, but if not, honourable members must cut down their speeches to the shortest possible limits.

Mr. KANJI DWARKADAS: I move, Sir, that the question be now put.

Mr. JEHANGIR B. PETIT: But, Sir, I rose before the question was put.

The Honourable the PRESIDENT: Closure can be applied for and accepted at any time, even during a speech.

The Honourable Dr. R. P. PARANJPYE: Cannot this resolution be postponed to the last two days on which private business can be taken up?

The Honourable the PRESIDENT: Certainly, it can. I am glad you reminded me of it.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Sir, I rise to oppose this resolution and I hope the House will not accept it. It is admitted that during the riots, a certain amount of damage was caused by the rioters to various private citizens. The Government are now endeavouring by means of certain machinery which is at their disposal, to recoup the losses of those who have suffered from the excesses of the rioters. The law enables them to do so in a certain manner, and they have already given effect to the award of the Chief Presidency Magistrate in some cases. If an attempt had been made in this resolution to distribute this burden more equitably than is being done at present under the existing machinery, I could have understood the object of my honourable friend, the mover of this proposition; but no such attempt has been made. All that the resolution asks us to do is to recommend to Government that these charges should not be raised. The question therefore resolves itself into this: that certain members of the public whose properties have been damaged for no fault of their own in consequence of the excesses committed by another portion of the population are not to be compensated for and are thus to be forced to bear their losses, although the Police Act gives Government enough power to raise money and to compensate therefrom those who have suffered. Mr. President, the main point which the Council has therefore to

[Mr. Jehangir B. Petit]

consider is whether it would like to see these loyal citizens unnecessarily put to loss for no fault of their own ; or whether it is prepared to accept the method adopted by the Government under the existing law, of collecting money from a certain section of the public in order to recoup the losses of another portion thereof which has suffered from the excesses of those who participated in these disturbances. I submit, Sir, that no case whatever has been made out by the honourable mover for asking Government not to put the existing machinery into motion and not to collect this amount for the purpose of compensating those who have suffered these losses. I submit that these losses have been suffered by those who did not participate in those disturbances and it is but right that they should be compensated for them. Unless a better machinery is pointed out to us, the existing machinery must be put into motion in order that the losses in question may be made good out of the money collected. The principle on which certain exceptions have been made, appears to me to be quite reasonable and appropriate under the circumstances governing the case before us. Unless therefore a better and more equitable method of the collection of this tax and the distribution therefrom of compensations is pointed out to the Council, I venture to think that it ought not to accept the resolution before it. This is the only way open to the Government by which those who have suffered can be compensated ; and I do not see any reason why the Council should ask the Government not to make use of it. The honourable mover may have some other more acceptable method at the back of his head : but he has not taken the trouble to suggest any. Under these circumstances, I think the Council will do well to reject this resolution.

Dr. K. E. DADACHANJI (Bombay City, South) : Mr. President, I rise to support this resolution. My experience in the last riot was that I was confined to my house for two days, I could not move out even to attend the Government House reception, so barricaded I was in my street, and yet it came as a surprise all of a sudden that even such residents as those who were victims of the riots like myself were obliged to pay the taxation. We made a representation to Government, but they did not help us in any way. We received that old stereotyped reply, that Government could not interfere. I know of cases where people were exempted in the manner pointed out by my honourable friend from Ahmedabad. People had to remove to some other locality such as the Fort, from Khetwadi district, and yet these people were included in the fines. That is an injustice that we bitterly resent and complain about. There is nothing in it of course. If you ask them, why they were penalised they would say that that some police officer heard a shot fired at the end of Khetwadi locality, and therefore the whole of that locality should bear the tax. I ask, Sir, is this justice ? Is this the way in which this Government allow an act on the part of their officers ? Here is a locality quite helpless, the inhabitants of which lost everything, whose houses were burnt, motor-cars burnt, and they have to pay the fine and it is unjust and unfair to say these people made use of firearms who did not possess them. That is why we ask the Honourable the Home Member to consider once again

[Dr. K. E. Dadachanji]

our representation in this light. My point is that our people suffered most, and we should not be asked to pay the fine. However, the magistrate has passed the order on the authority of the police that we must. At that time, I was moving about in the locality to see what was happening and as a matter of fact I know that not a single shot was fired; the only thing is that there is a police report that a shot was fired somewhere near Khetwadi District. Was it heard, or was it seen? What is the difference between hearing and seeing? That is a thing that matters a good deal. This is adding a penalty to the injury of people who have already suffered so much. That ought not to be the case.

There is another instance. During the last tramway riots, a great amount of damage was done to the company's cars and a similar section of law was brought into operation and amount of these fines was included into assessment bills and I know that several such bills remain unrecovered. It is very difficult to work this section and in order to enforce payments how many distress warrants can be issued? It is now more than two years since it happened. It is difficult to collect the money. Therefore, in the present case also it will be much better if Government does not impose this tax and accepts this resolution.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir, I rise to oppose the motion before this House. The question is, who were responsible for all that happened during the visit of His Royal Highness the Prince of Wales? I should certainly think that the propaganda for the boycott of the visit of His Royal Highness to Bombay was mainly responsible for that, and the propaganda was carried on by none but the citizens of Bombay, whether you call them loyal or disloyal. It has been argued by some of my honourable friends from Bombay that it was the deficiency of the police or their failure to discharge their duties properly that was responsible for causing all these troubles. I should think that even if the police force was stronger, even if it was four times larger than what it was at the time, as it was an organised affair, it was bound to occur. No doubt it would have to a great extent, minimised the trouble, but then it was a pre-arranged thing; all the materials for it were arranged beforehand, as can be seen by the facts published in the newspapers at that time. Sir, I believe the supporters of the resolution before this Council can very well imagine what were the feelings of the citizens of Bombay at that time. People could not leave their houses; some had to starve for a couple of days; they had not the courage even to open their doors. That was the position in Bombay at that time. In fact, Government was a non-entity. People thought that no Government existed, and it was the rule of the propagandists for the time being. Sir, can these people be allowed to go scot-free after causing all the troubles and anxieties not only to the people, but to those living in the mofussil who had their relatives here? They used to have very serious reports of the whole affair, and of lamentable incidents occurring daily in Bombay. Therefore, it is but right and proper that Government have decided to penalise those who are responsible for the same. With these remarks, I beg to resume my seat.

Mr. S. K. BOLE (Bombay City, North) : Mr. President, I do not intend to narrate the bitter history of the riots in the Bombay city. No doubt, the riots were the direct result of the non-co-operation movement. Mr. Gandhi, the apostle of this movement, had taken upon himself the responsibility for these riots. Therefore, it would be fair on the part of those who follow the non-co-operation movement to come forward and pay the damages out of the funds of one crore of rupees that were collected by the members of this movement. I think if they came forward in an honest and straightforward manner and paid the amount, than there would be a solution of this matter. As my honourable friend from the Bombay city has just told the Council, the imposition of this tax on the citizens of certain localities of Bombay, may compel innocent persons to pay the tax unnecessarily. But that thing might be avoided if the non-co-operators came forward and paid the damages.

Rao Bahadur S. D. GARUD (West Khandesh District) : Mr. President, I beg to oppose the resolution. The honourable mover of this resolution does not indicate in his resolution whether any compensation is to be paid to the sufferers, and if so from what funds it is to be paid. If Government accept the resolution and cease to collect the tax, surely that would be a great hardship to those who have suffered at the hands of the rioters. Of course, it is possible that some innocent persons may have been mulcted in this way, but their proper course was to go to the Chief Presidency Magistrate and convince him that they were not in the riot and that they should not be made to pay this penalty. That step does not appear to have been taken by them. If there were any innocent persons who are entitled to exemption, they could have got it if they had properly represented their case to the Chief Presidency Magistrate. But now I think part of the money has been collected, and the rest is likely to be soon collected. I suppose now the stage has gone when Government could stay their hands, or when Government could be asked to give back what they had collected. In the latter case, there would be no damages paid to those who have suffered. I do not suppose that the honourable mover wishes that those who have suffered serious losses on account of the riots should go without any compensation.

The Honourable the PRESIDENT : This debate is adjourned to Wednesday the 14th of March. Council is adjourned till 2 p. m. to-morrow, Tuesday, the 27th February 1923.

Tuesday, the 27th February 1923.

The Council re-assembled at the Town Hall, Bombay, on Tuesday, the 27th February 1923, the Honourable the President, Sir NARAYAN GANESHI CHANDAVARKAR, Kt., LL.D., presiding.

Present :

ADDYMAN, Mr. J.
 ADHAV, Mr. P. N.
 BATLIWALA, Dr. S. S.
 BEDREKAR, Khan Bahadur I. M.
 BHATE, Mr. G. C.
 BHURGRI, Mr. J. M.
 BHUTTO, Khan Bahadur S. N.
 BOLE, Mr. S. K.
 CADELL, Mr. P. R.
 CHAUGULE, Mr. ANNAPPA PHADEPPA
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 COCKE, Mr. H. G.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Mr. V. A.
 DADACHANJI, Dr. K. E.
 DALAL, Sardar Khan Bahadur ADARJI M.
 DALAL, Mr. D. B.
 DESAI, Rao Saheb HARILAL D.
 DESAI, Rao Saheb DADUBHAI P.
 DUBHASHE, Mr. SHANKAR BALKRISHNA
 DWARKADAS, Mr. KANJI
 GANDHI, Mr. C. M.
 GARUD, Rao Bahadur S. D.
 GAYASUDDIN JAUDDIN, Mr.
 GHOLAP, Mr. D. D.
 GHULAM HUSSAIN, The Honourable Khan Bahadur SHAIKH
 GODAD, Khan Saheb ABDULLA AVJAL
 GULAMHUSEN, Mr. SULTANALI SALEMANJI
 HAJI, Mr. IBRAHIM S.
 HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA
 HAVELIVALA, Mr. M. A.
 HAYWARD, The Honourable Mr. M. H. W.
 HEPPER, Sir LAWLESS

HULKOTI, Mr. CHANNAPPA CHANVIRAPPA
JADHAV, Mr. B. V.
JENNINGS, Major General W. E.
KALE, Rao Bahadur R. R.
KAMBLI, Mr. S. T.
KASSIM, Mr. G. H.
KER, Mr. J. C.
LAGHARI, Khan Bahadur KHAIR BAKSH
LALBHAI AMBARAM, Mr.
LALJI NARANJI, Mr.
LAWRENCE, The Honourable Mr. H. S.
LIGADE, Mr. S. P.
LORY, Mr F. B. P.
MANSURI, Khan Saheb A. M.
MEAD, Mr. P. J.
MEHTA, The Honourable Mr. C. V.
MODI, Sardar Davar T. K.
MOHIDINKHAN, Khan Saheb HAJI HAZRATH KHAN
MOHOMED SALAHUDDIN K., Mr.
MONTGOMERIE, Mr. A.
MUKHI, Mr. J. P.
MURPHY, Mr. S. J.
MUTALIK, Sardar V. N.
NELSON, Mr. F.
NILKANTH, Rao Bahadur R. M.
NIMBALKAR, Mr. K. B.
OJHA, Mr. DIPCHAND T.
PAHALAJANI, Mr. B. G.
PARANJPYE, The Honourable Dr. R. P.
PARULEKAR, Rao Saheb L. V.
PATEL, Mr. B. P.
PATEL, Mr. J. B.
PAWAR, Shrimant J. A.
PETIT, Mr. JEHANGIR B.
PRADHAN, Mr. M. W.
PROES, Mr. E. M.
RAHIMTOOLA, The Honourable Sir IBRAHIM
ROTHFELD, Mr. O.
SALGAR, Mr. R. G.

SETALVAD, The Honourable Sir CHIMANLAL

SHEPHERD, Mr. W. C.

SHIRRAS, Mr. G. FINDLAY

SINDORE, Mr. H. N.

SURVE, Mr. A. N.

THAKOR of AMOD, Sardar NAHARSINGHI

THOMAS, Mr. G. A.

TRIVEDI, Mr. G. B.

VICHARE, Rao Bahadur D. A.

WOODS, Mr. E. E.

The Honourable the PRESIDENT : Order, order.

Mr. IBRAHIM S. HAJI (Bombay City) : Sir, I beg to move the following motion :—

“ I beg leave of the Council to move to-day after the question hour for the adjournment of the business of the Council for the purpose of discussing an urgent and definite matter of public importance, namely, the arrest and imprisonment of Khan Saheb Sher Mahomed Khan Karamkhan Bijarani, a member of this Council, representing the Mahomedan rural constituency of Upper Sind Frontier on the 15th February 1923, raising the question that such arrest and imprisonment was *ultra vires* and unjustifiable, calling for his immediate release from jail and for an open inquiry by a committee of three—one official and two non-officials—to be appointed by the Council.”

The Honourable the PRESIDENT : Has the {honourable member given notice of this motion to the Honourable the Home Member ?

Mr. IBRAHIM S. HAJI : Yes, Sir.

The Honourable Mr. M. H. W. HAYWARD : The question is still *sub judice*, Sir.

The Honourable the PRESIDENT : There is some difference between the ordinary law and regulations which have the force of law. A question once arose in the House of Commons, on an emergency regulation. While a member of that House during debate was criticising the enforcement of that regulation and referring to specific cases tried under it, a point of order was raised by another member who asked the Chair :—

“ I would like to ask you, Mr. Deputy-Speaker, if it is in order to deal with cases which are admittedly *sub judice*. The honourable member is referring to such cases, and they have been referred to the Assizes for trial.”

Mr. Deputy-Speaker said :

“ I rather gathered that the honourable member was only referring to the fact that the proceedings were taken under the regulations, and not under the ordinary law. If that be so, I think he is in order.” (Parly : Debates, House of Commons, 5th Series, Vol. 142, Col. 1309.)

Therefore, it is quite open to the honourable member to ask for leave to move the adjournment of the House upon the ground that the Regulation instead of the ordinary law has been applied to the case here and that its enforcement is oppressive and arbitrary, without a regular trial under the ordinary law. That may be done. In the case quoted the criticism on which the point of order was raised and the ruling was given was this :

“ I wonder why these men were arrested for making speeches such as we all have made at different times. In my opinion it is because they were particular men, and not because of their speeches, and if anybody else had made the same speeches no notice would have

[The President]

been taken of them. These were responsible men holding certain positions, and although nothing followed as a consequence of their speeches, they were arrested and committed for trial."

Then the point of order was raised and the Deputy-Speaker ruled as I have pointed out. Then the debate proceeded and several members criticised the application or the enforcement of the Regulation as being unjust and that the ordinary law should have been applied. It has also been ruled that it is open to discuss the application and enforcement of an Order in Council on the estimates, because, although they have the force of law, they are not ordinary laws but are in the nature of Regulations.

"Matters which have to be dealt with by legislation cannot be discussed on the estimates, but if it is a matter which can be dealt with by an Order in Council, of course it may be now discussed." (Parly: Debs. House of Commons, 4th Series, Vol. 108, Col. 687.)

That is the rule in the House of Commons and I am going to apply it here. The fact that the matter is *sub judice* because the case is before the Commissioner in Sind under his revisional jurisdiction conferred by the Regulation would only prevent the merits of the case being discussed, but the question of policy involved in the enforcement of the Regulation instead of the ordinary law it is open to the Council to discuss on this motion for adjournment.

The Honourable Mr. M. H. W. HAYWARD: I wish to point out, Sir, that the Regulation was passed under the legislative powers vested in the Governor General in Council by the Government of India Act and it has got the same legal force as the provisions of the Criminal Procedure Code passed by the legislature of the Government of India. It is not an extraordinary regulation. It is a regulation made under the regular legislative powers conferred by the Government of India Act. I may also point out now that the Court of the District Magistrate and the Court of the Commissioner in Sind are judicial courts and their judicial character has been considered judicially in the Court of the Judicial Commissioner of Sind. I can quote cases in which it was decided that both courts are judicial courts. There is no real distinction between a case of security for good behaviour under the Sind Frontier Regulations and a case of security for good behaviour.....

The Honourable the PRESIDENT: Does the Criminal Procedure Code apply to this part of the country?

The Honourable Mr. M. H. W. HAYWARD: Its application is excluded to the extent of cases falling under the Sind Frontier Regulation.

The Honourable the PRESIDENT: What is the ordinary law prevailing there?

The Honourable Mr. M. H. W. HAYWARD: The ordinary law in these cases is the Sind Frontier Regulation.

The Honourable the PRESIDENT: The Government of India Act authorises the Governor General in Council to pass regulations. They are regulations made by the executive Government, and not by the legislature of the land. If I allow the motion at all, it will be for the limited purpose I have specified of pointing out whether the arrest and the imprisonment, which are administrative though quasi-judicial acts, are proper and made

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with proper discretion. I will not allow any arguments upon the merits in particular of the case.

The Honourable Mr. M. H. W. HAYWARD: It is quite impossible, Sir, to argue the matter within that limit, because the propriety of the arrest depends entirely on the evidence produced before the Court.

The Honourable the PRESIDENT: I think I can take care of that and see my ruling observed during the debate.

The Honourable Mr. M. H. W. HAYWARD: Further, Sir, the motion is indefinite without specifying the exact point for discussion before the House.

The Honourable the PRESIDENT: The honourable member, Mr. Haji, will now read out his motion and ask for leave.

Mr. IBRAHIM S. HAJI: The motion is:

‘I beg leave of the Council to move to-day after the question hour for the adjournment of the business of the Council for the purpose of discussing an urgent and definite matter of public importance, namely, the arrest and imprisonment.....’

The Honourable the PRESIDENT: Please take away the word ‘imprisonment’ and say ‘arrest and prosecution.’

Mr. IBRAHIM S. HAJI: Very well:

‘arrest and prosecution of Khan Saheb Sher Mahomed Khan Karam Khan Bijarani, a member of this Council, representing the Mahomedan rural constituency of Upper Sind Frontier, on the 15th February 1923, raising the question that such arrest and prosecution was unjustifiable, calling for his immediate release from jail and for an enquiry.’

The Honourable the PRESIDENT: I think you had better drop the words “calling for an enquiry.” That will raise another matter for debate.

The Honourable Mr. M. H. W. HAYWARD: Then, I submit, Sir, the action taken was strictly within the law. It was taken under the Sind Frontier Regulations. The honourable member is charged with offering threats of violence.....

The Honourable the PRESIDENT: I do not think the honourable member need go into the merits of the case. I have already gone into the question, as far as my jurisdiction is concerned, to see whether I ought to allow this matter to be placed before the Council for leave or not. Should the Council decline to give leave, then there would be of course an end of the matter. If the Council gives leave, then a higher authority can interfere. His Excellency in Council has jurisdiction under Rule 22 to interdict discussion on the ground that in the public interest it should not be allowed. If this House gives the leave asked, the resolution shall have to be communicated to His Excellency. I hope a copy has been supplied to the Honourable the Home Member.

The Honourable Mr. M. H. W. HAYWARD: I have a copy here; but I am still in doubt as to the exact point which it is desired to have argued in this Council. Is it to argue the validity of the order which has been passed by the magistrate? Will the honourable member tell us exactly what the point is? We shall then be in a position to consider

[Mr. M. H. W. Hayward]

his motion and how far it relates to the matter which has been under trial before the magistrate.

The Honourable the PRESIDENT: Does the Act say that he is the magistrate?

The Honourable Mr. M. H. W. HAYWARD: The Act uses the word "District Magistrate" and the Commissioner in Sind has revisional powers as a court.

The Honourable the PRESIDENT: Now, many things which have been done under Regulations, including deportations of persons, have been freely discussed in the House of Commons.

The Honourable Mr. M. H. W. HAYWARD: I may point out, Sir, that deportations are entirely different. Deportations have been made under powers vested in the executive—as executive acts and not as judicial acts. Here the thing is done under judicial authority vested in the District Magistrate and the Commissioner in Sind. There is no power vested in the executive authority of the Commissioner.

The Honourable the PRESIDENT: Has the Commissioner no power to interfere?

The Honourable Mr. M. H. W. HAYWARD: Absolutely no power. Nothing whatever is vested in the Commissioner as an executive authority.

The Honourable the PRESIDENT: The Commissioner in Sind has no power to interfere?

The Honourable Mr. M. H. W. HAYWARD: The Commissioner in Sind has no power to interfere as an executive authority. He has only judicial powers. It has been held so by the Court of the Judicial Commissioner in Sind. I will quote the cases.

The Honourable the PRESIDENT: Has any court held so?

The Honourable Mr. M. H. W. HAYWARD: It has been three times before the court of the Judicial Commissioner in Sind.

The Honourable the PRESIDENT: If there is that authority, that is binding.

The Honourable Mr. M. H. W. HAYWARD: In the case of *Imperator vs. Ghulam Kadir walad Faiz Mahomed*, reported in 5 Sind Law Reporter, page 105, it was held that over the District Magistrate, the Commissioner in Sind alone had revisional jurisdiction under section 17 of the Sind Frontier Regulation III of 1892. In the case of *Mazar walad Attamahomed vs. the Crown*, reported in 11 Sind Law Reporter, page 46, it has been held that the Commissioner in Sind and the District Magistrate are courts when exercising powers vested in them under Sind Frontier Regulation of 1892. In the case of *Bhawal Khan and others vs. the Crown*, reported in 13 Sind Law Reporter, page 215, which was a security case just as the present, it was held by the Judicial Commissioner's Court (Mr. Justice Crump and Mr. Justice Raymond) that the Commissioner in Sind has revisional powers in security cases under section 17 of the Sind Frontier

[Mr. M. H. W. Hayward]

Regulation of 1892 which excludes the revisional powers of the Court of the Judicial Commissioner of Sind, under the Criminal Procedure Code.

The Honourable the PRESIDENT : Does it exclude the revisional power of the Judicial Commissioner's Court altogether ?

The Honourable Mr. M. H. W. HAYWARD : Yes ; it excludes it altogether. It is a separate court.

The Honourable the PRESIDENT : Is it a separate court over which the High Court has no jurisdiction ? Is this frontier locality under a separate law altogether ?

The Honourable Mr. M. H. W. HAYWARD : It is under a separate law so far as matters subject to that law are concerned.

The Honourable the PRESIDENT : That is, the Criminal Procedure Code and the Indian Penal Code have no application ?

The Honourable Mr. M. H. W. HAYWARD : Not in respect of those particular matters.

The Honourable the PRESIDENT : If that is so, I have to act upon it.

Mr. B. G. PAHALAJANI : The ordinary law does apply to that district.

The Honourable Mr. M. H. W. HAYWARD : I rise to a point of order, Sir. I should like to enquire whether the honourable member for Sukkur has not taken a brief in this case.

Mr. B. G. PAHALAJANI : I did appear before the District Magistrate.

The Honourable Mr. M. H. W. HAYWARD : I understand the honourable member has taken a brief before the District Magistrate. I submit that an honourable member holding a brief should not address this Council as a member of this Legislative Council.

Rao Bahadur R. R. KALE : May I rise to point out, Sir, that it is a question of fact that we have to discuss ? The ordinary law may not be applicable.....

The Honourable the PRESIDENT : The honourable Rao Bahadur ought to remember whether the law applies or not is not only a question of fact : it is a question of law also. But with reference to the point of order raised by the Honourable the Home Member, the honourable member for Sukkur, I think, will allow me to communicate to the Council what passed between him and me when on Sunday he saw me with reference to the question of the propriety, so far as he was concerned, of his taking part in any debate in this Council on this matter and asked me what would be his proper course, under our Rules and Standing Orders.

Mr. B. G. PAHALAJANI : I have myself requested that the information may be laid before the House.

The Honourable the PRESIDENT : The honourable member for Sukkur saw me last Sunday and asked for my advice upon the point, and I pointed out to him that though our Rules and Standing Orders were silent on the subject, yet under the Standing Order which empowers the

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President of this Council to regulate the procedure in matters not provided for, I should adopt the practice in the House of Commons. That practice is to allow a member engaged as counsel in a criminal case to explain any facts after the case has been decided without advocating the cause of his client.

Mr. IBRAHIM S. HAJI (Bombay City): Sir, the rulings which the Honourable the Home Member submitted to the House are not.....

The Honourable the PRESIDENT: I must say now, if there is a decision of a court, and that the highest court of Sind, then it is binding upon us.

Mr. IBRAHIM S. HAJI: I am not disputing the decision, Sir. But, according to the very rulings which the Honourable the Home Member has cited, it does not make the Commissioner in Sind a judicial officer within the meaning of section.....

The Honourable the PRESIDENT: It is said that the jurisdiction of the ordinary court is excluded so far as this district is concerned and it has a judiciary of its own, it has a criminal law of its own, in this Regulation.

Mr. IBRAHIM S. HAJI: The District Magistrate there becomes the highest judicial authority of the province, and the Commissioner in Sind, who is an executive officer, revises the proceedings in an executive capacity.....

The Honourable the PRESIDENT: He may be an executive officer, but under this special law applicable as an ordinary law to the frontier district, on account of its backward condition, the legislature has said that it ought to have a special law of its own for certain purposes.

Mr. C. M. GANDHI: But, Sir,.....

The Honourable the PRESIDENT: What I say at present is that that decision is binding upon us and therefore I cannot see my way at present to allow this motion. But I have already intimated to the honourable member for Bombay that we shall have nearly a fortnight for the debate upon the estimates, and the debate on estimates is a legitimate and proper occasion when any grievances may be ventilated, and if by that time any fresh light is thrown and the matter is in order, I will allow it.

The Honourable Mr. M. H. W. HAYWARD: I should like to ask, Sir, whether a matter which is *sub judice* can be discussed as a matter of grievance on the estimates.

The Honourable the PRESIDENT: The House is entitled to discuss on the estimates any matter which may be a matter of grievance, avoiding the *sub judice* questions.

The Honourable Mr. M. H. W. HAYWARD: I may say, Sir, that I have asked the Commissioner in Sind to supply me with a copy of the whole proceedings and the date of his final order, and I will on their receipt make a further statement to the House.

The Honourable the PRESIDENT: I should myself on behalf of the House make an appeal to the Home Member that in a matter of this kind, especially in the case of a law of this kind, an early opportunity will be taken by Government to clear up the matter and state to the House how matters stand.

The Honourable Mr. M. H. W. HAYWARD: I am anxious to do so, Sir, but I am finding difficulties in placing before the House matters which are at present before a court. But I will certainly take the earliest opportunity to put all the facts before the House.

Mr. C. M. GANDHI (Surat City): May I enquire from the Honourable the Home Member whether it is not a fact that no pleader is allowed to appear before the magistrate in these cases?

The Honourable Mr. M. H. W. HAYWARD: I have no information.

Mr. C. M. GANDHI: Will the honourable member enquire and let us know?

The Honourable Mr. M. H. W. HAYWARD: They are proceedings before an executive officer in his judicial capacity. They are regular judicial proceedings under a special law as held by the court of the Judicial Commissioner in Sind.

The Honourable the PRESIDENT: Honourable members will see that, as a decision of the highest court in Sind has been cited, I cannot allow this motion as at present advised: But there is still time and honourable members may think it over and if, as a result of that, any fresh light is thrown on the subject, I will reconsider the question. I will also go into the authorities myself.

Rao Bahadur G. K. CHITALE (Ahmednagar District): May I ask, Sir, whether the ordinary law of the land does not apply to Sind? There must be the ordinary law, the Criminal Procedure Code, and so forth, applicable there? This particular case may have been dealt with under the old Regulation of 1892, but the ordinary law of the land, as far as it is laid down in the different Acts we have, does apply to Sind?

The Honourable Mr. M. H. W. HAYWARD: This is part of the ordinary law of the land for that part of the land.

Rao Bahadur G. K. CHITALE: I cannot bring myself to believe that the ordinary law of the land is not the law of the land which applies to Sind.

The Honourable the PRESIDENT: May I make a suggestion to the honourable member? The matter just now has become somewhat complicated. So far as I am concerned, I am bound by the authority which has been cited. But the proper course for a lawyer member would be to take a copy of the Sind Court's decision and a copy of the old Regulation III of 1892 and go into the whole question, and if there is any new matter which he can find, he can place it before me and I am open to conviction.

Rao Bahadur G. K. CHITALE: What I am pointing out is that the ruling only applies so far as (the honourable member was inaudible at this point). That authority of the judiciary is vested somewhere.

The Honourable the PRESIDENT: There may be something in the point, but we need not discuss it at present. There is no debate now, and the honourable member, with the assistance of other lawyer members, may provide himself with all the information. I am quite sure the Honourable the Home Member will place at the disposal of honourable members those judgments which have been cited by him to me and to the House.

Mr. JEHANGIR B. PETIT: In the meanwhile the gentleman remains in the jail.

The Honourable the PRESIDENT: Well, I am afraid that cannot be helped.

The Honourable Mr. M. H. W. HAYWARD: With reference to that, I may state that he is in custody as a simple imprisonment prisoner pending revision of the proceedings of the District Magistrate by the Court of the Commissioner in Sind.

An Honourable MEMBER: Will the Honourable the Home Member tell us.....(The question was inaudible).

The Honourable Mr. M. H. W. HAYWARD: I have already stated I have no information.

Mr. KANJI DWARKADAS: Will the Honourable the Home Member kindly get the information and give us?

Mr. IBRAHIM S. HAJI: I beg to point out, Sir,.....

The Honourable the PRESIDENT: Now, I think I have given more latitude than I ought to have allowed. I have stated that if non-official members will apply themselves to the question, with the materials which the Honourable the Home Member has just placed before me, and if they have something new to show to me why my decision of to-day should be revised, I shall be quite willing to listen to them to-morrow. But we cannot waste time just now. At present it seems to me that the decision which has been cited is a bar in my way.

DEMANDS FOR GRANTS AND MOTIONS TO REDUCE OR OMIT GRANTS.

Demand for Rs. 69,09,000 under 5, Land Revenue and 7, Stamps.

The Honourable Sir IBRAHIM RAHIMTOOLA: Sir, I rise to make the first demand for Rs. 69,09,000, which consists of Rs. 62,77,000 under Land Revenue and Rs. 6,32,000 under Stamps. The demand under Stamps is inclusive of Rs. 35,000 for establishment in connection with the working of the Bombay Entertainments Duty Act which has come into force from the 1st February 1923. Against this estimated expenditure of Rs. 35,000 Government expect to receive revenue to the extent of sixteen lakhs. Honourable members will have noticed that under 5, Land Revenue there is a large decrease in the demand as compared with that for the current year, namely, Rs. 1,13,10,000. This decrease is, however, mainly due to the adoption in the classification of charges. Most of the charges on account of the general and sub-divisional establishments, which used to be hitherto debited to 5, Land Revenue, have now been transferred to

[Sir Ibrahim Rahiintoola]

22, General Administration. Apart from this, the Council will be interested to know that the departmental officers' estimated expenditure under Land Revenue for the next year was Rs. 1,70,94,000. Excluding the sum of Rs. 1,05,48,000 on account of allowances to the district and village officials and fixed payments for devasthan, and similar compensations which are not votable and which cannot be touched, the original estimated expenditure was for Rs. 66,27,000 and it was reduced by Government to Rs. 62,77,000. This was effected by the drastic application of the pruning-knife. All items of temporary establishment, etc., were carefully examined and reduced to the utmost possible limits compatible with good administration. Leave and travelling allowances have similarly been scrutinised most carefully. Honourable members will remember that in the current year, out of 31½ lakhs which the Government promised to retrench from the reserved departments, land revenue and stamps yielded 6½ lakhs. The cutting down process was carried on much further, with the result that we were glad to be able to effect a further saving of about Rs. 2,00,000 under 5 Land Revenue, mainly by reduction in the number of circle inspectors and talatis and the abolition of the whole establishment of the village havildars in the Northern Division. I am sure that this synopsis will convince honourable members that such expenditure only as is absolutely necessary for the proper administration of the department has been provided for. I, therefore, move for the following grant, namely, Rs. 69,09,000 consisting of Rs. 62,77,000 under Land Revenue and Rs. 6,32,000 under Stamps.

Mr. C. M. GANDHI (Surat City) : Mr. President, I move :

"That item No. 1 under 5 Land Revenue Reserved, page 132, Revision of pay of village establishment in Sind, Rs. 25,000, be omitted."

I think we ought not to make any attempt to improve the administration of Sind where regulations of the character under which an honourable member of this Council can be sent to jail without any enquiry, as suggested in the answers which the Honourable the Home Member has given to this House just now, exist. The Honourable the Home Member does not choose to tell us as to whether.

The Honourable Mr. M. H. W. HAYWARD : I rise to a point of order. Is it open to the honourable member to discuss a matter which is *sub judice* before a judicial court in Sind ?

Mr. KANJI DWARKADAS : On a point of order, Sir, the Honourable the President has already given a ruling that the matter is not *sub judice* and therefore I cannot understand the point raised by the Honourable the Home Member.

The Honourable the PRESIDENT : The honourable member (Mr. Kanji Dwarkadas) is right so far that I have given a ruling that it is not *sub judice* for the purposes of debate on the policy of the Regulation, but the honourable member for Surat (Mr. Gandhi) will remember that under my ruling he must confine himself to the merits of the motion relating to that policy and not discuss the merits of the case on the

[The President]

evidence, if any, in the case, as that is *sub judice*, the Commissioner in Sind being seized of it as a revising authority under the Regulation.

Mr. C. M. GANDHI : The whole question is this. The Honourable the Revenue Member asks for this grant, because as he claims it will lead to a better administration of the Revenue Department for which purpose he wishes to revise the salaries of these tapedars. I say, Sir, that in the province of Sind where things like this which have been happening during the last fortnight are possible, it is no good trying to improve the revenue administration and, therefore, the House will be perfectly justified in throwing out this item altogether.

The second point on which I ask the House to omit this item altogether is this, that the increase is demanded on the ground of the increase in the cost of living. The Honourable the Finance Member has told us only very recently that the increase in the cost of grain and foodstuffs is only six per cent. over the prices of July 1914. Therefore, there is no reason why the proposed new scale of pay is necessary, as a reference to column 6 at page 134 will show that not only the temporary and provisional allowances which were given in order to meet the increased cost of living in the years of war have been incorporated, but also something more is proposed to be given. I therefore move that this item be omitted.

Mr. B. G. PAHALAJANI (Western Sind) : Mr. President, I will not criticise the administration of justice involved in this question, although I may have my own opinions about it. I particularly object to this item of tapedars. The name of tapedars has been mentioned in the note in the Blue Book in connection with *rasai* which is taken by the Collectors, the Assistant Collectors and the Commissioner in Sind. I may, as objected to by the honourable member the Registrar of Co-operative Credit Societies, except his name out of the category of those officers who take *rasai* in Sind. As *rasai* is mentioned in the remarks column as a temptation, as an evil that ought to be done away with and as a reason for the pay of tapedars to be raised, I for one must rise against that suggestion. The system of *rasai* in Sind is not going to disappear at all, until the present feudal system of land continues : as long as land is held by thousands of acres, this *rasai* system will not die out in spite of the best attempts of Government to do so by raising the pay of tapedars in the province of Sind. To take shelter behind the statement that *rasai* can be prevented by the increase in the pay of the tapedars is what I most strongly object to.

Now, so far as these tapedars are concerned, I must remind the Honourable Member in charge of this figure that before him and before the Government of Bombay is at present a scheme submitted by one of their own officers about the re-organisation of the tapedars' service in Sind. He has before him, as I know positively, a scheme by which the territorial jurisdiction of the survey numbers in charge of each tapedar will have to be increased. He has before him a scheme according to which, a large number of the tapedars will have to be reduced, and which will save on that reduction alone Rs. 3 lakhs, and the net saving

[Mr. B. G. Pahalajani]

by re-adjustment of their salary is about Rs. 2,14,000. Now, if such a scheme and figure have been submitted by one of the Sind officers who is at present in Government service in the Secretariat, then I submit that it would be premature for the Honourable the Revenue Member at present to ask this House, before that scheme is disposed of, for an increase in the pay of the tapedars. When the whole tapedar system is re-adjusted, when the unnecessary number is eliminated, then would be the time for Government to come to the Council and ask for a re-adjustment of the pay of the tapedars. On the one side to have an enormous amount of expenditure, and on the other side to ask the Council to increase the pay of the tapedars, when by re-adjustment the expenditure can be reduced and the number of tapedars reduced, is not the right thing. It is hardly fair for the honourable member to come to this Council and ask for more money until proper action is taken on the scheme which has been submitted to him. In this matter, I hope honourable members will agree with me and agree with my honourable friend from Surat in stating that when the representative of Government is not prepared to meet this Council straight, when the representative of the Government wants to shuffle behind the questions when they are put to him, it is hardly for this Council and its self-respect to agree to a grant of this kind.

Mr. G. A. THOMAS : Mr. President, I rise to oppose this motion, and in doing so I would ask honourable members to refer to the remarks column of the Blue Book, in which very adequate reasons are given for the increase of pay of this class of Government servants. They will observe the reasons given on page 132, and they are :

"The starting pay of clerks has now been raised to Rs. 30. In view of this and in consideration of the responsible and arduous nature of the work of tapedars, the great temptations to which they are exposed and the hardship which they undergo in being required to live for the most part in remote villages separated from their families for long periods, it is proposed to revise the scale on the lines indicated in statement A."

I would now ask the attention of the House to the statement on pages 134-135 of the Blue Book. They will see that the Commissioner proposed an increase of pay amounting to 75 per cent. on the present scale. Government considered his proposal carefully ; they thought that good reasons had been given for the increase of pay by 75 per cent. but in view of the need for economy in every direction, they hardened their hearts and referred the papers back to him asking him to reconsider them. He did so, and his new proposals are before the House. It will be seen that he has now asked for an increase of 51 per cent only. in the pay of the tapedars.

I would also like honourable members to refer to page 136 of the Blue Book. If they will cast their eyes down the percentage of increases in column 6 they will find that in one case only is the percentage of increase less than 50 per cent. In that particular case the orders were passed in August 1918, whereas in all other cases, as shown in column 2, the orders to revise the pay were issued in 1920-21, and the reason why the percentage of increase was less in 1918 is that the cost of living in that year had not mounted up to the same extent as it had done in 1921. I

[Mr. G. A. Thomas]

have no hesitation in saying that had the clerks' pay been revised in 1921, Government would have had to pay much more. You will therefore see, Sir, that the revision of the pay of tapedars is proposed on a very modest scale, and they are practically the only class of Government servants in the whole of the Presidency that have not had their pay revised on account of the increase in the cost of living. It would be a gross injustice to these silent, inarticulate, hard-working Government servants if they were to be deprived of the modest increase in their pay which we propose to give them. I submit, Sir, that any allusion to the recent events in Sind has nothing whatsoever to do with this question. Supposing a Government officer has committed a grievous error, why should the poor tapedar suffer ?

The Honourable the PRESIDENT : This item pertains to the Revenue Department and has nothing to do with the Judicial Department.

Mr. G. A. THOMAS : That was what I was endeavouring to point out, but the honourable member from Surat addressed himself to this point in his speech.

The Honourable the PRESIDENT : He referred to it, but I stopped him.

Mr. G. A. THOMAS : Also the honourable member for Western Sind made a reference to it.

The Honourable the PRESIDENT : I did not catch him, otherwise I would have cut him short.

Mr. G. A. THOMAS : I imagine that the contention of the honourable member from Sukkur is that these tapedars are corrupt and therefore they are not entitled to any increase of pay. I submit to this House that that is no reason for not raising their pay, because if the officers are better paid, they are less likely to succumb to temptation.

Finally, Sir, I would say, with reference to the scheme for the reduction of tapedars, to which the honourable member from Sukkur alludes, that it is not yet before Government and they are not in a position to say what its merits are. But I may mention for the information of the House that the Commissioner in Sind was some months ago asked to consider the question of the reduction of the number of tapedars. Secondly we have moved in this matter in the case of supervising and divisional tapedars. From statement C on page 137 of the Blue Book, it will be seen that there are 224 divisional and supervising tapedars, that is to say, about three or four for every taluka—there are about 60 talukas in Sind. In the place of these officers, it is proposed to substitute revenue inspectors, one man instead of three or four divisional tapedars. The experiment is being tried in Nawabshah, and if it is successful, it will be extended to other talukas and other districts of Sind, and then we shall have made a very large reduction in the tapedar establishment.

Mr. G. B. TRIVEDI : Sir, I move for a closure.

The Honourable the PRESIDENT : Why this anxiety ?

Honourable MEMBERS : We want to finish the budget.

The Honourable the PRESIDENT : There is only one appeal I should make to the House with reference to the remarks that have been made by the honourable member for Surat city. On this debate he made a reference to the case on which a little while ago the honourable member for Bombay Mahomedan constituency (Mr. Haji) asked for permission to get the leave of the Council for an adjournment motion. The matter is not yet finally decided by me. So far as I am concerned, I am open to any fresh light that can be thrown on this matter. I have so stated previously. I have desired the honourable and learned members in this House who are lawyers to look into the judgment of the Sind Judicial Commissioner's Court on which the Home Member has relied to show that the ordinary law does not apply to the frontier district concerned. I hope that the matter may not be allowed to prejudice the question such as is raised on this particular grant as it is irrelevant to that question.

Mr. B. G. PAHALAJANI : Upon the question of order, Sir, as regards the response made by the Honourable the Home Member, I may be permitted by the Chair to give an answer and the matter of order can be more easily settled now.

The Honourable the PRESIDENT : Let us not go back. It is quite open to the honourable member to move an adjournment under the Standing Orders at any time and interrupt the proceedings, and if he forces the question upon me, I am bound to yield to it, but not otherwise.

Mr. KANJI DWARKADAS : I move a closure, Sir.

The Honourable the PRESIDENT : I accept the closure.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I have nothing to add to the lucid explanation which the Revenue Secretary gave to this House. I will merely invite attention to this fact that, if there is any feeling in the House as regards any outside question, that is hardly any justification for depriving the village officers of their legitimate promotion. I cannot agree to any reduction in this grant which deals with the necessary promotion of hard-worked village officers in Sind.

Sir, the honourable member for Sukkur pointed out that there was a scheme under which a substantial reduction in the number of tapedars was recommended realizing a considerable saving in the total cost. He added that the Council should wait before giving any further increase till that scheme was disposed of. May I ask the honourable member whether it is fair that men who are admittedly ill-paid at present should be made to wait ? The logic of his argument is that men who are admittedly ill-paid should wait till the total number of their class is reduced under a scheme which Government have not even yet received. What would be the right course to follow under these circumstances ? Give the increase for which there is a clear case and then press for the number to be reduced. The reduction of the number will automatically bring about the saving for which the honourable member for Sukkur presses ; but that is no reason why these men should not receive what is clearly their due.

[Sir Ibrahim Rahimtoola]

Now, there is one more point to which I should like to invite further attention. A reference has been made by the honourable mover to the cost of living and he has urged that when the cost of living on which this proposal is based has come down, according to the speech of the Honourable the Finance Member, the grant should be reduced. But may I draw the attention of honourable members to the fact that the Honourable the Finance Member merely pointed out that the price of jowari has gone down and is only 6 per cent. higher than pre-war prices? But the cost of living does not depend upon the price of jowari alone and the cost of other essentials still remains high. I shall like to point out that the effect of some reduction in prices has been taken into consideration while framing the proposal which Government has placed before the House. Honourable members will observe from the figures given on page 136 of the Blue Book that while some of those officers whose salaries were revised during the previous years have got 80, 84, 85, 87, 89 and 90 per cent. increases and while in the case of these officers an increase of 75 per cent. was recommended, Government are asking the Council to give them an increase of only 51 per cent., so that the effect of the reduced prices has been taken into consideration and the proposal placed before the House is to give these village officers an increase on a much reduced scale as compared with some others in the Presidency proper.

I do not think anything more is needed to convince the House that what the Government are proposing is a reasonable relief to village officers in Sind and that they have taken every precaution that extravagant increases are not given. For these reasons I trust the House will reject the motion.

Question put. House divided. Ayes 26. Noes 43. Motion carried. (Demand refused.)

Ayes.

COCKE, Mr. H. G.
DABHOLKAR, Mr. V. A.
DALAL, Sardar Khan Bahadur ADARJI M.
GARUD, Rao Bahadur S. D.
GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH
HAYWARD, The Hon'ble Mr. M. H. W.
HEPPER, Sir LAWLESS
JENNINGS, Major-General W. E.
KER, Mr. J. C.
LAWRENCE, The Hon'ble Mr. H. S.
LORY, Mr. F. B. P.
MEAD, Mr. P. J.

MEHTA, The Hon'ble Mr. C. V.
MOHAMED SALAHUDDIN K., Mr.
MONTGOMERIE, Mr. A.
MURPHY, Mr. S. J.
PARANJPYE, The Hon'ble Dr. R. P.
PRADHAN, Mr. M. W.
PROES, Mr. E. M.
RAHIMTOOLA, The Hon'ble Sir IBRAHIM ROTHFELD, Mr. O.
SETALVAD, The Hon'ble Sir CHIMANLAL SHEPHERD, Mr. W. C.
SHIRRAS, Mr. G. FINDLAY
THAKOR of AMOD, Sardar NAHARSINGHJI
THOMAS, Mr. G. A.

Tellers for the Ayes: The Honourable Dr. R. P. PARANJPYE and Mr. O. ROTHFELD.

Noes.

ADHAV, Mr. P. N.
BATLIWALA, Dr. S. S.
BEATE, Mr. G. C.
BHURGRI, Mr. J. M.
BOLE, Mr. S. K.
CHAUGULE, Mr. ANNAPPA PRADEPPA
CHIKODI, Mr. P. R.
CHITALE, Rao Bahadur G. K.

COOPER, Khan Bahadur D. B.
DADACHANJI, Dr. K. E.
DALAL, Mr. D. B.
DESAI, Rao Sahab HARILAL D.
DESAI, Rao Sahab DADUBHAI P.
DUBHASHE, Mr. SHANKAR BALKRISHNA
DWARKADAS, Mr. KANJI
GANDHI, Mr. C. M.

Noes—contd.

GHOLAP, Mr. D. D.
 GODAD, Khan Sahab ABDULLA AVJAL
 GULAMHUSEN, Mr. SULTANALI SALE-
 MANJI
 HAJI, Mr. IBRAHIM S.
 HALKATTI, Rao Sahab PHAKIRAPPA
 GURUBASAPPA
 HULKOTI, Mr. CHANNAPPA CHANVIR-
 APPA
 KALE, Rao Bahadur R. R.
 KAMBLI, Mr. S. T.
 KASSEM, Mr. G. H.
 LALJI NARANJI, Mr.
 LIGADE, Mr. S. P.
 MANSURI, Khan Sahab A. M.

MUKHI, Mr. J. P.
 NILKANTH, Rao Bahadur R. M.
 NIMBALKAR, Mr. K. B.
 OJHA, Mr. DIPCHAND T.
 PAHALAJANI, Mr. B. G.
 PARULEKAR, Rao Sahab L. V.
 PATEL, Mr. B. P.
 PATEL, Mr. J. B.
 PAWAR, Shrimant J. A.
 PETIT, Mr. JEHANGIR B.
 SALGAR, Mr. R. G.
 SINDORE, Mr. H. N.
 SURVE, Mr. A. N.
 TRIVEDI, Mr. G. B.
 VICHARE, Rao Bhadur D. A.

Tellers for the Noes : Mr. C. M. GANDHI and Mr. KANJI DWARKADAS.

(Motion for Adjournment of Business resumed.)

The Honourable the PRESIDENT : I have looked into the matter of the adjournment. I have been informed by no less an authority than the Legal Remembrancer, who has acted as a District Judge in Sind, that in the Sind Frontier the ordinary law applies and that the Regulation applies as a special measure. I will now allow the motion for leave to be made. If the Council gives leave, the discussion should be confined to the policy and the hardship of the enforcement of the Regulation in the case specified. It will be for His Excellency under rule 22 to disallow it if he deems fit.

The Honourable Mr. M. H. W. HAYWARD : I wish to know the exact motion that will be placed before the House for discussion.

The Honourable the PRESIDENT : The honourable member (Mr. Haji) may now ask leave of the Council for his motion.

The Honourable the PRESIDENT : Instead of the words 'ultra vires' I would suggest the word 'arbitrary'.

The Honourable Mr. M. H. W. HAYWARD : May I enquire whether it will be open to us to discuss the merits of the case ?

The Honourable the PRESIDENT : Not the merits so far as they do not touch the policy involved in the enforcement of the Regulation. I have already explained that.

The Honourable Mr. M. H. W. HAYWARD : Then, how are we to discuss and arrive at the right conclusion ?

The Honourable the PRESIDENT : If anybody goes beyond my ruling then of course I should stop him.

"Calling for his immediate release from jail" does the honourable mover wish to have that ?

Mr. IBRAHIM S. HAJI : Yes.

The Honourable the PRESIDENT : It would be better to drop the words about enquiry by a committee.

Mr. IBRAHIM S. HAJI : I wish to add instead "and for his trial under the ordinary law."

The Honourable the PRESIDENT : Let it be "and for his trial, if necessary, under the ordinary law."

The Honourable Mr. M. H. W. HAYWARD : It is a security case, Sir. I suggest the words " under the Criminal Procedure Code."

The Honourable the PRESIDENT : I think we had better proceed with the motion for leave now. It is for the House to decide whether there is anything in it or not.

After "1923", the honourable member may add, " instead of under the ordinary law".

The Honourable member's motion is :

" I beg leave to move the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance, namely the arrest and prosecution of Khan Saheb Sher Mahomed Khan Karam Khan Bijarani, a member of this Council representing the Mahomedan rural constituency of Upper Sind Frontier, on the 15th February 1923 under Regulation III of 1892 instead of under the ordinary law, raising the question that such arrest and prosecution are unjustifiable and arbitrary, calling for his immediate release from jail and for his trial, if necessary, under the ordinary law."

Has the honourable member leave of the Council to make this motion for the adjournment of the House ?

No honourable member having opposed, leave granted.

The Honourable the PRESIDENT : The motion will be taken up at 4 o'clock to-day. In the meantime the Honourable the Leader of the House will be good enough to communicate the matter to His Excellency, so that he may be in a position to take action under his powers under Rule 22.

The Honourable Mr. M. H. W. HAYWARD : There is little time for this. Would the House not prefer that the matter be taken up to-morrow at 4 o'clock ? (Honourable Members : We want it to-day.)

The Honourable Sir IBRAHIM RAHIMTOOLA : May I make a suggestion, Sir ? We might adjourn now (3-15 p.m.) and meet at 4 o'clock.

The Honourable the PRESIDENT : Yes ; the meeting is adjourned to 4 o'clock.

After recess.

The Honourable the PRESIDENT : Order, order.

An Honourable MEMBER : There is no quorum.

The Honourable the PRESIDENT : If the honourable member (Mr. Haji) wants his motion to be taken up, he must see that the House is kept going.

Mr. Ibrahim S. HAJI (Bombay City) : There is no clock in the tea-room and the library therefore the bell may be rung. (Quorum made up).

Sir, it is under great difficulty but with great confidence that I rise to move the adjournment of the House for discussing the question of the arrest and prosecution of one of the members of this Council, namely, Khan Saheb Sher Mahomed Khan Karam Khan Bijarani. Sir, the Khan Saheb is a man of sixty years of age, with grey hairs ; a man of immense influence in the frontier of Sind commanding the respect of a tribe of thirty thousand people in his part of the country. He is also a member of this House and a loyal subject of the King Emperor. So

[Mr. Ibrahim S. Haji]

situated, Sir, the Khan Saheb was asked to help the police in the case called the Kirk Shooting Case, which took place in the end of the last month.....

The Honourable the PRESIDENT: The honourable member must remember that under the Standing Orders no speech during the debate shall exceed 15 minutes in duration. No option is left to me.

Mr. IBRAHIM S. HAJI: The Khan Saheb was asked to help in the investigation of the case and to point out the culprit who had dared to shoot one of the officers returning from shikar. Now, Sir, some of the police officers who investigated the case, some officers of the C.I.D., and the District Superintendent of Police, suspected that one of the Khan Saheb's tribesmen ought to be the culprit and Khan Saheb Bijarani was asked to submit his name and ultimately he was forced to implicate a particular man. The Khan Saheb refused to implicate the man, and thus Khan Saheb Bijarani for the sake of truth and honesty incurred the wrath of the officials, and he was arrested and prosecuted. Now, Sir, in the frontier province of Sind, as you are aware and as honourable members of the House are aware too, there are certain Regulations in force which give very arbitrary powers to the Government officers. If an offence is committed by a person, he may be tried either under the frontier regulations, Regulation III of 1892, or under the Indian Penal Code, that is, governed by the criminal code of the land. For failure to comply with the desire of the officials, Khan Saheb Bijarani was bound over at the instigation of a Government official and two members of the rival tribe, one of whom particularly had contested the election against him and had failed to be returned. They submitted applications to the Deputy Commissioner that their lives were in danger as Khan Saheb Bijarani was requested to supply the Criminal Investigation Department the name of the culprit, and he might implicate one of them. Thus these two persons go to the assistance of officials, whose wrath the honourable member, Khan Saheb Bijarani, had incurred. And under section 20 of the Regulation the officials of the province served notice upon him and called upon him to show cause why he should not be bound over for good behaviour and to deposit Rs. 20,000 as security. This was, Sir, returnable on the 27th of January, but on the 27th Khan Saheb Bijarani had fallen ill and had asked for adjournment and the adjournment was granted to the 15th of this month. On the 15th of this month Khan Saheb Bijarani offered 18 sureties, 21 witnesses and Rs. 20,000 hard cash as a price to maintain his liberty, honour and dignity. But, sorry to say, Sir, the officer trying the case was not moved by the offer and did not accept any surety and Khan Saheb Bijarani was arrested and kept in jail. Sir, Khan Saheb Bijarani asked for a copy of the charge against him in order to know for what offence he was to be tried or why he was called upon to give bond for good behaviour. Now, Sir, Khan Saheb Bijarani is a man of 60, and any man in this House or any man in the street cannot suspect him as a man who would give any trouble to the Government. It seems to me that perhaps he was charged that he was preparing or thinking of murder of those persons who had complained and, if that is

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so, I would tell the Government that there are other powers by means of which they could have brought a charge against him. What honourable members of this House ask in one voice is why this antedeluvian arbitrary, and autocratic Regulation, which gives high-handed powers to the Deputy Commissioner in charge of that province to take away the liberty of any one or to cause distress to the honour of the men living on the frontier, without any revision, without any check from this Government or from the highest tribunal in this Presidency, was resorted to against an influential, rich and honourable member of this House. To bring a member of this Council, a member of age, a member of influence, a member paying Rs. 20,000 assessment, to be tried on a doubtful charge under the old mid-Victorian Regulation III of 1892, I submit, Sir, is the very negation of British justice and it adds one more dark page in the British justice in India thus destroying the prestige and progress of the Reforms in India. Sir, the Indian Penal Code or the Criminal Procedure Code has not been resorted to for the simple reason that Khan Saheb Bijarani would have claimed a thorough and a fair trial. But a fair trial and a fair hearing to an honourable member of this House were denied because he had incurred the wrath of the officers in refusing to carry out their unjust demands and he was tried under the old Regulation III of 1892. Sir, looking to Khan Saheb Bijarani's position, status and age, this House demands that this Government should at once bring about his release and, if necessary, they should order a re-trial if the facts of the case justify it; and I am sorry to say that we cannot speak of the merits of the case. If Government want a re-trial, they can easily have it under any section of the Indian Penal Code and if it is for good behaviour under the Criminal Procedure Code. But the importance of this motion is and what this House by moving it requires Government to do is to immediately release Khan Saheb Bijarani from the iron bars of jail in a distant part of this Presidency. Khan Saheb Bijarani's security was refused, and this House claims that Government's action should be such as to vindicate the cause of liberty and he should be set free. But, Sir, instead of that, Khan Saheb Bijarani has been denied the very elementary principles of justice and the ordinary machinery of law, and he has been placed into jail. With these words, Sir, I appeal to the House that it will agree with me not because I may have sympathy with the honourable member on this question, but to vindicate the honour and prestige which a member of this Council has.

The Honourable Mr. M. H. W. HAYWARD: Mr. President, I should like in the first instance to express my entire sympathy with the feeling of not unnatural resentment that this misfortune should have fallen on an honourable member of this Legislative Council. I share that feeling fully and it is my earnest desire to ascertain and communicate the exact facts to this House and it was with a view to doing this that it was necessary for me to point out what, in such circumstances, was in my opinion the strict and right procedure to be followed in this House.

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I cabled clear-the-line to the Commissioner in Sind as soon as the matter was brought to my notice by my honourable friend opposite. I had no information whatever on the matter before beyond what appeared in the newspapers. I am not yet able to say "yes" or "no" to the question whether all the facts that have there appeared are true or not true. It is quite likely that they may be substantiated, but it is not possible for me to make an official statement upon many of them, until further information has been received from the Commissioner in Sind. I propose now to lay before the House all the information that I have so far been able to get. I got this telegram in reply to mine from the District Magistrate :—

"Upon information that zamindars who had helped in investigation of Kirk Shooting Case"—I think that was the case referred to by the honourable member in which an unknown miscreant shot at and wounded Mr. Kirk, District Judge of Sukkur—"were in danger of their lives from Khan Saheb Sher Muhammad Khan Bijarani he was served with notice under section 20 of Sind Frontier Regulations to show cause why he should not be bound over. On failure to show cause he was ordered on the 15th February to give personal recognisance of Rs. 20,000 and two sureties for good behaviour for three years. He did not produce acceptable sureties and was committed to jail on failure to give sureties."

The Commissioner in Sind telegraphed this further information: "I am awaiting report and copies of proceedings from District Magistrate to whom I telegraphed on the 19th, on hearing of Sher Muhammad's arrest. (So absolutely nothing was known then at headquarters in Karachi.) I have repeated your telegram to the District Magistrate ordering him to telegraph full facts today." As a result of that came the telegram which I have just read out. The facts so far as they are known to me are that Sher Muhammad Bijarani is alleged to have persistently obstructed the enquiry into the Kirk Shooting Case which implicated certain of his tribes and the two sardars connected with the enquiry have complained to the District Magistrate that they have been violently threatened by him and are in fear of their lives. The District Magistrate thereupon took action under section 20 of the Sind Frontier Regulations calling upon Sher Muhammad Khan to furnish security for good behaviour for three years, but up till the 15th of February he failed to do so. The required sureties were not forthcoming and he was committed to imprisonment.

I have since that received a telegram from the Commissioner in Sind to say that he has called for the record of proceedings and has taken steps to revise the proceedings under the judicial powers vested in him under section 17 of the Sind Frontier Regulations. He has pending the revision ordered that Sher Muhammad should be treated as a simple imprisonment prisoner. I cabled again clear-the-line to the Commissioner in Sind asking him to obtain and send to me at once copies of the proceedings and the orders of the District Magistrate and also copies of proceedings of his own revisional orders as soon as they should be passed and to cable to me at once, before the copies could arrive, the date on which he passes orders in the revisional proceedings under section 17 of the Sind Frontier Regulations.

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Mr. President, those are all the facts which are at present known to me and it was my intention, as explained to-day, to take the opportunity of communicating all further facts which come to my knowledge at the earliest possible moment to honourable members of this House. I suggest that that would still be the most convenient course to adopt, namely to wait till all members have before them copies of the proceedings both before the District Magistrate and before the Commissioner in Sind and then to have a full discussion both on the merits and on the general question of regulations like the Sind Frontier Regulations. We could then ascertain what is this thing which one of our members is alleged to have done, and what was the justification for these measures which have been taken against him. It is not really possible until we have copies and facts for the Council to discuss and to come to a reasonable decision upon this matter. What we want is to have all the facts before us, so that we really can discuss them and come to some conclusion. I do not know the full facts. I have given you all that I have got in reply to telegrams sent at the very earliest moment. I would suggest therefore to honourable members that it would be the best plan to adjourn this debate until a week hence when all the facts can be laid before the House and when we can really discuss the matter together on the whole merits, without limiting the discussion merely to the existence of these regulations, and when a final conclusion can be reached by the House.

I should, however, make here a few remarks about these Frontier Regulations. The Sind Frontier, as honourable members probably know, is a place where lawlessness has been at times very rife and where there arise blood feuds and upheavals of one tribe against another in a manner which is quite inconceivable to anybody living down here in the Deccan. The Baluchi tribes live there under the headship of sardars like Sher Muhammad Khan Bijarani and their inter-tribal disputes acquire at times such vehemence that fighting and bloodshed take place, and it was therefore that these special regulations were passed in order to give the authorities power to maintain order upon the Sind Frontier. The original Regulation has now been in force since 1870. It has to be read with the later Regulation of 1892, and those two Regulations have so been in force for over 30 years; so that, the question whether those Regulations ought still to remain in force could be a question which might be well considered at leisure by this honourable Council. But I suggest again that the quickest way to find out the real facts of this particular case of an honourable member of this Council would be to await the copies of the proceedings, to read them, and then to have a discussion, after the matter has been finally decided by the Commissioner in Sind. It is quite possible that the Commissioner in Sind may take an entirely different view of the facts from that taken by the District Magistrate, and, if he thinks it right, release this honourable member. But until he comes to a conclusion, it seems to me that it would be better for us to hold our hands, just as it would be in the case of any other matter before the courts. When it is finally decided, then we shall be in a position to discuss the

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whole matter and to come to a satisfactory conclusion. The Government has no power whatever to interfere under the Sind Frontier Regulations. It can no more interfere with the courts established by the Sind Frontier Regulations than it can interfere with the courts under the Criminal Procedure Code. They are special Regulations which apply to certain forms of crime and to certain tribes such as the Baluchis of the Frontier and it is supplemental to the Criminal Procedure Code. They are equally with the Criminal Procedure Code, laws under the Government of India Act, and if honourable members would refer to section 71 of the Government of India Act, they will find that such Regulations have the same force as any laws passed by the Governor-General in his Legislative Councils. They are, therefore, laws just like any other laws governing the courts, and it would be irregular for the procedure of the courts, while proceedings are still pending, to be interfered with by the Government.

I would, therefore, suggest that honourable members should wait till I can give them copies of all the proceedings of the case, which I will do as soon as I get them. I will have them typed or printed; I will let every honourable member have a copy, and then we might, as soon as the Commissioner in Sind has given his decision, discuss the whole matter in a full meeting of the House.

The Honourable the PRESIDENT: Before the debate proceeds further I must explain to the House the nature of this debate on a motion for adjournment. The House is now called upon to discuss a definite matter of urgent public importance. Definite matter means exact matter, closely defined. In this motion, the exact matter closely defined is the arrest and imprisonment of an honourable member of this Council under an exceptional regulation having the force of law instead of under the ordinary law. So, the debate must be confined to that definite matter—whether circumstances existed or not to justify his arrest and imprisonment under the regulation and why he was not dealt with under the ordinary law by means of a trial under the Penal Code and Criminal Procedure Code. The debate should not go beyond that definite matter.

Rao Bahadur S. D. GARUD (West Khandesh District): Mr. President, in this case the one unfortunate thing we find is that a member of this House was arrested under this extraordinary Regulation. We find that he had been called upon to show cause according to the Regulation, and the Honourable the Home Member tells us that he failed to show cause. We find that he had been called upon to furnish security, and the Honourable the Home Member tells us that he failed to furnish acceptable security. Now, Sir, the facts as given by the honourable mover of this motion and the facts as given by the Honourable the Home Member do not appear to us to agree in material particulars. May I, therefore, request you, Sir, to allow a member of this House to give the facts with which he is personally acquainted, without going into the merits of the case? I am referring to the honourable member for Western Sind (Mr. Pahalajani). If he would enlighten the House upon

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these two particular points, which do not bear upon the merits of the case, I think it would be helping the House a great deal to come to a decision.

Another unfortunate thing is that this honourable member should be confined in prison without anything being done to release him on bail. Is it not possible to release him on bail, pending further enquiry or at any rate the decision of the House in this matter? I know that the one thing which is agitating the House at present very much is that he should be confined in jail without anything being done for him. According to the information we have, we learn that 33 securities were offered on his behalf, and that every one of the securities was such as would have been readily accepted under the ordinary laws of the land. We do not understand why action should have been taken under this extraordinary law, when the ordinary laws of the land are already in operation in that province. The District Magistrate could as well have initiated proceedings under the ordinary law, and if he had been found guilty of any particular offence, surely not one in the House would have had the slightest desire to interfere with the course of the law, or to interfere with the conviction of the member if he was found guilty. But what is most agitating the House is that this extraordinary procedure should have been adopted, when we have the ordinary criminal law of the land in force there, that he should not have been allowed to cite witnesses—and the honourable mover told us that he was accompanied by about 25 witnesses—and that he should have been at once sent to jail when he was willing to give not only securities but, we understand, very substantial security. This matter has been before the Honourable the Home Member for about four or five days. Taking all these facts into consideration, could not anything be done to release this man on bail and get him out of trouble? For instance, he has been sentenced to rigorous imprisonment; could not this be suspended or changed to simple imprisonment till the case is finally disposed of. If he could have been released, and if the ordinary law of the land had been allowed to take its course, I am quite sure there would have been no complaint. May not a chance be given to him? When the ordinary law of the land is in operation there, it is hardly fair that resort has been had to special regulations, which have never been resorted to during the last 30 years except in one case. I therefore request you, Sir, in the first instance, to permit the honourable member for Western Sind to give the facts, without going into the merits of the case which, I am sure, he will be able to do and secondly, to permit the Honourable the Home Member to tell us if, in the meanwhile, during the time that the Council and the Government are considering this matter, there is no way of releasing the honourable member on bail.

Rao Bahadur G. K. Chitale (Ahmednagar District): Mr. President, I feel considerable diffidence as to the way in which I should make my remarks. The point remains that, as far as possible, I cannot touch the merits. However, Sir, the circumstances are exceptional. Here we

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have a police investigation in the offence which is known as Kirk Shooting case. That is to say, the prestige of Government is touched to the quick inasmuch as Government officers are fired at. I have very much sympathy with that kind of view. Sir, that is exactly the reason why we should watch very carefully the investigation of the police. It also appears that the shooting incident took place, if my impression is correct, not within the frontier province but about a few miles off Sukkur which is altogether a different and an ordinary district. In fact the outrage occurred within that district, but somehow or other the police investigation was taken into a frontier province as they perhaps may have had information that the culprits were from the frontier. Now I do admit, Sir, that this Regulation does apply and that there is no doubt about it. However, what matters, so far as Government are concerned and so far as this Council goes, the fact that two sardars complained to the District Magistrate that they were afraid of their lives or that they would be assaulted by a murderous assault and perhaps those sardars asked that this matter should be dealt with under this regulation. That is exactly the position under section 20. It is a preventive section and it is a preventive measure by which an order for finding sureties is made in order that Khan Saheb Bijarani may not commit an offence against these people. Notwithstanding that, however, the fact remains again that these two sardars in the ordinary way would have had their way of getting redress about some suspicion of an attempt which was open to them under the ordinary Indian Penal Code. But the fact is quite clear that they were afraid of their lives. But they have to prove that charge. But it is quite another matter that Government should have taken the initiation of proceedings upon themselves and should have issued these extra-judicial orders. Of course, if the charge had been made out in an ordinary way, it would have been another matter.

The thing that appeals to me is that in all such cases what is done is that a man is ostensibly trusted. In the present case I take it that the title of Khan Saheb conferred upon him by Government is a guarantee that he was at least for some time a trusted man, and he was besides a member of this House. And if such a man is accused by two others whose antecedents I do not know,—I do not want to go into their merits,—and they have thought it proper to bring a charge of attempting murder, I think instead of the application of this Regulation, the ordinary law should have been allowed to prevail. However that may be, the fact does remain that he was called upon to give securities to the extent of Rs. 20,000. May I put it to the Honourable the Home Member with all the information that he has in his possession whether as a matter of fact this man did or did not produce 31 sureties ranging from people paying Rs. 30,000 up to Rs. 70,000 and cash to the extent of Rs. 20,000 and why all these have been rejected and the man has been sent to suffer rigorous imprisonment? That in itself is a sufficient condemnation of the action which is being discussed by this House. I do not quarrel with the provisions of the Act. As a matter of fact, Government may one day

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find it necessary to take security for good behaviour for a man having voted against them. But all that I plead for, Sir, is this that let us have some respectability attached to us. But so far if a man is not to be adjudicated upon by the ordinary procedure, and as a matter of fact if his surety is to be taken, let the inquiry proceed in a regular way.

Now, there are two ways which are mentioned in this Regulation : either by a Council of Elders or by a regular inquiry. And it does appear, Sir, that if the sections of the Criminal Procedure Code are supplemental under section 28 of this Regulation III of 1892, then the same procedure as under the Criminal Procedure Code has to be followed, and as far as I can see, Government would lose nothing, but would add to their prestige if they at once liberate the man and if they like that these two sardars who are afraid if he is liberated should be satisfied, the man may be released on bail and brought down to Bombay, 500 miles from them so that everybody there will be at ease and comfortable. In fact I put that suggestion to the honourable member for Sukkur whether he may not ask his client to be let out on his responsibility. Of course, the chances are he may not even do that ; but what appears to me is this that no other facts are necessary. We do not want any more to enter into the merits of the case. It will not be fair on the part of this House to enter into the merits of the case before it is decided by a regular court, and we will not therefore take upon ourselves to say anything on the merits. But, on the other hand, as far as the facts of this case are disclosed, namely, that the two sardars complained that Khan Saheb Bijarani, a member of this House, has done something to bring himself under certain sections of this Regulation, all that this House would demand is that he might be liberated on bail, if Government wants, even on giving any security, by transporting him 500 miles and bringing him to Bombay. That, I think, would be ample security both for Government and to the two sardars. If that step is not taken by Government, I am afraid as this is a motion of censure—I have to give Government to understand that this is a motion for censure—the work of this session of the Council might not perhaps be allowed to go on at all. After all, one cares for his liberty first and for everything else afterwards. Let it be understood that until any case is made out against a man he has a right to be at liberty, and that the responsibility is upon Government to see that the lives of the people are safe.

I appeal to the Honourable the Home Member to consider whether it would not be a proper step on the part of Government to liberate him on bail, and I must say that if this step is not taken by Government, however unpalatable that step may be, this House has made up its mind to carry this vote of censure by a majority.

Rao Bahadur S. D. GARUD : I want to know, Sir, whether the honourable member for Sukkur will be given an opportunity to state the facts. May I inquire if you will be kind enough to permit him to do that ?

The Honourable the PRESIDENT : I have no right to prevent any honourable member from taking part in the debate, but if he asks for my guidance, I hope to give him some help.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I have no intention of talking on the merits of the case, but I only request the Chair to consider my position and to give me guidance so that I may be allowed to give the facts as known to me or as brought here by me from the records of the case and from my conversation with the District Magistrate himself. If the Chair gives me guidance as to the limit within which I should keep myself, I will give the House what I know and what I have got.

The Honourable the PRESIDENT : The rule on this subject was stated by Mr. Speaker in the House of Commons when his ruling was invited as follows :—

“ To say that any member who is engaged in a criminal case is not to engage in this House on a subsequent occasion in a debate relating to the same cause is not within the Speaker's power, because it is not contrary to the rules of this House.

“ It would be highly improper for any member to take part in any discussion in a case in which he was concerned and which was still undecided, but after the case had been decided there might be information at his disposal which could be usefully supplied for the conduct of the debate. The matter must be left to the legal profession to decide whether it is contrary to legal etiquette for members to take part in debate under the circumstances. (Parl. Debates, H. of C., Hans : 4th Series, Vol. VIII, Cols. 1054 to 1061.)

Sir Charles Russel, an eminent counsel, who afterwards became the Lord Chief Justice of England stated his view in the House of Commons just before the speaker gave the ruling I have cited : Sir Charles said :—

“ It would be contrary to what is understood to be proper professional conduct in England to use his knowledge of facts obtained as counsel in a criminal case for the purpose of political discussion in this House. I took the opportunity of consulting several of the judges and the majority of those judges seemed to think that the law went even further than I have said and that no counsel should take part in any public discussion relating to any criminal case in which he has been engaged, unless it be under exceptional circumstances calling for explanation or the like.” (*Ibid* Col. 1053.)

I hold that this rule ought to be enforced in this Council.

Therefore my advice to the honourable member for Sukkur is to confine himself to an explanation of the facts of the definite matter which has been raised for debate, namely, the application of this Regulation to this particular case, and the circumstances under which it has been enforced instead of the ordinary law. I hope I have made the point clear for the honourable member's guidance.

Mr. B. G. PAHALAJANI : Sir, I would confine myself to the limits you have now defined for my guidance and even far within them. I very sincerely thank the Chair for permitting me to address the Council at this stage and letting me know how far I am entitled to go, for though I am in no way subject to the control of this Council, yet my professional conduct is subject to be watched by the High Court.

The Honourable the PRESIDENT : I take the responsibility of the advice.

Mr. B. G. PAHALAJANI : So far, the facts given by the Honourable the Home Member are in the main correct. The Kirk Shooting Case took place on the 20th October. The investigation went on. The District Magistrate received information that one Mehren Bijarani, not Karamkhan Bijarani, belonging to the taluka of Sukkur, was suspected of having committed the crime. I shall not give any further facts. The investigation went on. On the information, not on complaint, the District Magistrate took action of his own accord. On the 21st January he issued a notice on Khan Saheb Bijarani which was to the following effect:

"It is our opinion that to prevent murder or culpable homicide, it is necessary that Shermahomed Khan should furnish recognizance for good behaviour; he is called upon to appear on 27th January 1923 and show cause why he should not furnish sureties of Rs 20,000 for three years. Bring your witnesses with you."

Bijarani appeared on the 27th January before the District Magistrate and the case was adjourned to the 15th February. On the 27th January he was not asked to furnish security and given time or opportunity to produce them as stated by the District Magistrate but he was allowed time to appear on the 15th February. On the 15th February he appeared before the Collector in camp and made the following application.

"In *Re* security proceedings against Sardar Shermahomed Khan Bijarani—

Sardar Shermahomed Khan respectfully submits that he is surprised at these proceedings. He is sought to be disgraced by his enemies. They, being an outcome of my enemies' 'work', who have taken advantage to ruin me of the recent outrage on the District Officers.

I pray that you would be pleased to grant me true copies of statements or evidence recorded against me and an adjournment to prepare my defence.

I pray that I am a Sardar of my tribe and a trial under the Jirga Act without giving me an opportunity of defending myself would be prejudicial to me. I request to be permitted to engage a pleader to do so. I may be given time to do so.

Or

The court may give me an opportunity and therefore to represent my case to the Commissioner in Sind and request him to quash proceedings.

Or

Move the Government to appoint a committee or commission to give me an open trial in view of my position as a Sardar, and as a member of the Council. Proceedings of the character like the present would be highly prejudicial to me; it would be but fair that being in the position of an accused, I should be given full opportunity of knowing the allegations against me and disproving them.

That as the session of the Legislative Council begins on the 19th (when His Excellency will address the Council) and lasts till 11th March, the court would be pleased to fix a date after 20th March."

On this application the District Magistrate passed the following order :

"The accused has already been given an adjournment of 19 days to prepare his defence. This is not usual in these cases but has been allowed to him out of deference to his position as a Sardar.

The enquiries in this case have been made out of court, as provided by section 20 of the Sind Frontier Regulation and copies cannot be given as such action would precipitate the very danger which is sought to be avoided by action under this section. It would rouse the anger of the accused's tribe against the witnesses.

The facts against the accused were, however, fully explained to him at the previous hearing and the suggestion that he does not know the allegations made against him is untenable. This application is therefore rejected."

The accused then showed cause in writing in Sindhi which is on record. It is not correct that cause was not shown, for in the very order he has

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passed on the second application subsequent to this the District Magistrate made the following order.

"He puts an application: It is filed as Ex. A. He puts in a second application which is filed as Ex. B.

The accused has shown no reason why he should not be bound over. I therefore direct him to execute a bond for a sum of Rs. 20,000 with two sureties for a like amount to be of good behaviour for a period of three years."

Khan Saheb Sher Mahomed offers the following sureties:—

"No. 1. Khan Bahadur Mirsunder Khan Sundrani: The diaries of the investigation of the Kirk Shooting Case show that the Khan Bahadur has consistently supported Khan Saheb Sher Mahomed Bijarani in his efforts to impede this investigation. As Sher Mahomed's threat to cause murder is simply the outcome of his efforts to oppose this investigation it must be presumed that Khan Bahadur Mirsunder Khan is the last man who is likely to exercise any effective control over the accused in this matter. He cannot therefore be accepted.

"No. 2. Mian Haji Abdul Ghanishah Sayad: He is a small landholder in Thul taluka, whose influence in this district is insignificant. It is quite ridiculous to imagine that he can exercise any effective control over a person in the position of the accused and of his influence.

"No. 3. Muhamad Yakub Shah Sayad: He is a landholder of this district, Ghausipur. His influence in this district is absolutely insignificant. It is equally ridiculous to suggest him as a surety.

"No. 4. Jaffar Khan Sundrani: An insignificant zamindar on the kuchas, who has neither the power nor the will to exercise any control over the accused. Rejected.

"Nos. 5, 6, 7 and 8:.... These four are Bijarania. The suggestion that they should stand surety for their tribal Sardar does not require serious consideration.

"Nos. 9, 10, 11.... These three are zamindars of small influence and doubtful reputation, who have neither the power to control the accused and cannot be trusted to exercise what power they have on the side of law and order.

"No. 12.... Mihal Khan Sundarani: This man's influence is comparatively small and reputation is not of the best. He is quite incapable of exercising any effective control over the accused.

"No. 13.... This man has not sufficient influence to control the accused. He is also completely under the thumb of Khan Bahadur Mir Sunderkhan Sundarani and he cannot be accepted.

"No. 14.... Quite an insignificant zamindar and quite incapable of exercising any control over the accused.

"No. 15.... A man of no influence whatever: quite incapable of controlling the accused.

"No. 16.... Man of insignificant position who would not be able to exercise any influence whatever on the accused.

"No. 17.... The man's influence is purely local and exists only in his own haris and his own tribe who are Sindhis. He has only recently been given a chair in the Darbar and is quite unable to exercise any control over the accused.

"No. 18.... A man of no influence and quite incapable of exercising any control over the accused.

"No. 19.... A zamindar of this district, who is quite insignificant and devoid of influence: quite useless from the point of view of controlling the accused.

"The above are all rejected for the reasons shown.

"In default of surety I direct that the accused shall suffer rigorous imprisonment for three years or until such time as he produces two acceptable sureties."

This was on the 15th; on the 19th I went from Jacobabad and took with me 14 sureties whose respectability nobody could have questioned and in order to prevent any pleas, I mentioned to the District Magistrate in writing the assessments paid by them.

1. Khan Saheb Bahadur Khan Khoso—Rs. 60,000 to Rs. 70,000.

2. Khan Bahadur Mir Sunderkhan Sundarani—Rs. 25,000 to Rs. 30,000.

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3. Rs. 5,000 to Rs. 6,000.
4. Rs. 16,000 to Rs. 17,000.
5. Rs. 2,000.
6. Rs. 5,000 to Rs. 6,000.
7. Rs. 3,000.
8. Rs. 12,000 to Rs. 13,000.
9. Rs. 8,000.
10. Rs. 4,000.
11. Rs. 1,500.
12. Rs. 3,000.
13. Rs. 3,000.
14. Rs. 10,000.

The magistrate remarked about the sureties :—

“Nos. 2, 7 and 12 already rejected. Khan Saheb Bahadur Khan Khoso : He is too old and ill to be accepted. For a long period at a time he cannot stir out of his house.” I can only state, Sir, that I travelled 60 miles from Jacobabad, and this gentleman went with me in the same train and slept in the same room with me.

“And he cannot move out of his zamindari except on rare occasions. He has ceased to take an interest in tribal affairs and all his influence has now passed to his son Dilmurad Khan. He is therefore incapable of controlling a person in the position of the accused. Rejected.

“No. 4. Sahrabkhan Sarbi : He is no doubt a man of considerable influence locally but his influence does not extend beyond the borders of Thul. He is a Sindhi and commands no respect among the Baluch tribes. He is quite incapable of exercising any effective control over a Baluch Sardar and is therefore rejected.

“No. 14. Younger brother of the accused and ordinarily therefore incapable of exercising any control on him.

“Nos. 3, 4, 5, 6, 8, 9, 10, 11 and 13 are all insignificant. Men of purely local influence and powers. It is out of the question even to consider them seriously as suitable sureties in this case.”

Now, Sir, on the 19th the District Magistrate refused the sureties : I told him the accused would go to the Council with me. The accused had volunteered to deposit Rs. 20,000 in cash. The facts were exactly as were put by the Honourable the Home Member with corrections I have made. The only reason was that the Zemindars were under the impression that their lives were in danger. No prosecution witnesses were examined ; no defence witnesses were examined ; and no copies of depositions were granted, and the accused is in jail for three years ?

Mr. A. MONTGOMERIE : Sir, I am sure we are all grateful to the honourable member who has just spoken for having acquainted us with the facts of the case. Obviously the magistrate who was dealing with the case has put all this on record. But how far the record as read out by the honourable member will justify this House in making any criticism on the actual order made by the magistrate I do not know.

The Honourable the PRESIDENT : I am afraid the honourable member is wandering away from the main point. It is not permissible to go into the facts of the case. I hope members will confine themselves to the

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narrow question raised by the motion for adjournment, namely, what circumstances there were to justify the application of this special Regulation to the exclusion of the ordinary law.

Mr. A. MONTGOMERIE: Sir, I have heard your ruling. But we have now the facts of the case.....

The Honourable the PRESIDENT: The question is not whether the gentleman concerned is guilty or not guilty. The question is, why this resort to an extraordinary measure?

The Honourable Mr. M. H. W. HAYWARD: I think, Sir, I ought to bring it to your notice that the honourable member who last spoke has read to the House what purports to be the whole facts of the case from the beginning to the end.

The Honourable the PRESIDENT: That is because an exception was made in his case, so that he may explain for the benefit of the whole House and I cannot allow any debate on that. A member of the House who is engaged as counsel in a case may explain the nature of the case, but cannot comment upon the facts.

Mr. A. MONTGOMERIE: Sir, the only point then, to which I can address myself, is the one of the use made by the magistrate of his discretion to take action under one or other of the alternative procedures laid down by the law. Honourable members have referred, and I believe the words of the resolution refer, to the Sind Frontier Regulation as extraordinary legislation, but that Regulation is part of the law of the land and as such binds the conduct of the magistrate. The magistrate's procedure was apparently as much according to law as if he had taken action under the Criminal Procedure Code, and the effect of his action is the same. And that is why I am doubtful how far it is possible for this House, however much it may sympathise with the honourable member against whom action has been taken, to give effect to the suggestion of the honourable member for Ahmednagar. I say it is difficult to understand how we can give effect to it. I put the case, Sir, that proceedings had been taken by the learned magistrate under the ordinary provisions of the Criminal Procedure Code, and the accused had been incarcerated in consequence of its provisions; in such a case, would it be open to us to call on the learned magistrate or the revising court to liberate the accused on bail? For that, I understand, is the only measure which the honourable member for Ahmednagar has proposed to us. If such a course is open, then it may be possible for Government, at the express desire of the Council,—I understand your ruling is that this is a proper course and it is open to Government,—to suggest to the revising court that the accused may be admitted to bail.

The Honourable the PRESIDENT: I have not so ruled and that is not a point of order. All I can rule is on a point of relevancy. I understood the honourable member for Ahmednagar (Fao Fajadur Chitale) to have stated that fact to use it for the purpose of showing the arbitrary character of the proceeding taken under the Regulation. He contended that here

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is a magistrate who, whatever security is produced, says "I won't accept it." ; that 30 sureties were offered, but they were all rejected. His contention as I understand is that that is striking a pen through the Regulation itself, and that the discretion has been exercised not judiciously but capriciously. That is a relevant point. It is not for me to say more than that on the point of order raised. It is also relevant for an honourable member to urge on this motion that Government have power to release a man who has been convicted by an ordinary court of law or reduce his sentence if they find that there has been a miscarriage of justice (Hear, hear ; and applause) and that, if that power did not exist in Government, there would be no Government.

Mr. A. MONTGOMERIE : There is no provision, Sir, in the Criminal Procedure Code. . . .

The Honourable the PRESIDENT : The House is now dealing with the executive powers of Government and it is for the House to decide whether Government have power or not. All I can rule on the point of order raised is that at the moment a man is sentenced or imprisoned, the court is *functus officio*, and the man is in charge of the executive authorities or Government it is relevant on a motion like this to ask Government to release the man. That is why the Home Secretary in England is urged in the House of Commons to exercise a discretion in his executive capacity in such matters. So here too.

The Honourable Mr. M. H. W. HAYWARD : He never exercises that discretion in a pending case, Sir.

The Honourable the PRESIDENT : I have said what I have said on a point of order. I do not want to add anything more, for that is for the honourable members to discuss and decide.

Mr. A. MONTGOMERIE : If it is open to Government to make that suggestion, Sir, then

The Honourable the PRESIDENT : I do not know whether it is open or not. I have merely said that Government have the discretion to exercise their power in their executive capacity if they choose to do so and that, therefore, the argument is relevant to this debate.

The Honourable Sir CHIMANLAL SETALVAD : That may be, Sir, after the decision ; not before the decision.

The Honourable the PRESIDENT : That is again a relevant argument to raise in debate. It is not a point of order. I do not deny that Government will not interfere when a Court is seized of a case.

The Honourable Sir CHIMANLAL SETALVAD : Cannot properly interfere.

The Honourable the PRESIDENT : That may be so, but that is not for the Chair to rule on.

Mr. A. MONTGOMERIE : I will proceed, Sir, and say that if it is the desire of this honourable House to recommend to Government that Government should recommend to the Commissioner in Sind to make the use of his discretion, and if this House feels that the Commissioner in

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Sind as a Court exercising judicial discretion will not resent, and possibly rightly resent, any interference with such judicial proceedings, then I believe that Government may be prepared to take some such action in order to respect the wishes of the House, without prejudicing the result of the Commissioner in Sind's enquiry into the merits of the case, which is a matter not before the House. They may take some such action to make a recommendation to the Commissioner in Sind.

With regard to the point that has been raised as to the refusal of sureties by the magistrate, I might venture to remind the House that, although on the facts as they appear before us the magistrate's action may appear arbitrary, it appears from the papers themselves as read out by the Honourable the Home Member that the magistrate, as provided in law, had made certain enquiries. The Regulation itself provides for enquiries of a judicial character to be made by the Court, though not in the presence of the accused, just as there are Acts which do the same. For instance, the Criminal Law Amendment Act as originally passed allowed the magistrate to hold an enquiry and to take evidence against the accused without the accused being present. So that, it appears from the record that the magistrate must have some other facts in front of him, and I would remind the House in that case that the refusal by the magistrate to accept securities is a judicial act. The acceptance or refusal of the securities is a judicial act, and, therefore, what we are asked to do is to interfere with the judicial discretion of the magistrate. It may be that the Commissioner in Sind may find the magistrate did not exercise the discretion rightly and it may be that nobody would be more pleased than the members of this House if they so find it. But the question is whether we really can do anything more than what I have suggested, that is, suggesting to the Commissioner in Sind the advisability of releasing the accused on bail while he is holding further judicial proceedings.

The other question, the question as to whether the magistrate rightly used his judicial discretion in choosing which form of the criminal procedure he should adopt in this particular case, is, I venture to submit, a matter on which I hope this House will not, without all the facts before it, desire to express their opinion on. I think the lawyer members of the House will recognise that that is a thing which they would rather not do. That is the only suggestion I have to make, Sir.

The Honourable Mr. H. S. LAWRENCE : Mr. President, I speak on this subject under a grave sense of restraint. The member of this House, the subject of these proceedings, is an old friend of mine. I have known him for fifteen years since I was the Collector of Sukkur and in point of fact I have been his guest while shooting near by the place where this unfortunate origin of these troubles occurred. That was a few years ago. I think, Sir, it may be of some assistance to this House if I attempt to describe to them some of the conditions that prevail in that part of the country to enable them to appreciate the general atmosphere and to understand that some of those actions which appear remarkable in this case are caused by local conditions. This Sardar Sher Muhammad Khan has been correctly described as being the head of a very important tribe.

[Mr. H. S. Lawrence]

This tribe lives along the borders of Sukkur and of the Sind Frontier district. It is a very vigorous powerful tribe of determined men. There are not many chiefs in the north of or even beyond the Frontier of Sind who can have much influence or exercise much control over a sardar of the importance of Sher Muhammad Khan. It is customary in that country, where such unfortunate occasions arise as tribal feuds, to call on a certain limited number of men to undertake to keep the peace between different important tribes. It is a very remarkable state of society very far removed from the condition of affairs that prevails in this part of the Presidency.

The principle is well known that a man of inferior status cannot be held responsible for the actions of a man of superior status. That, Sir, will explain why that list of sureties which the honourable member referred to, was in large part rejected by the officer responsible for the maintenance of the peace of the Upper Sind Frontier. The question at issue has been why these proceedings have been taken under the Sind Frontier Regulations rather than under the ordinary Criminal Procedure Code. On that frontier, human life is held cheap, men attack and murder one another on what would appear to be very slight provocation; conflicts occur between tribes followed by grave bloodshed. While I was in Sind five years ago, there were outbreaks only a few miles away from where this tribe lives and it took the operations of a considerable section of the British force then available in India to restore peace in that part of the country. Our own frontier, within 50 miles of this tract, had to be guarded by troops. The railway was torn up and bridges were damaged close to our frontier. Such are the possibilities of tribal feuds and troubles in that region. If witnesses were summoned in open court to give evidence against the head of one important tribe, those men would be marked down for vengeance by the followers of that sardar. It is necessary, therefore, that the officers responsible for life in that tract should hold secret enquiries in order to safeguard the lives of witnesses. I admit that it is an unfortunate procedure but the facts must be judged in the light of the consequences that may follow if these safeguards are not taken. I think, Sir, the House will not in any way misunderstand my statement. I do not assert for a moment that this sardar should be held by this House to be guilty; we do not know the facts, we do not know what is alleged, we hope to see the proceedings in course of time when they have been received from Sind. I make no suggestion whatever,—this man accused of having threatened or attempted the lives of other sardars may or may not have committed that offence. I merely attempt to place this House in possession of some of the surrounding features of cases that may and do arise up there, in order that they may be better able to appreciate the reasons that underlie the application of the Sind Frontier Regulations.

Rao Saheb D. P. DESAI (Kaira District): I move that the question be put.

The Honourable the PRESIDENT: Is a closure moved?

Rao Saheb D. P. DESAI: Yes, Sir.

The Honourable the PRESIDENT: I accept the closure.

The Honourable Sir IBRAHIM RAHIMTOOLA: Sir, it is with much reluctance that I rise to address the House on a question in which there is obviously a very strong feeling amongst the non-official members. The feeling is based on the fact that an honourable member of this House has been called upon to offer security, that the security that he offered has been rejected and that he has been sent to jail with a punishment of three years' rigorous imprisonment. The feeling is natural because it shows that the man was not given any opportunity of defence in open court and has been sent to jail with a very severe form of punishment without any guilt being brought home to him in an ordinary judicial court. I can fully sympathise with the feeling that prevails among the non-official members, who must stand strongly for the liberty of the subject, and following this line of argument, it is naturally urged that a serious form of injustice has been done to a citizen in not being allowed to put up his defence. May I, however, ask one question? I am sure honourable members desire to be perfectly fair in regard to the subject they are now dealing with. Ought they not, therefore, to give to the officer concerned, who has acted in this way, an opportunity of saying what he has got to say in his defence, before condemning him? Just as you are finding fault with the action of that officer in sending Sardar Bijarani to jail, are you not acting in a similar way in not demanding of the officer who is on the spot, who is fully conversant with all the facts of the case, and who has taken what admittedly appears to us a high-handed and arbitrary action for an explanation? The honourable the Home Member has told you that he will get all the information that can be obtained and place before the House the justification, if any, in support of the action which a responsible officer of Government has taken in this matter. I do not see that anything is lost in having all these facts before the House, before they decide what action they should take. It will naturally be asked, and I fully sympathise with the feeling which is prevalent among non-official members, that while all these enquiries are being made and further particulars are being obtained, the man is in jail; "Do you desire that he should continue in jail without having been convicted by a judicial court in the ordinary sense of the term? Should we allow him to rot in jail during the time that these enquiries are being made?" I will at once admit the force of that argument, and I will offer a suggestion which, I hope, will meet with the wishes of honourable members.

The case now is, as stated by the Honourable the Home Member *sub judice*. The case being *sub judice*, that is to say, the Commissioner being at present engaged in enquiring into it, Government, by themselves, have no authority to interfere and order the release of the man. I have already said that I realise the feeling that is prevalent amongst honourable members, and personally I have the fullest sympathy with them, and that is why I ask them to let me put my suggestion before them for consideration. The fact is that the matter is in revision with the Commissioner in Sind, and therefore, at this stage, the man can only be released by an order of the Commissioner. Now, if any representative, on

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behalf of Sardar Bijarani, applies for bail to the Commissioner in Sind, Government are prepared to instruct the public prosecutor to appear on behalf of Government and say that they have no objection to his being released on bail.

An Honourable MEMBER : Was not bail applied for before ?

The Honourable Sir IBRAHIM RAHIMTOOLA : He may have applied before, but he can renew his application at any time and, if it is renewed, Government will appear through the public prosecutor and will say that they have no objection to Khan Saheb Bijarani being released on bail.

Mr. C. M. GANDHI : Government has power to release the prisoner on bail.

The Honourable Sir IBRAHIM RAHIMTOOLA : For a layman like myself, it is difficult to adjudicate between conflicting legal views. But I can tell honourable members that, so far as Government are advised by their legal advisers, they hold the view that Government cannot interfere till the decision of the Commissioner, either in favour of or against Khan Saheb Bijarani, has been given.

Mr. C. C. HULKOTI (Dharwar District) : Who is to apply to the Commissioner for revision of the case ?

The Honourable Sir IBRAHIM RAHIMTOOLA : The Commissioner has got revisional jurisdiction under the Regulation under which Khan Saheb Bijarani has been sent to jail.

Mr. C. C. HULKOTI (Rose).

The Honourable the PRESIDENT : Order, order. The honourable member from Dharwar is asking questions which he should not ask. The revisional court has got the powers to call for records of the case *suo motu*. It is a waste of time to interrupt in this way.

The Honourable Sir IBRAHIM RAHIMTOOLA : I would appeal to honourable members to realise that this is a matter in which an enquiry is called for. I do not think there will be any member of this House who would claim that the law should be a respecter of persons. That being so, if a responsible officer of Government feels that the man has brought himself within the clutches of the law, then they are entitled to demand that he should be prosecuted in the ordinary courts. Now, before the further enquiry proceeds, it is necessary to give the man an opportunity of defence. He is in jail, and something must be done in regard to that. The general feeling is that he is in jail now without having had an opportunity of defending himself. I do not think the honourable House would take upon itself the responsibility of ordering his release, without the merits of the case being examined. Therefore, we are entitled to claim that he should be released on bail, pending such judicial enquiry as may be held. Now, the only way, as at present advised, is that he should apply for bail, and Government will instruct the public prosecutor to raise no objection to bail being granted. In that way, all that the honourable members desire will be secured. Here the position is this. Honourable members will realise that the legal advisers of Government say

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that they cannot interfere at this stage. All that Government can do is to instruct the public prosecutor not to raise any objection to the release of the prisoner on bail.

(Mr. A. P. CHAUGULE (Belgaum District) made an observation which was inaudible).

The Honourable the PRESIDENT : The Leader of the House is entitled to go on, and, if any honourable member wants to dispute what he has said, he can address afterwards.

Mr. A. P. CHAUGULE : I am not disputing.

The Honourable the PRESIDENT : The honourable member is interrupting.

The Honourable Sir IBRAHIM RAHIMTOOLA : I do not wish to take any more time of the House. I see that all that the House desire is that this man should be released on bail. What does it matter in what way he secures bail ? The advice of the legal officers of Government is that this is the best way in which the accused can get it. At all events, this will convince the House that Government are taking a sympathetic view of the situation and are offering to instruct the public prosecutor to appear before the Commissioner and to agree to bail being grantede

Rao Bahadur R. R. KALE : Can this question stand over till then ?

The Honourable Sir IBRAHIM RAHIMTOOLA : If you like.

The Honourable the PRESIDENT : I am afraid that is asking for the impossible. The life of this motion expires at six o'clock to-day under the Standing Orders.

The Honourable Sir IBRAHIM RAHIMTOOLA : Honourable members are not debarred from raising the issue again if they so desire, but they can well be satisfied for the present with the assurance I have given and the instructions which, on behalf of Government, are going to be given to the public prosecutor. Government have sympathetically met all the legitimate demands of honourable members. I trust, therefore, that they will be satisfied with the way that Government have dealt with this issue before the Council, and that the honourable mover will withdraw the motion.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association) : Mr. President, I think the House is prepared to admit that the attitude adopted by the Government in this important matter is exceedingly reasonable and conciliatory, and that it will be glad to accept the offer of the Government. The sum total of the recommendation that my honourable friend the Leader of the House has made, amounts to an acceptance by the Government of the immediate request of the House.

The Honourable the PRESIDENT : May I just interfere, if that would help to enable both sides to come to an agreement ? (Honourable Members : Yes, yes).

The Honourable the PRESIDENT : This motion, it must be remembered, is of an exceptional character in that a member of this House has

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been put into prison under an exceptional law called a Regulation. Now in all criminal cases where a member of the House of Commons is arrested and afterwards convicted, the magistrate or the Court out of courtesy informs the Speaker of the House of Commons of the arrest in the first instance and of the conviction, if it occurs, later on. It is not binding upon the Courts to inform the Speaker of this, but it is an ancient practice which is rigidly observed. As the Speaker has observed, it is no breach of privilege of the House if a magistrate fails to communicate to the Speaker the fact of a member's arrest or conviction, although it would have been the usual and proper course to take for a magistrate or judge to inform the Speaker. If a motion could be framed, that would be in order expressing dissatisfaction at the want of courtesy shown in not communicating. (Parliamentary Debates, 4th Series, 1902, Vol. 113 : cols. 14 and 15). The Speaker also cited May :

“The duty of the magistrate arises when he has committed a criminal to prison and when he is detained there without bail.

“The earliest opportunity should be taken of informing this House of arrest—a duty ordinarily performed by the Magistrate before whom the charge is brought.” (Parliamentary Debates, 4th Series : 1902 : Vol. 109 : Col. 480).

Now I think the proper course would be—and I recommend it for the consideration of the House—that the honourable mover of this motion (Mr. Haji) if he is satisfied with the assurance given by the leader of the House on behalf of Government, may withdraw this motion by leave of the House. He may wait and see whether the Commissioner in Sind passes any order allowing bail. If he refuses bail, or if and when he disposes of the case finally, then it would be proper for this House to move another and fresh motion if that involves a new factor and a change in the situation to warrant that fresh motion under the Standing Orders. So far as the present motion is concerned, I put it to the honourable mover, whether, with the consent of the House, he would not withdraw and give Government the chance they have proposed.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association) : Sir, I would however like the Honourable the Leader of the House to make one point clear ; and it is this. After the member of this House, who is now on trial is released on bail in accordance with the assurance of the Honourable the Leader of the House in that behalf, it is assumed that he will be tried under the ordinary law of the land and not under the special regulation under which he has now been arrested. I hope the assumption is correct. The fact, Mr. President, that a member of this Council has been summarily arrested and sent to prison under the extraordinary provisions of the Sind Frontier Regulations, instead of the ordinary laws of the land, has aroused very considerable feelings of indignation among his colleagues in this House ; and I wish to make it quite clear that this House is prepared to agree either to withdraw this motion to-day or to postpone it to a future date, without further discussion, only if an assurance is given to the effect that their colleague will be tried under the ordinary laws of the land.

The Honourable the PRESIDENT : It cannot be postponed, as I have said, under the Standing Orders. Therefore it is that I have made

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the suggestion. As regards the ordinary law being applied, honourable members will see that it will be open to any honourable member to ask for leave to move the adjournment of the House upon any order that may be passed by the Commissioner in Sind, because that would be a fresh order, and so it might be quite open to make a fresh motion under the new situation, if any. It is therefore that I have made this suggestion.

Mr. JFHANGIR B. PETIT : In view of the remarks that you have just made, I hope the honourable mover of the adjournment of the House will now withdraw his motion. The House will then have an opportunity of re-opening the question at a later stage, if it is found necessary to do so in the light of such fresh facts as may be placed before it, and particularly in the light of the action that the Commissioner in Sind may take in the matter as the result of to-day's debate and the assurance given to the House by the Honourable the Leader of the House on behalf of the Government.

Mr. KANJI DWARKADAS : If the case is not decided before this session is over ?

The Honourable the PRESIDENT : If it is not decided during the time this House is in session, it will be open to any honourable member to bring a motion for adjournment upon the ground, namely that the case has not yet been decided and so the House should consider it. It is a matter under a Regulation—not under the ordinary law.

Mr. IBRAHIM S. HAJI : Sir, on behalf of the non-official members of this House, I may be allowed to say that we are very grateful for the statement made and the assurance given by the Honourable the Leader of the House. Under these circumstances, I beg leave of this Council to withdraw the motion.

Motion by leave withdrawn.

The Honourable the PRESIDENT : May I make an appeal to the Government benches and also to the Honourable the Leader of the House that Government will be pleased to issue a circular to all the Criminal Courts that in the event of an arrest or conviction and imprisonment of any honourable member of this Council an intimation be given to the President, because such arrest or conviction means depriving the House of the presence of the member arrested or imprisoned at the Council meetings and fettering *prima facie* his rights and liberties as such member. It does not mean any interference by this Council with the course of justice ; the Council has no power over that. The intimation is a matter of etiquette and Parliamentary practice.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I do accept your suggestion and it will be acted upon ; but I hope no such occasion will arise.

Rao Bahadur G. K. CHITALE : Sir, on behalf of the non-official members of this House, I must thank the Chair for the manner in which the Chair has asked our rights to be protected.

[Discussion of Budget Grants resumed. Demand under 5, Land Revenue (Reserved).]

The Honourable the PRESIDENT: Item No. 2.

"Survey operations in the Diplo taluka of the Thar Parkar district. Rs. 2,500."

Question put and agreed to.

Rao Bahadur R. R. KALE (Satara District): Sir, I have a motion as regards item No. 3. That is a provision for the purchase of a medium sized rotary off-set press and its motor for the Government Photozinc Press, Poona. I wish to know whether this item is connected with item No. 28, which provides for the purchase of instruments for the photocopying department. I gave notice of this because a new system has been introduced in sub-registrars' offices of copying documents by means of photography. I wish to know whether this has got to do anything....

Mr. G. A. THOMAS: This matter has nothing to do with sub-registrars' offices. The provision is required for replacing worn out machines. This press is used for maps and illustrations.

Rao Bahadur R. R. KALE: I do not then propose to press this motion and ask for leave to withdraw it.

Motion by leave withdrawn.

Rao Saheb D. P. DESAI (Kaira District): Sir, I beg to move:

"That item No. 5,—Rs. 3,960 for entertainment of maintenance establishment for Hubli city survey—be omitted."

I am opposed to city survey operations. City survey was inaugurated in this Presidency in 1868. Somehow or other that Act of 1864 was incorporated into the Land Revenue Code. The city survey officers declare a private property as public property and private streets as public streets and many irregularities are being practised. This leads to a lot of litigation and consequently huge expenditure. I may say that one town alone has spent more than a lakh of rupees in law charges alone. So, city survey operations are a source of hardship on the people. It would be better to do away with these operations. I know that the expenditure incurred on this can be recovered from municipalities and private persons, but on account of the fact that it entails a good deal of waste of time, money and energy of the public, I am not disposed to agree to these charges. It is high time that these operations were stopped altogether. Another point is this. Owners of house property are declared not as owners but simply as occupants meaning thereby that Government might resume at any time these properties or lands. Also heavy fee is charged for the sanads and only rough plans are given. On these considerations I think that city survey operations serve no useful purpose.

Mr. C. C. HULKOTI (Dharwar District): Sir, I beg to oppose this motion. Survey operations in municipalities are immensely beneficial to the citizens. In my own municipality, as a result of city survey operations, 450 encroachments have been discovered and the municipality is now taking action to remove them. If any injustice is done, the aggrieved party has a right of appeal to the revenue authorities and also

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there is a second remedy by way of regular suit. Under these circumstances, the item should stand.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I should like to say a word in reply. The only point, to which I should like to draw the attention of the honourable House, is that the grievances which the honourable member for Kaira has brought forward can be submitted in the course of the enquiry. One thing he said was that there were inequalities in the survey. As far as I know, the principle of the survey is that the parties concerned have a right to appear and establish their claim, and, if the parties do not appear, then the officers cannot be blamed. The fault lies with those owners of property who will not take the trouble to appear and submit their claim. Then, Sir, to raise on an issue like this the whole question of ownership of land, as to whether it belongs to Government or to private owners is hardly proper. If the Government are confiscating property, as the honourable mover contends, surely the owners affected have ample remedies. To make a casual remark in the course of the debate that the Government are confiscating private property is hardly proper to the present discussion. I hope the motion will be rejected.

Rao Saheb D. P. DESAI : I beg to withdraw the motion.

Motion by leave withdrawn.

The Honourable the PRESIDENT : Items Nos. 7, 8, 9, 10, 11 and 12, all relate to city surveys ; and I take it all motions in regard to them also are withdrawn ?

Withdrawn by leave accordingly.

Mr. C. M. GANDHI (Surat City) : Sir, I beg to move :

" Omit item No. 13, amount payable to the inamdar of Kavathali to make up the difference between the proposed rate and the rate sanctioned by the Settlement introduced in his village, Rs. 928. "

The note in the remarks column says that this amount is to be given to the inamdar of Kavathali, because when the survey was made in his village the assurance was given by Government that the assessment would not be below Rs. 1-12-0 ; but that notwithstanding that assurance it was fixed at Rs. 1-6-0. The note, however, is silent as to when the rate was fixed. We are assured further on, however, that this arrangement is going to cease in 1923. I cannot understand, Sir, how a revision settlement will take place within one year, for, so far as I am aware, on no previous occasion was any such amount asked for by Government for the purpose of paying to the inamdar of Kavathali.

In the second place, Sir, who is to blame for this gross neglect of duty in fixing the assessment at Rs. 1-6-0 when the assurance had been given that it would be Rs. 1-12-0 ? I understand, Sir, that these operations are subject to a first check, a second check and probably a third check ; and, if all these checks were made, one fails to understand how notwithstanding all these checks the mistake was allowed to be committed. In the absence of any satisfactory explanation of this mistake, the Council, I think, will be well advised to reject it.

Mr. G. A. THOMAS : I think, Mr. President, the honourable member will not see any necessity of pressing this motion : he wants only information. The assurance was given to the inamdar as far back as 1909. The settlement was made in the year 1918, that is, nine years after. It is obvious that the officer responsible overlooked the promise. We regret this, but I think honourable members will agree that it was excusable. A definite assurance was given to the inamdar in the year 1909 ; but when the survey was introduced, that is in 1918, the rate was by mistake fixed at Rs. 1-6-0. The Government are, therefore, under an obligation to compensate him for the difference. This was paid in the last three years, and it will cease in 1923, because the taluka in which this inam village is situated will be resettled in the next year, when the rate will be fixed at Rs. 1-12-0, where after Government will no longer have to compensate him.

Mr. C. M. GANDHI : Will there be a revision settlement after five years ?

Mr. G. A. THOMAS : The settlement was introduced into this village only for five years, *i.e.*, until the revision settlement of the whole taluka was due and the rates were fixed for that period.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : Sir, I think it will save the time of the Council if I put in a word about this. The Council will see that the inamdars are induced to introduce survey settlement in their villages on an assurance that the net revenue of their villages will not be decreased. Unless that assurance is given by the Government, the inamdars are not willing to accept the settlement. The introduction of settlement is deemed by Government to be in the interest of the ryots. It is not in the interest of the inamdars. When such assurances are given, the procedure generally adopted is that special rates, that is, rates which are in excess of those that are prevalent in adjoining Government villages, are introduced into the village in order to make up the amount of the net revenue of the village if there is any difference ? I think this is not the only case in which such mistakes have happened, and Government have in past years—I am not quite sure : I speak subject to correction—have made mistakes. This is, however, an item which Government will have to pay the inamdar under the contract with the inamdar, and it would not be advisable for this House to omit this item. Government have already contracted that liability, and in case it is refused, the inamdar will be able to sue Government and recover the amount through the civil court. I think it would be advisable, in the circumstances, to withdraw this motion.

I perfectly agree with the honourable mover that there is a mistake ; and last time when this item came up before the House, I moved a reduction of Re. 1 in order to discuss the whole question. The motion may be withdrawn under an assurance from Government that such mistakes will not occur next time.

Mr. C. M. GANDHI (Surat City) : I am verry sorry, Sir, to force a motion like this to a division, but there is one thing which has not satisfied me as yet, and that is, if the survey was made in 1918 and the mistake

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was committed in that year, surely it must have come to the notice of Government, and one fails to understand why in the years past demands for this grant were not made.

Sardar V. N. MUTALIK : A demand was made last year.

Mr. C. M. GANDHI : Yes, I find it, Sir. In view of this, I beg leave to withdraw the motion.

Motion by leave withdrawn.

Mr. R. G. SALGAR (Sholapur City) (Addressed the House in Marathi) : The motion which I move, Sir, is :

"Reduce by Rs. 11,000 the grant of Rs. 2,72,704, provision for contract contingencies".

I do not understand why this increase of Rs. 11,000 and odd over the previous year's figure is necessary and, unless a satisfactory explanation of the same is forthcoming from Government, I would press my motion.

Mr. G. A. THOMAS : Mr. President, I do not think, Sir, this provision can be reduced in any way. The contract contingencies include.....

Rao Bahadur R. R. KALE (Satara District) : The honourable mover only wants to know why there is an increase of Rs. 11,000 in this year's figure as compared with the last year's.

Mr. G. A. THOMAS : I submit, Sir, that the contract contingencies include carriage of tents, petty supplies, stationery, purchase of instruments, purchase of boxes, conservancy charges, carriage of records, supply of furniture, and so on. Well, every office has during the last few years been trying to cut down expenses on all these items, with the result that office furniture and tents, etc., are reduced to the utmost limit and we cannot go on for ever patching up furniture and patching up tents. We have to renew them and therefore we have to raise the provision by a small amount of about Rs. 11,000 this year in order to order new furniture and new tents where absolutely necessary. Prices, of course, have increased considerably : even then, we still have to buy furniture and spend money on stationery and other things, the cost of all of which has gone up. The increased provision which is proposed to be made is very modest and I do not think the Council should object to it. I honestly think the item is not an excessive charge.

Mr. R. G. SALGAR : In view of the explanation given of this increase, I beg leave to withdraw my motion.

Motion by leave withdrawn.

Mr. R. G. SALGAR (Sholapur City) (Addressed the House in Marathi) : Mr. President, the motion which I now wish to move is as follows :

"Omit provision for Field Establishment, Rs. 52,000."

I submit, Sir, that in 1921-22 there was no provision made on this account, and in 1922-23 a provision was made but was omitted on account of the retrenchment policy which was insisted on by this House and which was quite necessary. But this year again a provision of Rs. 52,000 is

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proposed to be given. It is stated that this is meant for revision survey settlements and is for the benefit of the tenants or ryots, as well as for the benefit of the inamdars. In this connection, I would like to draw the attention of the House to Blue Book, page 144, item No. 13 in which the Government has to pay to the Inamdar of Kavathali by way of damages the sum of Rs. 928. I think, from that, it will be clear that inamdars do not allow revision survey settlements except on certain conditions beneficial to themselves. If the Council allows this item, I think it will be interfering in the affairs of the inamdars without any benefit to the ryots under those inamdars. Therefore, I want to omit this item from the budget.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : Mr. President, I think the honourable mover of this motion appears to be labouring under some misunderstanding. The real state of affairs is this. Survey settlements are introduced in some inam villages and sometimes have to be introduced in other inam villages also. Where they are introduced, revision settlements have to be done. The responsibility for that has been accepted by Government and lies on Government, and accordingly provision has to be made necessarily. But in cases where original survey settlements have to be introduced, it is really in the interests not of the inamdars, but I can assure the honourable mover it is really in the interests of the ryots themselves that certain rates which are not settled according to the Land Revenue Code should be settled and the occupants should be given a definite understanding and status so far as the occupancy is concerned. This is the most important part of the system and I think if no survey settlements were to be made, the occupants would be worse off and the position of the occupants will not be improved. I can assure the honourable mover that there will be no hitch, as he pointed out, between the occupants of inam villages and the inamdars ; on the contrary the whole working will be smooth and the authorities will be better able to deal justice between both parties. I must say that in the case of revision settlements of inam villages, Government have delayed the operations so long that inamdars have become most impatient and the Inamdars' Central Association have made a representation to Government that the work should not be delayed and some special arrangements should be made to introduce temporary settlements till the regular operations are completed. I learn that the matter is considered by Government, for which the thanks of inamdars are due. In any case, it will not injure the interests of the occupants. It is but fair and just that the occupants in inam villages should stand on the same level as occupants in adjoining Government villages. That is absolutely fair. For that reason I would request this House that this item should be allowed to stand and the House will not do any benefit to the occupants by deleting it; on the contrary they will do much harm to the interests, which they wish to guard.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I support the motion. The main point is, why should there be this annual charge on the ryots of our Presidency that is on the provincial funds especially as the benefit is to be derived not by them but by the ryots of the inamdars ? And a

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consideration of this point will convince the House that this House should have nothing to do with the passing of this item. My honourable friend representing the inamdars has told us that as the survey operations are not in the interests of inamdars but in those of their ryots, this Government should bear the charge. But if the inamdars are not desirous of bearing this cost, their ryots should do so, as they are the people who will benefit. Our provincial exchequer should not bear this cost, and I therefore submit that the House should accept the motion moved by my honourable friend.

Rao Bahadur R. R. KALE (Satara District): Mr. President, there appears to be some misunderstanding as regards the effect of the work of this establishment. It appears to me that it would not be in the interests of inamdars, but in the interests of the ryots themselves, because when there is no survey in inam villages, it is not possible to introduce record of rights and therefore there is no possibility to show the lands in the villages correctly, in whose possession they are and so on. But in order to enable the introduction of record of rights, it is necessary that a survey should be made of the inam villages. I know that last year a similar demand was refused. I do not think that simply because of that instance this House should be asked to omit also this year this item. In fact, certain inamdars are opposed to the introduction of these surveys because, when such surveys are introduced, then according to section 216 of the Land Revenue Code, they are bound to accept only the assessment that is fixed thereunder. They cannot enhance the rents to be taken from the occupants, and it is from that point of view that several inamdars were even opposed to any survey being made applicable to their inam villages. Therefore, it is more in the interests of ryots than in the interests of inamdars that surveys should be introduced in all villages belonging to inamdars. Hence I submit that my honourable friend, the mover of this motion, will be well advised in withdrawing it, because it is really in the interests of the ryots.

Mr. G. A. THOMAS: Mr. President, I shall not take up much time of the Council on the motion moved by the honourable member, but will merely content myself with reading the following passage from the Administration Report of the Department of Land Records for the year 1921-22 which shows the duties performed by these field parties:—

"During the year the staff was curtailed on account of financial stringency, the usual grant for the field parties being drastically cut down by Government for the financial year 1921-22, and cut out entirely by the Legislative Council for the financial year 1922-23. The main function of the staff is to keep all survey records up-to-date, and to carry out in the field the preliminary operations necessary to incorporating the changes in the said records. It also supervises the preparation and maintenance of the record of rights, carries out *pot hissas* and city surveys, and the survey of inam villages for settlement or reassessment or for the purpose of introducing the record of rights. It is also employed on the maintenance of *pot hissa* and city surveys, and on measurement work done on applications received from private parties or for Government. As many as 145 inam villages in the Central Division are now overdue for revision settlement, and it had been intended to carry out the necessary resurvey in a large number of them during the year, but the curtailment and subsequent abolition of the field party establishment necessitated by the inadequate financial provision for it involved the curtailment and finally the entire stoppage of this work."

Mr P. N. ADHAV (Satara District) : Mr. President, I support the motion moved by my honourable friend from Sholapur. It is but right that the rights of the ryots living in inam villages are preserved and brought on to books, but there are cases when inamdars find that their income is going to be reduced and therefore the inamdars do not accept the settlement and there are many cases where the inamdar takes back all his agreements or when he finds that the assessment in surrounding villages is lower than in his own lands, he never agrees to the survey being brought into his village. It is for the benefit of both the inamdar and the ryot that there should be record of rights introduced and the survey should be made, but as the inamdar has stepped into the position of Government for land assessment recovery as Government in a *khalsa* village, I think the inamdar should bear all the expenses and not the ryots, and why the ryots of the *khalsa* villages should bear this charge for survey of inam villages I cannot understand. I therefore support the motion before the House.

Rao Bahadur R. M. NILKANTH (Ahmedabad District) : Mr. President, with regard to the remark made by the last speaker, I may point out that if the inamdar does not accept the survey settlement made at his request he has to pay the cost thereof. Further it should be borne in mind that a survey made in an inam village not only fixes the amount of assessment payable by ryots and prevents any further increase of it by inamdars but gives the ryots all the rights of occupants in unalienated villages. That is a great advantage to the ryots. Who should bear the expense of the survey settlement is a matter decided under the Land Revenue Code. If, therefore, the survey assessment of inam villages is of advantage to the ryots it certainly cannot be said that the general tax payer should not bear the expense. Inamdars cannot be asked as a rule to bear the cost of all such survey settlements.

Mr. R. G. SALGAR (Sholapur City) (Addressed the House in Marathi) : Mr. President, the item of Rs. 95,614 contained in the last year's budget was not sanctioned, and complaints have been received about this, so we are told by Rao Bahadur Kale and Sardar Mutalik in their speeches delivered on the budget of 1922-23 that this item is not beneficial either to the inamdars or their tenants.

The Honourable Sir IBRAHIM RAHIMTOOLA : It appears to me, Mr. President, that there is some misapprehension in the matter. It is perfectly true that there was no provision in the budget for 1921-22 and the Council rejected last year the grant that was provided in the budget. The facts appear to have been overlooked. The honourable member for Kaira seems to think that the people residing in inam villages are foreign subjects and that this Presidency has nothing to do with them. Because they pay land revenue to an inamdar, that does not deprive them of the right of being inhabitants of this province. Inamdars are not Native States. Inamdars are holders of land which was given to their ancestors for rendering important service, and the villagers who live in inam villages are as much British subjects as anybody else. This measure is required not purely for the benefit of the inamdars. The Revenue Secretary has explained the various directions in which these field establishments will be useful to this Presidency. So far as inam villages are concerned, it

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is intended to protect the villagers from undue exactions by the inamdars by fixing the land revenue payable by them. It is really with a view to protect the people living in inam villages that these surveys are taken in hand, and I trust the House will not be carried away by the argument that the people living in inam villages belong to foreign territory. I hope the Council will sanction the grants.

Motion put and lost.

Mr. R. G. SALGAR (Sholapur City) (Addressed the House in Marathi) : Mr. President, I beg to move :

“ That the amount of Rs. 18,890 for travelling allowance of the Land Records Department be reduced by Rs. 5,000. ”

I find that the amount provided this year is Rs. 5,000 in excess of what it was last year. There is nothing to show why this increase is necessary and the amount should therefore be reduced by Rs. 5,000.

Mr. G. A. THOMAS : Mr. President, if honourable members will look at the last column of page 47 of the Civil Budget Estimates, they will find that in the accounts for 1921-22, the expenditure was Rs. 22,700. For the current year, the budget estimate is Rs. 13,090, and for the next year we propose to provide Rs. 18,890. It will be observed that this amount is something like Rs. 4,000 less than that provided two years ago. It is true that the amount is Rs. 5,000 in excess of the current year's estimate, but for the current year we have made no provision for field establishment. For next year, we have made a provision of Rs. 22,000 for field establishment. This field establishment must move about from place to place, and the increase is intended to meet their travelling allowance.

Mr. B. G. PAHALAJANI (Western Sind) : Mr. President, I rise to support the motion of the honourable member for Sholapur City (Mr. Salgar), and would refer the Revenue Secretary to page 47 of the White Book. For the next year the travelling allowance budget estimate is shown as Rs. 18,890. The revised estimate for 1922-23 is not shown ; the budget estimate for 1922-23 is Rs. 13,090, and the amount actually spent for 1921-22 is Rs. 22,700. Now, I may remind the honourable members that this amount of Rs. 22,700 in 1921-22 was provided at a time when the Government had a plethora of money, and when the Government had not carefully looked into the travelling allowances. It was in 1922-23, last year, that the Honourable the Finance Member, two months before the budget, issued very stringent directions for looking into these matters, and you will find that from the beginning of 1922 the travelling allowance expenditure began to fall. The figures for 1920-21 and 1921-22 show that Government was extraordinarily generous towards Government servants so far as travelling allowance was concerned. Now, we are told by the Revenue Secretary, that last year an item of Rs. 13,000 was put into the budget for travelling allowance for field establishment which was cut out. Well, Sir, the amount for field establishment that was cut out last year was Rs. 95,000, an unfortunate item that was cut out in the Rs. 6½ lakhs reduction for the Revenue Department, but Rs. 13,000 remained. Government therefore last year, while taking these

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figures, was fully advised that Rs. 13,000 was the proper budget sum for that year for that establishment. Now, Sir, though for 1921-22 the amount provided was Rs. 22,700 on account of the very stringent orders of the Honourable the Finance Member for economy, last year the amount was reduced to an estimate of Rs. 13,000 which, I think, was a reasonable figure. There is no justification now for the Finance Department or the Revenue Department demanding more than what the Finance Member gave them last year. Therefore, the suggestion of my honourable friend for Sholapur City (Mr. Salgar) that the amount should be reduced by only Rs. 5,000 appears to be reasonable, because it will bring it to the figure which the Finance Member put last year. I think we must accept last year's figure of Government itself, especially when now the fiat has gone forth for the exercise of the most stringent economy. With that fiat on record, no officer dare spend more, and for the Council to sanction more than the Rs. 13,000 that was allowed by the Honourable the Finance Member himself is hardly fair. I therefore trust that the Honourable Member in charge will be pleased to accept last year's figure, try that figure for some time, see whether it would not suffice under the very stringent orders of the Finance Member, and if it does not, then come back again to the Council for more money.

Mr. C. M. GANDHI (Surat City): Sir, I would point out only one inaccuracy in the statement made by the last speaker, that in the final estimates for 1922-23, page 56, the allotment for clerks and other items was Rs. 63,000, whereas here for field establishment.....

The Honourable Sir IBRAHIM RAHIMTOOLA : What item ?

Mr. C. M. GANDHI : I do not wish to proceed.

Mr. R. G. SALGAR (Sholapur City) (Addressed the House in Marathi) : Sir, as I have already pointed out, the amount provided for next year is in excess of that provided for the current year by Rs. 5,000. I do not think that that is proper, in view of the need for retrenchment. If the amount provided is fairly large, then there will be a tendency on the part of the staff to increase their touring, on the ground of some kind of work or other. I therefore think that my motion should be accepted.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, the honourable mover seems to remain under the impression that this is a prosperity budget, that Government have plenty of money to distribute, and that this is one of the directions in which they have distributed the money. This is certainly not correct. If the honourable member knew of the continuous efforts that were made by Government to reduce expenditure and to bring the total expenditure within the estimated revenue, he would appreciate the fact that Government have done their best to put before the House only those items of expenditure which are necessary. Because Rs. 5,000 less were provided last year is no reason why the same figure should be provided this year in the matter of travelling allowances. Honourable members will realise that travelling allowances are payable for actual travelling done by the officers of Government. The bills that

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are submitted are very closely scrutinized by the audit department. If you want to reduce the travelling allowances, then the necessary effect of that policy will be that less travelling will be done and necessarily less supervision will be exercised.

Then, the second point which honourable members will bear in mind is this : last year the whole provision for field parties was disallowed. This year they have sanctioned Rs. 52,000 for this purpose. Now, if these field establishments are to be really useful to the community for whom you are spending Rs. 52,000, they must travel about in the course of their duty. If they do not, all the money spent on that account would not yield adequate results. If you do want these people to travel in the discharge of their duties, extra travelling allowances are necessary. It was after a very careful scrutiny that Government have come to the Council for the sum of Rs. 18,000. It is quite true that last year the amount was Rs. 13,090, but the previous year it was Rs. 22,700 and it is hardly fair to say that in 1921-22 Government were so flush with money that they squandered away so much more on travelling allowances. That is an argument that would hardly appeal to the House. The fact that the Council has restored the field establishment....

Rao Bahadur R. R. KALE : The figure Rs. 20,000 appears in the revised estimates.

The Honourable Sir IBRAHIM RAHIMTOOLA : It is put in the wrong column. If the revised estimate is Rs. 20,000, then there is nothing further to be said. But I do not want to rely upon that alone. I want to point out this that though the field parties have been again sanctioned, we are providing this year Rs. 4,000 less than the amount which was actually spent in the year 1921-22. That will show the spirit of economy with which expenditure has been examined by Government and I hope the Council will not reduce the grant which is essential in the interests of the community.

Motion put and lost.

Mr. R. G. SALGAR (Sholapur City) (Addressed the House in Marathi): Mr. President, the motion I move is :

“ Reduce by Rs. 5,000, provision for service postage and telegrams, Rs. 12,000.”

Last year the amount shown in the revised estimates for this purpose was Rs. 7,000 and I want to know why there is an increase this year.

Mr. G. A. THOMAS : Sir, postal rates have during the last year been doubled so that the revised estimate should really amount to Rs. 14,000 but instead of that we have provided Rs. 12,000 only giving a saving of Rs. 2,000. That is the answer to the question.

Mr. R. G. SALGAR : Sir, I beg leave to withdraw the motion.

Motion by leave withdrawn.

Mr. G. B. TRIVEDI (Thana District) : Mr. President, the motion I move is :

“ Reduce by Rs. 30,000, provision for pay of officers, Kanungo establishments, Rs. 63,240.”

[Mr. G. B. Trivedi]

Sir, the Honourable the Finance Member last year in his budget speech rightly said that the record of rights of the change of ownership registered has put a stop to disputes in civil litigation when that is recognized by the peasant. I agree to that. But if you look to the Administration Report, it says that the work has been completed in Gujarat and there is a remark that this work was formerly done by the Revenue Inspectors. The report further states :

“ On account of financial stringency the Gujarat field party was suspended and put on paid work and a number of villages surveyed for the introduction of the record of rights.”

So I want to prove that this department has already done its work. If the record of rights administration has done its duty and we have only to keep all certified records up to date and to carry out the necessary operations preliminary to the changes of the records, then the preliminary work having been done the only work now for this establishment is to keep up the changes up to date. So that here I want to prove to the Council that there is room for economy. I do not want to come in the way of work which is for the good of the peasants, but what I say is by the Administration Report itself it is proved that the preliminary work is finished and the money that is required is for the maintenance of the work up to date, so that the changes that may take place may be recorded. But for this you do not require the same establishment as was necessary in former days. And it is also proved from the remarks in the Administration Report that last year on account of financial stringency the revenue surveyors did the work of this land record ; and the other point is that this work was formerly done by the revenue establishment. So that, from all these points, it is clear that the preliminary work having been done, now we must revert to the old method of handing this work over to the Land Revenue Department and keep up some establishment to note the changes that take place. I am not for closing the establishment which is useful for the peasants, but here there is room for economy. You started a department which has done its work. Now the work can be done by the Revenue Department and so it can be transferred to that Department, and thus there is room for economy. So I hope that the Council will insist that there should be a reduction of Rs. 30,000 in this department.

Rao Saheb D. P. DESAI (Kaira District) : Sir, the district inspectors are not useful officers at all. If a central surveyor were there and if that surveyor were asked to work under the mamlatdars of talukas whenever occasion arose, then I should think the inspectors would not be needed. At present the inspector practically does nothing, he goes from one end of the district to another and besides meeting his travelling allowance we have also to spend over his pattawallas and surveyors whom he takes with him. Again, in my opinion he hardly disposes of more than one or two tumars a month. I think that the whole supervision can be entrusted to mamlatdars. With these remarks I support the motion and request the Honourable the Revenue Member to see whether it is not possible to do away with these inspectors.

Mr. G. A. THOMAS: Sir, I wish to point out to the House what the duties of these inspectors are. I shall read the rules and standing orders of the Land Record Establishment. Their duties are:

(a) To supervise and be responsible for the measurement and classification of the work done by Circle Inspectors by taking regular field tests.

(b) To be responsible for the correctness and punctuality of the work of the District Survey Office.

(c) To take a small test of the work of as many Circle Inspectors as possible with the object of satisfying himself that the Inspectors understand their duties. His test cannot be sufficient to check the amount of work and the correctness of the work of the Circle Inspectors. His tour should commence early in November.

(d) To compile the Husar Statistical (Agricultural) Forms with clerical assistance placed at his disposal for this purpose by the Collector.

(e) To arrange for the inspection of Circle Inspectors not fully qualified as Measurers. He will bring to the notice of the Collector the inefficiency of any Circle Inspector, showing how far such inspector can be trusted, and proposing arrangements for such duties as the Inspector is not competent to perform.

(f) To sign Akarbands or kamjasti patrahs for the countersignature of the Superintendent, being responsible that the orders requiring any change in the Records are in due form, that the examination of the papers connected with such a change has been thoroughly made by the District Survey Office, and that the Survey Records are duly and correctly altered to show the change.

(g) To advise other Revenue Officers, referring in cases of doubt to the Superintendent, in all technical matters concerned with the maintenance of the Survey Record.

If you do away with the inspectors, the whole work will have to be done by other officers who are not expert and thus there will be a falling off in the efficiency of the work turned out. It was suggested that the supervision work might be transferred to mamlatdars. This will entail the enlargement of the establishment of mamlatdars; so that there will be no actual saving. I may inform the Council that, as a result of the proposal of the Retrenchment Committee, the Government are considering the question of reducing the number of these inspectors. In two cases we have linked Broach and Surat, and Panch Mahals and Kaira, as an experiment. If this proves successful, we hope to link other districts also, when the hopes of the honourable member will be realised. The Government are doing their best to effect retrenchment as far as possible; and I trust the honourable member will see his way to withdraw the motion after the information I have now given.

Mr. C. M. GANDHI: What is the quantity of work turned out by these officers?

Mr. G. A. THOMAS: I have not got the information now.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I do not want to enter into the merits of these officers. So far as these gentlemen are in the department, they are real gentlemen in service as was informed by my honourable friend for Kaira. In other words they are not servants, but gentlemen. They do very little work, they draw their travelling allowance and oblige the Government or oblige the Revenue Department by being there. It is an important matter to go into the question of their salaries. The budget estimate for 1922-23 was zero; the revised estimate for 1922-23 was Rs. 75,000; for 1921-22 zero; and the budget estimate for 1923-24 is Rs. 63,240. So that, this item of expenditure was incurred in 1922-23, but it was not shown in the estimate.

Mr. G. A. THOMAS: This item has been separately shown this year only. In 1922-23 it was included in the provision for the pay of the establishment as a whole.

Mr. B. G. PAHALAJANI: Now, Sir, the 20 district inspectors and masters have got to discharge the function of conducting measurement work. Their salaries, as is mentioned here, are from Rs. 200 to Rs. 300 which appear to me enormous. I hope I am right in saying so. I do not think this item was ever shown before. The House was not aware that this was included under the item for mukhtyarkars. These gentlemen are put on a high salary of Rs. 200 to Rs. 300. Under these circumstances, it is rather fair for this House to intervene and to see that these district inspectors who do very little work are either given more work or their salaries reduced to a reasonable extent. The Honourable the Revenue Secretary referred to the recommendations of the Retrenchment Committee. I do not propose to deal as to what the details are; but the House has a right to demand that the recommendations of the committee should be taken into consideration, as their report is already before the Government, in framing the budget for the year. If the Government show their generosity for the same number of servants, then the object of this House in appointing a committee is nullified. The Council must press on the attention of the Government to make reasonable retrenchments in the light of the recommendations of the committee. For doing so, this is the time. Else the Council will have to sit quiet for another twelve months leaving the Government to do things according to their sweet pleasure.

We have discovered to our regret, even the Retrenchment Committee have discovered to their regret, that so far as their recommendations are concerned, they are very much whittled down. The honourable members of this Council ought to take care of public money as much as Government have to spend it. Therefore, until the recommendations come up before us, the Council should sit tight and refuse the amount, and not leave a large balance in the hands of Government to spend it at their sweet will and not retrench as advised. I will, therefore, submit, Sir, that this item to provide such high salaries of Rs. 200 and Rs. 300 for, as the members of this Council are aware, sinecure appointments, ought to be refused. The House will be justified in asking the Government to reduce the sum of Rs. 63,000 to Rs. 33,000.

Mr. P. J. MEAD: I think, Sir, the honourable member for Sukkur is under a serious misapprehension when he said that these were sinecure appointments. These represent a very old type of officers. They rank with mamlatdars and are paid the same rate of pay for the technical duties in which they have specialised. We cannot throw this work on the mamlatdars for the very simple reason that these inspectors have to look after a whole district. As the Revenue Secretary has informed the House, it may be possible to follow the recommendations of the Retrenchment Committee, which we have not seen, and double up a district or two, but it is quite out of the question to entrust this work to the already overworked mamlatdars. The honourable member in the course of his speech implied that Government officers have not been making any attempt to retrench, but I hope that the fact that Government retrenched about a crore when the Legislative Council recommended a cut of only sixty lakhs, is a sufficient refutation of that charge.

[Mr. P. J. Mead]

Had the honourable member been present in the House when the Honourable the Finance Member made his budget speech, he would have realised that his charge was entirely unfounded.

Mr. G. B. TRIVEDI (Thana District) : Sir, I have not much to add. I have proved my case, that the department, useful as it was in the beginning, having done its work is now only being maintained unnecessarily. We were told that the Inspector's duty was to test the measurements taken by the sub-inspectors. I have looked into this matter and my information is that the inspectors are too many. I understand that in Gujarat at present there is no work : the work has been completed there ; and still for three sub-inspectors there is one inspector. My other point was that in the last year it was done by the Revenue Department.

Mr. G. A. THOMAS : No.

Mr. G. B. TRIVEDI : It is stated in the Administration Report :

" On account of the financial stringency the Gujarat field party was suspended and put on paid work and a number of villages surveyed for the introduction of the record of rights."

The Honourable Sir IBRAHIM RAHIMTOOLA : That has nothing to do with this.

Mr. G. B. TRIVEDI : My point is, that there is not much work, and the establishment has been maintained because it was there. There is no spirit of economy in Government and I insist that this House will be well advised in supporting my motion.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I am sorry that the honourable mover should have said that there is no spirit of economy in the Government and that they are extravagant and lavish. The very information contained in this Blue Book shows that Government have been trying to economise in this direction and that they have not lavishly provided for all that had been provided for in the past. It will be observed that the revised estimate under this item was Rs. 75,000 but the provision that the Government want the Council to make is only Rs. 63,240 : that shows a reduction of about 15 per cent.

It has been pointed out by the Honourable the Revenue Secretary that the question is being examined with a view to economy by having one inspector for more than one district. Honourable members must realise that these officers are in charge of a whole district and not of small areas. It has been decided that two districts should be amalgamated under one Inspector as an experimental measure and, if that experiment succeeds, a gradual reduction of these officers will be made provided the work is efficiently done. The long list of duties which these officers have to discharge and which were read out to the honourable House by the Revenue Secretary clearly indicates that the work is necessary. On what grounds, now, is this reduction suggested ? It is suggested on the ground that the salaries are too high. May I point out that Rs. 200 rising to Rs. 300 cannot possibly be considered as high salaries at the present time ? Then, as regards the reduction proposed, I have already pointed out that an effort is being made in that direction and if the result of the experience

[Sir Ibrahim Rahimtoola]

gained by the amalgamation of two districts into one proves satisfactory it will be extended and further economy will be secured.

There is one other point to which I should like to invite the attention of the House. The honourable member for Sukkur said that the result of making this provision will be that the recommendations of the Retrenchment Committee will be ineffective and will not be considered. This criticism enables me to make an effort to remove some misapprehension which seems to exist in some quarters as regards what is meant by a budget provision. A budget provision does not necessarily mean that the amount provided shall be spent. It is only a provision giving authority to Government to spend money up to that limit. Apart from fixed charges on such items as salaries, etc., the Finance Department is exercising the closest control over every form of expenditure which is incurred during the year though provided in the budget. My friend the Honourable Minister for Excise says that the Finance Department is exercising far too much control, and every Member and Minister is fully cognisant of that fact. Therefore, the principle of the budget estimates is that the Council authorises Government to spend money to that extent. To say that Government will not consider the recommendations of the Retrenchment Committee and that their recommendations will be ineffective is, I think, doing very great injustice to the present authorities of the Finance Department, especially the Secretary and the Honourable Member.....

Mr. B. G. PAHALAJANI (Western Sind) : My experience is that the Finance Department does not keep an effective check upon the spending departments.

The Honourable Sir IBRAHIM RAHIMTOOLA : That may be the honourable member for Sukkur's experience, but I can tell him without fear of contradiction that the close control which the Finance Department exercises has been unpalatable to all Members and Ministers. I may give this assurance to the honourable members, that the Retrenchment Committee's recommendations will not be affected by any budget provision passed by this Council. At present Government have not received the report of the Retrenchment Committee, but as soon as it is received, I need hardly tell honourable members that the Finance Department will be the strongest sponsors of that report.

I should like honourable members not to be carried away by merely the fact that Rs. 63,240 is provided, and let that be reduced by Rs. 30,000. That is hardly the way to effect economy. The system that I have explained to the House, namely, that the districts should be amalgamated for this purpose, is the right way and that is going to be tried with regard to four districts which will be put under two inspectors. If that system is successful, the principle will be accepted and all the economy that is possible will be effected.

Motion put and lost.

The Honourable the PRESIDENT : The Council is now adjourned to 2 p.m. to-morrow, Wednesday the 28th February 1923. The members of the select committee to amend the Standing Orders will meet to-morrow at 1 o'clock in the committee room.

Wednesday, the 28th February 1923

The Council reassembled at the Town Hall, Bombay, at 2 p. m. on Wednesday, the 28th February 1923, the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

Present :

ADDYMAN, Mr. J.
 ADHAV, Mr. P. N.
 BATLIWALA, Dr. S. S.
 BEDREKAR, Khan Bahadur I. M.
 BHATE, Mr. G. C.
 BHURGRI, Mr. J. M.
 BHUTTO, Khan Bahadur S. N.
 BOLE, Mr. S. K.
 BULLOCKE, Mr. A. GREVILLE
 CHAGULE, Mr. ANNAPPA PHADEPPA
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Mr. V. A.
 DADACHANJI, Dr. K. E.
 DALAL, Sardar Khan Bahadur ADARJI M.
 DALAL, Mr. D. B.
 DESAI, Rao Saheb HARILAL D.
 DESAI, Rao Saheb DADUBHAI P.
 DUBHASHE, Mr. SHANKAR BALKRISHNA
 DWARKADAS, Mr. KANJI
 GANDHI, Mr. C. M.
 GARUD, Rao Bahadur S. D.
 GAYASUDDIN JAUDDIN, Mr.
 GHOLAP, Mr. D. D.
 GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH
 GODAD, Khan Saheb ABDULLA AVJAL
 GODBOLE, Dewan Bahadur K. R.
 GULAMRUSEN, Mr. SULTANALI SALEMANJI
 GUPTA, Mr. V. R.
 HAJI, Mr. IBRAHIM S.
 HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA.

HAYWARD, The Hon'ble Mr. M. H. W.
HEPPER, Sir LAWLESS
HULKOTI, Mr. CHANNAPPA CHANVIRAPPA
JADHAV, Mr. B. V.
JENNINGS, Major General W. E.
KAMBLI, Mr. S. T.
KANGA, Mr. J. B.
KASSIM, Mr. G. H.
KER, Mr. J. C.
LAGHARI, Khan Bahadur KHAIR BAKSH
LALBHAI AMBARAM, Mr.
LALJI NARANJI, Mr.
LAWRENCE, The Hon'ble Mr. H. S.
LIGADE, Mr. S. P.
LORY, Mr. F. B. P.
MACNAGHTEN, Sir HENRY
MANSURI, Khan Saheb A. M.
MEAD, Mr. P. J.
MEHTA, The Hon'ble Mr. C. V.
MODI, Sardar Davar T. K.
MOHIDINKHAN, Khan Saheb HAJI HAZRATH KHAN
MOHOMED SALAHUDDIN K., Mr.
MONTGOMERIE, Mr. A.
MUKHI, Mr. J. P.
MURPHY, Mr. S. J.
MUTALIK, Sardar V. N.
NELSON, Mr. F.
NILKANTH, Rao Bahadur R. M.
NIMBALKAR, Mr. K. B.
OJHA, Mr. DIPCHAND T.
PAHALAJANI, Mr. B. G.
PARANJPYE, The Hon'ble Dr. R. P.
PARULEKAR, Rao Saheb L. V.
PATEL, Mr. B. P.
PATEL, Mr. J. B.
PAWAR, Shrimant J. A.
PETIT, Mr. JEHANGIR B.
PRADHAN, Mr. M. W.
PROES, Mr. E. M.

RAHIMTOOLA, The Hon'ble Sir IBRAHIM

ROTHFELD, Mr. O.

SALGAR, Mr. R. G.

SETALVAD, The Hon'ble Sir CHIMANLAL

SHEPHERD, Mr. W. C.

SHIRRAS, Mr. G. FINDLAY

SINDORE, Mr. H. N.

SURVE, Mr. A. N.

THOMAS, Mr. G. A.

TRIVEDI, Mr. G. B.

VICHARE, Rao Bahadur D. A.

WOODS, Mr. E. E.

The Honourable the PRESIDENT: Order, order. Are there any new members desirous of taking their seats ?

Sir Henry Macnaghten then made the prescribed oath of allegiance to His Majesty the King-Emperor, and took his seat in the Council.

The Honourable the PRESIDENT: Questions.

BOMBAY CITY POLICE FORCE.

Dr. K. E. DADACHANJI on behalf of Dr. S. S. BATLIWALA (Bombay City, North): (a) Will Government be pleased to state whether the deficiency of seven officers and 214 policemen which existed in the Bombay city police force has been replenished during the current year ?

(b) If not, will Government be pleased to state the reason for the delay ?

The Honourable Mr. M. H. W. HAYWARD: (a) There are now 243 vacancies.

(b) Suitable recruits have not been forthcoming.

Mr. KANJI DWARKADAS: May I enquire from the Honourable the Home Member if the bad housing accommodation for the police is responsible for these vacancies ?

The Honourable Mr. M. H. W. HAYWARD: It is no doubt in great part, but it is hoped to fill up the vacancies when we once get suitable housing for all the police in Bombay.

Mr. C. M. GANDHI: Will the Honourable the Home Member say how he proposes to recruit more men for the Bombay police ?

The Honourable Mr. M. H. W. HAYWARD: We hope to get them after building new quarters to house all the police in Bombay.

ULWA-CHIPLUN RAILWAY.

Mr. G. C. BHATE (Kolaba District): Will the Government be pleased to state—

(a) the last year's progress in the Kolaba district of the Ulwa-Chiplun Railway ?

(b) Is it a fact that the construction of this railway will soon be taken up by the M. and S. M. Railway Company in case other preliminaries are over ?

The Honourable Mr. M. H. W. HAYWARD: (a) and (b) The Agent, M. and S. M. Railway Company, intimates that the plans, project report and estimates for the whole survey are now in the press and, it is expected, will be finished before the end of the present financial year. The question of sanction to this project will depend on the views of the Government of India and the Board of this Company after due consideration of the return on the capital outlay and the relative urgency of this line in comparison with other projected new lines.

PAY OF ASSISTANT MASTER AND HEAD MASTER.

Mr. G. C. BHATE (Kolaba District): Will the Government be pleased to state whether there is kept or intended to be kept any difference between the pay of an assistant master and a head master though the educational qualifications and duration of service, etc., of each individual are one and the same?

The Honourable Dr. R. P. PARANJPYE: Yes, for it is obviously necessary to make such a distinction in view of the more responsible and onerous duties of headmasters.

MAHABLESHWAR-DHARAMTAR AND PIMPRI GHAT ROADS.

Mr. G. C. BHATE (Kolaba District): Will the Government be pleased to state—

(a) whether the construction of bridges and culverts on the Mahableshwar-Dharamtar Road has now been completed?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (a) No. The construction of bridges and culverts on the Dharamtar-Mahableshwar Road has not been completed yet. Twelve bridges and culverts have been recently constructed and eight are under construction including the Godnadi bridge which is practically completed. Plans and estimates have been ready in fair or rough for 13 bridges or culverts, which are awaiting funds; and several (over two hundred) metalled dips still remain to be converted into drains. A bridge has yet to be constructed over the Savitri River, and the Amba and Kundalika causeways are to be raised. Rs. 30,000 are annually given for this work and such works as can be carried out from the provision are constructed every year. The low level bridge on the Gandhari Creek was constructed from a special allotment.

GRANT-IN-AID CODE.

4. Mr. G. C. BHATE (Kolaba District): Will the Government be pleased to state whether steps have been taken to introduce the "conscience clause" into the Grant-in-aid Code as recommended by this Council by its resolution passed on 6th October 1922?

The Honourable Dr. R. P. PARANJPYE: Government are awaiting the receipt of the requisite draft amendment to the Grant-in-aid Code from the Director of Public Instruction who has been requested to suggest a suitable date from which the amendment should be brought into force.

RACE COURSE, BOMBAY.

Mr. KANJI DWARKADAS on behalf of Mr. S. K. BOLE (Bombay City: North): Will the Government be pleased to state whether they

have come to any decision on the question of closing the 3rd enclosure opened by the Turf Club on the Race Course ?

The Honourable Mr. M. H. W. HAYWARD : Government do not propose to take any action. I may mention that this is the question which I thought had been put by the honourable member for the Mahomedans of Bombay. I think the mistake is excusable as it was also the impression of the honourable member.

Mr. I. S. HAJI (Bombay City) : May I know if the answer to this question was framed after having received an answer from the Western India Turf Club ?

The Honourable Mr. M. H. W. HAYWARD : A report was called for from the Western India Turf Club. They reported that the effect of the third enclosure was not to encourage gambling but rather to restrict gambling. The crowd which used to frequent the centre of the race-course and indulge in gambling with bookmakers has now been entirely removed and the betting has been restricted to regular betting on the totalisator under control of the Western India Turf Club.

Mr. I. S. HAJI : Are Government aware that betting on the totalisator is now rendered easier by admission on payment of only one rupee ?

The Honourable Mr. M. H. W. HAYWARD : I think the facts are so as stated in the discussion in the last session.

RAILWAY ACCIDENTS ON THE B. B. & C. I. RAILWAY.

Rao Saheb D. P. DESAI (Kaira District) : (a) Will Government be pleased to state the number of accidents to passengers while travelling between the stations of Barejari and Ahmedabad on the B. B. & C. I. Railway during each of the months from January 1922 ?

(b) Will Government be pleased to state whether the said accidents are caused by the fact of the insufficient distance between the two tracks of the railway line between the above two stations ?

The Honourable Sir IBRAHIM RAHIMTOOLA : The information has been called for.

LLOYD DAM IN LAKE WHITING DISTRICT.

Rao Saheb D. P. DESAI (Kaira District) : What were the original estimates for Lloyd dam in Lake Whiting district and how much amount has been actually spent till the year 1920-21 and how much will still have to be spent to complete it ?

The Honourable Mr. H. S. LAWRENCE : The original estimate made in the year 1910 for raising and enlarging the Lake Whiting dam amounted to Rs. 91,03,851 (direct charges). The direct expenditure actually incurred on the new dam termed the Lloyd dam to end of 1920-21 was Rs. 79,04,336. Including the outlay already incurred during the years 1921-22 and 1922-23 the balance required to complete it is now estimated at Rs. 92,68,076.

Rao Saheb D. P. DESAI : May I ask whether the expenditure of 91 lakhs and odd has been incurred on the present Lloyd dam ?

The Honourable Mr. H. S. LAWRENCE: I require notice of the question.

TOURS BY STUDENTS OF AGRICULTURAL COLLEGE.

Rao Saheb D. P. DESAI (Kaira District): (a) Will Government be pleased to state whether it is a fact that tours by the students of the Agricultural College for the purposes of study have been discontinued? If the reply to this be in the affirmative, will Government be pleased to state the reasons for such a course?

(b) Has the grant under this head been curtailed in the colleges in the management of the department of Education?

The Honourable C. V. MEHTA: (a) The excursion tours were discontinued on account of financial stringency. It is understood that the students have done small trips at their own expense under the guidance of college professors.

(b) Yes.

COST OF BHATGAR (LLOYD) DAM.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to state —

(a) the cost of the Bhatgar (Lloyd) Dam as originally estimated in the sanctioned estimates;

(b) the cost of the same as per finally revised estimates; and

(c) whether it is a fact that the Bhatgar (Lloyd) Dam is costing now about double of the original estimates? If not, by how many per cent. more, if any, over the sanctioned estimates?

The Honourable Mr. H. S. LAWRENCE: (a) The cost of raising the dam at Bhatgar as per sanctioned estimate prepared in 1910 amounted to Rs. 91,03,851 (direct charges);

(b) The cost of the new dam called the Lloyd Dam as per revised estimate is Rs. 1,71,72,412; and

(c) The percentage of excess over the original estimate is 88.6.

SUKKUR BARRAGE SCHEME.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to state (a) the names of irrigation experts with Indian or outside irrigation experience who have adversely criticised the Sukkur barrage project of 1920 within the special cognisance of the Government?

(b) What steps, if any, do Government intend to take in order to give sufficient facilities to the members of this Council for an independent and critical study of the 1920 Sukkur barrage project in its engineering and financial aspects as well as its adverse criticism by irrigation experts before the question is brought up for the consideration of the Council?

(c) Whether the Sukkur barrage project of 1920 and its adverse criticism by irrigation experts were submitted to the examination of independent and competent irrigation experts? If so, do Government intend to make printed copies of such reports available to members of the Council?

The Honourable Mr. H. S. LAWRENCE: The Legislative Council will have an opportunity of discussing the Sukkur barrage project before it is finally sanctioned.

Mr. C. M. GANDHI: Will Government let us know whether printed copies of the reports will be made available as required by the question?

The Honourable Mr. H. S. LAWRENCE: I doubt very much if every honourable member can get a printed copy for himself if that is the meaning of the question, but printed copies can be placed on the table in the Council Hall.

LEVELS OF WATER IN THE INDUS AT BUKKAR.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to state if the average levels of water in the Indus at Bukkar have suffered on account of the Punjab irrigation canals? If yes, will they give the average levels for each of the twenty years' period from 1860 to 1920?

The Honourable Mr. H. S. LAWRENCE: Yes. The member is referred to the readings printed at pages 131—142 of Volume II of the Sukkur Barrage Project Report, 1919, which is kept in the Council Library.

ESTIMATED COST OF BARRAGE WORKS AT SUKKUR.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to state—

(a) What the proposed barrage (weir) works at Sukkur are estimated to cost in the 1920 project?

(b) How much of it relates to materials for masonry works with labour, how much to other labour charges, how much to the cost of iron and steel materials and machinery, and how much to other charges not covered by the previous heads?

The Honourable Mr. H. S. LAWRENCE: (a) The estimated cost of the barrage works is Rs. 588·20 lakhs for direct charges only and Rs. 595 lakhs inclusive of indirect charges.

(b) A copy of Volume III of the Sukkur Barrage Project Report which contains all the details of the above estimates has been kept in the Council Library and any particulars required by the member can be gleaned therefrom. The sorting of the figures under the various heads named in the question would involve a great deal of labour.

PENSION CONTRIBUTION ON SALARIES OF TEACHERS UNDER LOCAL BODIES.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to state—

(a) Whether the scale of pension contribution on the salaries of teachers lent for service under local bodies has been lately altered?

(b) Whether the pension contribution to be paid by local bodies will in future be enhanced than under the old scale?

(c) If the answer to (b) be in the affirmative, by how many per cent. more will the enhancement result over the total pension contribution according to the old scale ?

The Honourable Dr. R. P. PARANJPYE : Enquiries are being made.

COMPLAINTS ABOUT NEW CHAWLS BUILT BY DEVELOPMENT
DEPARTMENT.

1. Mr. KANJI DWARKADAS : (a) Has the attention of the Government been drawn to the following complaints with regard to the new chawls constructed by the Development Department :

(1) There are no opening and shutting windows in the buildings ;

(2) There are no *nanis* (bathrooms) in the rooms.

(b) Will the Government be pleased to state if it is their intention to remedy these complaints, and, if so, in what direction ?

The Honourable Mr. H. S. LAWRENCE : (a) Yes.

(b) The question of the provision of *nanis* in the rooms is at present under consideration. Government do not intend to make at present any alteration in the design of the windows, until experience has been gained from actual occupation and use of the chawls, when they will be in a better position to consider this matter.

Mr. KANJI DWARKADAS : With reference to answer to (b) may I enquire whether Government have received any communication from Professor Geddes on the absolutely insanitary conditions of these rooms ?

The Honourable Mr. H. S. LAWRENCE : No such information has been received by Government up to date.

LEGISLATION ON PROSTITUTION.

Mr. KANJI DWARKADAS : (a) Will the Government be pleased to state whether it is their intention to introduce legislation to mitigate the evil of prostitution ?

(b) If the answer to (a) be in the affirmative, will they be pleased to state if the legislation is based on the recommendations of the majority report of the Prostitution Committee ?

The Honourable Mr. M. H. W. HAYWARD : (a) and (b) A Bill has been drafted and is under the consideration of Government.

Mr. KANJI DWARKADAS : May I enquire if the bill will be introduced at the next session of the Council ?

The Honourable Mr. M. H. W. HAYWARD : I cannot say for certain, but I will endeavour to expedite the bringing of this bill before the Council.

COLLECTION OF LAND REVENUE BY INAMDARS IN CENTRAL
DIVISION.

Mr. C. M. GANDHI on behalf of Mr. V. R. GUPTA (Poona City) : Will Government be pleased to state the number of inamdars in the Central Division that have availed themselves of the provisions of section 94A of the Land Revenue Code ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information has been called for.

INDIANIZATION OF BOMBAY CITY POLICE SERVICE.

Mr. IBRAHIM S. HAJI (Bombay City): Will Government be pleased to state what steps have been taken to introduce a large element of Indians in the responsible posts of inspectors, superintendents and the other high posts of the City Police of Bombay as per the resolution passed in the Council on the 31st July 1922 ?

The Honourable Mr. M. H. W. HAYWARD: The attention of the Member is invited to the reply given to the member for the Thana district.

Mr. C. M. GANDHI: Which member? There are two members from Thana district.

The Honourable Mr. M. H. W. HAYWARD: I cannot mention him by name. I believe the reply is in this list later on.

An Honourable MEMBER: Mr. Trivedi.

TRANSFER OF MARTAND AMRIT KULKARNI OF OZAR IN NASIK DISTRICT.

Mr. B. V. JADHAV: Will Government be pleased to state—

(a) whether they have received a copy of a resolution passed at a public meeting at Ozar, taluka Niphad, district Nasik, requesting the authorities to transfer Martand Amrit Kulkarni, the talati of the village, on account of his insolent, partial and harassing conduct towards the villagers ?

(b) What action they have taken in the matter ?

(c) Whether the present talati was the hereditary kulkarni of the village before his designation was changed to that of the talati of the place ?

(d) Whether the district deputy collector held an inquiry in the matter and any reply was given ?

(e) In case an enquiry was held whether Government will be pleased to lay the papers on the Council Table ?

The Honourable Sir IBRAHIM RAHIMTOOLA: The information is being collected.

CRIMINAL TRIBES SETTLEMENT, HUBLI.

Mr. S. T. KAMBLI (Dharwar District): (a) Is it a fact that some people registered under the Criminal Tribes Act and living in the Hubli Criminal Tribes Settlement have run away or have absconded ?

(b) If so, how many and when ?

(c) If so, what steps have been taken to trace such persons ?

The Honourable Mr. M. H. W. HAYWARD: (a) Yes. Sir.

(b) 26 registered persons absconded during 1922.

(c) 21 of these registered persons have either returned voluntarily or have been apprehended by search parties.

DACOITIES.

Mr. S. T. KAMBLI (Dharwar District): (a) Is it a fact that there have been highway robberies in the month of December on the Mugad-Alnavar road and on the Mummugath-Dharwar road ?

(b) Are the offenders traced ?

The Honourable Mr. M. H. W. HAYWARD : (a) There was one robber no each road in December.

(b) The two robberies appear to have been committed by the same gang. The offenders have not yet been traced but enquiries are in progress.

CIVIL HOSPITAL, AHMEDNAGAR.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division) : Is it a fact that a mosque called Sunehri Masjid in the compound of the civil hospital at Ahmednagar is utilised for storing up medical stores, etc., and as a private ward for patients ?

The Honourable Dr. R. P. PARANJPYE : Enquiries are being made.

HOSPITAL AND DISPENSARY BUILDING AT NEVASA.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division) : Is it a fact that an old Badshahi mosque called Jumma Masjid at Nevasa in the district of Ahmednagar is used as a hospital and a dispensary ?

The Honourable Dr. R. P. PARANJPYE : Yes, pending construction of a new dispensary building by the district local board, Ahmednagar, to which Government have made a grant of Rs. 40,634 for the purpose.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN : After the dispensary building is completed, will the mosque be restored to the Mahomedans ?

The Honourable Dr. R. P. PARANJPYE : I presume so.

URDU TRAINING COLLEGE.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division) : Will Government be pleased to state as to what steps have been taken hitherto to develop the Poona Urdu classes into a full Urdu training college after the Government Resolution of 1921 ?

The Honourable Dr. R. P. PARANJPYE : Enquiries were made regarding the possibility of hiring suitable buildings for the proposed college but in view of the difficulty of finding funds for the purpose, the matter has not progressed. In the meanwhile detailed proposals for the establishment of the college are being formulated.

RECOMMENDATIONS OF MAHOMEDAN EDUCATION COMMITTEE.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division) : Will Government be pleased to supply the following information :—

(a) Recommendations of the Mahomedan Education Committee of 1913 and final orders of the Government on the same in 1919.

(b) The number of items that have not yet been carried out in detail ?

The Honourable Dr. R. P. PARANJPYE : (a) Attention is invited to (1) Press Note No. 1978, Educational Department, dated the 14th August 1917, and (2) Government Resolution No. 1075, Educational Department, dated the 22nd March 1919.

(b) Enquiries are being made.

URDU PRACTISING SCHOOL.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division): Will Government be pleased to state why no Government Urdu practising school for the use of the Urdu classes at Poona has been started yet in view of the Government Resolution of 1921?

The Honourable Dr. R. P. PARANJPYE: Enquiries are being made.

QUARTERS FOR GAZETTED OFFICERS IN SIND.

Mr. G. H. KASSIM (Karachi City): (a) Will Government be pleased to state if they have made any provision in the new budget for building quarters for their gazetted officers in Sind?

(b) If the reply is in the affirmative, will Government be pleased to state why the provision has been made?

The Honourable Mr. H. S. LAWRENCE: Reference is requested to item 2 in list B of statement E in the Budget of the Government of Bombay for 1923-24.

DISCHARGE OF PRISONERS FROM JAILS.

Mr. G. H. KASSIM (Karachi City): (a) Will Government be pleased to state how many prisoners, whose term of sentence had not expired, have been discharged from Sind jails during the last six months?

(b) What is the reason of discharging these prisoners from the jails before the expiry of their term of sentence?

The Honourable Mr. M. H. W. HAYWARD: (a) 771.

(b) The recommendations of the Prison Enquiry Committees appointed to consider the relief of overcrowding in the prisons and the saving of all unnecessary expense by the release of prisoners and reduction of their sentences in accordance with the recommendations of the Indian Jails Committee contained in Chapters XV and XVI of their report.

TRANSPORT OF PRISONERS FROM SIND JAILS TO PRESIDENCY
AND *vice versa*.

Mr. G. H. KASSIM (Karachi City): (a) Will Government be pleased to state why prisoners from Sind are sent to jails outside Sind and prisoners from Presidency brought to Sind jails?

(b) How much money has been spent by Government during the last one year on the transport of prisoners from Sind jails to the Presidency and *vice versa*?

The Honourable Mr. M. H. W. HAYWARD: (a) and (b) The information is being obtained.

INDIA'S GATEWAY AT APOLLO BUNDER, BOMBAY.

Mr. G. H. KASSIM (Karachi City): Will Government be pleased to state—

(i) when the construction work of what is known as India's Gateway at the Apollo Bunder was first started, and how many years more it is estimated for the construction to be completed?

(ii) its original estimated cost, its actual cost up to date and its revised total cost?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :
 (I) The work of the Gateway of India at Apollo Bunder consists of three parts, viz.—

- (a) Constructing the sea wall and reclaiming the ground behind.
- (b) Laying R. C. C. pile foundations to a depth of nearly 40 ft. and
- (c) The superstructure.

Work on (a), which was entrusted to the Bombay Port Trust, was commenced in May 1915, and was completed in February 1919. Work on (b) was commenced in October 1919 and completed in February 1920. Work on (c) was started in February 1920 and has now reached a height of 53 ft. from the ground level. The whole work could be completed within the next 2½ years, if it is found possible for Government to grant funds to the extent of Rs. 4 lakhs annually.

(II) The original estimated cost of the whole work was Rs. 15,03,832 and the revised estimated cost is Rs. 22,91,074. The total expenditure to end of January 1923 is Rs. 12,79,712.

REDUCTIONS IN VARIOUS DEPARTMENTS IN SIND.

Mr. G. H. KASSIM (Karachi City): Will Government be pleased to state what posts in the various departments in Sind except police have been abolished since the announcement of retrenchment in the Council and the total saving thus effected?

The Honourable Mr. H. S. LAWRENCE: The information is being collected.

POSTS OF PRINCIPAL OF D. J. SIND COLLEGE AND THE HEAD MASTER OF N. J. HIGH SCHOOL, KARACHI.

Mr. G. H. KASSIM (Karachi City): Will Government be pleased to state—

- (a) from what date the posts of the Principal of D. J. Sind College and the Head Master of N. J. High School, Karachi, have fallen vacant?
- (b) whether they are filled up by permanent men?
- (c) if not, when it is proposed to appoint permanent men to these posts?

The Honourable Dr. R. P. PARANJPYE: (a), (b) and (c) Neither of the posts is vacant; Messrs. F. Ludlow and W. Grieve are the permanent incumbents.

TRANSFERENCE OF REVENUE DEPARTMENT FROM RESERVED TO TRANSFERRED SUBJECT.

Mr. G. H. KASSIM (Karachi City): With reference to the recommendations of the Joint Committee on the Government of India Bill regarding the codification of the Land Revenue Code, and the subsequent transference of the Revenue Department from Reserved to Transferred Head, will Government be pleased to state what steps they have taken or intend taking to give effect to this recommendation?

The Honourable Sir IBRAHIM RAHIMTOOLA: The question of codifying the Land Revenue Code is under the consideration of Government. The question of transferring Revenue Department from Reserved to Transferred head cannot arise till land revenue is codified.

Mr. C. M. GANDHI: Has any officer been definitely entrusted with the work?

The Honourable Sir IBRAHIM RAHIMTOOLA: The question is under consideration and the department is enquiring into it.

Mr. KANJI DWARKADAS: Can Government say whether any good progress has been made in that direction?

The Honourable the PRESIDENT: That is a matter of opinion.

Mr. C. M. GANDHI: In what strain has the consideration proceeded?

The Honourable Sir IBRAHIM RAHIMTOOLA: I am unable to answer anything definite on that point?

Dr. KAPADIA'S CASE.

Mr. G. H. KASSIM (Karachi City): (a) Will Government be pleased to state whether they are aware that their reply of the 20th July 1922 given to Dr. S. P. Kapadia, Bombay, and the Bombay Medical Union, has caused considerable dissatisfaction among the public at large and the medical profession in particular?

(b) Will Government be pleased to state whether they have replied to the rejoinder of 31st August 1922 sent by the Bombay Medical Union? If not, why not?

(c) Will Government be pleased to state the total period of leave Superintendent Carter enjoyed after the fainting fit up till now?

(d) Will Government be pleased to state the nature of illness Superintendent Carter suffered which required them to give him long leave?

Mr. M. H. W. HAYWARD: (a) and (b) Reference is requested to the reply given to the member for Bombay City, North.

(c) and (d) Superintendent Carter was granted eight months' leave on the recommendation of his medical attendant Dr. W. Nunan.

KIRD AND KHATAVANI BOOKS OF HOLDERS OF ALIENATED VILLAGES.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): (a) Will Government be pleased to state whether they are aware that holders of alienated villages are asked to pay for the *kird* and *khatavani* books required for use in their villages?

(b) Will Government be pleased to say if it is not a fact that all the books of account and other stationery, etc., required for use in the villages which are alienated were paid for out of amounts like Sadil and Chilhar amounts, which amounts were earmarked from the revenues of the villages?

(c) Will Government be pleased to state if it is not a fact that holders of alienated villages have to pay the amounts for Sadil and Chilhar into Government treasuries?

(d) Will Government be pleased to state whether any special account of these amounts for alienated villages is kept separately for each village and is the expense incurred out of the amounts shown in the accounts?

(e) Will Government be pleased to state the reasons why the holders of alienated villages have been asked to pay an amount for a purpose for which they are actually paying now?

(f) Are Government aware that there is a widespread feeling amongst the inamdars on that account?

The Honourable Sir IBRAHIM RAHIMTOOLA: Information has been called for.

**TRANSFER OF PRISONERS FROM SIND JAILS TO PRESIDENCY JAILS
AND *vice versa*.**

Mr. DIPCHAND T. OJHA (Karachi City): Will Government be pleased to state how many prisoners, convicted under sections 124A, 108 and 144, Criminal Procedure Code, have been transferred from Sind jails to Presidency and from Presidency jails to Sind during the last one year and what is the total cost on their transport?

(b) What is the reason of transferring these prisoners from places where they are convicted to other places?

The Honourable Mr. M. H. W. HAYWARD: (a) and (b) The information is being obtained.

Mr. DIPCHAND T. OJHA: Who will give the information called for?

The Honourable Mr. M. H. W. HAYWARD: I will give all the information as soon as the transfers have been reported. I shall then be able to say why those transfers were made.

Mr. DIPCHAND T. OJHA: Does the Government issue any instructions for the transfer of these prisoners from one place to another or is the Government consulted as to these transfers?

The Honourable Mr. M. H. W. HAYWARD: The transfers from one prison to another are ordered by the Inspector General of Prisons. He has the authority to do so without special instructions from Government.

ALLOWANCE OF STENOGRAPHERS.

Mr. B. P. PATEL (Ahmedabad District): Will Government be pleased to state—

(a) how the allowance is awarded where there are two stenographers in one and the same office?

(b) whether the practice followed in all the departments is uniform; if not, why?

The Honourable Mr. H. S. LAWRENCE: (a) by selection.

(b) uniform rates depending on proficiency have been prescribed.

CIRCUIT HOUSE AT AHMEDABAD.

Mr. B. P. PATEL (Ahmedabad District): Will Government be pleased to state—

(a) What expenditure was incurred in building the "Circuit House" at Ahmedabad? What use is made at present?

(b) How many Government buildings are lying vacant in Ahmedabad camp?

(c) What detailed amount is spent by the Government per annum as rent of the hired buildings in Ahmedabad?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN:

(a) The building in question was constructed at a total cost of Rs. 1,93,113. Being a district bungalow and designated as such, it is open for use by touring officers and others.

(b) No Government building is lying vacant in Ahmedabad camp.

(c) The information has been called for from the local officers and will be furnished on receipt.

PRIMARY TEACHERS.

Mr. B. P. PATEL (Ahmedabad District): (a) Will Government be pleased to state what time-scales of pay are sanctioned or are intended to be sanctioned in view of the minima fixed by Government for the primary teachers recently?

(b) Will Government be pleased to state whether the primary teachers are given the benefit of the Fundamental Rules; if not, why?

The Honourable Dr. R. P. PARANJPYE: (a) The matter is still under consideration.

(b) Enquiries are being made.

J. J. HOSPITAL.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): (a) Will Government be pleased to say whether their investigations into the conduct of their subordinates concerned in regard to the J. J. Hospital incident of July last have terminated, and, if so, with what result?

(b) Have Government been able to find out the circumstances under which the letter of the Senior Medical Officer of the J. J. Hospital of the 28th of July last was not placed before the Government until the 4th of August following?

(c) Have Government inquired whether there was any communication between the Surgeon-General's office and the Senior Medical Officer on the question prior to the latter's taking the drastic steps of the 24th July?

The Honourable Dr. R. P. PARANJPYE: (a), (b) and (c):—Yes. They have nothing to add to the very full statement of the facts of the case published as a press note last August.

Mr. JEHANGIR B. PETIT: Have the Government been able to allocate responsibility for the incident upon any individual in the course of their enquiry?

The Honourable Dr. R. P. PARANJPYE: No, Sir.

Mr. JEHANGIR B. PETIT: Do the Government want the public to believe that there is no one who is responsible for this bungle? Are the Government aware that the public demand a fuller and more detailed enquiry in the matter and a more explicit report? Are the Government satisfied that there is no need for further inquiry?

The Honourable Dr. R. P. PARANJPYE : As the honourable member knows, the corporation was asked for definite facts and figures, which may be enquired into.

Mr. JEHANGIR B. PETIT : Are the Government themselves satisfied that there is no need for further enquiry ?

The Honourable the PRESIDENT : That goes without saying.

Mr. JEHANGIR B. PETIT : Were the patients turned out of the hospital without the explicit direction of Government ?

The Honourable Dr. R. P. PARANJPYE : That does not arise out of this question.

Rao Saheb D. P. DESAI (Kaira District) (asked a question which was inaudible).

The Honourable the PRESIDENT : Will the honourable member speak up ? What is his supplementary question ?

Rao Saheb D. P. DESAI : Whether the Government have apologised to the Council for unfairly criticising it for its policy of retrenchment.

Mr. JEHANGIR B. PETIT : Do the Government hold any one responsible for this incident ?

The Honourable Dr. R. P. PARANJPYE : That has been answered.

NUMBER OF DISMISSED PATELS AND KULKARNIS IN BIJAPUR, SHOLAPUR AND AHMEDNAGAR DISTRICTS.

Mr. K. B. NIMBALKAR on behalf of Mr. R. G. SALGAR (Sholapur City) : (a) Will the Government be pleased to state how many patels and kulkarnis in the districts of Bijapur, Sholapur and Ahmednagar have been either dismissed or suspended because either they accommodated the persons who visited their villages to preach non-co-operation or to collect funds in that behalf, or took part in the political movements ?

(b) Will the Government be pleased to lay on the Council Table all the papers of the cases above referred to ?

(c) Are any of the patels or kulkarnis who have been dismissed from service as said above excused on begging pardon of Government ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information is being collected.

EXAMINATION OF SCHOOLS BY SANITARY DEPARTMENT.

Mr. K. B. NIMBALKAR on behalf of Mr. R. G. SALGAR (Sholapur City) : Will the Government be pleased to state how many schools of boys and girls in the Sholapur district have been examined by the Sanitary Department during the year 1920-1921 and with what results ?

The Honourable Dr. R. P. PARANJPYE : The information is being obtained.

TAPTI VALLEY RAILWAY.

Mr. K. B. NIMBALKAR on behalf of Mr. R. G. SALGAR (Sholapur City) : Will the Government be pleased to state—

(a) How many animals are killed in the last five years as there is no wire fencing by the line of the Tapti Valley Railway from Jalgaon to Surat ?

(b) What steps the Government has taken in order to redress the grievances ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Information has been called for.

INTERVIEW WITH MR. GANDHI IN JAIL.

Mr. K. B. NIMBALKAR on behalf of Mr. R. G. SALGAR (Sholapur City) : (a) Will the Government be pleased to state how many persons have applied to the jailorat Yeravda and to the Government to see Mahatma Gandhi ?

(b) How many persons with their names were granted the permission ?

(c) How many persons with their names were refused permission together with the causes for such refusals ?

The Honourable Mr. M. H. W. HAYWARD : The attention of the honourable member is requested to the answer given to the honourable member for Thana.

PLOTS NEAR LENDKI NALA IN SHOLAPUR.

Mr. K. B. NIMBALKAR on behalf of Mr. R. G. SALGAR (Sholapur City) : (a) Will the Government be pleased to state what is the sum realized by the Government by selling the plots within 50 yards from the Lendki Nala flowing through Sakhar Peth in the heart of the Sholapur City ?

(b) Are the Government aware that the said Lendki Nala has proved injurious to the health of the people in the vicinity ?

(c) Is the Government aware that the Sholapur municipality has declined to take any steps to remove the above mentioned evil ?

(d) If so, what steps are taken by the municipality and the Government to remove it ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (a) Enquiry is being made.

(b), (c) and (d) As the honourable member was informed last July this is a matter for the Municipality.

CRIMINAL TRIBES SETTLEMENT.

Mr. K. B. NIMBALKAR on behalf of Mr. R. G. SALGAR (Sholapur City) : (a) Whether in the Criminal Tribe Settlements in this Presidency the girls of marriageable age who have attained puberty since two or three years, belonging to the caste of Mang Garudis, Kaikadis and Ganthichors are kept unmarried against their will and some though married are kept separate from their husbands and parents respectively ?

(b) Whether there are any complaints in this matter from the persons concerned and if so with what results ?

(c) Whether the Criminal Tribe Settlement at Sholapur contains Bhats, Kaikadis and Mang Garudis from the Native States and if so what steps are taken by the Government to allow them to go to their country if they desire to do so ?

(d) What is the daily time table of the education and work given to such girls referred to in (a) above kept at Hubli, Dharwar and Baramati ?

The Honourable Mr. M. H. W. HAYWARD : The information is being obtained.

LANGUAGE OF LAW COURTS IN BELGAUM DISTRICT.

Mr. A. N. SURVE (Bombay City, North) : Is it a fact that the language in use in the law courts in the Belgaum district is Kanarese in spite of the number of the Marathi speaking population being larger than that of those speaking Kanarese ?

What objection is there in allowing litigants to write their pleadings, affidavits, etc., in Marathi instead of in Kanarese ?

The Honourable Mr. M. H. W. HAYWARD : The information of the member for Bombay City, North, is not correct. The figures given by the last census report are—

| | | | |
|-------------------|----|----|----------|
| Kanarese speaking | .. | .. | 6,21,778 |
| Marathi speaking | .. | .. | 2,36,391 |

Hence Kanarese is the language of the courts in the Belgaum district.

RAILWAY ACCIDENTS.

Mr. A. N. SURVE (Bombay City, North) : (a) Will Government be pleased to state what steps are going to be taken to prevent fatal accidents in shunting yards of the railways in the city of Bombay ?

(b) Were the accidents mentioned in appendix P, page 1289, Vol VII, due to laxity of supervision ?

(c) If not, will Government state the circumstances under which they happened ?

(d) Was any compensation given to, or any other provision made for, the relatives of the deceased ? If so, what was it ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Inquiry is being made.

POLITICAL PRISONERS.

Mr. A. N. SURVE (Bombay City, North) : Will Government state how far they have given effect to the resolution passed by the Council in the July Session of 1922 recommending Government to treat political prisoners as misdemeanants are treated in England ?

The Honourable Mr. M. H. W. HAYWARD : Attention is invited to the rules for the selection of prisoners for treatment in a separate division, published in the *Bombay Government Gazette* dated the 15th February 1923.

KHAR SCHEME OF THE DEVELOPMENT DEPARTMENT.

Mr. C. M. GANDHI on behalf of Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state how many plots in the Khar scheme of the Development Department are taken up

- (a) by housing societies,
- (b) by original land owners in settlement for their lands acquired,
- (c) by private persons intending to build?

The Honourable Sir CHIMANLAL H. SETALVAD: (a) Eighty-nine.
(b) Fourteen.
(c) Six.

ACQUISITION OF LAND FOR RAILWAYS AND HOUSING PURPOSES.

Mr. C. M. GANDHI on behalf of Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state—

(a) What portion of the 3,500 acres of land which are to be compulsorily acquired in the villages of Bamanwadi, Bapnale, Villeparle, Chakala, Shahar and Kole Kalyan are to be utilized for (1) railways; (2) roads; (3) hospitals and public buildings; (4) houses for middle and lower middle classes?

(b) What is the progress made with regard to these four objects?

(c) What portion of these 3,500 acres are actually acquired and what portion is re-leased to the owners?

The Honourable Sir CHIMANLAL SETALVAD: (a) The Central Salsette Railway passes through the villages of Kole-Kalyan, Shahar, Chakala and Ville Parle. The area required for the railway in these villages is 95 acres approximately. With regard to objects (2) and (3), the member is referred to the answer given to Mr. D. J. Ferreira's questions at the Session of February 1922. Government are not at present in a position to furnish the information desired in respect of object (4).

(b) The lay-out of part of the area in question has been approved, but actual work has so far been confined to the railway. The permanent way for the railway has been laid from Kurla to Andheri, but major bridges yet remain to be constructed.

(c) The member is referred to the answer given to clauses (b) and (c) of question put by him at the Session of September 1922.

VISAPUR JAIL COMMITTEE'S REPORT.

Mr. C. M. GANDHI on behalf of Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to lay on the Council Table the report of the committee appointed by them to inquire into the complaints made about Visapur Jail Administration?

The Honourable Mr. M. H. W. HAYWARD: The report is being printed and will be laid on the table.

INTERVIEW WITH MR. M. K. GANDHI.

Mr. C. M. GANDHI on behalf of Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state—

(a) Whether the Right Honourable Mr. Shrinivasa Sastri, the Honourable Mr. Lalubhai Samaldas and Mr. Henry Polak expressed their desires to Government members to see Mr. M. K. Gandhi in jail?

(b) If so, was the permission granted to any of them?

The Honourable Mr. M. H. W. HAYWARD: (a) The answer is in the affirmative.

(b) The reply is in the negative.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Will the Government be pleased to give the reason why even such men as the Right Honourable Srinivasa Sastri, the Honourable Mr. Lalubhai Samaldas and Mr. Henry Polak were refused permission to interview Mr. Gandhi?

The Honourable Mr. M. H. W. HAYWARD: They requested special interviews not in accordance with the prison rules.

Mr. JEHANGIR B. PETIT: Who is it that grants permission?

The Honourable Mr. M. H. W. HAYWARD: The Government.

Mr. JEHANGIR B. PETIT: Which Member of Government? Is it the Honourable the Home Member or some other member?

The Honourable Mr. M. H. W. HAYWARD: I should not, I believe Sir, be in order if I referred to any particular member of Government.

INTERVIEW WITH MR. M. K. GANDHI.

Mr. C. M. GANDHI on behalf of Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state—

(a) Under what circumstances were Messrs. Motilal Nehru and Hakim Ajmalkhan given to understand directly or through Mr. M. K. Gandhi's relations that they could see Mr. Gandhi in the middle of December 1922?

(b) Were any instructions given to the Superintendent to cancel that arrangement; if so, for what reasons?

(c) Do Jail rules allow friends to see a political prisoner in jail? If so, is not the Superintendent authorised to give the permission?

(d) Was any special exception made in the case of visit of his friends to Mr. M. K. Gandhi?

The Honourable Mr. M. H. W. HAYWARD: (a) The permission was granted by the Superintendent under a misapprehension of the orders of Government.

(b) The permission was revoked as it was not intended to permit interviews to be used for the purposes of political propaganda under the rules sanctioned by Government.

The rules do not recognise the distinction 'political prisoners.' No special exception was made. Discretion to refuse interviews has been reserved in the rules recently revised by Government.

INDIANIZATION OF POLICE SERVICE IN THE CITY OF BOMBAY.

Mr. C. M. GANDHI on behalf of Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state the steps they have so far taken to carry into effect the resolution unanimously passed by this Council on 31st July 1922 on the subject of the introduction of a larger element of Indians in the responsible posts of Inspectors, Superintendents and the other high posts of the City Police of Bombay?

(b) What are their reasons for making fresh appointments of 3 European Assistant Superintendents in November last?

The Honourable Mr. M. H. W. HAYWARD: (a) Since the passing of the Resolution only one substantive vacancy has occurred in the posts in question, and it has been filled by an Indian.

(b) There are no Assistant Superintendents in the Bombay City Police.

FRUITS FOR MR. M. K. GANDHI.

Mr. C. M. GANDHI on behalf of Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state whether a basket of apples and pears was sent by Captain Banon of the Manali orchards in Kulu some time ago for the use of Mr. M. K. Gandhi in Yeravda Jail?

(b) Was it sent back?

(c) If so, what were the grounds for not giving it to Mr. M. K. Gandhi?

The Honourable Mr. M. H. W. HAYWARD: The answer is in the affirmative.

It was returned in accordance with the regulations of the prison.

IMPORTS OF MEDICINAL PREPARATIONS.

Mr. C. M. GANDHI on behalf of Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state whether import of medicinal preparations containing spirit from Bengal and other provinces of India was allowed duty free up to March 1922?

(b) What are their reasons for taxing them now?

(c) Are they now taxing as foreign preparations? If so, for what reasons?

(d) Are merchants paying duties both at source of production and at place of consumption? If so, how is it justified?

The Honourable Mr. C. V. MEHTA: (a) Such medicinal preparations were always liable to duty under the Abkari Act, but they escaped duty owing to the absence of special arrangements to levy the duty.

(b) Unfair competition was set up against the local manufacturers who were paying full duty of Rs. 21-14-0, whereas the preparations imported from Bengal paid only the reduced duty of Rs. 5 in the province of manufacture.

(c) Under existing rules these preparations are liable to pay the same duty as foreign preparation, but the duty will be reduced to Rs. 5 as soon as the Bengal Government agree to reduce the duty they levy on Bombay preparations to the same extent.

(d) Pending the negotiations merchants may be paying the duty at both places. This can be remedied by the province of manufacture refunding

the duty. This Government is in correspondence with the Bengal Government on the point.

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

Mr. C. M. GANDHI on behalf of Mr. G. B. TRIVEDI (Thana District) :
(a) Have the replies of the Revenue Commissioners on the question of separation of judicial and executive functions been now received? If so, will Government be pleased to lay the same on the Council Table?

(b) Will Government be pleased to state the probable date by which they expect to lay before the Council a definite scheme for the separation of the judicial and executive functions?

The Honourable Mr. M. H. W. HAYWARD : (a) Reference is requested to the reply given at the September Sessions to the honourable member for the Satara district.

(b) When the financial position justifies a request for the necessary funds from the Legislative Council.

Mr. C. M. GANDHI : May I know whether the replies of the Revenue Commissioners have been received?

The Honourable Mr. M. H. W. HAYWARD : I think, Sir, this has been fully explained in the reply given at the September session.

Mr. KANJI DWARKADAS : With regard to the answer to (b), may I know whether the Government have consulted the Finance Committee?

The Honourable Mr. M. H. W. HAYWARD : It would be premature to consult the Finance Committee before the financial position justifies a request for the funds from the Legislative Council.

Mr. C. M. GANDHI : Sir, a reference is given to the reply given at the September Sessions. May I know from the Honourable the Home Member whether the replies from the Revenue Commissioners have been received?

The Honourable Mr. M. H. W. HAYWARD : I desire to point out, Sir, that the question has already been answered and has here merely been repeated. I think it is only fair to the departments that the honourable member should refer to the previous replies to similar questions before repeating those questions at a subsequent meeting of the Council.

PROVINCIAL AND IMPERIAL SERVICES.

Mr. C. M. GANDHI on behalf of Mr. G. B. TRIVEDI (Thana District) : Will the Honourable the Finance Member be pleased to state how many vacancies during 1922-23 in the Provincial and Imperial Services have been filled up from outside and, if any, for what reasons?

The Honourable Mr. H. S. LAWRENCE : The information is being collected.

RECOMMENDATION OF RETRENCHMENT COMMITTEE.

Mr. C. M. GANDHI on behalf of Mr. G. B. TRIVEDI (Thana District) : Will Government be pleased to lay on the Council Table the proposals received by them up to date from the Retrenchment Committee?

The Honourable Mr. H. S. LAWRENCE: Reference is requested to the replies given to clauses (a) and (c) of questions asked by Mr. G. B. Trivedi and Rao Bahadur R. R. Kale respectively.

COLLECTION OF LAND REVENUE BY INAMDARS IN CENTRAL DIVISION.

Mr. C. M. GANDHI on behalf of Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state—

(a) the number of inamdars in the Central Division that have taken advantage of the provisions of section 94A of the Land Revenue Code?

(b) Is it not a fact that many of them are deterred from applying to the Collector for the collection of their revenues under the same section? If so, what are the causes?

The Honourable Sir IBRAHIM RAHIMTOOLA: Information has been called for.

LONDON EDUCATIONAL CONFERENCE.

Mr. C. M. GANDHI on behalf of Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state if they intend to send an Indian representative on behalf of the Bombay Presidency to the London Educational Conference?

(b) If so, whom they have selected and what facilities he is to enjoy during his deputation?

(c) What are the conditions under which he has been selected?

The Honourable Dr. R. P. PARANJPYE: (a), (b) and (c) Government have selected Mr. K. S. Vakil, an officer of the Bombay Educational Service, who is on study leave in England, to represent them at the Conference. He will be paid the usual travelling and other allowances in England, which are admissible under the rules.

TRAFFIC COMMITTEE'S REPORT.

Mr. C. M. GANDHI on behalf of Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to lay on the Council Table the report of the Traffic Committee appointed for the City of Bombay in 1920?

(b) When was the report received and when do Government intend to issue orders thereon?

The Honourable Mr. M. H. W. HAYWARD: The committee's report was received in September 1921 and correspondence in respect of the various proposals made has since been in progress with the respective authorities and local bodies. It is hoped to issue at an early date the final orders of Government.

NAVALGUND MUNICIPALITY.

* Mr. C. C. HULKOTI (Dharwar District): (a) Is it a fact that the municipality of Yamanur on 20th March 1922 passed some resolutions as regards the conduct of the sub-inspector, and if so, what are those resolutions?

* This question was asked at the meeting held in July 1922, when an *ad interim* reply was given.

(b) Is it a fact that a representation by the President of the Navalgund municipality was made to the District Superintendent of Police as regards the transfer of the sub-inspector from Navalgund, and no action was taken by the District Superintendent of Police in the matter ?

The Honourable Khan Bahadur GHULAM HUSAIN : (a) and (b) The Honourable Member will perhaps remember that the resolutions were specified in the representation which he personally presented to the District Superintendent of Police. The sub-inspector indicated is no longer at Navalgund.

RECRUITMENT FOR FOREST SERVICE.

Mr. C. C. HULKOTI (Dharwar District) : Will the Government be pleased to state the following :—

(a) Is the third year course in the Dehra Dun Forest College abolished ?

(b) Is it a fact that the rangers trained at Dehra Dun and at Poona are absolutely debarred from getting into the provincial service, owing to the recent method of direct recruitment ?

(c) Since how many years the direct method of recruitment is going on, and how many forest officers are recruited during the last 5 years ?

(d) Is it a fact that the forest authorities have urged for European assistants in preference to Indians in the Forest Department ?

The Honourable Mr. C. V. MEHTA :

(a) Yes.

(b) No. The Provincial Forest Service is to be recruited by direct appointments as well as by promotion of rangers of proved merit.

(c) Since 1907. Six.

(d) No.

Mr. C. C. HULKOTI : Are there specific instances of rangers being promoted to the Provincial Forest Service ?

The Honourable Mr. C. V. MEHTA : Yes, I think so.

Mr. C. C. HULKOTI : How many ?

The Honourable Mr. C. V. MEHTA : I would like to have notice of that question.

DANDELI RAILWAY.

Mr. C. C. HULKOTI (Dharwar District) : (a) What was the initial expenditure incurred by Government on Alnawar and Dandeli Railway and the annual recurring expenditure on the same ?

(b) Will the Government be pleased to lay on the Council Table a statement showing receipts and expenditure each year since its inception ?

(c) What is the net loss or gain as a result of the working of this railway ? Do the Government propose to extend the same ?

The Honourable Sir IBRAHIM RAHIMTOOLA : The information has been called for.

STEAM TRAMWAY FROM POTOLI GHAT TO DANDELI DEPÔT.

Mr. C. C. HULKOTI (Dharwar District): (a) Do the Government propose to have a steam tramway from Potoli Ghat to the Dandeli Depôt? If so, what is the estimated cost of the same?

(b) What are the advantages of such tramway in view of the fact that it becomes unworkable for nearly six months in monsoon?

The Honourable Mr. C. V. MEHTA: (a) Yes. The estimated cost of the Dandeli Potoli Railway is Rs. 2,90,000.

(b) In the high forests of Kanara labour and carts are difficult to get and unless proper transport is provided, contractors will not be forthcoming. The Railway is estimated to yield a profit of 17 per cent.

STORE RESERVOIR ON DHARMA RIVER IN DHARWAR DISTRICT.

Mr. C. C. HULKOTI (Dharwar District): (a) Is it a fact that the Executive Engineer, J. B. Chapman, Dharwar Irrigation, had prepared a scheme for constructing a store-reservoir on the Dharma River in Hangal taluka of the Dharwar district, about the year 1908?

(b) If so, will the Government be pleased to state the approximate cost of the said project and the gross annual revenue of the same, and what would be the approximate area that will be commanded by this reservoir?

(c) Will the Government be pleased to state why the scheme was not taken up for execution? Will the Government be pleased to state further whether any provision for the same could be made in the next year's budget?

(d) Is it a fact that the scheme that was drawn up by Chapman, the Executive Engineer, was sent up to the Chief Engineer for Irrigation, Poona, and will the Government be pleased to state what steps were taken by the Chief Engineer in the matter?

The Honourable Sir CHIMANLAL SETALVAD: (a) A rough scheme for a storage reservoir on the Dharma River was submitted by Mr. Chapman in July 1909.

(b) As estimated, the cost of the scheme was Rs. 3,81,150 including direct and indirect charges, the gross revenue was Rs. 33,500 and the area to be commanded was reported to be 14,000 acres.

(c) The scheme was not taken up because the Chief Engineer for Irrigation was of opinion that it was based on rough assumptions for which no data were available and that the supply in the river in years of deficient rainfall was insufficient for perennial irrigation. As no detailed plans and estimate for the scheme have yet been drawn up, no provision for the work can be made in the next year's budget.

(d) Yes. The scheme was returned to the Executive Engineer with instructions that it should not be re-submitted until a suitable record of river discharges was available.

PROJECT FOR MADAGA RIGHT BANK CANAL.

Mr. C. C. HULKOTI (Dharwar District): (a) Will the Government be pleased to state whether a project for Madaga Right Bank Canal

in Kod taluka in the Dharwar district was prepared in 1908 by the same Irrigation Engineer, Dharwar ?

(b) What was the estimated cost of the scheme and what was the estimated revenue from the same, and what was the area under command ?

(c) Will the Government be pleased to state why the scheme was abandoned ?

The Honourable Sir CHIMANLAL SETALVAD : (a) Yes.

(b) The estimated cost of the project was Rs. 3,38,932 ; the gross revenue was Rs. 16,440 and the area under command was 16,400 acres.

(c) The scheme was abandoned because it was found that a perennial supply in the tract to be served by it was not considered to be a necessity.

TEMPORARY FOREST OFFICERS.

Mr. C. C. HULKOTI (Dharwar District) : (a) How many temporary forest officers were employed by the Forest Department since 1919 ?

(b) What is the pay and travelling allowance of such temporary officers separately ?

(c) How many of such officers are still serving in the department and how many are sent away ?

The Honourable Mr. C. V. MEHTA : (a) Five.

(b) Two of the officers were on pay of Rs. 600—50—800 and the other three on Rs. 800 per mensem and they drew travelling allowance under the ordinary Civil Service Regulations.

(c) None of these officers are in service now. One resigned and the services of the rest were dispensed with on the expiry of their agreements.

WATER FOR PERENNIAL CROPS FROM FIRST CLASS IRRIGATION TANKS.

Mr. C. C. HULKOTI (Dharwar District) : (a) Is it a fact that a Government Resolution No. W. I.—1317, dated the 20th May 1909, is issued by the Bombay Government, prohibiting flow of water from the first class tanks in the Dharwar district to the perennial crops within one-fourth mile of the village site ? If so, for what period in the year the prohibition continues ?

(b) How many first class tanks are there in the Dharwar irrigation district, and is the prohibition referred to in the above question in force in respect of all the first class tanks in the Dharwar district ?

(c) Is it a fact that the irrigation water charges are recovered as usual in spite of the fact that the owners of lands in that area are not allowed to use water for some months in the year ?

The Honourable Sir CHIMANLAL SETALVAD : (a) Yes. From 15th February to 15th June.

(b) Five. The prohibition applies to all the five tanks.

(c) Inquiry is being made.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, I beg to move:

Reduce total demand under "5, Land Revenue (Reserved)" (Blue Book, page 20) Rs. 1,70,14,000 by Rs. 3,50,000.

Sir, I beg to give a bird's eye-view of the whole department, so that the members of the House may be in possession of actual facts. We have the Settlement Commissioner; two superintendents of land records; one superintendent for Bombay; and a lot of other officers. We have about 58 clerks, 45 book-binders and servants under "General Establishments"; 144 photographers, draftsmen, clerks, etc.; 7 mounting-establishment under "Cost of Cadastral Maps"; then we have under the head "Superintendence" 76 clerks, surveyors and draftsmen, 45 servants; and under "City Land Records" 29 surveyors, 29 clerks, etc., and 8 servants. In the districts, in addition to the 20 inspectors, we have under the "Kanungo Establishments" 1,914 assistant inspectors, clerks, tapedars and circle inspectors; 1,623 servants and kotors; and under "District and Village Officers" 4,568 talatis. You will find, therefore, Sir, that the whole of this grant under Land Revenue is spread over so many servants, clerks, inspectors, etc. Out of a total of about 169 lakhs, non-voted payments to be made under "Assessment of alienated lands" are 89 lakhs; and there is therefore an actual expenditure on establishments of about 80 lakhs. This of course does not include the charges under "General Administration." Now, my point is that this department was organized long long ago, when there was no training at the bottom. The kulkarnis, mamlatdars, circle inspectors, etc., were not trained in those days. But for a long time, Government has been following a very good policy of training their revenue and survey officers in survey work. They have trained even their Assistant Collectors and deputy collectors. When those occupying the lower rungs of the ladder are trained in their work, they must be able to do their work satisfactorily. But after all these years of training I still find that the strength of the department is going as strong as it was about twenty years ago. So far no effort has been made by Government to use the qualities that the people on the lower rungs have been enabled to acquire on account of the training given them. We have still to spend very large amounts on them and on their supervision. As I have said, Sir, we have a provision under Land Revenue of Rs. 1,70,14,000 and I am asking a slice of only Rs. 3,50,000, that is, one-twenty-seventh of the total expenditure. I am not asking for a larger slice in order to give ample scope for the Government departments to work in such a way that the reform may come, if not now, in a regular period of time. You will find, therefore, that perhaps it may be said that it is necessary to see that all our record is correct. I am willing to admit that it is necessary to have quite an accurate record of our land. By the Record of Rights Act a great help has been rendered to the people for the last fifteen years and more. That is true. It is also equally true that this record has been perfected from time to time and, as a matter of fact, I believe it will be admitted that this record is now as complete for all practical purposes as ever. Under those circumstances, you will see that it is necessary to consider if it is possible or if it is not possible to get the whole work done by the different units of our administration. I know, Sir, that mamlat-

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dars, mahalkaris and Assistant Collectors are also trained officers, who can look after this work along with the rest. It may be said and it is possible to say also that all this work requires specialised officers, and it is therefore necessary to maintain a separate specialised department. With that view I do not agree. If a specialised department was needed, there was no necessity of training up these middle and lower class public servants. And if it was necessary to have a specialised department and you have it, then why is it that for the same kind of work other sort of outside agency is sought to be used? The point I want to make, Sir, is this, that it is not necessary to have a specialised and separate department for doing this duty which belongs to Government. I mean, that it is just possible that a very large saving could be effected if this work was transferred to the different officers of Government, such as mamlatdars, mahalkaris, Assistant Collectors, and so on. As I have said, Sir, there is absolutely nothing in the work which cannot be done by these officers. The account is made up to date and you will, therefore, find that even the Settlement Commissioner's work can be done by the Collectors individually. On the other hand, you will find that we have taken a lot of work off the hands of these mamlatdars and mahalkaris. You will find, and the Honourable the Finance Member told us as a matter of fact, that we do not require the mamlatdars to take up assistance cases, as the work is now extinguished on account of the completion of the record of rights work. Therefore, I take it that some of them at any rate have a little more leisure. It is also true that much of the work has also been taken off the hands of the Collectors which they were doing when they were looking after the local bodies. I am told, Sir, and rightly, that in olden days this work of Collectors in connection with the local self-government used to be enormous. It is also admitted that that work is now taken away. I therefore say that considerable work is taken off the hands of Collectors, Assistant Collectors, and also mamlatdars and mahalkaris. It is also possible, when the separation of judicial and executive functions is realised—which I hope will be soon—that mamlatdars will have ample leisure to do the regular routine of revenue work; so that all our survey work, all our village settlement work, could be very well done by them without outside agency.

I hope, Sir, therefore, that I have shown to the House that this economy could be effected without any loss of efficiency, that there would be no harm done to our efficiency by this cut, and that this cut is necessary if our administration is going to progress and is going to end in reasonable retrenchment without loss of efficiency. I hope that when my remarks are taken into consideration, they will be taken in the spirit in which I have made them. I do not mind if it can be proved that we can do without a cut of this kind. But what I say is that as a good deal of work is taken off the hands of several officers of the Revenue Department, they will have more leisure to do this kind of work and so it may be taken over from the specialised department and entrusted to these officers, the mamlatdars, mahalkaris, Assistant Collectors, and so on. The Collector also, as I say, is a trained officer who can look to this survey work and, as

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far as I know, there will be no loss of efficiency. It is also true that at present every inch of ground is surveyed. It is true that from time to time we have to put in or enter in our records any changes which take place by certain survey numbers being divided up, etc. But I should think, Sir, that this is work which could be done by the district establishment itself. What I am asking for is a reduction of only one-twenty-seventh of the whole expenditure. I do not think there will be any loss of efficiency whatever. What I want to know is whether this slice which I am suggesting, on the principle I have suggested, is possible or not. We want Government to put all its energy in this matter of retrenchment and when they have done that, we will know exactly whether Government has to spend so much, and that will lead to retrenchment. Under those circumstances I hope that this House will carry this proposed reduction of the total demand by Rs. 3,50,000.

Rao Saheb D. P. DESAI (Kaira District): Mr. President, I support the motion for the reduction from the land revenue demand as proposed. Personally I rather look upon the great bulk of this department as an unnecessary item. About Rs. 30,00,000 could be saved on this department if the whole work were entrusted to the existing executive officials. What we have to consider is this: What was the condition of the Revenue Department when we entered the Council, a period of very high prices, and what is the condition now, a period of comparatively low prices? Well, when we entered the Council, the demand was 164 lakhs. In the budget of 1922-23 it is raised to about 167 lakhs. It had been stated that we were passing through a period of high prices and that people required increase in their salaries, that all the servants of Government required a living wage, and so on. But from the speech of the Honourable the Finance Member we find that the prices of food-stuffs are falling and everything is becoming cheaper; so I do not understand why Government should not have made a clear cut from the total demand on account of that. In proportion as the prices have come down, these items should have been reduced. But in spite of that we find that demand has increased to two lakhs. Even last year there were allotted about three lakhs more than the previous year and that is the way in which Government pay attention to our requests for curtailment. Government should have reduced the expenditure of the departments, but we find year after year an increase instead of a cut. If you look to the figures of increase during the last five years, you find that in the year 1917-18 the figure was about 140 lakhs. On account of high cost of living it was raised in the year 1921-22 to 164½ lakhs and in 1923-24 it is 170 lakhs. So out of this a cut of Rs. 3,50,000 would not in my opinion be a great cut.

Then again, coming to the question of prices, when the prices are being lowered through the operations of the Indian Government, as the Honourable the Finance Member stated in the course of his budget speech, there ought to be a decrease instead of an increase in this expenditure. I should like to invite the attention of the Honourable the Revenue Member to the point that when the currency is deflated, there is an automatic increase not only in the value of taxes, but it has to be admitted that there

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[Rao Saheb D. P. Desai]

is a further increase in the emoluments of Government officials. So I cannot understand why this automatic increase should be given to Government servants especially as the profits of the tax-payers have gone down. I therefore submit that the reduction proposed by the honourable member for Ahmednagar would not materially effect a cut in the intrinsic value of their salaries. In fact I really thought that we should reduce this amount by seven lakhs, but as I rather thought that it would be a large and sudden reduction I did not move it.

Now, as regards the particular grievances, I would just mention some of them. The department is in charge of a Settlement Officer and his assistants' remuneration is already excessive so far as this Presidency is concerned. Now, coming to the work of the officers of this department, we find that they do their work only with an eye to the increase of assessment without paying any attention to the interests of the ryot. They never pay attention to what people tell them. They never look to the actual conditions of the crops or to the profits that are made by the people. And as a result of this, you find that whenever there is a revised survey settlement taking place these officers think that there must be an increase in the assessment even up to the extent of 30 or 40 per cent. This Council therefore should not extend any sympathy to this class of officers and they should never allow them any increase in their emoluments or add to their number. Now coming to the *annevari* of crops, it should be borne in mind that it is made in the first instance by this class of officers, and in this *annevari* you find many defects, and though this fact is constantly brought to the notice of Government they have not taken any action in this matter. The rules are so faulty that they require revision so that assessments may not be collected in bad years and, instead of suspensions, remissions may be given for bad years. People find it hard to give the suspended revenue and some improvement is urgently required. The people can only agitate and they did it, nay, they even took to passive resistance, and still nothing was done.

Then there is another point. If Government want that the administration of the country should go on smoothly and peacefully, there should be no increase in the budget, as any increase would lead to further taxation which the poverty of the people cannot allow; they should be taxed only in proportion to their net income. The present administration of taxing people out of proportion to their income from the land has already brought Government into disrepute and when it is remembered that the present agitation of non-co-operation had its origin in a province in which the land assessment is the highest and is collected in a strict manner, the necessity of having a small budget and a lighter tax will be clear. Let me, Sir, make it quite clear to the honourable members opposite that Government cannot sit on the fence and look on without moving in the matter and remedying the grievances while these things are going on before their very eyes. With these remarks, I support the motion for reduction of Rs. 3,50,000.

Mr. C. M. GANDHI (Surat City): Sir, I should also support the motion of the honourable member for Ahmednagar, for I think it is a

[Mr. C. M. Gandhi]

very modest demand which Government should agree to accept. At page 32 of the Blue Book we find the accounts for 1921-22 show that there were Rs. 1,64,53,000, and the estimates for 1922-23 show that it would be Rs. 2,10,85,000, and the budget for 1923-24 is Rs. 1,70,14,000. I hope the honourable member, the Revenue Secretary, will give us the actual figures for this year. But when the 60 lakhs cut was insisted on, what was the feeling in the country? I would ask honourable members to remember that the public thought that the budget for 1922-23 was purposely inflated in order to ask for fresh taxation; so that even if the Council insisted on strict economy and retrenchment, they could very easily agree to a cut of Rs. 60,00,000 and when they really cut it down by 60 lakhs they made no real effort at retrenchment. What is it that we really find now? In the budget estimates for 1923-24, though a certain number of talatis and village accountants are said to have been cut out, instead of the budget being limited to actual revised figures of this year, a proposal is made to increase it and I think it is high time that this Council should cry a halt. There is no doubt that a large reduction is possible in the number of prant officers and the huzur deputy collectors. I have been talking to officers whose opinions are worth considering on this question, and I have been told that there is a possibility of certain charges being reduced which are now being held by prant officers. It is also possible (and I can say from my experience) that there are many mahals which can be amalgamated in the talukas close by and a certain amount of reduction is there possible. At one time Government agreed that in all cases where there were branches of the Imperial Bank of India, the treasury officers should not be recruited from the cadre of deputy collectors, but that their offices should be done away with, the work being done by the accountants only. Government accepted that proposal but for reasons best known to themselves, they soon after did not find it necessary to carry it into practice. Therefore, I think that there are many ways in which, if Government were to make a genuine and strong effort to reduce expenditure it would certainly be possible to effect an appreciable reduction in such expenditure, and for this reason I think the Council will be very well advised to reduce the total demand by Rs. 3,50,000 as moved by the honourable member for Ahmednagar.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Mr. President, I rise to support the motion that has been brought forward by the honourable member for Ahmednagar. I need hardly add any more to the lucid explanation and the lucid way in which he has put it before the House. There is no doubt at all that there is unnecessary duplication in this department. Anybody I think will agree that this department requires a thorough reorganisation on a scale which would do away with the present duplication which is perfectly unnecessary. This duplication of the department not only does not help the efficiency of the department, but in my view takes away the efficiency in a good measure, and at some times it causes considerable trouble. In some cases it so happens that certain work has to be done; the ordinary staff in the department say that that is the work of the other department;

[Sardar V. N. Mutalik]

that other department says that this work should be done by the ordinary department. I will quote an instance or two in this respect. Some compensation work is going on in my district. Some land was taken by Government as far back as 1907 or 1908. That land was taken by Government and compensation was to be given. But the work of fixing the amount of such compensation is still to be done. This land was taken by Government for widening Satara-Mahableshwar road and I was told that the work of fixing compensation has not yet been done. Private enquiry also shows that Government have not yet taken the measurements of the land and therefore the compensation work has been held over. Last year *pot-hissa* parties worked in the very villages in which this land was taken up. They worked there but did not take care to get the measurements of the land in question. They thought that it was the work of somebody else and what is the result? The question stands exactly where it was. Had there been unity of work so to say, I think there would never have been this trouble and the people would have got compensation a long time ago. To keep people for over twelve or fifteen years without compensation after taking away their land is neither right nor fair. I think Government will realise this point and will take care to see that such instances do not happen. This is due no doubt to duplication and nothing else. Had the work been entrusted to the ordinary machinery in the Revenue Department, it could have taken the measurements of the land and the compensation fixed upon would have been paid long ago.

I perfectly agree with the honourable mover of this motion that the second revision settlements are done by the Assistant Collector and his mamlatdars and no special training is required for the purpose. This work is done by this department.

No specialized training is required for Land Record Department also. Who are the land record officers, after all? They are only mamlatdars transferred from the Revenue Department and again they are taken from that department to their ordinary duties, so that no regular specialised training is necessary in the case of these mamlatdars. If ordinary mamlatdars are entrusted with this work and some of their duties are given to other lower subordinates such as *aval karkuns* and so on, I think a good deal of their charges can be curtailed.

Last year when I was speaking on the Land Revenue Department, I made some remarks that this department required to be reorganised in the way the honourable mover has in view. Although it is true that I have given notice of a smaller reduction, it is because that I know that there is a large number of servants whom Government cannot immediately ask to go away, but I would suggest that as vacancies occur, they should not be filled up. If Government can lay down a policy on these lines, they can effect a considerable amount of reduction in the expenditure under this head, and I therefore support the motion before the House. That is what the honourable mover wants and to my mind he is perfectly justified in asking for that reduction.

Mr. A. N. SURVE (Bombay City, North) : Mr. President, some time ago a resolution was moved in this Council for the revision of the patels' *mushahira*. The pay of the patels is regulated by the Wingate scale which is quite antiquated and which is not yet revised. That resolution was withdrawn by the honourable mover because Government promised that some provision would be made in the next year's budget. I am sorry to see that no provision has been made for the revision of their pay. These watandars are very inadequately paid. It is the duty of the Government to see that their loyal servants are always remunerated on a satisfactory basis. As no provision has been made in this budget for the purpose I have indicated, I feel it my duty to support the motion which is brought forward to reduce the grant for the Land Revenue Department.

Sardar Davar T. K. MODI (Surat District) : Mr. President, I beg to oppose this motion. The honourable mover has given no solid or cogent reasons for reducing this grant. The honourable members that have followed him also have not been able to point out any definite manner in which economy can be practised in this department. The only department in which a cut could be effected was pointed out by the honourable mover, and he said that the Land Records Department could be curtailed. Another honourable member said that there was re-duplication in all the branches of the Revenue Department. We all know that the Retrenchment Committee is at present sitting to consider in what directions retrenchment could be effected, and until its report is out and we are able to take into consideration its recommendations, it is not at all wise to ask Government to reduce expenditure haphazard and hastily as some honourable members are trying to do at present. It is no use trying to force the pace of Government or to ask it to reduce all at once its expenditure in the manner in which we are trying to do. I therefore oppose this motion.

Sardar Khan Bahadur A. M. DALAL (Broach District) : Sir, I wish to hear and the Council would also like to know what the views of the official benches are to guide them in giving their votes.

The Honourable Sir IBRAHIM RAHIMTOOLA : The honourable member can wait, and after hearing what Government have to say, form his opinion.

Mr. S. T. KAMBLI (Dharwar District) : Mr. President, I rise to support the motion. I perfectly agree with the honourable members who have pointed out the various ways in which reduction can be effected in the expenditure of the Revenue Department. I perfectly agree that the existing mahals can be done away with and incorporated in the talukas without impairing efficiency in the administration. So also the number of deputy collectors can, with advantage, be reduced without curtailing efficiency. When a large amount of expenditure is demanded for the Revenue Department, there is one thing which I wish to bring to the notice of Government, and that is that this year the Kanarese districts in the Karnatic have been suffering from a dreadful famine, and I find that there is no provision in the budget for alleviating the sufferings of these famine-stricken districts. The black soil parts of the three

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districts of Dharwar, Bijapur and Belgaum have been stricken with a very dreadful famine. There is dire misery everywhere. There can be seen lands of whole villages which have not been even sown and whole populations of some villages are migrating in search of food for themselves and fodder for their cattle. In some places there is not even an adequate supply of drinking water. Yet, we are struck with astonishment to hear the Honourable the Finance Member say in his budget speech that in this year a plenteous harvest has come to the relief of the administration of this Presidency and no expenditure is to be incurred on relief works. Sir, can this statement be due to the fact that these three districts are far away from the headquarters of the administration, or might it be that the fact that these three districts are suffering from famine has been sedulously and carefully concealed from the headquarters of the administration? It is a fact, and it cannot be ignored, that large sections of the population are migrating from these three districts, especially from the black soil parts, trying to find food for themselves and fodder for their dying cattle. I hope that the administration will not be so indifferent, will not be so neglectful of their duties in the matter of alleviating the sufferings of the people inhabiting these three districts. These three districts form a very important part of this Presidency. They contain a population which is nearly equal to one-sixth of the whole of the population of the Presidency; they pay in land revenue an amount which is nearly equal to one-fifth or one-sixth of the whole of the land revenue which is got by this Presidency, and yet, when these three districts are suffering from a terrible famine, not a single pie is budgetted for famine relief in those districts. Therefore, I beg to submit that though the Government is showing over-generosity and keen anxiety to secure the well-being of its servants in the matter of pay and allowances, still the well-being and the contentment of a large section of the population of the Presidency are ignored. I beg to submit that this is an undesirable state of affairs, and that the neglect of the well-being of such a large section of the population and such a large portion of the Presidency will create an impression on the minds of the people that the Government is caring more for the well-being of its servants, and that it does not at all care for the well-being of the people entrusted to its care. With these words, I support the motion brought forward by the honourable member for Ahmednagar district.

Mr. G. A. THOMAS: Mr. President, I will only make a few remarks in respect of the motion of the honourable member for Ahmednagar. It is a fact that the total revenue demand for next year is in excess of the revised estimates of this year by about Rs. 2½ lakhs. That fact is almost entirely due to the revision of the scale of pay of the various branches of the revenue establishment. All those revisions have been placed before the Finance Committee, have been carefully considered by them, and have been passed by them. It is also, in some part, due to the fact that the cost of administration has increased in some small items like postage, travelling allowance and contract contingencies. Also the figure has been increased by the re-introduction of such items as the field establishment,

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the provision for which is Rs. 52,000, which was carefully discussed by the House yesterday. The honourable member contended that a reduction of 3½ lakhs from a total figure of approximately 80 lakhs, will not be very much, but it appears that he wishes the deduction to be made from one sub-head only. If we deduct 3½ lakhs from the total grant of 49 lakhs, it amounts to 14 per cent. in one year from the grant for a single branch of the Revenue Department. I think that this is a very drastic step to propose. About one-third of these charges consists of the pay of the talatis and tapedars. If the House approves of this reduction from the Land Revenue expenditure, we shall have to reduce a large number of talatis and tapedars. In this connection it will be of interest to the House to know that the Government have been very carefully considering this question of reduction and have effected a reduction already of Rs. 69,795 in the talati establishment, as a first step. That is a very considerable step to take. The Retrenchment Committee have in their report suggested directions in which the reduction in the number of talatis can be made. The Government have under consideration their suggestions and propose to reduce their work in certain respects. The question has now been referred to district officials, and until Government receive their opinion it is not possible to make any further reduction. So, I ask the House not to rush headlong into this retrenchment but to give Government time to consider the question further on receipt of reports.

Next, I wish to inform the honourable member from Sukkur that the Commissioner in Sind is considering the question of reduction in the number of tapedars and his proposals are awaited. In my speech last night, I mentioned the fact that steps have been taken to reduce the number of supervising tapedars. At present there are 224 tapedars in Sind. It is proposed to have one revenue inspector in the place of three or four supervising tapedars in each taluka. If this experiment proves successful, we shall be able to introduce this new system and effect considerable saving. I would ask the House not to precipitate matters by any hasty decision.

In the course of his speech the honourable mover of the motion stated that the work of Collectors has decreased. From my own experience as Collector, I find it extremely difficult for me to agree with him. In my opinion the work of the Collectors has immensely increased in recent years.

Further, the honourable mover suggested the possibility for reduction in the number of mamlatdars when the separation of executive and judicial functions takes place. It may be possible and probably will be possible to reduce the number, in the event of a separation but it cannot be done in anticipation of it.

The honourable member for Surat suggested the reduction in the number of huzur deputy collectors and prant officers. We have already reduced personal assistants from twelve to five; and in several districts we have reduced the number of prants from three to two. There was a proposal before Government for substituting mamlatdars for huzur deputy collectors, but once to do away with a large number of posts in that

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grade at one sweep will rouse very serious discontent. The question is however still under the consideration of Government and it has not been finally settled.

I will only refer to the speech of the honourable member for Bombay. He asked why increased provision has not been made for the pay of patels in the budget. This is an extremely difficult problem and it has not been finally solved. I hope, however, that Government will be able to find a satisfactory solution before next year.

The Honourable Mr. H. S. LAWRENCE: Sir, I wish to confine my remarks to one point only, as the honourable member the Revenue Secretary has already dealt with the various points of detail; and I do not wish to encroach upon the speech of the Honourable the Member in charge. There is one small point with which I have special connection and concern. It has been suggested that the pay and number of tapedars, that is to say, the village officers in Sind, should be reduced; and the Revenue Secretary has just announced that the question of reduction of their number is being examined by the Commissioner in Sind. Yesterday we had before us a proposal to re-organise the pay so as to include in their pay the original pay *plus* temporary and provisional allowances. That proposal was rejected by the Council. I wish, now, Sir, to explain in a few words the importance of the post of tapedars in Sind. In the Presidency proper the village accountant receives the assessments as they come in, but the amount of the assessment does not in any way depend on the action of the village accountant. In Sind it is quite otherwise owing to the different nature of the Land Revenue system there. The Government there depend on the tapedars to report to them in detail every small piece of land that is cultivated. The cultivated lands are scattered over a large tract of country, and to record them all requires of the tapedar an amount of skill, energy and integrity not demanded of the accountant in the Presidency proper, and on the tapedar's honesty and vigilance a large amount of the public revenue depends. It is easy for a man, if dishonestly inclined, to fail to enter in his books certain lands as cultivated and make arrangements with the zamindar to receive a bribe for that false entry. For that purpose it is the more necessary that these men should be under strict supervision; that there should be superior tapedars to watch and test their entries. Similarly the mukhtyarkars in Sind have to do a very great deal more outdoor work than is required in the Presidency proper. From that point of view I am very seriously concerned that nothing should be done to reduce the efficiency and the integrity of the tapedar in Sind, because it would mean a very serious loss to public revenues.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, I do not wish to take up the time of the Council, but as Government assure us that they are on the track of retrenchment, I wish to repeat what I stated in the course of my speech. Out of a total of 80 lakhs Government have succeeded in cutting down expenditure to about Rs. 69,000. This is a small cut that I am proposing compared to the cut made in pursuance of the 60 lakhs cut made last year.

[Rao Bahadur G. K. Chitale]

The honourable member from Surat who opposed this motion had rather a confusion of ideas. What I said was—if he remembered my speech all right he would have known it—that there were about 10,000 men employed according to the figures I give, and that a cut of Rs. 3,50,000 was very easy having regard to the large number employed. I also said that superior officers were employed to do work which could be done by men who are trained from the lower ranks; and I also tried to show that there was duplication of work. I know that this duplication cannot be done away with all at once; but let us begin not by having a reduction of only Rs. 70,000, which means at the most a reduction of 200 people, but by a reduction of Rs. 3,50,000. He will also please remember that the question of deputy collectors and Collectors was not before us. Under the present mode of accounting the charges on Collectors and deputy collectors are debited to General Administration, and when we come to that we will try to speak about that. But here I am trying to deal with the other establishments. You will find that we are asked to vote some amount for the training of men for survey work; so that we have been spending a certain amount every year on the training of these men. But after all this training, we are investing one of the heads of departments, the Settlement Commissioner, with powers of superintendence. Now, I ask, cannot that work be left to junior officers, and this officer used for more efficient work? It does appear to me that the senior deputy collectors who have been acting as superintendents of land records should not be engaged on such work, and that the work of superintendents of land records should be given to junior officers. In fact the whole of the work of the Revenue Department should be so distributed that in course of time, if not now, the whole survey establishment should disappear and be merged in that of the district administration. If that is done, I think all this work could be done very promptly and efficiently. The honourable member for Surat will be pleased to see that we have got superintendents of survey, surveyors and others. I wish that circle inspectors are still more reduced. If we do not give a check to this item the chances are that the course that we want the Revenue Department to take will not be taken. It is no doubt true, as the Honourable the Revenue Member pointed out yesterday, that a budget provision does not bind Government to spend it to the utmost, and as a matter of fact it will not be spent to the utmost as enquiries have been set on foot to discover means of retrenchment. But if we make a cut of Rs. 3,50,000, the amount is so small that it will not affect the efficient and normal work of the department. This cut from a sum of 80 lakhs is absolutely nothing, and I hope the House will agree with me.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, after listening carefully to the speech which the honourable mover made in introducing his motion, I thought that he was not very keen as regards the actual cut for which he moved, but that he wanted to draw Government's attention to the fact that in his opinion the Revenue Department was over-manned and that there was room for curtailment. After hearing his reply, I am not sure whether I am justified in holding this view. He seems to

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urge now that the cut should be insisted upon. I should like to point out that this honourable House called for a reduction of 60 lakhs of rupees, which was distributed over all departments and the Land Revenue department's share came to 6½ lakhs of rupees. Government made very careful enquiries and succeeded in reducing the amount by Rs. 8½ lakhs, that is to say, nearly Rs. 2 lakhs more than the ration figure. We are now dealing with the figure of 170 lakhs and a reduction of 3½ lakhs is proposed from it. One of the arguments advanced is that because the revenue officers are trained—we are dealing with the subordinate officers—therefore fewer men could do the work equally efficiently. Now, if that was a fact, the case would be unanswerable. But the training that is being given is not on a large scale as will be seen from the fact that only Rs. 2,300 are provided for the purpose, the number of employees being over 10,000. Apart from the actual training given out of this grant, these men get trained during every day of their service. That part of the argument I entirely admit, but their training is in order to make them more efficient and help them to rise in their grades. Supposing one officer was required for one village, it would hardly conduce to efficiency if after such training two or three villages were to be put in his charge. This can hardly be regarded as a practical measure.

The question of economy, as I pointed out, has been carefully examined and economy has been effected by reducing the Land Revenue expenditure by Rs. 8½ lakhs. I believe the reason why the honourable mover has brought forward this motion is to draw attention to what as a member of the Retrenchment Committee, supported as he is by the honourable chairman of that committee, he feels that improvement may be made in the Land Revenue Administration. The present position however is this. The honourable House asked Government to reduce Land Revenue expenditure along with other departments. Out of a total reduction of Rs. 60,00,000 Land Revenue had to reduce Rs. 6½ lakhs. The department considered the question very carefully and reduced the expenditure by Rs. 8½ lakhs. Government have exercised the spirit of economy and have brought about that result. Any further reduction that is required can only arise out of the recommendations of the Retrenchment Committee, which will be very closely examined when received. Now, if that is so, how can the House make a further cut of a round sum? I will now try to answer one point which may have really appealed to the House. It was pointed out that the revised estimates show a provision of Rs. 1,67,25,000 and that the budget estimate this year is Rs. 1,70,00,000 odd, or an increase of a little under Rs. 3 lakhs of rupees in Land Revenue expenditure, and it is naturally asked, why this increase? The honourable member the Revenue Secretary has explained some directions in which this increase has been made and he mentioned an item of Rs. 52,000 for field parties which was passed by this House only yesterday. I will draw the attention of honourable members to page 42 of the White Book. Honourable members will observe there that the amount for compensations, which is compulsorily payable, was Rs. 15,00,000 in the revised estimates of 1922-23, which totalled Rs. 1,67,25,000, while in the current year we

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are obliged to meet a liability which amounts to Rs. 16,42,000. Out of the excess which Government require, Rs. 52,000 is for field parties and nearly Rs. 1,50,000 for obligatory payments under compensations. That disposes of Rs. 2,00,000. The balance of under a lakh is provided for increments which must be paid to officers who are on the incremental scale, and for additional charges for postage, telegrams and stamps. All these items go to make up the difference between Rs. 1,67,25,000 and Rs. 1,70,00,000 odd. It will be apparent to the House that in asking for this extra amount Government have exercised the strictest economy and have not asked the house to provide anything which is not amply justified. As regards further retrenchment, that can only be a matter affecting all departments and that can only be regulated by the consideration of the recommendations of the Retrenchment Committee. In spite of the reference to it which the honourable mover made, I must point out that this budget provision will be regulated in the matter of actual expenditure by the decisions of Government on the Retrenchment Committee's recommendations; so that, if any of those recommendations are accepted, there will be an automatic saving in the grant. Budget provision does not necessarily mean that the whole amount will be spent. My duty was to explain to the House that every care has been taken to effect economy, and that the difference between the revised estimate and the actual provision in the budget this year is fully justified. More than 50 per cent. of the proposed increase is due to an obligatory liability of Government, while Rs. 52,000 have been sanctioned by the Council for field parties. That disposes of the whole point and I trust that the honourable mover will be satisfied with the discussion and will not press for this reduction.

Rao Bahadur G. K. CHITALE (Ahmednagar District): In view of the explanation given by the Honourable the Leader of the House, I beg leave to withdraw the motion.

Motion by leave withdrawn.

Sardar V. N. MUTAIK (Deccan Sardars and Inamdars): Mr. President, the motion which I wish to move is:

"Reduce the total Land Revenue demand by Rs. 1,00,000."

In moving this motion my object is to put before this House and the Government briefly my views about the grievances in connection with this department.

The Honourable the PRESIDENT: If the mere object of the honourable member is to bring to the notice of Government any grievance, then he can do it without moving any motion for reduction of the total demand but the grievance should relate generally to the whole department and the demand in respect of it. If, on the other hand, he thinks the total demand is excessive, he can move its reduction by such amount as he thinks proper. The honourable member's motion now is "Reduce by Rs. 1,00,000." That rather conveys the motion that he thinks the total demand is excessive, and not that he has any particular grievance in the nature of maladministration on the part of the department concerned

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to place before the Council by way of censure on that department or any of its officers. Well, what has the honourable member to say to that?

Sardar V. N. MUTALIK : I bow to your decision, Sir. I merely wanted to bring grievances to notice of the House, and of the Government.

The Honourable the PRESIDENT : The honourable member may call attention to the grievance, but I hope the House understands that a reduction may be made for purposes not only of a grievance meaning some act of maladministration, but also because the item provided is excessive beyond the real needs of the service. But if it is for the purpose of merely bringing a grievance to the notice of Government and of the House, no motion for reduction is necessary unless it is intended to raise the question by a vote of censure on the department in which case a motion for reduction would be in order.

Sardar V. N. MUTALIK : In fact in asking for the reduction by this motion I wanted to speak of certain grievances.

The Honourable the PRESIDENT : You may call attention to the grievances. But I hope the House understands that on a motion for any reduction of a demand for a grant for a department the mover must ask for reduction on relevant grounds, such as that the amount demanded is in excess of the requirements of the public service or that there has been some act of maladministration on the part of the department or any of its officers. But the mover cannot refer to any large or general question of policy affecting the department or to any grievance arising out of such policy for which the Government through its member in charge as distinct from the department is primarily responsible, if it is intended to propose a vote of censure on Government by a motion for reduction unless the salary of the Member of Government who is responsible for that department is votable and is on the votes.

Rao Bahadur G. K. CHITALE : When the motion is for a vote he can speak on it.

The Honourable the PRESIDENT : He can refer to any grievance relevant to the vote.

Sardar V. N. MUTALIK : My grievance relates to the land revenue administration.

The Honourable the PRESIDENT : You may state it if it is relevant to the total demand now made.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, the whole demand comes to Rs. 62,70,000 under the Land Revenue subject to the reduction of Rs. 25,000 that the Council passed yesterday.

Mr. C. M. GANDHI : Sir, before the Honourable the Leader of the House puts it I have a point of order.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I will formally move that the whole grant be sanctioned with the exception of the item that was rejected by the Council yesterday.

Mr. C. M. GANDHI : May I, Sir, rise to a point of order ? My point of order is with regard to the statement made by the Finance Secretary at page 66 of the Blue Book. He states in respect of votable expenditure in England by the High Commissioner

The Honourable the PRESIDENT : There must be some motion before the House.

The Honourable Sir IBRAHIM RAHIMTOOLA : I have already moved for the demand.

The Honourable the PRESIDENT : But I have not proposed it.

Mr. C. M. GANDHI : I was raising a point of order whether this demand mentioned as regards expenditure in England

The Honourable the PRESIDENT : After I propose the demand the honourable member can raise the point of order, because I can disallow the proposal if there is nothing in it.

Question proposed that the grant of Rs. 62,77,000 *minus* Rs. 25,000 omitted by the decision of the House yesterday, be made under the head Land Revenue (Reserved).

The Honourable the PRESIDENT : Before the House adjourns for tea, I want to inform the House that as to-morrow there is the Government House garden party at five o'clock the House would, I presume, like to rise at 4 o'clock. Therefore, is it the pleasure of the House that we should meet at an earlier hour, say, from 12 to 4 ?

The Honourable Sir IBRAHIM RAHIMTOOLA : I think the general feeling is that we should meet from 12 to 4 to-morrow.

After Recess.

The Honourable the PRESIDENT : Before we resume the Estimates debate, I have to inform the Council that as regards the fourth list of questions which were answered during the question hour this day, those honourable members who were not present then to hear their questions answered will have their questions set on the orders of the day to-morrow for answers during the question hour. I think the indulgence is but reasonable, because complaints are made that honourable members do not know previously on what day question lists may be placed for answer.

The Honourable Sir IBRAHIM RAHIMTOOLA : I am ready to answer them now, Sir.

The Honourable the PRESIDENT : No, that cannot be done. The first hour is set apart for questions.

An Honourable MEMBER : Unanswered questions in all the lists ?

The Honourable the PRESIDENT : Only the questions in to-day's list of those honourable members who have come to me and explained why they were not able to be present at question time. I am not going to pay a premium to those who have absented themselves without any excuse offered.

Mr. C. M. GANDHI (Surat City) : Mr. President, the point I was raising was under Rule 26 (1) which is as follows :—

A separate demand shall ordinarily be made in respect of the grant proposed for each department of the Government, provided that the Finance Member may in his discretion include in one demand grants proposed for two or more departments, or make a demand in respect of expenditure, such as Famine Relief and Insurance and Interest, which cannot readily be classified under particular departments. Demands affecting reserved and transferred subjects shall, so far as may be possible, be kept distinct.

What the honourable member, the Finance Secretary, proposes now to do appears at page 26 of the Blue Book, in which he says that

Separate demand will be made for all heads together (except heads "55" and "59") in respect of the votable expenditure incurred in England by the High Commissioner and by the Secretary of State, and these amounts will not, as before, be spread over the demands under the various major heads. This enables us to reduce these estimates, etc., etc.

May I enquire whether it would be in order if this demand is diminished by the amount of votable expenditure to be incurred in England and subsequently grouped together with similar expenditure in all departments, whether they be transferred or reserved departments ?

The Honourable the PRESIDENT : That is not a point of order. That is a point for explanation.

Mr. C. M. GANDHI : The point of order is whether under Rule 26 (1) such a demand could be made which is not a demand for the whole grant for that department.

Mr. P. J. MEAD : May I explain, Sir ?

The Honourable the PRESIDENT : Certainly.

Mr. P. J. MEAD : May I enquire why the honourable member for Surat did not raise the same point in preceding budgets as regards the item of interest which is specifically referred to in this rule ? The rule says

.....the Finance Member may in his discretion include in one demand grants proposed for two or more departments, or make a demand in respect of expenditure, such as Famine Relief and Insurance and Interest, which cannot readily be classified under particular departments.

In that group, I submit, interest is specifically mentioned—and interest is payable on account of expenditure incurred in the Public Works Department, the Revenue Department, the Excise Department, and so on. That interest has always been shown under one specific head. The change which has been made in the present budget is made entirely under the orders of the Auditor-General, and I submit that it should be to the convenience of the House that the demands as they stand should be made under one head. There is no difference between the way in which interest has been treated and the way in which exchange has been treated. The analogy is complete.

The Honourable the PRESIDENT : However, it is not a point of order, and there is just the likelihood of the honourable member for Surat falling within the category of a member who has exhausted his right of speech upon the whole demand. As it was made by way of an appeal, I can say however that his right is not exhausted by the indulgence of the House.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : Mr. President, in speaking on this demand, I am going to touch upon certain aspects of the land revenue policy and certain grievances which the people and also the class which I have the honour to represent here have.....

The Honourable the PRESIDENT : I think it is desirable that I should lay down very definitely the procedure as regards the ventilation of grievances during the supply debate, so that the House may exactly understand how it stands.

During supply debate upon a whole demand a reduction of that demand may be moved on the ground of any grievances relating to the administration of the department concerned provided they are relevant to and affect the whole demand. If the grievance, however, relates to any particular item in the whole demand, then reduction in respect of it must be moved on the vote on that particular item and not upon the vote for the whole demand. In either case a member may simply call attention to such grievance without moving a reduction and without being allowed to raise a debate. But if a grievance relates to a question of a large or general Government policy, that can be raised only by a motion for reduction of the salary of the Government Member in charge of that department provided that salary is votable by law and is upon the estimates. If it is not votable, the grievance cannot be raised in supply debate. That is the case in the House of Commons where a member is allowed to move for a reduction of the salary of a Minister by £50 for the purpose of condemning any particular act of administration relating to a large or general question of policy and censuring Government. That is allowed only if the salary is a votable item.

Sardar V. N. MUTALIK : I am bringing to the notice of Government one grievance which is a great grievance or which has been the subject of great distress, namely, the question of forfeitures without trial which have been made by this Government during the last year. Certain inams have been forfeited for an offence which has been alleged to be that of taking some part in the non-co-operation movement or a movement which is supposed to be disloyal. I am not speaking, Sir, (I must make my position clear) that I have got absolutely no sympathy for that movement nor have I got any connection with that movement, but I must say that when forfeitures are made, the party who is aggrieved by these forfeitures ought to be given a fair hearing in the courts established by law. The procedure adopted at present is this. The man is served with a notice. Perhaps no hearing is given. Sometimes some sort of hearing is given, but no pleader or any legal help is allowed and the officers refuse any legal help to cross-examine or examine any of the witnesses or any evidence that is produced before the court.

It cannot be called a court at all. It is a sort of summary trial. Inams are now considered as private property, and this question is a great question underlying the basic principle of law and affecting private property. If private properties are allowed to be forfeited without giving the man a fair opportunity to explain himself, I think it would be a great injustice both to the inamdar as well as to the good name of Government. If there was a criminal case, I must admit.....

The Honourable the PRESIDENT: Is it the argument of the honourable Sardar that Government resume private property by way of forfeiture without suing in a court of law? If so, under what law have Government power to do it?

Sardar V. N. MUTALIK: The case for Government in this case is that they rely.....

The Honourable the PRESIDENT: Is it the contention of the honourable member that they do it under some law, or is it that they do it illegally without any power at all?

Sardar V. N. MUTALIK: They do it under executive orders.

The Honourable the PRESIDENT: Government cannot do anything under executive orders, unless the law empowers them to do so.

Sardar V. N. MUTALIK: It is done by an arbitrary application of the law. There is absolutely no law.

The Honourable the PRESIDENT: What the honourable member means I presume is that there is a law which allows resumption, but the law is applied arbitrarily. Is that the argument?

Sardar V. N. MUTALIK: Yes, Sir. Government relied in these cases on the sanads which have been issued to the inamdars, which contain a provision that the inams are liable to be resumed by Government, if the inamdar is disloyal, or if he takes part in any disloyal movement. I perfectly agree with that, and I say that Government are entitled to do so, but the charge ought to be brought home to the man against whom this procedure is adopted. It is a great question of principle. At best the Government case is only this, that the inams are continued on a certain contract, a contract which has been entered into on the one side by the inamdar himself and on the other side by the Government. Now, is it fair, is it justice that Government, one of the contracting parties, should take the law into their own hands and resume the inam, without a full examination of the case of the other contracting party? I think this question ought to be decided in ordinary courts, and I call the attention of Government to this grievance.

Another question with regard to my constituency is that the record of rights is introduced into villages where no survey settlement has been introduced. This causes very great hardship, and is now causing a number of civil suits between the tenants and the inamdars. There is no provision in the Land Revenue Code, as it stands, which lays down and fixes any relation between a tenant and the inamdar or superior holder, where survey settlement has not been introduced. The record of rights takes upon itself the responsibility of defining certain rights, or giving certain rights, either in favour of the inamdars or in favour of the occupants, and this is done not by any competent authority, not by any competent officer, but by a man of the type of a talati, whose honesty everybody perhaps knows. There is some sort of supervision, because a complaint can be made, but it will be dealt with by a clerk in the mamlatdar's *kacheri* or sometimes, when the mamlatdar comes to the village on tour, he takes cognizance of the case, and decides the matter. But there

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is absolutely no provision for it in the Land Revenue Code, and the only course for the parties concerned is to go to civil courts. Now, everybody knows what a costly thing a civil suit means. Under the circumstances, I think it would be desirable if Government would induce the inamdars to have survey settlement in their villages—and I am sure most of them are certain to agree to it—and then to introduce the record of rights. Unless that is done, it is doing something which is not intended by the Land Revenue Code itself, and it is something beyond the powers of the Government to settle certain rights which are not settled by any law. Therefore, the introduction of the record of rights in villages which have no survey settlement is doing an injustice both to the inamdars as well as to the tenants.

My third grievance, which does not affect my constituency, is in regard to the expenses recovered from the villagers by pô-t-hissa parties. Sir, the pô-t-hissa parties, which are intended for the proper sub-division of land, have been forced on villages whether the occupants want them or not. The result is that in most cases the charges which are directly recovered from the village itself amount sometimes to twice as much as the land revenue for one year. The occupants of the village find it very difficult to pay these charges, and when the charges are not paid, their lands are liable to be attached. This works a great hardship on the villagers, and I think the best procedure to adopt is that unless the occupants ask for the demarcation of the pô-t-hissas by the pô-t-hissas parties, they should not be sent to any of the villages.

There are other grievances, but perhaps it would be out of order to discuss them here, but I bring these grievances to the notice of Government.

The Honourable Mr. M. H. W. HAYWARD: Mr. President, I desire to say a few words upon this question of resumption of inams. There have been four or five such cases.

The Honourable the PRESIDENT: I want to ask one question on a point of order. We have discussed various sub-heads under Land Revenue. Could not this question have been raised on any of those items relating to inams?

An Honourable MEMBER: It is not relevant.

The Honourable Mr. H. S. LAWRENCE: This is one of the non-votable items in the budget. Strictly speaking, it ought not to have been discussed at all. One view of the matter has been put before the House, and perhaps the other view might also be placed before honourable members.

The Honourable the PRESIDENT: I have already given my ruling as to the ventilation of grievances during Supply. I have ruled that as to questions of general policy if the salary of the Government Member concerned as responsible is non-votable, then honourable members cannot discuss any grievance arising out of that policy and raise a debate.

The Honourable Mr. M. H. W. HAYWARD: Mr. President, I should like to refer briefly to the question of the resumption of inams. I will just state the facts without any arguments. There have been four or five cases in which inams have been resumed. The resumption has

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been by way of levying the full assessment on the land, not by actually resuming the occupation of the land. There have also been several cases in which no resumptions have been ordered but in which warnings merely were issued to inamdars. The ground for the resumptions was disloyalty to Government. These inams were held on an express condition of loyalty to Government; and they were liable to be forfeited on the ground of disloyalty by the holders of these inams to Government. They were cases in which the holders of the inams joined the non-co-operation movement; and their behaviour was distinctly disloyal to Government. They were, therefore, called upon to explain their conduct. They were given a full opportunity for giving their explanation. The facts against them were specified in detail and they were asked to say what they had to say on those facts. They were even in one or two cases given a further opportunity to explain their conduct, where it seemed to us that they had not been given the full opportunity we considered that they ought to have had before so serious a step was taken, as resumption of their inams by levying full assessment by Government.

I desire to emphasise these two points that these inams or grants of land at small reduced assessments were distinctly held upon the condition of loyalty to Government and that careful enquiry was made and it was only after the full facts had been stated to the holders and after they had been given a full opportunity of explaining those facts, that final orders were passed by Government. Where the facts were either partly explained or did not appear to be of great importance, mere warnings were issued: but where the conduct had been as in four or five cases distinctly disloyal, orders were issued for the resumption of the inams. I desire to say that all the cases were carefully scrutinized both in the Revenue and Home Departments of Government.

Rao Bahadur G. K. CHITALE: Sir, the House will remember the application that was before it, and it was regarded as a genuine grievance by the villagers inasmuch as they have thought it fit to observe *hartal* for the last two months. It does appear to me there is a real grievance. The grievance has been so far recognised by Government in September last that the collection of taxes was suspended and Government promised to do their best to bring it to the notice of the Government of India. I take it there is a real grievance admitted by Government and if the Local Government finds it difficult to approach the Government of India the vote of Council will strengthen its hands.

Mr. G. C. BHATE (Kolaba District): Sir, I should like to point out to Government certain facts regarding the application and working of section 35 (b) of the Land Revenue Code. The section says:

"Any revenue officer of a rank not lower than that of an Assistant or Deputy Collector or of a survey officer may assess the cost of the preparation or revision of such map or plan and all contingent expenses, including the cost of clerical labour and supervision, on the lands to which such maps and plans relate, and such costs shall be recoverable as a revenue demand."

It is quite clear from this that so far as the powers of the revenue officers are concerned they are not mandatory. They may or may not charge. In my own district the levy of this assessment is so heavy that the

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occupants have to pay sometimes three or four times the assessment in one year. In the Kolaba district this levy has worked very hard. I had put a question on this point, and from the reply I understand that the total assessment collected up to now in two or three talukas was roughly Rs. 77,900 of which about Rs. 44,000 are collected and Rs. 23,000 are yet to be recovered. This is an additional charge to the revenue that the people—holders of lands—had to pay already. So, my submission is in making assessment under this section, regard should be had whether the whole cost or part of the cost should be remitted. The other point with reference to my district is the revision settlement of Karjat taluka and Khalapurpeta. As regards that, a resolution was brought forward by my honourable friend for Bombay and a good deal of discussion took place on that, and on the assurance of the Honourable the Revenue Member it was withdrawn. As regards that point, the grievance of the people is that they have not got full opportunity and good facility to ventilate their difficulties. They should be given a complete hearing.

Mr. S. T. KAMBLI (Dharwar District): Sir, the lines on which the system of suspensions and remissions of land revenue is worked out are extremely faulty. Probably the system of annewari crop reports is at the bottom of the whole faulty system. Government should administer their system of suspensions and remissions of Land Revenue more leniently and more sympathetically than at present. This year many villages in the Kanarese districts are severely famine stricken. It is not known as yet whether the payment of land revenue is to be recovered from them or whether it is to be remitted. From the speech made by the Honourable the Finance Member it appears that Government seem to be under the impression that the Presidency as a whole is flourishing with a bounteous harvest throughout.

I beg to point out to the Government that many villages in the Karnatak districts of Dharwar, Belgaum and Bijapur are suffering from famine and that the system of remissions and suspensions ought to play a prominent part in those districts. The Government does not seem to make any effort to prevent the recurrence of famine in those districts by undertaking irrigation projects there nor does it seem to make any effort to alleviate the sufferings of the people of those districts by supplying fodder or by making timely preparations for famine relief. I hope Government will see their way at least to remit or suspend the collections of land revenue from those villages which are suffering from famine.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I do not hold any brief for the land revenue payers, but I want to bring to the notice of the Honourable the Revenue Member the chief grievances of the people that pay taxes on land. The chief grievance is that expenditure on land revenue administration is too high. Consistently with good administration requires to be noticed. . . .

The Honourable Sir IBRAHIM RAHIMTOOLA: Sir, is that a specific grievance?

Mr. B. G. PAHALAJANI: My grievance, Sir, is that Government having agreed to curtail expenditure has not given proper attention to it. I submit, Sir, that the reductions already made by Government are too small and the reductions they propose to make are not likely to be fulfilled till the commencement of the next year. I submit, Sir, that Government have not seriously tackled the question of retrenchment. What I would ask the Honourable the Revenue Member is that he should take into consideration—or he should leave it as a legacy for his successor to do—recommendations made by the elected members of this Council, recommendations made by the Retrenchment Committee. So far, we have had only lip sympathy. The Council had nothing else.....

The Honourable Sir IBRAHIM RAHIMTOOLA: Mr. President, I rise to a point of order. I thought, Sir, that your ruling was that specific grievances in connection with land revenue administration should be brought to the notice of the House. The honourable member is going over the whole policy of retrenchment covering the whole administration and is calling that a specific grievance. How can that be called a specific grievance?

The Honourable the PRESIDENT: The question of retrenchment is not before us.

Mr. B. G. PAHALAJANI: I am dealing generally with the policy of Government as regards expenditure in the Revenue Department. If that is outside my sphere, I have nothing more to say.

The Honourable Sir IBRAHIM RAHIMTOOLA: May I respectfully point out that the honourable member had three full days to discuss the general policy, and he would have been perfectly within his rights if he had dealt with it then? He is now merely trying to extend that period in dealing with all these points.

The Honourable the PRESIDENT: I hope the honourable member for Sukkur will take the hint given by the Honourable the Leader of the House.

(Mr. B. G. PAHALAJANI said something which was inaudible.)

The Honourable the PRESIDENT: I can only give a general ruling. The honourable member must deal with specific grievances instead of wandering at large. The question of retrenchment covers a very wide field. As he is asking for retrenchment, I hope he will set an example by retrenching his speech.

Mr. B. G. PAHALAJANI: As the Honourable the Leader of the House is not very anxious to hear, I will curtail my speech as much as possible. I want to make one request to the Honourable Member in charge of the Revenue Department. The Government have had before them materials for reduction, and effective reduction, pointed out to them as far back as March or May last. During the seven months that have expired, the Government do not seem to have been anxious to advance that policy of retrenchment. Will the Honourable Member for the Revenue Department kindly give us the specific figures recommended to them and

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the specific reductions made? I think the Council is entitled to receive them from him. I refer to this grievance, Sir.

The Honourable the PRESIDENT: The honourable member for Sukkur cannot speak for reduction in respect of the whole demand in the way he has been addressing. The rule on that point was well put by Mr. Gladstone once in the House of Commons. He said: "I strongly object to any honourable member drawing his bow at a venture and moving or recommending the reduction of the whole demand without pointing out in detail the mode by which the reduction is to be effected." And that ought to have been done when the sub-heads were put before the House. That I think is the proper rule to follow.

Mr. B. G. PAHALAJANI: In view of that ruling, I resume my seat.

Khan Bahadur D. B. COOPER (Satara District): Sir, very recently city survey was applied to the Satara city. The village of Karanja is attached to the Satara city municipality, not for the convenience of the Karanja village but for the convenience of the Satara city itself. The land which has been used by the villagers of Karanja for hundreds of years for storing manure has been declared by the City Survey Department to be land belonging to Government, and these people are asked not to store their manure in that land and they are asked to hand it over to the Government. Sir, if the village of Karanja is attached to the municipality for the convenience of the city—and it is a purely agricultural village—and if these people are forced for the convenience of the city to give away the rights which they have been enjoying for years together, I cannot see what better instance of the high-handed policy of the Land Revenue Department could be brought forward. Another instance, Sir, is land within the limits of the Satara suburban municipality was at one time in the occupation of cantonment, which cantonment has been done away with for the past more than 60 years. The residents within those limits have been in occupation of that land as their private property for more than 60 years. During the recent survey Government declared that that land comes within the cantonment tenure and the sanads which were granted....

The Honourable the PRESIDENT: Was this done under any Act, the City Survey Act, for instance?

Khan Bahadur D. B. COOPER: Under Land Revenue Code, Sir.

The Honourable the PRESIDENT: The whole thing comes under Land Revenue. But we have had a sub-head called City Survey for discussion a short time ago. Why was this grievance not brought to the notice of Government then, when we were discussing the demand in connection with the City Survey?

Khan Bahadur D. B. COOPER: I am going to point out, Sir, that the land was taken away without any strong grounds. The rights which the people have been enjoying for the last more than 60 years have been taken away.

The Honourable the PRESIDENT: But surely, that is a question for the courts of law to decide whether they have the rights or not?

Khan Bahadur D. B. COOPER: When the resolution by the honourable member for Bombay was moved at Poona regarding the assessment of land revenue, the Honourable the Leader of the House had given us an assurance that whenever such a question cropped up in the district, he would be only too pleased to give us any help he could.

The Honourable the PRESIDENT: Was this particular grievance brought to the notice of the Leader of the House departmentally?

Khan Bahadur D. B. COOPER: Yes, Sir. I am just coming to that. Therefore, on that assurance from the Leader of the House I am referring to this question. These rights of the people were taken away without any grounds, but I understand that it was on an enquiry made by Government through one Mr. Mehta and that a report was framed by him on that subject in about the year 1909. I have seen that book or report in the capacity of a municipal councillor, and I therefore asked Government if they would be pleased to put that report in my hands to enable me to enlighten the people who have the fear that they have been treated by Government unjustly. Government refused to put that report in my hands, and I do not know on what grounds Government is taking their stand to do away with the rights of the people which they have been enjoying for the last more than 60 years.

The Honourable the PRESIDENT: On a question like that, affecting any particular individual or individuals, and not covering anything like a general policy, would it not be better to raise it by means of a resolution so as to put the Government on their defence? Just at present we are discussing the estimates. The honourable member is now bringing to the notice of Government a grievance of which they are already conscious and on which they have, he says they have, already taken action. If that is so, why not move a resolution in proper time?

Khan Bahadur D. B. COOPER: I take your advice, Sir, and resume my seat.

Mr. A. N. SURVE (Bombay City, North): Mr. President, I have to represent a grievance of the people of Vijayadurg, a town in the Ratnagiri district. These people enjoyed the right of plying a ferry for many years past. The Collector of Ratnagiri has since last year prohibited the man who was plying the ferry from plying it any longer...

The Honourable the PRESIDENT: What has ferries got to do with Land Revenue?

Mr. A. N. SURVE: That was done by a Land Revenue officer.

The Honourable the PRESIDENT: A Land Revenue officer is a multiple officer. He is the Collector of the district, a magistrate and so on. The question is in what capacity he did the act complained of.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): I move the closure, Sir.

The Honourable the PRESIDENT: I accept it.

The Honourable Sir IBRAHIM RAHIMTOOLA: Sir, I am trying at this late stage to get accustomed to the novel procedure that we are experiencing to-day. Our attention has been drawn to various grievances,

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specific and otherwise, and we are expected to reply to those grievances at a moment's notice. Sir, the rules provide that Government should receive at least ten days' notice if we are to be asked a question and the Member in charge is entitled to claim, if a supplementary question is asked, to say that he requires notice. Then, in regard to resolutions raising specific issues, we require a notice of fifteen days. But on the present occasion every member can get up and place a specific grievance before Government, and we are, without any previous notice, asked to consider these grievances and reply to them in a debate on the estimates. Sir, I am trying to meet that situation in the best way I can. But subjects have been discussed which are hardly relevant. Especially one subject on which I am going to give a full answer is a Central subject,—the subject of cantonments and cantonment limits. It is a subject entirely in the hands of the Government of India, who control the army. It has nothing to do with local affairs. Though Bhagur is a village within the Bombay Presidency, the Cantonments Act is a Central Act controlled by the army authorities and the Government of India. I am glad, however, to have this opportunity to make this matter clear. The question has been under consideration for a considerable time. His Excellency has taken a personal interest in the matter and has visited the place. We know of what is happening there now and Government has decided to represent to the Government of India recommending them to exclude Bhagur village from the cantonment limits. We are further requesting the military authorities to suspend the collection of taxes till the decision of the Government of India is received. I am sure honourable members will be satisfied, at all events on one point, viz., that the action of the Government of Bombay has been in consonance with public demand.

Then, Sir, we have heard various other grievances, grievances of people who claim in Satara that Government are usurping their lands without any title to them. Honourable members forget that, if Government are taking possession of property which does not belong to them, there is an obvious remedy. The regular way of dealing with the question is this: not to raise it as a side issue at present but to ask Government by way of interpellation as to what Government has to say on the subject. Government, in this city, at the head quarters of Government, are not aware of every minute detail of the administration carried on by the officers spread all over the whole Presidency. The reason why we require ten days' time to deal with interpellations is to be able to communicate with local officers to obtain the necessary information and to place it before the Council. Government are very anxious to meet the wishes of honourable members in order to give them information on all the points that may arise. There are various remedies under the Act and in practice which honourable members can avail of in dealing with such grievances. Under the statute they have got the right of interpellations, supplementary questions, resolutions and introduction of private bills. In practice honourable members can write to Government in various departments bringing to their notice any specific grievances that they may have, and

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you may be quite sure that Members of the Executive Council and Ministers will give all necessary attention to these grievances if they are specifically brought to their notice. These are the remedies which are open to honourable members to bring to the notice of Government all their grievances. Government want complete co-operation of honourable members, and they will gladly meet all their legitimate demands. But I should like to make one point clear in reference to the remarks of the honourable member for Sukkar. He went over the whole question of retrenchment and he thought it would be better if all the motions except the one for retrenchment in the budget estimates were rejected by the House. Now, Sir, I have given assurances repeatedly....

The Honourable the PRESIDENT : May I appeal to the Honourable the Leader of the House ? I have already ruled the honourable member for Sukkar out of order and I gave him reasons for that.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, but the difficulty remains that the honourable member before he was ruled out of order, had made his speech on the subject.

The Honourable the PRESIDENT : It was not relevant.

The Honourable Sir IBRAHIM RAHIMTOOLA : I do not propose to take further time of the House but I should like to say once again that Government are prepared to meet all the legitimate wishes of honourable members and they will try to deal with all the grievances that are specifically brought to their notice either through this Council or privately through the Secretariat.

The Honourable the PRESIDENT : Before I put this question, may I just point out that the Honourable Leader of the House said that the debate has taken a very novel turn in that honourable members are allowed to state grievances.

The Honourable Sir IBRAHIM RAHIMTOOLA : I said it is a novel procedure.

The Honourable the PRESIDENT : The procedure is not novel so far as this Council is concerned. It has been initiated since last year. During that time we had not had the advantage of the presence of the Honourable the Leader of the House as he was away on another duty.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I will modify my remarks by saying that it is novel so far as I am concerned.

I ask for a grant of Land Revenue votable and Stamps together. The amount is reduced by Rs. 25,000. Therefore the total demand that I want now is Rs. 68,84,000

Mr. C. M. GANDHI (Surat City) : Sir, may I have a ruling as to the point that I raised whether Government can lump all the items of expenditure incurred in England and ask for a grant for all of them ?

The Honourable the PRESIDENT : They have the discretion to do it under Rule 26.

Mr. C. M. GANDHI : Rule 26 states :

“ A separate demand shall ordinarily be made in respect of the grant proposed for each department of the Government provided that the Finance Member may in his discretion include in one demand grants proposed for two or more departments, etc.”

The Honourable the PRESIDENT : So, the Honourable the Finance Member has exercised his discretion.

Mr. C. M. GANDHI : They have shown the amounts of expenditure in different heads and it is not possible for them to show how that comes within the proviso.

The Honourable the PRESIDENT : I think the Chief Secretary has answered that argument.

Mr. C. M. GANDHI : The Honourable the Finance Member says it is sanctioned by the Accountant General.

The Honourable Mr. H. S. LAWRENCE : Sir, may I suggest to the House that there is no grievance in the matter whatsoever.

Question put that the grant of Rs. 68,84,000 be granted under the head Land Revenue and Stamps (votable grant) and agreed to.

The Honourable the PRESIDENT : Now, we come to Excise.

Grant under head 6, Excise (Transferred), Rs. 22,07,000.

The Honourable Mr. C. V. MEHTA : Mr. President, I beg to ask sanction for a grant, under the head 6, Excise, of Rs. 22,07,000. In asking for that, Sir, I wish to make a few observations. The Council are aware that the prohibition of charas has been brought into force from April last and this grant will no longer be available. The Council will be gratified to learn that we have taken a further step in pursuance of a policy announced by Government last year and the year before by imposing a direct limitation on consumption of country liquor in the Presidency. By the auctions that were held in December last we made a further reduction in the case of the Bombay city of ten per cent. and five per cent. elsewhere. The Council will realise that the reduction of 20 per cent. in two years is substantial. Two important considerations have however to be borne in mind. Our attack is on all country-liquor not only on illicit liquor as increase in the consumption of illicit liquor has to be watched and prevented not only because it denotes disobedience to law but also because it is injurious on account of its excessive strength and it is responsible for increasing intemperance and drunkenness. Cases of illicit manufacture and sale of liquor are being brought to notice in larger number. This is only natural on account of the high cost of licit supplies and the facilities that are afforded in some places where the base is naturally found and on account of the intermixture of territory subject to Indian States which are by no means prepared to fall in with the excise arrangements of this Government. We always try to co-ordinate the excise policy of both territories and although a certain amount of success has been achieved, the States are not prepared to go to the same extent as we in the cause of temperance. The other important circumstance is revenue ; the Excise Committee which is still sitting will of course have to consider the whole problem and all its difficulties, not the least thorny of which will be revenue. It is to be regretted that there

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has been delay in the work of the Committee. It was largely caused by the sad illness and subsequent death of its honoured chairman, Rao Bahadur Sathe, and the difficulty experienced in replacing him. I am sure we shall now soon be in possession of the report of the committee. I therefore beg to ask for the grant of Rs. 22,07,000.

Mr. R. G. SALGAR (Sholapur City) (Addressed the House in Marathi): Sir, I want to be enlightened as to the difference there is between Rs. 17,40,000 shown in the budget for 1922-23 and the revised estimate of Rs. 19,19,000. I therefore move :

Under 6, Excise (transferred), reduce the demand by Rs. 6,00,000—Provision for 3, Salt-Combined Establishment, Rs. 19,20,410 (Civil Estimates, page 54).

The Honourable Mr. C. V. MEHTA: May I explain, Sir, that the difference will be seen from page 54 of the budget which shows the budget estimate for 1922-23 at Rs. 17,40,000 and the revised estimate at Rs. 19,19,000. The total amount for the current year is Rs. 19,13,000. The difference between the budget and the revised estimate of the current year is largely due to the fact that the amalgamation of the subordinate establishment has come into force since last year and that largely explains the difference of about Rs. 1,74,000 as pointed out by the Accountant General in his notes in the Blue-Book. The proportion of expenditure between the Central Government and the local Government is 5·9 : 4·9, but the number of menials that came under this amalgamation belong in predominant numbers to the Salt Department; thus, the Salt Department has 4,180 and the Excise has only 1,459. In consequence of that the charge that is to be borne by this Government has gone up by Rs. 1,74,000. I may explain that the question of de-amalgamation of the Excise and Salt Departments is under the consideration of Government and if Government come to the conclusion that de-amalgamation is not advisable, then the ratio of proportion between the Central Government and the local Government will be considered. The report has only been very recently received from the Commissioner on this point and is under the consideration of Government. We will of course have to obtain the sanction of the Government of India before de-amalgamation is decided upon. The increase of Rs. 1,74,000 is entirely due to the fact which I have mentioned.

Mr. R. G. SALGAR: I beg leave to withdraw the motion.

Question put and leave granted.

Mr. G. B. TRIVEDI (Thana District): Sir, I move

That the total demand under 6, Excise (transferred), Rs. 22,07,000 be reduced by Rs. 5,00,000.

In doing so my reason is that Government introduced this new policy of having separate inspection by their own department by taking it away from the mamlatdars in the districts. From the experience that district people get, it is a conviction of those who come from the districts that these inspectors have not enough of work. They simply go to one or two shops, see whether the rules are observed, they take cognisance of some petty cases and earn their travelling allowance. So it is high time that this policy of having separate inspectors in districts where the work is not so

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much. I agree that in some districts like Thana there is a good deal of work but in other districts there is not so much of work. There are many districts which have not much sale of liquor. They are not so bad as other districts and still you are maintaining this costly district establishment, the work of which can very well be done as under the old system by the mamlatdars and by the deputy collectors who go about and can do the work of inspection.

There is another thing. You have got now advisory committees at several places. Will it not be advisable for Government to consider the suggestion that was put forth by the Poona City and Cantonment Advisory Committee that this inspection work might also be given to them so that they would be in a better position to see that the licensees do not give bad stuff to the people, for the money they take. The complaint is that by this ration system, although the consumption is being reduced, people who are habituated to drink complain that they get bad stuff for the value that they pay. You are therefore taxing people unnecessarily by allowing money to go into the pockets of licensees who tamper with the stuff supplied to them, and as they have their own relations with the inspectors pass it. So that, there is the misfortune of the people who pay money not getting the right stuff for the money that they pay. So my suggestion is that the Government do go into the consideration of the proposal that was put before them by the Poona City and Cantonment Advisory Committee, that this work, in the beginning along with the inspectors, be given to them, so that they will see and Government will also see whether this work cannot be done by non-official members who are interested in the temperance cause.

I shall point out another way in which this reduction can be made. When these inspectors have not enough work, they find work. There is the old proverb that the devil finds work for idle hands, and it is from that point of view that I am going to relate one instance of a man being harassed unnecessarily and out of all proportion to his offence, if there was an offence—it is the same instance which I brought to the notice of the Honourable Minister at the time of the general discussion of the budget. The proprietor of the Bengal Medical Stores was asked, for the very first time since he started business in Bombay, to pay tax on his imports from Bengal. Government perhaps only lately discovered that the stuff had to be taxed. For so many years they had not discovered it. It is only now that they have discovered it, because they want to increase their revenue. However, that is all right; if they are legally entitled to it, they may claim it. What I want to say is that when the inspectors and superintendents have no work, they create mischief. The man was asked whether he had any imports to come from Bengal. He replied that he had three more imports to come, and that one was already in his godown. Instead of calling upon him to pay the charges due, the inspector goes to his shop at seven o'clock in the evening, attaches his goods, seals them, and says that he must walk to the superintendent's office at that late hour, in order to give an undertaking that he will pay. The man had not refused payment, and yet he was

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treated in that way. But the story does not end there. The man was dragged before the superintendent and made to give an undertaking in writing that he would pay whatever the department called upon him to pay. Then came a notice asking him to pay at the rate of Rs. 5. He was willing to pay the amount, but after four or five days the department sends in another notice saying that he should pay at the rate of Rs. 21. The man protested and sent a representation to the Commissioner of Customs. In the meantime, the goods were again attached, and the man was ordered to present himself before the superintendent at 8 o'clock in the evening after office hours and was made to pay the full assessed duty at 8 o'clock in the evening, although his representation was pending before the Commissioner, although he was a respectable man; he was not going to run away, and this was done in the interests of revenue and perhaps because the inspectors and superintendents are so busy during the whole day that they work up to 8 o'clock in the evening. So, I say that these officers are harassing the people unnecessarily, because they have not a sufficient amount of work. If that is the case in Bombay, in districts which are more or less dry, they must have still less work to do. Besides, the advisory committees are coming forward to take up this work, which is being done by this department, along with the inspectors. They ask Government to consider their request, and if they find that those suggestions are helpful to them—perhaps they may not be helpful to them in raising the revenue—but they will be useful in guiding them properly in their temperance policy, then they may be adopted. If Government do want to stand by the temperance policy, then this is a good suggestion, and I hope that the Honourable Minister will consider it on its own merits, and adopt it. With these words, I propose that this reduction be made.

Mr. C. M. GANDHI (Surat City): Mr. President, speaking on this motion, may I ask the Honourable Minister to carefully look into the figures of the budget that is presented to this House? We were told that a large reduction was possible in the establishment, both in Bombay and in the Presidency, and that Government tried its level best to effect very substantial reduction. The House was entitled to know the details of the reduction effected in the establishment, both as regards inspectors and superintendents as well as sub-inspectors, and the actual amount of reduction effected by that course in the city of Bombay and in the Presidency. And if any substantial reduction was possible and was made, will the Honourable Minister be pleased to explain how it is that the budget estimate of 1922-23 which was only Rs. 29 lakhs came to Rs. 31 lakhs when the revised estimates were before him and the budget estimate of 1923-24 proposes an expenditure of Rs. 39 lakhs? Instead of there being any substantial reduction, the budget proposes a very large increase. I hope, therefore, that the Honourable Minister will be pleased to tell us definitely now as to the lines on which the retrenchment was effected, both as regards the non-recurring items and the items of recurring expenditure, and any sort of comparative statement of the different heads in which the increase is made in the budget estimates for next year.

[Mr. C. M. Gandhi]

Speaking on this question, the impression in circles which are well informed according to my own humble judgment and according to the public at large is that the office of the Deputy Commissioner of Excise is an unnecessary luxury. The appointment was made only recently, and so far as one is able to judge, the charge of the Deputy Commissioner of Excise is so large that he can only visit a particular place in his charge once in three years. How is an officer of that character, who can only visit a place in his particular charge once in three years, competent to exercise better control over the subordinate staff than the Collector who used to do it before? It is said that there ought to be specialisation, that the Collector is a man who is over-worked, that he cannot look into all things, and therefore the Excise Department ought to have an officer who has specialised. Now, specialisation may also go sometimes too far, and if the finances of the country cannot afford to have specialisation always in all departments, then the public will be satisfied even with a little less specialisation. I doubt whether that will be the result if the post of the Deputy Commissioner for Excise is cut out. We are told that he is a very omnipresent officer, that, because he is at the head of the department, there is a much better detection of crimes than what was before, a proposition which I beg to differ from. For, in my humble judgment, if the superintendent is more trusted as he should be, being a man on the spot who knows the people more than anybody else and the Collector who knows them also equally well, there is good reason to suppose that the excise officers will be able to carry on investigation better. Assuming for the sake of argument that it is not so and that the Deputy Commissioner brings more efficiency into the department, may I ask the Minister if he is satisfied with regard to the extent of efficiency of this department? Despite the presence of this highly specialised officer, the substantial reduction made in some of the establishments under him both in the Presidency and the city seems to have been swallowed up. The only way of getting Government to retrench and of strengthening the hands of the Minister to get Government to do so is by cutting out the 65 lakhs. Unless he is able to satisfy us that there are good reasons for swallowing up this retrenchment, this provision must not be sanctioned.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, it seems to me that the increase is justifiable, especially because the assignments of compensation provided for are not more than what they were in 1921-22 and 1922-23. That covers up the argument. They are to be accounted for by the reduction of 5 lakhs which we anticipate after the Honourable Minister has before him the entire report of the Retrenchment Committee. All that I hope is that he will pay due attention to the recommendations of the Retrenchment Committee. I do not propose to go into the details. It is no doubt true that the policy of reduction cannot materialise all at once. But we want an earnest from the Honourable Minister responsible to the House of the policy enunciated by this House.

On this general question I feel I shall be wanting in my duty if I do not put in a word about another question. This time last year we were told that the policy of reduction would be continuous and gradual. I

[Rao Bahadur G. K. Chitale]

hope that the Honourable Minister will make it such that his successor might take it up and follow it. I hope the Honourable Minister will see that there is continuous reduction. For my part I do not see that there is any such indication now.

The other point's about the Abkari policy of total prohibition. There may be two sides to that question ; but it is the wish of the House before it goes out of office that the policy enunciated by this House is continued by responsible Ministers, and that the Honourable Minister will be able to give us a complete scheme without entailing much loss of revenue. I am very sorry there is no such indication and I have very good reasons for voting against it.

Mr. S. K. BOLE (Bombay City, North) : Sir, I think the posts of Deputy Commissioners are unnecessary. Formerly the Commissioner and the Collectors of districts were supervising the staff. The work they did was very efficient. I therefore think these posts carrying fat salaries are quite unnecessary.

The other point is that there should be transfers of inspectors from place to place. It is found from a reply given to my question during the last Session of the Council that some inspectors enjoy the privilege of being at certain places for several years which I submit should not be allowed. They ought to be transferred from one place to another at least every three years.

The other thing is that the inspectors deal with the shop-keepers as if they are their menials. They are tradesmen and they should be treated with consideration. In the mofussil the shop-keepers I learn have to supply provisions for them, they have to find milk, eggs and what not. Under these circumstances, I submit that instructions should be issued to all these officers asking them not to indulge in this practice.

Sardar DAVAR T. K. MODI (Surat District) : Mr. President, the honourable member for Thana has suggested that retrenchment can be effected in this department by entrusting the work of inspection to Mamlatdars. Now, Sir, the honourable member forgets that the work of inspection is not confined to inspecting the shops merely but also to seeing that no illicit distillation goes on in the district or any other illicit method is practised in the district. For that purpose a separate staff is absolutely necessary. It is very doubtful whether the mamlatdar, if he is entrusted with the work, will be able to do that sort of inspection. Then, another point is that if there is a high caste Hindu mamlatdar, is it likely that he will enter a liquor shop and do the inspection which any other class of inspector would do ?

Mr. G. B. TRIVEDI : How was the work formerly done ?

Sardar DAVAR T. K. MODI : I do not know how the work was formerly done. That system must have worked unsatisfactorily, and that is why, I think, the inspection work was separated.

Rao Bahadur G. K. CHITALE : They need not drink for the sake of inspection.

Sardar DAVAR T. K. MODI : My experience is that those people who do not touch liquor or intoxicating drugs would not like to go into a liquor shop or a drug shop.

Then, Sir, the honourable member suggested that the advisory committees should be entrusted with the work of inspection along with the inspectors. I may say, Sir, that I have some experience of these advisory committees, and I know as a matter of fact that the members of these advisory committees are hardly ever consulted by the head of the district, and even if they are consulted they take very little interest. As a matter of fact, the members of the advisory committees do not even know the location of shops in their jurisdiction and they have absolutely no idea for what purpose they are appointed. So far as I know, Sir, they merely exist for the purpose of pointing out to people that the locations of shops and other things connected with excise are settled by Government in consultation with their own representatives. That is the only underlying motive of having such committees in the districts.

Then, Sir, I entirely agree with what the honourable member for Surat city said with regard to the Deputy Commissioners. There seems to be no justification for the existence of these highly paid officers. As a matter of fact their work seems to be confined to this : that they make transfer of inspectors and other servants in their charge ; and the other business that they do is that if their superintendents send them reports, they condense these reports and forward them to the Commissioner. That is to say, they are merely in a place where a summary of the reports of superintendents is made and they do not serve any other better purpose than that of being intermediaries between the superintendent and the Commissioner, and I believe, Sir, that they may be safely abolished.

Sardar Khan Bahadur A. M. DALAL (Broach District) : I am sorry, Sir, that I do not agree with the honourable member for Thana. (The honourable member was inaudible at this stage). I think the policy of abolishing the sale and use of country liquor adopted by this Council and accepted by the Government is incompatible with retrenchment in expenditure. The more you curtail consumption the more you will have to spend on inspection. Illicit distillation will increase. If you reduce consumption by 50 per cent. more an army of inspectors will be required to detect illicit manufacture or smuggling. When prices have risen so far, illicit distillation is going on and my information is that the evil is growing. (The honourable member was inaudible at this stage). I think that the present Minister of Excise is a very competent and capable person and he can be entirely trusted to carry out retrenchment in his department.

The Honourable Mr. C. V. MEHTA : May I be allowed, Sir, to mention the facts in connection with two or three points that have been raised, as perhaps then the honourable members will be in a better position to deal with the question ?

In the first place, Sir, the honourable member the Chairman of the Retrenchment Committee has asked me to state what is the reduction that has been made in order that he may be in a position to see whether the five lakhs cut which is now proposed should be adopted by the Council

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or not. He referred me to the budget, where he said that there was an increase of expenditure of something like ten lakhs of rupees. The honourable member for Ahmednagar has pointed out what the increase is due to, and I hope the honourable member for Surat is satisfied that it is largely due to the compensations that have to be paid to Indian States in pursuance of our agreements with them. That accounts for as large a sum as eight lakhs of rupees. There remains the question of the two lakhs which I explained when referring to the motion by the honourable member for Sholapur. I explained that on account of the amalgamation, the menial staff of the Salt Department was combined with that of the Excise Department, and as that staff is more than three times the staff of the Excise Department, we are liable to pay to the Central Government $\frac{4}{9}$ of the combined cost of the menial staff of both departments: that accounts for Rs. 1,79,000 as pointed out by the Accountant General. The rest is due to the incremental scales of salaries of the various officers whom the combined department employs.

Now, he wants to know the exact reductions that have been made. First of all, the post of a Deputy Commissioner of Excise has been abolished. He mentioned a good deal about the appointments of Deputy Commissioners. I do not think he realises that one post of Deputy Commissioner has already been abolished, giving a permanent saving of Rs. 15,800. Then, a post of supervisor has also been abolished giving a permanent saving of Rs. 5,600 per annum. Some posts of assistant and sub-inspectors have been abolished giving an ultimate saving of Rs. 42,000 per annum.

An honourable MEMBER: Can you tell us the number of posts abolished?

The Honourable Mr. C. V. MEHTA: Yes; one supervisor, twelve assistant inspectors and twenty-two sub-inspectors. That accounts for Rs. 42,000. Then, clerks have been abolished to the extent of 79, which accounts for Rs. 53,700 per annum. Then, house-rent allowance was reduced by Rs. 2,400. Allowances for village officers for marking toddy trees were also abolished, which accounts for Rs. 4,130. In addition to that, the whole establishment of the Customs and Excise laboratory was abolished, entailing a saving of Rs. 40,000.

Now, it must be remembered that in order to attain that saving of Rs. 1,40,000 in all, we had to make a corresponding saving in the share that is payable to the Central Government and the total saving amounts to Rs. 2,57,000. Now, I venture to think, Sir, that that is, on a staff belonging to the Excise Department running to about Rs. 19,00,000, a very substantial saving. The Commissioner of Excise was requested to see whether he could make any further saving in that department, and he unhesitatingly reported that it would be impossible for him to carry on if a further saving was to be made, especially as it has been found that considerable illicit distillation is going on, proof of which was brought to light in a very much larger number of cases than before. I may mention, Sir, that it is somewhat unfair to ask for a reduction of Rs. 5,00,000 in Excise alone, which entails a total reduction of Rs. 11 lakhs and odd under the amalgamation. And I think it is more unfair

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on account of this fact that the Retrenchment Committee who have considered these proposals have not yet placed their report before Government. That report will be carefully considered by Government and, so far as I know, it hinges mainly upon the factor of the de-amalgamation of the two departments. Now, that is a very large question and cannot be handled without serious consideration and will take months before it is decided, especially as it has got to go to the Government of India for sanction.

Let me take one point on which particular stress has been laid by the honourable member from Surat. He was talking of Deputy Commissioners, and, so far as I hear, the Retrenchment Committee have attempted to base a very large number of their recommendations regarding reduction or abolition of officers on Mr. Maxwell's report. Now, Mr. Maxwell's report, which has been sent to Government, is emphatically against the abolition of the posts of Deputy Commissioners. I therefore trust that the Council will see that until we have the report of the Retrenchment Committee and until we are able to examine both the reports side by side it would be unfair to ask me to curtail expenditure by this very large sum which the honourable members are asking me to do.

Finally, Mr. President, I should like to refer to the criticism of my honourable friend from Ahmednagar. I think, Sir, that the policy that Government have announced and which, I may remind the honourable member Government have pursued before the report of the committee which was appointed at the instance of this Council has been received by them ought in my opinion to give satisfaction to this Council. The honourable member mentioned that a reduction of only 5 per cent. in the consumption of liquor was made by Government. As a matter of fact, Sir, while 5 per cent. was originally mentioned, Government have reduced the consumption in one year by 10 per cent. in the city of Bombay and another 10 per cent. will be made this year, making a total reduction of so much as 20 per cent. in two years. I do not think, Sir, the honourable member for Ahmednagar attended to this year's reduction which I mentioned when I introduced this grant when he stated that perhaps he thought instead of 5 per cent. reduction the consumption might be reduced by $7\frac{1}{2}$ per cent. by Government. I think we have gone farther than what he himself asked and I hope the Council will realise that a 20 per cent. reduction in the consumption of liquor in a city like Bombay, which consumes more than one-third of the total consumption of the Presidency, is a substantial reduction which should meet with the approval of the Council.

An Honourable MEMBER : What about the rural areas ?

The Honourable Mr. C. V. MEHTA : With regard to the rural areas, 5 per cent. was reduced in one year, another 5 per cent. in the next. That is, 10 per cent. in all has been reduced, while my honourable friend from Ahmednagar asked, so far as I understood him, for a reduction of only $7\frac{1}{2}$ per cent.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Has there been a reduction this year ?

The Honourable Mr. C. V. MEHTA : Yes, another 5 per cent. this year.

An Honourable MEMBER : What about the foreign liquor consumption.

The Honourable Mr. C. V. MEHTA : I gave the figures for three years' consumption of foreign liquor, which showed a decrease, not an increase, and my honourable friend also remembers that any action with regard to the foreign liquor is a very delicate matter, because foreign liquor is controlled by the Government of India and not by the local Government.

I hope this information which I have placed before the Council will give them satisfaction and will lead to the withdrawal of the motion.

Mr. C. M. GANDHI (Surat City) : What about Bombay City ? Have you got separate figures for Bombay city ?

The Honourable Mr. C. V. MEHTA : I am afraid I have not got separate figures at the moment but I gave total figures in which Bombay City is included.

Dr. K. E. DADACHANJI (Bombay City, South) : Mr. President, I am very glad that the explanation as regards the consumption of liquor both in the city and in the rural areas is given by the Honourable Minister in charge of the department. Now, it is essential that the consumption should be reduced as much as possible and I should say that the Honourable Minister is making retrenchments in the expenditure consistent with the efficiency of the department and I hope he will make further retrenchments as far as possible. The Honourable Minister has promised us that before agreeing to the reduction he would see that with due regard to the efficiency of the department further reduction could be made.

As regards the rationing system, Sir, it may be urged that there is the fear of the less use of country liquor both in the city and in the Province. My inquiry only tells me the consumption of country liquor had fallen owing to economical condition prevailing in this city and outside the city in the Presidency and also high prices. Besides that, we have reduced the country liquor to 40 U. P. that being so very weak, people do not take it. They take to foreign liquor which is 25 U.P. Labourers and all people who used to drink country liquor these three years have now taken to foreign liquor and I put to those who are prohibitionists whether they are going to indianise country liquor or encourage foreign spirits also. Of course, the Honourable Minister carried out their instructions but the result is the other way. There was a great demand for foreign liquor and that too cheap German liquors. Labourers drink that because it is not so very weak as country liquor of 40 U. P. We have reduced the strength of country liquor by reducing it to 40 U. P. but 25 U. P. remains as regards foreign liquor. That is the effect to my mind of what those who say that prohibitionists are leading the country liquor into disrepute and encouraging foreign liquors. Prohibitionists should stand for the reduction of the consumption of both country and foreign liquor. Mr. President I request the Honourable Minister to see whether he can go further into this question of country liquor versus foreign liquor. As far as I can see people are used to strong drink and so they do not drink country liquor

[Dr. K. E. Dadachanji]

because it is weakened by reducing it to 40 U. P. and they take to 25 U. P. which is the strength of foreign liquors. Another thing is that in the case of country liquor shops as in Dhulia and other districts they are almost all on sale shops, while the foreign liquor shops are both on and off sale shops. So this question of off and on sale shops also requires to be gone into details.

Dr. S. S. BATLIWALA : I move a closure.

The Honourable the PRESIDENT : I accept the closure.

Mr. G. B. TRIVEDI (Thana District) : Sir, there is much force in what my honourable friend from Bombay has said, and I hope that the Honourable Minister will try his best to put the matter before the Government of India and take up the question. I find, Sir, that almost all provincial Governments are keen on this question and if the Honourable Minister joins with the Ministers of other provinces and makes a joint representation to the Government of India it may be possible to do something in the matter of foreign liquor. Otherwise his rationing policy of which he speaks so much will go to nothing, and therefore if he undertakes to say that he will put this matter strongly before the Government of India I shall withdraw my motion.

On reconsideration, Sir, I ask the permission of the House to withdraw the motion.

Question put and leave granted.

Mr. P. R. CHIKODI (Belgaum District) : Sir, I move,

Reduce by Rs. 1,00,000, total demand, under 6 Excise (Transferred) Rs. 22,07,000

I request, Sir, the Honourable Minister to explain to the House how the ratio $\frac{4}{9} : \frac{5}{9}$ between the Bombay Government and the Government of India has been fixed. Secondly, Sir, I urge that the policy of amalgamation of Salt and Excise is not a sound policy inasmuch as a higher share is being borne by this Government. In this budget there is an explanation that Rs. 1,73 more as compared with the current year's budget are due to this higher provincial share. I should like to know whether the Bombay Government's consent has been taken in fixing this higher provincial share and if the consent of the Bombay Government has not been taken, whether the Bombay Government have protested against this higher share. I, therefore, move that this amount should be reduced in order to show that in the first place this Council does not consent to the policy of amalgamation, and secondly, to strengthen the hands of the Bombay Government in protesting against this higher amount which has been thrust upon them. I therefore propose that this demand should be reduced by rupees one lakh.

The Honourable Mr. C. V. MEHTA : Mr. President, I should like to explain that the proportion between the Central Government and this Government was fixed when the amalgamation took place somewhere in 1917. At that time the proportion was fair and it is fair to a certain extent even now. The question is somewhat complicated by the fact that the Government of India have made certain claims upon this Government for the pay of certain officers who are not at present included in the

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combined establishment even though the amalgamation has taken place. Take for instance the salary of the Commissioner of Customs and Excise. I believe two-thirds of the work that he does is for Excise and yet we do not pay anything towards the salary of the Commissioner of Excise. There are some other officers, details of which I have not got before me at present whose salary is also not being borne by the Local Government. But the amalgamation of the subordinate establishments has caused this increased expenditure to this Government. There are also various other complications about the budget of Imperial Government as well as the budget of the Local Government.

Mr. P. R. CHIKODI : Was the Bombay Government consulted or was any protest made to the Government of India by the Bombay Government ?

The Honourable Mr. C. V. MEHTA : The amalgamation was done at the instance of the Bombay Government. It was not forced upon us by the Government of India. But, because we now find that it increases the cost to this Government and also because of certain difficulties with regard to the presentation of the budget in the Legislative Assembly and in this Council we are looking into that question again. I am not sure whether by de-amalgamation we will save a good deal of money, but as I told the Council the matter is under consideration and will take a good deal of time before we are able to arrive at any definite decision, but we cannot alter the proportion of five to the Central Government and four to the local Government until the whole question has been gone into and decided. For the moment we are liable for the full sum. As I mentioned, the salaries of various officers will have to be taken into account if we want to arrive at a true adjustment of the cost to the Government.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, so far as this department is concerned, it is on an analogy with the police so far as the supervision work is concerned. There are three classes of supervising officers, rather four, in the Excise Department : inspectors, sub-inspectors and assistant inspectors and the chief inspector of excise. Such a list may be a novelty for this Council to know : The chief inspector rising to Rs. 500 unlike inspectors in the Police Department who go by selection grade, to the highest grade of Rs. 270 but who ordinarily rise from Rs. 180 to Rs. 225. The superintending department in the Excise has been divided into inspectors, assistant inspectors and sub-inspectors and is therefore an anomaly which even the Commissioner of Excise himself has admitted to the Government : his own view on this matter is that there is no necessity of overlapping of the functions of inspectors, sub-inspectors and assistant inspectors when the whole cadre of the superintending branch can be divided into sub-inspectors or inspectors and they would be appointed according to the importance of each particular division. At present there is an excess of somewhat overlapping duties and that is a matter which I think the Honourable Minister must be aware of, is also opined upon by the Excise Commissioner. The highest pay of inspectors which is Rs. 500 but is justified by no circumstances whatever ; their

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duties are much lighter than the duties of police inspectors on active duty and who do similar work. There is a consensus of opinion of members, official and non-official, that this anomaly can be remedied by putting them on the same level as inspectors in the Police Department; not only by bringing them into same level with police inspectors but making it interchangeable with the inspectors of the Police Department who may have thus experience of both departments, whether of police and excise or excise and police. Therefore, Sir, as far as the inspectors, sub-inspectors and assistant inspectors are concerned, there is a considerable room for retrenchment. This reduction, if made with readjustment of pay, will bring at least about Rs. 25,000 savings to the department. Apart from that, the House may not know that the Deputy Commissioner's posts did not exist before and were a new departure introduced into this Presidency so late as 1918. Before 1918 there was no Deputy Commissioner in this Presidency, before 1918 there were only superintendents, before 1918 the work of the Excise Department was done by the Collectors.....

The Honourable the PRESIDENT: May I just ask for a solution of one difficulty? Has not this ground been already covered by the previous discussion? I think a previous motion that covered the question of Deputy Commissioners of Excise fell through and therefore it cannot be debated again, being a matter which the House has already discussed and settled.

Mr. B. G. PAHALAJANI: I am giving details to show how at least one lakh of rupees' reduction could be effected.

The Honourable the PRESIDENT: There may be something in what the honourable member says but has not all that ground been covered by the previous debate?

The Honourable Mr. C. V. MEHTA: The fact is, Sir, that the honourable member was not present here when the previous motion was discussed and settled.

The Honourable the PRESIDENT: It is most unfortunate that the honourable member for Sukkur was not here at the time, but I think the honourable member for Thana's (Mr. Trivedi's) motion covered all that ground and according to the rules of debate, after there has been discussion on a particular matter, it cannot be revived and that especially after the House has come to a decision allowing the motion to be withdrawn.

Mr. B. G. PAHALAJANI: A reduction of five lakhs is to my mind unreasonable and I want to show that one lakh's curtailment is not only possible but would not be unreasonable.

The Honourable the PRESIDENT: I merely point out the result. The honourable member is entitled to move a reduction of one lakh and the fact that a reduction to the extent of two lakhs or three lakhs or more is thrown out or has been settled does not prevent a motion for a lesser reduction. I quite admit that, but the honourable member cannot cover the ground of a previous discussion which has been already covered and is therefore *res judicata*. That is the point.

Mr. B. G. PAHALAJANI: My object was simply to demonstrate facts, but respecting the ruling of the Chair I will not speak further on this matter so far as the Deputy Commissioners' posts are concerned. The point I want to impress on the House is this, that the post was created in 1918, the duties of the Deputy Commissioners and the Collectors overlapped and at present even the duties that were being done by the Collector are still being done by the Collector except two, namely, giving rewards and transferring incumbents, and if those duties are given to the Collectors instead of to the Deputy Commissioners, the whole object of the department will be served and the necessity of the post of Deputy Commissioners will disappear. In fact, I may tell the House that the Deputy Commissioners themselves admit that they have no opportunity of travelling or inspecting the districts themselves and so far they have hardly been able to interfere in ten or even less than ten per cent. of the matters that are brought to them. The necessity of having these posts therefore does not exist and for this reason I am sure the Honourable Minister will agree that the posts of Deputy Commissioners are supernumerary, unnecessary and can easily be abolished without loss of efficiency of the department. I have arrived at the figure of one lakh after calculating the possible reductions of the posts of inspectors and sub-inspectors and the posts of Deputy Commissioners in every part of the Presidency: even in the city of Bombay the circumstances are such that no loss of efficiency would result by a curtailment of some of the posts as indicated by me. My actual calculations including travelling allowances come to about Rs. 95,000. I therefore leave this motion to the good sense of the House, namely,

Under 6, *Excise (Transferred)* reduce the total demand, Rs. 22,07,000 by Rs. 1,00,000

The Honourable Mr. H. S. LAWRENCE: Mr. President, I shall try and avoid covering the same ground, but I am not quite certain how far you would permit me to go in commenting on the remarks of the honourable member for Western Sind. This honourable member suggests that a retrenchment of Rs. 1 lakh may suitably be made from this budget grant, even though a reduction of Rs. 5 lakhs is not possible, and in supporting his view he has given us certain detailed criticism. In part, he has gone over the ground that was traversed by the honourable member from Thana district in support of his motion. The honourable member from Sukkur is a little impetuous and hasty in asking this House now to take a definite decision on those views which he has put before them. For this reason; those views, I understand, have been discussed by the Retrenchment Committee, and the result of the discussion of the Retrenchment Committee is now about to be submitted to Government. Consequently, when the administrative department have considered those views, they will transmit them to the Finance Department, and the Finance Department will have an opportunity of enforcing the suggestions for a further retrenchment, in accordance with the mature, deliberate advice of the Retrenchment Committee. I submit that it would be somewhat premature for this House to take action in advance of the advice of a committee appointed by this House.

The Honourable the PRESIDENT : Is it a committee appointed by this House ?

The Honourable Mr. H. S. LAWRENCE : Appointed on the recommendation of this House.

The Honourable the PRESIDENT : That may be, but when the House asks for the appointment of a committee, whether it appoints the committee for itself or whether it insists upon the Government appointing a committee, I have already ruled that it is not courteous to such a committee that any of its decisions should be anticipated, instead of waiting for the report of that committee.

The Honourable Mr. H. S. LAWRENCE : That is just my point.

The Honourable the PRESIDENT : It is a point of order. I do not want to tie down the hands of honourable members so far as their power to reduce grants is concerned, but I hope they will bear my ruling in mind. It is a rule which the House of Commons always insists upon and observes out of courtesy to any committee either appointed by it, or appointed by Government on its specific recommendation. If the House wants to do a thing before a committee has decided it, no self-respecting person will agree to serve on the committee.

The Honourable Mr. H. S. LAWRENCE : I was merely suggesting the point that you, Sir, have put before the House, and also the further point that the interests of economy are fairly safe even if the House leaves the report to be dealt with in the ordinary course by the Honourable Minister and the Finance Department. I wish to go further. I think this House might very well express their sense of gratitude to the Honourable Minister for the remarkable economies that he has brought about in this department, and for the efficiency of the administration, even when confronted with increasing attempts at illicit distillation, attempts which are being made on a very serious and dangerous scale, particularly in areas which have been subjected to special incitements to disorder, areas such as the taluka of Bardoli where illicit distillation has been fostered by the non-co-operation agitation. I say, Sir, that when the department has been confronted with these growing incitements to disorder and illicit distillation, the result of the administration of the current year merits the cordial approval of this House.

One honourable member suggested as a measure of inefficient administration that this Government were permitting the Government of India to appropriate revenues on foreign liquor and did not attempt to maintain the right of this Government to obtain extra revenue from that source. I think that the honourable member failed to notice that on page 24 of this budget we have shown that the revenue from license fees for sale of foreign liquors had doubled in the last two years from Rs. 2½ lakhs to Rs. 5 lakhs in addition to a further charge of five lakhs—a fourfold increase in fact. Now, Sir, that does not show any great slackness in the administration.

I do not think at this late hour I should go further in covering the general ground that the last honourable member traversed with regard to his doubts as to any need for supervision in this department. I think that proposition is contrary to the common sense of most members

[Mr. H. S. Lawrence]

sitting here. They know that if there is any department in which vigilant supervision is necessary, it is in matters dealing with the sale of liquor. In former days when the price was much lower, we also had the assistance of a special staff of inspectors and informers that was kept up and paid for by the distiller. That was under a system which has now been cancelled. It was greatly to the interests of distillers to see that illicit distillation did not take place in the districts within their sphere of operation. They no longer have any large interest in the matter and that is the reason why the inspection by Government officers has to be far greater than it was five or six years ago. Then, Sir, when you give larger powers to subordinate officers where money can be picked up so readily, as in excise administration, it is absolutely necessary that you should have one grade upon another of superior officers to see that no serious scandals arise. Revenue and morality are equally concerned with the protection of the people.

Mr. P. R. CHIKODI: I beg leave of the Council to withdraw my motion.

Question put and leave granted.

The Honourable the PRESIDENT: I must apologise to the House for making a mistake with reference to the ruling I gave as regards committees just a little while ago. I find on referring to the authorities on the point that it has been ruled in the House of Commons that on going into committee of supply a member can raise any particular grievance in respect of the department concerned during the discussion of that department's Estimates, even though the matter of that grievance has been referred to a select committee of the House and even though the House will not discuss it on a motion (Parliamentary Debates, House of Commons, Fifth Series, Volume 130, columns 398 and 399). That is upon the ground which Mr. Gladstone once stated that supply is subject to special treatment. A committee of the whole House for supply is treated as superior to the House itself and has perfect right to cover the whole ground unaffected by any decision of the House on a matter of that vote. Though here in our Council, the Estimates are discussed by the Council itself and not by a committee of the whole Council as in the House of Commons, yet the Council without going into committee is doing the committee's work and the principle ought to apply, having regard to the fundamental rule of supply stated by Sir Courtenay Ilbert that "redress of grievances should precede the grant of supply" (Ilbert on Parliament: Home University Library, page 117).

The Council is adjourned and will meet at 12 noon to-morrow, Thursday, the 1st March 1923.

Thursday, the 1st March 1923.

The Council re-assembled at the Town Hall, Bombay, on Thursday, the 1st March 1925, at 12 noon, the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

Present :

ABDUL KADIR KHAN ABDUL AZIZ KHAN, MR.
 ADDYMAN, MR. J.
 ADHAV, MR. P. N.
 BATLIWALA, DR. S. S.
 BEDREKAR, KHAN BAHADUR I. M.
 BHATE, MR. G. C.
 BHURGRI, MR. J. M.
 BHUTTO, KHAN BAHADUR S. N.
 BOLE, MR. S. K.
 CADELL, MR. P. R.
 CHAUGULE, MR. ANNAPPA PHADEPPA
 CHIKODI, MR. P. R.
 CHITALE, RAO BAHADUR G. K.
 CLAYTON, MR. F.
 COOPER, KHAN BAHADUR D. B.
 DABHOLKAR, MR. V. A.
 DADACHANJI, DR. K. E.
 DALAL, SARDAR KHAN BAHADUR ADARJI M.
 DALAL, MR. D. B.
 DESAI, RAO SAHEB HARILAL D.
 DESAI, RAO SAHEB DADUBHAI P.
 DUBHASHE, MR. SHANKAR BALKRISHNA
 DUMASIA, MR. NAOROJI M.
 DWARKADAS, MR. KANJI
 FERNANDES, MAJOR C
 FERREIRA, MR. D. J.
 GANDHI, MR. C. M.
 GARUD, RAO BAHADUR S. D.
 GAYASUDDIN JAUDDIN, MR.
 GHOLAP, MR. D. D.
 GHULAM HUSSAIN, THE HON'BLE KHAN BAHADUR SHAIKH
 GODAD, KHAN SAHEB ABDULLA AVJAL

GODBOLE, DEWAN BAHADUR K. R.
GULAMHUSEN, MR. SULTANALI SALEMANJI
GUPTA, MR. V. R.
HAJI, MR. IBRAHIM S.
HALKATTI, RAO SAHEB PHAKIRAPPA GURUBASAPPA
HAVELIVALA, MR. M. A.
HAYWARD, THE HON'BLE MR. M.H.W.
HEPPER, SIR LAWLESS
HULKOTI, MR. CHANNAPPA CHANVIRAPPA
JADHAV, MR. B. V.
JENNINGS, MAJOR GENERAL W. E.
KALE, RAO BAHADUR R. R.
KAMBLI, MR. S. T.
KANGA, MR. J. B.
KASSIM, MR. G. H.
KER, MR. J. C.
LAGHARI, KHAN BAHADUR KHAIR BAKSH
LALBHAI AMBARAM, MR.
LALJI NARANJI, MR.
LAWRENCE, THE HON'BLE MR. H. S.
LIGADE, MR. S. P.
LORY, MR. F. B. P.
MACNAGHTEN, SIR HENRY
MANSURI, KHAN SAHEB A. M.
MEAD, MR. P. J.
MEHTA, THE HON'BLE MR. C. V.
MODI, SARDAR DAVAR T. K.
MOHIDINKHAN, KHAN SAHEB HAJI HAZRATH KHAN
MOHOMED SALAHUDDIN K., MR.
MONTGOMERIE, MR. A.
MUKHI, MR. J. P.
MURPHY, MR. S. J.
MUTALIK, SARDAR V. N.
NILKANTH, RAO BAHADUR R. M.
NIMBALKAR, MR. K. B.
OJHA, MR. DIPCHAND T.
PAHALAJANI, MR. B. G.
PARANJFYE, THE HON'BLE DR. R. P.
PARULEKAR, RAO SAHEB L. V.

PATEL, MR. B. P.

PATEL, MR. J. B.

PAWAR, SHRIMANT J. A.

PETIT, MR. JEHANGIR B.

PRADHAN, MR. M. W.

PROES, MR. E. M.

RAHIMTOOLA, THE HON'BLE SIR IRRAHIM

ROTHFELD, MR. O.

SAHERWALA, KHAN SAHEB I. A.

SALGAR, MR. R. G.

SETALVAD, THE HON'BLE SIR CHIMANLAL

SHEPHERD, MR. W. C.

SHIRRAS, MR. G. FINDLAY

SINDORE, MR. H. N.

SURVE, MR. A. N.

THOMAS, MR. G. A.

TRIVEDI, MR. G. B.

VICHARE, RAO BAHADUR D. A.

The Honourable the PRESIDENT : Order, order. Questions.

STATEMENT OF WORK DISPOSED OF BY COURTS.

Rao Bahadur S. D. GARUD (West Khandesh District) : Will Government be pleased to place on the table judicial statement No. 14 showing the amount of work disposed of by the various courts in the Presidency proper during the years 1919, 1920 and 1921 ?

The Honourable Mr. M. H. W. HAYWARD : The judicial statement No. 14 is contained in the reports on the Administration of Civil and Criminal Justice in the Bombay Presidency to be found in the library of the Legislative Council.

JUDICIAL ESTABLISHMENT, KHANDESH DISTRICT.

Rao Bahadur S. D. GARUD (West Khandesh District) : (a) Will Government be pleased to place on the table a statement showing the existing strength, proposed strength and the strength sanctioned for each judicial district in the Presidency proper by Government Resolution No. 829 dated the 22nd September 1922 in the several grades in the upper and lower division ?

(b) Has the attention of Government been drawn to the fact that the strength sanctioned for Khandesh is disproportionately inadequate to the judicial work in that district ?

The Honourable Mr. M. H. W. HAYWARD : The District Judges have been directed to reduce their establishments to the strength shown in the appendix to the Resolution.* The progress of the reduction has not yet

* Vide Appendix Q.

been fully reported and the question of the possibility of further reduction is still pending before Government.

The sanctioned strength for the district of Khandesh is by no means inadequate according to the present information before Government.

DEPUTY INSPECTOR FOR VISUAL INSTRUCTION.

Khan Saheb H. H. MOHIDIN KHAN (Poona and Sholapur Cities) : Will Government be pleased to state whether the post of deputy inspector for visual instruction will be suspended under retrenchment shortly ?

The Honourable Dr. R. P. PARANJPYE : No. Government have decided that the post should be retained for the present.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I should like to make a statement as regards Khan Saheb Sher Muhammad Bijarani. The Commissioner in Sind has just telegraphed to say that Khan Saheb Sher Muhammad Khan Bijarani has been released on bail. The order seems to have been passed *suo motu* by that officer before receipt of the telegrams in respect of the Public Prosecutor, sent after the discussion in this House.

Estimates : Demands for grants.

The Honourable the PRESIDENT : We left the discussion yesterday on the total demand under "6, Excise (Transferred)." Mr. Surve will now move his amendment.

Mr. A. N. SURVE (Bombay City, North) : Sir, I beg to move the amendment standing in my name :

Reduce the total demand under "6, Excise (Transferred)" by one rupee.

Sir, I want to discuss the policy of the Minister relating to toddy

The Honourable the PRESIDENT : Then the proper motion should be to reduce the salary of the Minister as a vote of censure, not the rest of the total demand.

Rao Saheb D. P. DESAI : But what about cases where the Executive Council Member is responsible ?

The Honourable the PRESIDENT : That is a non-votable item under the law.

Rao Saheb D. P. DESAI : In that case there must be some means to bring our grievances to notice.

The Honourable the PRESIDENT : I have already stated in regard to that that attention may be called to grievances during the Supply debate but as the salaries of Members of Government are non-votable there can be no motion for their reduction as a vote of censure on those Members and therefore no debate as such on those grievances. Merely attention may be allowed to be called thereto. If the grievances arise from some action or excessive action of any department, those grievances may be raised by way of debate by moving reduction of the votable salary of the particular officer or officers in that department if the action or excessive action is of that officer or those officers and they can be

[The President]

censured therefor as apart from the Executive Member who is responsible only for general or large questions of Government policy, and as such can be censured by a reduction vote, only if his salary is votable.

Mr. B. G. PAHALAJANI: May I ask whether we can seek a nominal reduction in the case of votable items under reserved subjects?

The Honourable the PRESIDENT: If they are votable, they are certainly subject to motions for omission or reduction. Take the case of a votable item. You may say in respect of a department "There are 500 clerks, we do not want 500; we want only 300." You may also move a nominal reduction to debate a grievance.

Mr. B. G. PAHALAJANI: We cannot deal with the policy of Members by suggesting any particular reduction?

The Honourable the PRESIDENT: If it is a votable item you can: you can move a reduction.

Mr. B. G. PAHALAJANI: If it is to be put to the vote?

The Honourable the PRESIDENT: Putting to vote means that the House is to decide the question raised—whether the reduction shall be made or not. I gave my ruling yesterday that where any question of any large or general policy is concerned for which Government is directly responsible through its Member in charge, then that question can be discussed by a motion for the reduction of the salary of the Government Member, provided that salary is votable. Otherwise, i.e., if it is non-votable I shall allow only attention to be called to the policy by any honourable member without raising a debate while the vote on the Government Member's department is before the House.

Mr. B. G. PAHALAJANI: In the case of the administration of jails, for instance, we can talk it out but we cannot vote. The policy of the administration of jails can only be discussed without going to vote at all. That, I understand, is the ruling.

The Honourable the PRESIDENT: Upon the whole demand for jails you can discuss it by moving a reduction or omission; I am only saying that you cannot do it for the purpose of a vote of censure on Government through a censure on its Member in charge because his salary is non-votable. That is all I say. Otherwise you can discuss it if it is relevant, and decide by the vote on the demand made in the usual manner.

Mr. A. N. SURVE: The grievance which I have to urge is that in the Ratnagiri district the licenses for tree-foot booths are put up for auction which were formerly given on fixed fee system.

The Honourable the PRESIDENT: The Honourable Minister will tell me if any matter which the honourable member is referring to comes under a particular item of the whole demand and does not cover the whole demand generally.

The Honourable Mr. C. V. MEHTA: I do not think, Sir, that the matter which the honourable member is ventilating now relates to any particular

[Mr. C. V. Mehta]

head. But I may venture to point out, Sir, that it is very difficult to deal with every matter or every particular detail that is brought up here without notice, as the Honourable the Leader of the House pointed out yesterday.

The Honourable the PRESIDENT : That, I think, is necessary.

Mr. A. N. SURVE : Even if this particular matter or item is not known to the Honourable Minister, still I have to bring to his notice that the policy which he is pursuing towards toddy traffic is not a sound one. I think that.....

The Honourable the PRESIDENT : When the honourable member (Mr. Surve) sent in this motion for reduction by one rupee, did he intimate to the Honourable Minister that he was going to raise this particular question ?

Mr. A. N. SURVE : No, Sir. I am only discussing the policy which the Honourable Minister is adopting with regard to toddy traffic.

The Honourable the PRESIDENT : Very well.

Mr. A. N. SURVE : Sir, what I want to point out is that the Honourable Minister is adopting a policy in the matter of these toddy trees which is not desirable. In the first place

The Honourable the PRESIDENT : Was not that question referred to by Sardar Dalal on a previous debate on demands ? That question was debated by Mr. Trivedi and also Sardar Dalal. It was raised and I cannot allow a repetition of it now.

Mr. A. N. SURVE : I am not going to repeat, Sir. My argument is of a quite different nature. What I am saying is that the policy which it is necessary to pursue is not being pursued. Here, if you want to achieve real prohibition on sound lines you must educate the people and that alone will lead to permanent success. It can only be achieved by following the right policy. Now, toddy is a weaker liquor and not a strong liquor, and if the Honourable Minister pursues a policy of slowly eradicating the toddy traffic, a time will arise when he will have no substitute for the stronger liquor, which toddy is at present. Another point is that toddy is an article of food and is used as such in some parts of the Presidency, just as mhowra flowers are. Mhowra flower is used as a base for distillation and also as an article of every day sustenance in certain parts of the Presidency. In Gujarat the labourers do not get grain of any kind in the village to eat in certain months of the year, and when the mhowra is in season they stock its flowers and use it as food. Government have taken note of that fact on the agitation of non-official members and have made provision to make exemptions. Similarly, some labourers use toddy as an article of sustenance in the Ratnagiri and Thana districts and if this toddy traffic is wiped out, then these labourers will not have sufficient food to which they have resort for some months in a year.

The auction system which is to be introduced in respect of toddy is objectionable. The Honourable Minister is trying to introduce the auction system even in the case of tree-foot booths. I do not think that is a right policy to adopt.

[Mr. A. N. Surve]

I do not want to comment upon any further points and merely formally move the motion for reduction by one rupee.

The Honourable the PRESIDENT : I am not sure a motion for the reduction of the salary of a Minister by one rupee as a vote of censure upon a grant like this is regular or fair especially when the honourable member in sending his notice of motion for reduction did not give previous intimation to the Minister that he was going to put the Minister upon his defence. That is but proper in the case of Ministers when they are to be subjected to a vote of censure. So far as Members of Government are concerned, their salaries being reserved subjects are non-votable, and no such point arises in their case.

Mr. A. N. SURVE : Then, I would like to withdraw the motion.

The Honourable the PRESIDENT : There is no necessity to withdraw. Under the circumstances, I hold this motion is out of order. I rule it out.

Now I will put the whole demand, that a grant of Rs. 22,07,000, under the head of 6 Excise (Transferred) be made.

Mr. G. B. TRIVEDI (Thana District) : We want a debate upon the policy of Government, Sir, before you put the whole demand to the vote.

The Honourable the PRESIDENT : But discussion has already gone on on the whole demand.

Mr. G. B. TRIVEDI (Thana District) : The discussion was confined to the reduction of unnecessary establishment, but I want a discussion on the whole excise policy of Government, in just the same way as you allowed it on the land revenue policy. We have several grievances and we want to mention them to this House.

The Honourable the PRESIDENT : Very well ; that may be done.

Mr. G. B. TRIVEDI : I want only to bring to the notice of the House the halting policy of Government in this case. The Government appear to be satisfied with the appointment of the Excise Committee which has taken a long time in which to carry on its work and we do not know when it will complete its labours and submit a report to Government and when Government will be able to take action. As there is no possibility of making any impression on the Government in this matter during this year, I take this opportunity of bringing to the notice of this House my desire to impress upon Government that this House and the public at large are impatient about the delay in the reasonable introduction of the policy of prohibition in this Presidency. The Honourable Minister made too much of his rationing and lessening policy of closing shops and also reducing the hours. It is all right in a way, but they are all merely temporary steps which we may try but with which I feel the Honourable Minister himself is not satisfied, because at Dhulia he made a speech in which he made a statement that this policy of rationing and lessening and closing of shops or of reducing the hours is not satisfactory.

The Honourable Mr. C. V. MEHTA : I never said at Dhulia that the policy of rationing was not satisfactory.

Mr. G. B. TRIVEDI : He said that the main features of the policy adopted by him last year would not do and that a more drastic remedy was required to stop the drink evil.

The Honourable Mr. C. V. MEHTA : I hope you will rule, Sir, that the honourable member will accept my statement that I did not say at Dhulia or anywhere else that I was not satisfied with the rationing policy. I do not know from what piece of paper the honourable member is reading the remarks that he is making but in any case I say that those remarks are entirely unfounded.

The Honourable the PRESIDENT : What newspaper is the honourable member reading from ?

Mr. G. B. TRIVEDI : I read the comments of the *Indian Social Reformer*.

The Honourable the PRESIDENT : The honourable member is quoting from newspaper reports.

Mr. G. B. TRIVEDI : They are not reports.

The Honourable the PRESIDENT : What are they if they are not reports ?

Mr. G. B. TRIVEDI : Comments.

The Honourable the PRESIDENT : Comments on the Honourable Minister's speech ?

Mr. G. B. TRIVEDI : Yes, Sir.

The Honourable the PRESIDENT : Comments by whom ?

Mr. G. B. TRIVEDI : The Editor of the *Indian Social Reformer*.

The Honourable the PRESIDENT : It is irregular to reproduce here remarks made by a newspaper on an honourable member's speech.

Mr. G. B. TRIVEDI : I was making my own comments, Sir. When the Honourable Minister challenged me, I quoted from the paper. I did not bring any newspaper into the debate.

The Honourable the PRESIDENT : Let the matter drop. When any statement is imputed, whether to an official member or a non-official member, and the member to whom that statement is ascribed contradicts it, and says he did not make that statement, it is one of the necessary courtesies of debate that that contradiction should be accepted.

Mr. G. B. TRIVEDI : I accept it ; I did not want to bring any newspaper into my comments. I say, Sir, that that speech of the Honourable Minister at least gives us an impression that stricter measures were required if this House wants to adopt the policy of prohibition. Take the case of closing of shops. What have we done ? I find, Sir, that we have closed only 138 shops in the whole Presidency as against 972 in the United Provinces. As a progressive Presidency, could we take pride that we have done the utmost in the closing of shops ? The Honourable Minister last year in the discussion at the time of the appointment of the Excise Committee, said that the Government policy was to remove temptation from the path of those who did not want to drink. I will tell him that if he takes care he will find that at several places, in spite of the advisory committees' advice, his officials are opening shops quite

[Mr. G. B. Trivedi]

against the public opinion of those places, so that those, who ordinarily do not need a drink, may have temptation before them. That goes against his very policy laid down by the Government of India and adopted by him last year in this House. That policy was that Government would remove temptation from the path of people who do not want to drink. I will give you one concrete instance. In my own district the Collector of Thana himself went to a village, saw poor people gathering near a liquor shop and he reasoned with them and asked why they were ruining themselves and why they were squandering away their hard-earned money on drink. What was the reply by those poor people? They said "What can we do, Sir? Formerly the shop was three or four miles away and we could not get liquor so easily and those of us who felt the necessity and those who were habitual drinkers only went there, but now here Government have been pleased to open a shop near our door, and how can we poor people withstand the temptation?" I say, therefore, that if Government are earnest about temperance and not about getting more revenue from this cursed drink evil, then it is their duty to see that the advisory committee's advice is followed to the best of their power. Lately an instance happened in the city of Bombay itself; in Abdul Rehman Street a shop was opened or at least it was advertised to be opened, in spite of the advisory committee's report and in spite of the Municipal Commissioner's objection. This is the way how shops are being opened even now which shows that Government are not intent on temperance, are not intent on prohibition, but they are intent on getting as much revenue as they can from this drink evil and they want to trade on this drink evil and a sop is given to us that the Excise Committee is doing its work and we shall have a report and then action will be taken, and that till then, why not let us go on as we are now going on? That is what Government is telling us to do.

Then, the auction system is carried much further. By adopting the auction system Government found that they were getting more money, because in the Administration Report you will find that in ten years the consumption of liquor did not go down but the revenue went up three times. That shows that Government want to get as much money, they want to screw out as much money as they can from the poor misled people and to fill their own coffers at the ruin of the morals of the people, and to go further in this matter they have extended the auction system to toddy shops. The Honourable Minister contradicted my statement made at the time of the general debate by saying that fresh toddy was not considered as food.

The Honourable the PRESIDENT: Will the Honourable member listen to an appeal of mine? During the budget discussion I took studious care to state to the House the rule that the budget discussion should be confined as far as possible to the question of raising the revenue; the supply debate to the question of expenditure, i.e., how the money which is raised is to be spent. If the two—the question of revenue and the question of expenditure—necessarily hang together on a vote in supply the rule will not apply.

Mr. G. B. TRIVEDI: Much of the expenses will be reduced if we introduce the system of licensing boards as has been done in the United Provinces. It is a system which will help the department in restricting the consumption of liquor which is the policy of the department, and it will also reduce the high cost of the department.

Before I sit down I wish to make an appeal to the Honourable Minister that he must not depend too much on the report of the committee. He has to take his own initiative in this matter, and take such measures as will give satisfaction to the people. When he raised his voice against picketing, we all did see the mischief and supported him. But if we are genuine about restricting this evil, then give us a more convincing proof of it. With these few words I resume my seat.

Mr. DIPCHAND T. OJHA (Karachi City): Sir, I shall confine myself to the question as to how the reduction in expenditure on this head can be made. The honourable member who preceded me made certain suggestions as to how the income from this source can be reduced as also how expenditure on this department can be reduced. In my opinion it is not possible to have total prohibition but steps can be taken to reduce the consumption of liquor and thus the expenditure. The Honourable Member in charge of this portfolio has told us that he has often acted in accordance with the wishes of the House and we hope that he will do what he can after having heard speeches on this point. Sind is a far away place; the power to grant license is more or less in the hands of the Collector and the Commissioner in Sind. None of them have a mind to see that the number of shops are reduced and with that consumption also reduced. I shall give a little instance. In Karachi a license has been granted to open a liquor shop in premises which were used as a garage before. The shop has been objected to. The residents of that locality made an application that a license in that locality should not have been granted. This application was not taken notice of by the authorities, though there are a temple and girls school very near the shop in the locality. The license was granted, because the Government would realise more revenue. I do not know whether the Minister in charge was waited upon by the people aggrieved while he was on his tour in Karachi. The question is, how is the expenditure to be reduced? The auction system has now been introduced, and this is condemned by people in Karachi and several other places. I submit, Sir, that by auction system the Government are realising a large amount of money and if the revenue is more and also the consumption, it will be necessary to spend more on inspectorial staff and thus no reduction in expenditure.

The Honourable the PRESIDENT: Order, order. The honourable member is running counter to my ruling.

Sardar Khan Bahadur A. M. DALAL (Broach District): Sir, it is premature at this stage to discuss the general policy of excise until the labours of the Excise Committee are over, and their report submitted to this House. After the report is submitted we shall have to discuss the matter for one or two days before coming to a conclusion. As the honourable member for Thana has adverted to this point I beg to point

[Sardar Khan Bahadur A. M. Dalal]

out that the policy of Government has been indicated for the last three or four years in minimising the evil of drunkenness without decreasing the revenue. Our object is to get as much revenue as possible, and at the same time decrease consumption. It is obvious that the Council should not sacrifice the revenue, and at the same time . . .

The Honourable the PRESIDENT: Sardar Dalal; may I request you to defer to my ruling. How is the question of raising the revenue relevant to the supply discussion on this vote?

The Honourable Sir IBRAHIM RAHIMTOOLA: May I know, Sir, whether your ruling is that on this occasion members may bring to the notice of Government specific grievances or whether a general debate is permissible?

The Honourable the PRESIDENT: You may simply call attention to a particular grievance without raising a debate: to raise a debate there must be a motion for either reduction or omission. It is not necessary to move a reduction to ask a question or call attention to a matter during the Supply debate. (Parliamentary Debates: House of Commons: 4th series: Vol. 39: column 1677).

Mr. G. B. TRIVEDI: Can we not discuss the policy of that department?

The Honourable the PRESIDENT: The policy of that department *i.e.*, its action or inaction or excessive action can be discussed on the total demand if it covers the whole department and on any particular item of that demand if that policy relates to that item only.

Mr. G. B. TRIVEDI: At least you must give us some latitude.

The Honourable the PRESIDENT: I think I am giving as much latitude as I can. I am aware how difficult it is to regulate the debate with strict regard to the rules but still they should be borne in mind and we should try to follow them as far as possible in the interest of orderly debate. These rules are relaxed by the Chair by the general consent of the House in the House of Commons; (see Parliamentary Debates: 5th series: Volume 51, columns 58 and 59); here in our Council the Standing Orders empower me to enforce them and I am trying to enforce in a liberal spirit with due regard to the convenience of the House.

Mr. G. B. TRIVEDI: We only want to state our general grievances.

The Honourable the PRESIDENT: I have allowed that freely. What I have stated meets, I think, the convenience of the Government benches and the wishes of the whole House.

The Honourable Sir IBRAHIM RAHIMTOOLA: Calling attention to a grievance by one member is in order but another member giving a reply to such grievances assumes the character of a debate. You can refer to specific grievances only.

Sardar Khan Bahadur A. M. DALAL: As regards the auction system . .

The Honourable the PRESIDENT: Auction system has nothing to do with expenditure, so far as I can see.

Mr. S. K. BOLE (Bombay City, North): Sir, as regards total prohibition.....

The Honourable the PRESIDENT: We are not concerned with total prohibition on this debate. How is that relevant now?

Mr. S. K. BOLE: I wish to speak about country liquor shops. So far as I know those who indulge in drink say that that spirit is injurious because toddy spirit.....

The Honourable the PRESIDENT: What has that to do with the expenditure of the department? How does the honourable member connect it with the way in which the revenue is spent? People pay for drink and Government gets the money through that source; therefore that would be germane to the budget discussion.

Mr. DIPCHAND T. OJHA: These arguments are made to show that Government is trying to raise money which is not proper, and we are entitled to say that they should not do that.

The Honourable the PRESIDENT: If the argument is that the present expenditure on the department would become unnecessary should prohibition be adopted, or deleterious liquor prohibited, that would be relevant and in order.

Mr. S. K. BOLE: I only wanted to submit, Sir, that toddy spirit is an indigenous industry and that as such it should be encouraged by Government. In the Konkan there is no other industry excepting toddy industry. But now Government have introduced the auction system as regards free foot booths also, and it is very injurious. I hope that the Honourable Minister will see that the auction system is not continued in the case of those booths so far as the Konkan is concerned. The toddy spirit that is manufactured from toddy of cocoanut trees is preferable, I think, to the country spirit that is provided at present.

Then there is another point. The public have represented to Government that all the liquor shops should be closed during the holidays in order to keep away people from indulging in drinks. But now it is seen, Sir, that the country liquor shops are only kept closed during such holidays, while the foreign liquor shops are kept open and so the workmen take advantage of these foreign liquor shops and indulge in foreign liquor. We brought this to the notice of Government and we were told that instructions have been issued that Hindus should not be allowed to purchase liquor from those shops during Hindu holidays. But in order to get over that order what these foreign liquor shops are doing is that they engage agents who take the foreign liquor and hand it over to their Hindu customers on holidays and make a profit out of it, and I am told that their profit comes to about the value of one tola of gold. So in that way though the intention of Government is very good in keeping these country liquor shops closed, at the same time Government should see their way to close the foreign liquor shops also, because by keeping these shops open, people suffer by drinking even a sort of rubbish from foreign liquor shops and they have to pay more. Therefore, I submit that while giving instructions for closing of country liquor shops,

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instructions should also be given to close all foreign liquor shops without any distinction so far as the mill districts are concerned.

The Honourable Mr. H. S. LAWRENCE : Sir, the House has heard so much about the grievances of the honourable member for Thana that perhaps they do not wish any more discussion on the matter. The honourable member is entirely opposed to every portion of the administration of the Excise Department, but I hope this House no doubt realises that his opposition is based on grounds which are often wholly inconsistent with each other. The honourable member although he is a total prohibitionist complains that the quality of the liquor that is supplied is of inferior character. Now, Sir, in England it is well known that people who are inveterate "topers", that is habitually addicted to drink, invariably complain that beer this year is not so good as it was last year. I do not really see that that is a reasonable ground on which to attack the Excise Department and ask this House to reduce the grant.

The Honourable Minister will answer fully one or two complaints which the honourable member from Thana made and which are entirely without foundation.

The Honourable Mr. C. V. MEHTA : Mr. President, I will first deal with the remarks that have been made by the honourable member for Bombay. It is perfectly true that foreign liquor shops are not closed during the Holi holidays. It is also true that it is not always possible to carry out the good intentions of Government with regard to preventing Hindus from taking liquor during the Holi holidays, although Government have laid down a provision that no foreign liquor shall be served to Hindus during those days. But it seems to me, Sir, that that just illustrates the very many difficulties that attend the whole of excise administration, with which I shall have to deal a little in detail. It has been represented that it would be unfair to the other communities to close all the liquor shops, both foreign and country, during the Holi holidays. Let us remember what was the object of this closing of the country liquor shops. It was to prevent excessive drinking which is liable to take place during those holidays ; it was to prevent an outbreak of disorder which was also liable to take place as a consequence of excessive drinking. Is it fair to prevent the other communities from drinking, who are in the habit of drinking a moderate quantity of liquor almost every day, by closing the foreign liquor shops, and is it fair to do so before we have arrived at a definite policy either with regard to prohibition or with regard to extensive curtailment ? Then, Sir, the other practical difficulty in carrying out the wishes of the honourable member is this. We found that when we closed these shops on holidays like the Holi holidays and others, there was a much larger consumption in the days previous to the closing of the shops, which showed that liquor in bottles was being taken away for consumption at home, in view of the closing of the shops that was anticipated in the holidays. Now, when this was brought to the notice of Government, we decided that the permission to carry away six bottles of liquor in cities should be restricted to one bottle, and we were also guided in that decision by the fact that we considered it extremely deleterious to the

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morals as well as to the interests of the future generation that drinking at home should be encouraged. I believe no member of this House will gainsay the point of view of Government that everything possible ought to be done in order to prevent drinking at home in the presence of the wife and the children, thus setting a bad example to the future generation. I am happy to say that in spite of the large amount of drinking that takes place in the cities, at least the women folk of this city and of the Presidency are comparatively free from the vice of drink.

Then, I will deal with the point that was made by the honourable member for Karachi. The instance that he quoted has not been brought to my notice either by Government officers or by any people of Karachi interested in the abkari business who saw me when I was in Karachi for all too short a time. But it appears to me that there is an advisory committee in existence at Karachi, and I cannot understand how the honourable member stated that the shop was put at the place which he mentioned without consultation with the advisory committee. I do not think that was quite correct, but if the facts are brought to our notice, we shall undoubtedly go into them very closely.

Let me now say a word about the treatment that is being given to the advisory committees. I know, Sir, that there is a considerable amount of complaint with regard to the powers and functions of the advisory committees. Now, whatever the rules or the practice may be, I should like honourable members to refer to the administration reports of the Excise Department, which show in great detail the recommendations that were made by advisory committees all over the Presidency; they show how many recommendations were accepted by Government or by the Collector, how many were given effect to partially, and how many were rejected. I think a perusal of that statement will show that it is not quite correct to say that the recommendations of these committees are not being given effect to. Let me, Sir, deal, in reference to this particular point, with the complaint which my honourable friend from Thana has made about the liquor shop that has been opened in Mandvi ward in Abdul Rehman Street a short time ago. I happen to be in possession of the facts of this case, and I think it is necessary to mention the details in order to dissipate any misapprehension that may be in the minds of the honourable members. The advisory committee of that locality last year decided upon six shops as the minimum number of shops that were necessary for Abdul Rehman Street. The auctions were held on that understanding. When the six shops had been put up to auction, five of the old shops were taken up and a licensee bid in the auction for the sixth shop, for which he found a site different from the site in which the sixth shop existed. A number of complaints were received by the Collector and the Commissioner with regard to the location of the new shop. The new shop was not more than 20 yards distant from the old shop. It is true that the complaints of the locality were supported by the Commissioner of Police and by the Municipal Commissioner. The matter was brought to the notice of Government, and although it was within the entire power of the Commissioner of Excise to pass orders on this question, Government

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stopped any action being taken, and had the papers brought up to themselves. The point that Government had to determine was this: was it or was it not right that a person who in accordance with the wishes of the advisory committee and in accordance with the rules of the auction had bid for a shop and had obtained it should get the shop, the only condition attaching to which was that it should be approved of by the Collector and the Collector had given his unhesitating approval to the new shop?

Nevertheless, Sir, seeing that so many members of the advisory committee were opposed to the new shop, I thought it necessary to bring the matter again to the notice of the advisory committee and to point out all those facts on which the Government had to come to a decision, to see whether they would change their opinion or not. I think my impression was that the reason why the excise advisory committee came to that conclusion was that they wished to have a reduction in the total number of shops which had been put to auction, and it seems to me that it was on that ground that they opposed the location of that shop on the new site, rather than on any intrinsic objections. In passing, Sir, I may say that although several people round about complained, the inhabitants of the very house in which the shop was situated made no complaint. Well, Sir, in view of these facts I asked the advisory committee to meet me at my office, and on placing all these facts before them, they saw the point of view that Government had to take and a majority of the committee were in favour of the decision of Government. And I am glad that the honourable member for Thana by raising this point has given me an opportunity of placing the full facts before the House, which do not bear out the complexion that has been put upon them.

Now, Mr. President, let me deal with the general policy of Government with regard to excise. I know, Sir, that it is a matter which bristles with difficulties and in which public feeling, especially Indian public feeling, runs high, and it has been my constant endeavour to try and give expression, as far as practicable to the wish which I know is held by a large number of the Indian population. In dealing with that policy I think I ought to point out that the honourable member for Thana gave a very poor compliment to the Excise Committee that has been appointed at the instance of this House, on a resolution passed by this House, when he stated that whatever may be the recommendations of that committee Government should take action of their own accord. I think, Sir, it is but fair that we should realise the enormous difficulties of carrying out prohibition in one form or another—leave aside total prohibition. When we realise that various interests are concerned, and that no one province is entirely free to take action in the matter of total prohibition, I think it is only fair that we should wait at all events for the report of the committee which this Council has asked to be appointed. Now, Sir, I chose the path which the honourable member advised me to take, and I have no compunction in standing here before the House and stating that the line of action Government have taken through me is a line which ought to meet with the approval of even the staunchest prohibitionist. Let me point out what has been done in anticipation of any report

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that the Excise Committee may make. I may mention, Sir, that the report which the honourable member for Thana has kindly obtained from a newspaper is entirely and absolutely incorrect, and that neither at Dhulia nor at any of the numerous places at which I had occasion to speak, did I ever state that the rationing policy which has been introduced at my own instance has proved unsatisfactory and ineffectual. It would have been expecting too much of me to say that a policy which has been brought about by myself only during the last two years and which has so far obtained success should be considered to have failed in the object which it was meant to attain. The broad policy Government wished to lay down was to make a direct attack upon the consumption of country liquor both licit and illicit to see how far it was possible for Government to go without doing harm to two cardinal principles that must be remembered in any policy, either temperance or prohibition, that the Council may choose to take. These two considerations I ventured to place before the Council on the general debate and they are not small considerations and they will have to be dealt with by any committee or by anybody, even a staunch prohibitionist, who want to carry out their policy and at the same time carry on the administration of Government. Those two cardinal principles are : prevention of illicit distillation and sale. Now illicit distillation is a thing which cannot be neglected and although it may be airily stated that it is a matter which may be allowed to run its own course, we have now found by experience that cases of illicit manufacture as well as illicit sale of both liquor and toddy have been brought to notice in increasing numbers in various parts of the Presidency. I will admit at once that this is not the direct result, and so far as I can see now, not even the indirect result of the policy of rationing that has been introduced during the last two years. An examination of all the causes that have led to this inclines me to think that the excessive increase in the cost of liquor, is largely responsible for the increase in crime. I am not afraid, Sir, to hold that the excessive increase in the cost of liquor is also due to the policy which I myself adopted. Sir, in the previous Councils we were never tired of hearing from temperance reformers that if Government wished to carry out a temperance policy—leave aside prohibition policy—earnestly, then they must not raise the price of liquor little by little, but at one step and put up the price of liquor at a bound. That was the policy we followed in order to try another experiment, as this whole question can only be tackled by means of various experiments. The increase in still-head duty and the increase in cost due to higher license fees amounted to no less than 30 per cent. in a single year. At the same time we reduced the strength of liquor, a reform which, I venture to point out, even temperance reformers do not consider inconsistent with their principles to acquiesce in. With the increase of the price and with the reduction of the strength of liquor, it is only natural that an impetus should be given to illicit manufacture in those places where law was at a discount and in those places where materials for manufacture were available in large quantity. The problem before us, therefore, was this : how to achieve the reduction in the consumption of country liquor

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which we had failed to achieve by means of raising prices by slow degrees, by means of closing of shops, by means of reducing the strength of liquor, by means of reducing the hours during which the sale of liquor should be permitted. The result of the indirect policy which Government had pursued during ten years had not reduced consumption, which still stood at a stationary figure of 26 lakhs gallons a year. That is what I stated at Dhulia and other places and that therefore it was necessary that we should have a direct limitation on the sale of spirituous country liquor. That was the conclusion which I came to soon after I took office and that conclusion I put into action the very next year. I reduced the quantity to be allowed to Bombay city by 10 per cent. in the year 1922-1923 and by 5 per cent. in the mofussil; and I further reduced it by 10 per cent. in the Bombay city for the year 1923-24 and by another 5 per cent. for the mofussil. I venture to think that we have gone as far as it was possible to go. I believe no prohibitionist, who has any regard for the carrying on of Government or any regard to the revenues of this Presidency, will ask us to achieve prohibition by a stroke of the pen. Remember, Sir, what effect it is going to have upon the revenues of this Presidency. And although I think that considerations of revenue ought not to be allowed to outweigh the interests and the wishes of the people, I think, Sir, by all legislators, by all people with responsibility, the consideration of revenue must be taken into account in the framing of a policy. One-fourth of the total revenues of this Presidency depend upon the head of Excise, and if we now decide to make a breach in the large sum of 4 crores of rupees which is now being obtained, it must be made up by this Council in the shape of additional taxation in some form or other. Now, Mr. President, if I have read the mind of the Council during the last two or three years correctly it is that the Council is most strongly opposed to any form of taxation; that it does not desire to put any further burden upon the people of this Presidency.

Well, Mr. President, I do hope that there are many members of this House who are in favour of going in for an increase on the burdens of the people for the policy which I have pursued on their behalf. It is with that object that we have appointed this committee to find out for us, after ascertaining the views of the people, in what way and to what extent they would be prepared to stand that further strain, and in view of those recommendations by the committee we shall be able most probably to carry out further improvements in the directions which I have mentioned.

I do not believe that I need say anything further. I only thank the honourable member for Thana for giving me an opportunity of explaining the position and the policy which has been adopted in spite of many difficulties.

Total demand of Rs. 22,07,000 under the head of 6, Excise (Transferred) put and agreed to.

Demand under 8, Forests (Transferred), Rs. 42,97,000.

The Honourable Mr. C. V. MEHTA: Mr. President, I beg to ask for a grant, under the head Forests, of Rs. 42,97,000.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President, the motion which I wish to move is : -

" Omit item No. 22, Rs. 6,000, reconstruction of the bungalow at Gunjawati in the Kanara Eastern Division."

I do not know when this bungalow was built and when these cracks appeared. Sometimes Government buildings show cracks even soon after building, and I want to know when the building was constructed and when exactly the cracks appeared for the first time. In case it is a new building and cracks have appeared soon after being constructed, it is a matter for consideration why compensation should not be taken from the officer who built it. I am speaking from the financial point of view. Perhaps I do not know the reasons, but what I do comment upon is whether this expenditure is an absolutely necessary item for the Forest Department, because I know sometimes these cracks wonderfully heal up, and if new houses are constructed each time cracks appear, I am afraid the expenditure will be enormous. If there are so many cracks in buildings constructed by experts, it means that the building was altogether badly constructed. However, there are several buildings which have been declared unfit for human habitation by some people and yet have stood for many years sometimes. I therefore venture to propose that this amount of Rs. 6,000 for reconstruction of the bungalow at Gunjawati be omitted.

The Honourable Mr. C. V. MEHTA : Mr. President, so far as my information on this point goes, the bungalow is unfit for occupation. It is in an unsafe condition. I may inform the honourable member for Ahmednagar that Gunjawati is an important centre in the Kanara forest division where we must have something where the servants of the department could be housed, and I think, Sir, that this item ought to be allowed to stand. If the honourable member will agree to that, I shall make further enquiries and see if the bungalow is an old one or not, and if it is a recent one, then I shall ask for the reasons why it has developed cracks so quickly and action will be taken for bringing to book such persons as may be responsible for such cracks in a new building.

Mr. C. M. GANDHI (Surat City) : Does the Honourable Minister know that sometimes some bungalows or buildings are declared to be unfit for human habitation but are used by Public Works Department officers for their occupation ?

The Honourable Mr. C. V. MEHTA : This bungalow is used by the Forest Department servants.

Rao Bahadur G. K. CHITALE : Under the circumstances explained I beg leave to withdraw the motion.

Question put and leave granted.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I move :

That, under 8, Forests (Transferred), item No. 26, Increase by 50 per cent. of the subsidies payable to the Dangs Chiefs, Rs. 8,974, be reduced by one rupee.

The Dangs are between two districts, the district of Nasik and the district of Surat, and belonged to certain Indian chiefs, ; our Government, by some surreptitious means or other, took over the Dangs from those

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chiefs in order to exploit their forests. The subsidy was about Rs. 16,000. The Honourable Minister wishes to increase that by about Rs. 8,900. I think, Sir, to take a whole country for about Rs. 16,000 a year has been looked upon as rather a shady transaction, and the general impression is that Government have been enticed by the valuable property of the Dangs forests and to exploit those forests they have taken possession of that country from those Bhil chiefs. Those chiefs are ignorant Bhil chiefs and whatever they get from the British Government in the form of rent is returned back to the Honourable Minister's other department, that of excise, in the shape of money spent on drink, and those chiefs live just like ordinary Bhils and not as real chiefs.

The Honourable Mr. H. S. LAWRENCE : On a point of order, Sir. How is that relevant to the grant for the Forest Department ?

The Honourable the PRESIDENT : The two are, I understand from the way in which the question has been put by the honourable member, intermixed. I am not conversant with the merits of the case, they must be left to the House. I believe what the honourable member for Kaira wants to convey to the House is that the forests are being exploited and the money which these people get is utilised by them in drink. The two things are therefore intermixed. I do not see any irrelevance so far.

Rao Saheb D. P. DESAI : I ask whether it is right that Government should take forests belonging to these Bhil chiefs and exploit them for such a pittance of about Rs. 18,000 on which an increase of about Rs. 8,000 is now wanted by the Honourable Minister.

The Honourable the PRESIDENT : This sum, I understand, is to be given to these Dangs chiefs for the use made of their forests by our Government.

Rao Saheb D. P. DESAI : Government have taken over all these forests on lease. I do not know what the exact terms of the lease are. I leave it to the Council to decide whether the Bombay Government or the Government of India should have control of properties acquired by such means as the Collector of Surat not as Collector but as the Political Agent has jurisdiction in the Dangs area.....

The Honourable the PRESIDENT : But the Government of Bombay have leased these forests, have they not ?

Rao Saheb D. P. DESAI : I do not know whether our Government or the Government of India have leased them.

The Honourable the PRESIDENT : But Government whether provincial or central is deriving profits from the Dangs forests.

Rao Saheb D. P. DESAI : I say, Sir, that if anybody is entitled to receive these benefits from the Dangs, it is the Government of India rather than the Bombay Government.

The Honourable the PRESIDENT : The honourable Rao Saheb's argument would not be relevant unless it is urged that the money is being obtained by some means which are opposed to public policy and that

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thus these people are being demoralised. I thought that was the honourable member's first argument, but the Honourable the Finance Member's point of order has force in it.

Rao Saheb D. P. DESAI : This is an alternative argument I was....

The Honourable the PRESIDENT : The alternative argument carries us beyond this Government, since for that purpose we must go to the Government of India.

Rao Saheb D. P. DESAI : I therefore move that one rupee may be reduced from that grant.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association) : Sir, the House would like to know who these Dangs chiefs are, what their number is, what agreement (if any) there is between them and this Government, what the terms of such agreement are, whether it is a written agreement, and if not, whether it is intended that a formal and regular agreement should be entered into between the Government and these chiefs. In short, Sir, the House would like to have such further particulars as the Government are in a position to give, to enable the House to make up its mind on the matter and to vote one way or the other.

Sardar Khan Bahadur A. M. DALAL (Broach District) : Sir, the question to be decided appears to me to be whether by sanctioning this increase the interests of the public exchequer will be benefited. The question for decision is not whether the profits from the Dangs should go to the Government of India or to the Bombay Government. If the forests are not worked by the British Government, the Dangs chiefs would certainly have had them worked by private contractors, and the profits would in that case have gone not to the British Government but to the private contractors, and the public exchequer would have suffered thereby.

I hope the Council will look at the matter from that point of view and no other, when giving their vote.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, it appears to me that this is a graver matter than it looks. As you were pleased to rule that a motion for reduction by one rupee is a direct censure on the Honourable Minister or whoever is in charge of the department, that enhances the responsibility of such motions. I am therefore sorry that without learning the facts my honourable friend from Kaira has thought it fit to put it on paper. My another regret is that the honourable member for Kaira, if I remember rightly, is also a member of the Finance Committee.....

Rao Saheb D. P. DESAI : No, I am not a member of the Finance Committee.

Rao Bahadur G. K. CHITALE : I am so sorry. However, the matter is clear. From the note that is made there, it will be found (and it is known to all those people who belong to Kaira or Surat) that these Dangs are an extensive area covered for miles containing very valuable forests. This Council has voted various sums for improvement of roads there in

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order that the forests there might be exploited and made profitable. To that my honourable friend from Kaira has not raised any objection last year nor I believe this year. However, the facts are that these forests have been leased to the local Government for a long term of years for an annual remuneration to the Chiefs concerned of about Rs. 18,000. In the meanwhile the prices all round have gone up and the profits of Government have also gone up and very probably the rate of the payment of subsidy to the Chiefs (who are probably 40 in number) has had to be increased on a demand by the Chiefs and for this reason the Political Agent has made a claim that out of this profit a larger share than heretofore should go to the Bhil chiefs of the Dangs. Government in order to meet that fair claim, so far as reasonable, have placed before this House that this demand be increased by 50 per cent. My regret is that it should not have been even more. The reasonableness of the proposal seems to me so conclusive, having regard to the profits which the local Government makes out of that property and which the owners themselves know. As we are here as part of the Government it must appeal to us. However, it may be that on a fairer basis Government might come for a larger grant next year. I think it is just possible that this reduction will be viewed by people as a motion of censure on the Honourable Minister, who is trying to do his best, to do equity, and decide matters in a proper and reasonable manner. Under these circumstances the motion does not deserve to be discussed further. I hope the honourable mover will withdraw the motion all at once.

Mr. A. N. SURVE (Bombay City, North): Sir, I rise to support the motion. The trading propensities of the Government ought to be discouraged. From forests there is not appreciable revenue and we run an immense risk of incurring loss. I invite the attention of the Honourable Minister to the latest Report of the Forest Administration, which states at page 25 that the lack of railway waggons was the cause of the unsatisfactory financial result. It pointedly mentions the Dangs in this connection. If railway waggons are not available what is the use of investing money in the Dangs forests? It is well known that the rolling stock is extremely deficient. How then does the Honourable Minister expect to get a sufficient number of waggons? I want him to explain that to this House and to me.

Mr. C. M. GANDHI (Surat City): Sir, I rise to oppose this motion. I should like to add one word only. My honourable friend for Kaira says that the lease is in favour of Government. I am sorry I am inclined to think that it is more in favour of the Dangs chiefs. It is to the good of the chiefs that Government have undertaken to exploit those forests. If Government had not undertaken this, the chiefs would not have been able to exploit the forests, and would not have got even this amount from those forests. It may be that the chiefs may have a claim for some more increased amount but to say that they are very badly off on account of the lease, is a statement I cannot bring myself to believe.

The Honourable Mr. C. V. MEHTA: Sir, I congratulate the House on the sudden wave of morality which apparently inspired these notices

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of censure. I would only advise my honourable friends to take a stronger case on which their censure may be based. This particular one appears to me to be exceptionally weak. I do not quite understand from the speech of my honourable friend for Kaira what he really wants us to do. He is well known for parsimony; he continually desires us to fight the Government of India. Yet on a debate on supply grants he not only wants higher subsidies to be given but he recommends us to make over the whole property—to whom?—not to the chiefs but to the Government of India. Well, Sir, it appears to me that inconsistency could not have gone further. But I may give him all the facts from which he may be able to revise his judgment.

The first lease with the Dangs chiefs was entered into in the year 1842 and the total amount of subsidies was fixed at Rs. 11,230 for 446 villages. Owing to the continual encroachments of the Baroda Agent at Songad, and the pretensions of the Baroda Durbar to various rights in the Dangs a new lease was drawn up with the chiefs in 1862 and the subsidies were fixed in various proportions. In 1867, the nearest date available, the revenue was Rs. 36,125 and the expenditure was Rs. 49,912. The Dangs forests were settled in 1889 and definite reserves constituted in which cultivation was forbidden and, to compensate the chiefs for the restriction of cultivation in valuable forests, their subsidies were increased by 33½ per cent., making a total of Rs. 17,800. Later, small increases to individual chiefs were made: Rs. 20 to the Raja of Dharbavati for the surrender of the rights of Borpada in Khandesh, and Rs. 68 increase to the Naik of Jari Garkedi for the successful fire protection of his jungles. The last revision of the forest areas was made in 1910. By this the Dangs were divided into reserve and protected forests (what was not reserve was protected forest), so that the whole of the Dangs became forest land. The revenue at the time of this last settlement was Rs. 1,00,000, but prior to this the whole of the Dangs had been under 'rest' for 10 years with the object of effecting its recovery from the bad treatment which resulted immediately after the modification of the lease in 1893. To put an end to this steady destruction, Government appointed the Divisional Forest Officer, Surat, as Assistant Political Agent for the Dangs with powers of a first class magistrate in 1902. The result of making him responsible for the welfare of the forest and of the people brought the Dangs under complete control, fires became negligible and the forests began to close up again. I may mention to the House that the Government have spent a good deal of money on these forests, between the period 1900 and 1909. There has been a heavy loss to Government except in one year, in 1908, when they made a small profit of Rs. 9,000. The revenue and expenditure of these 10 years is :

| | Revenue. | Expenditure. | | Revenue. | Expenditure. |
|-----------|----------|--------------|-----------|----------|--------------|
| | Rs. | Rs. | | Rs. | Rs. |
| 1900-1 .. | 43,280 | 69,832 | 1905-6 .. | 68,998 | 1,12,551 |
| 1901-2 .. | 28,809 | 57,198 | 1906-7 .. | 95,980 | 1,06,836 |
| 1902-3 .. | 52,093 | 73,342 | 1907-8 .. | 1,41,066 | 1,32,253 |
| 1903-4 .. | 30,602 | 98,983 | 1908-9 .. | 83,014 | 1,20,250 |
| 1904-5 .. | 64,403 | 87,895 | | | |

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Since then there has been a continuous rise, and handsome profit has accrued in these forests of which honourable members are aware. For instance in 1917-18, the expenditure was 1 lakh 81 thousand and the revenue 2 lakhs 43 thousand and so on. The net work of roads constructed have been out of revenue at the instance of Government. It has now been represented that these chiefs have given us very great assistance with regard to the preservation of these forests. They would not be of much value unless they are protected from fire and for that we must have the co-operation of these Bhil chiefs. I have seen these chiefs myself. They have no dispute with Government and they feel that they are profited to a great extent by the administration of the British Government. And the present Dangs Dewan is, I may mention, a man of the highest sense of duty and of the missionary spirit that I have ever come across in any Indian. He deals with the agricultural interests of the chiefs, and with their temperance interests. He has started co-operative societies. He is giving them grain for which they used to pay enormous prices after the harvest season, and he is doing everything that is possible for their uplift. Unfortunately the Bhil chiefs suffer a great deal owing to having to share their subsidies with their *bhaubands* just as the Mahars. These *bhaubands* take away a good deal of the share that comes to each of the chiefs under the arrangement of Government, with the result that every one of these chiefs is in the poorest condition hardly recognisable as chiefs. Only these chiefs carry weapons about which they are very chary and they would not hand them over to me even for inspection. But, Sir, the reason why we are giving this additional subsidy is in order to get them to co-operate still more closely with Government both with regard to agriculture and in regard to forest protection and also we are making this condition that these Bhil chiefs should have a 50 per cent. increase which will be personal to the chiefs and that it will not be shared by the *bhaubands*. We hope with this their condition will improve. We are employing some portion of the revenue towards the improvement of the chiefs. As I told you, co-operative societies have been started for them and we are taking measures to prevent the deterioration of their cattle, we are starting dispensaries, and schools where manual work would be taught to their boys, and we are also giving them medical relief in such measure as is possible. I think the Council will do well in allowing this grant which, as honourable members will see, is justified on account of the revenue that we now derive although there may have been a loss in the commencement.

One word more, Sir, with regard to the railway wagons. We are aware of the very great difficulty which both the dealers and the forest department feel with regard to wagon supply. Unfortunately we are helpless in this matter. We have several times applied to the railway authorities for an improvement in supply. It is to our interest to see that more wagons are given. The sooner the material is removed the greater will be the demand for the forest produce from the Dangs. We have been doing everything possible. But we cannot control the railway authorities. They say that the wagons are required for perishable stuff such as

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grain, and we cannot ask them for preference for the purpose of an unperishable article like timber. But attempts are constantly made by the Conservator for a better supply.

An estimate has not been made of the value of the Dangs property, but I consider that the property is extremely valuable indeed, and I think the value has now been obtained by working the forest for 80 years and by all the loss Government made in the past and the amount of money which Government have sunk in it in the construction of roads and other capital expenditure. I must say that the property as it now stands is most valuable property.

Rao Saheb D. P. DESAI : Sir, I beg leave to withdraw the motion.

Question put and leave granted.

Mr. R. G. SALGAR (Sholapur City) (Addressed the House in Marathi) : Sir, in the budget of 1921-22, Rs. 14,280 is shown against this sub-head, while in the budget estimate for 1923-24, the amount shown is Rs. 16,480, and I want this increase to be explained. I therefore move :

"That the total demand Rs. 16,480, Carriage of tents and records be reduced by Rs. 2,000."

The Honourable Mr. C. V. MEHTA : Sir, may I point out that a larger provision of Rs. 2,000 has been entered on account of the fact that the carriage of tents and records costs much more now than it used to do in the past? Honourable members are aware that the cost of cart hire has gone up from 3 to 4 annas a mile and therefore the provision of additional Rs. 2,000 is required for the carriage of these tents and records.

Mr. R. G. SALGAR : I beg leave to withdraw the motion.

Question put and leave granted.

Mr. R. G. SALGAR (Sholapur City) (Addressed the House in Marathi) : Mr. President, I beg to move.

"That the provision of Rs. 31,660 for Sundries under the head Forests, be reduced by Rs. 10,000."

A reference to page 59 of the Civil Estimates will show that the provision for this in the accounts for 1921-22 was Rs. 23,895. For the current year, the amount provided is Rs. 19,830, and the budget estimate for next year is Rs. 31,660. I should like to have an explanation from the Honourable Minister as to the necessity for increased expenditure next year.

The Honourable Mr. C. V. MEHTA : Mr. President, it is perfectly true that the amount has increased by about Rs. 8,000 over the accounts for 1921-22 and by about Rs. 11,800 over the budget estimates for 1922-23. It is almost entirely due to the fact that a provision of Rs. 10,000 has been made for an officer for examining the question of the exchange of land in the Haveli and Patan talukas, and possibly the acquisition of forest lands. Some people sent a request to Government that the forest trees were coming in the way of cultivation in some of their survey numbers and that these numbers should be exchanged or acquired by Government, and included in the forest, and, if possible, other survey numbers might be given to them. In order to enquire into this matter in full detail,

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before Government take any action, it is proposed to appoint an officer who will enumerate the trees, see what survey numbers are really suitable for forest, see if these lands ought to be acquired, see also if other lands in exchange can be given to the cultivators for such lands as may be acquired, if it is decided upon.

Mr. B. G. PAHALAJANI (Western Sind) : Mr. President, from the statement made by the Honourable Minister it appears that this item of sundries includes the appointment of a special officer for land acquisition purposes. If the Finance Department has covered the provision for the appointment of a special officer under sundries, I only regret that it should have been so done, because as the item appears at present, no stretch of the imagination can convince the House that "sundries" includes the appointment of a special officer. It will perhaps be in the interest of the department itself if the Honourable Minister tells us under what circumstances the appointment of this land acquisition officer came to be included within the item of "sundries". I think the House would be justified in demanding the full details of the provision of Rs. 31,660 for sundries in order to see what the significance of the word "sundries" in the budget is. It will be a legitimate position for the House to take and to demand how Rs. 31,660 have been made to include a land acquisition officer, especially when there are several establishments already provided for in the budget, as can be seen by a reference to page 59 of the White Book, items I, II and III. I cannot understand how the appointment of a special officer can be deemed to come under the head of "contingencies." I hope that a special officer is not a "contingency" of Government. Under those circumstances, unless the proper correction is made and everything is brought to light, the House should refuse to allow the amount provided for "contingencies" in this budget to stand. I think the House would be entitled to ask how the Honourable the Finance Member has managed to bring in a special land acquisition officer under the shelter of "contingencies".

Mr. P. N. ADHAV (Satara District) : Mr. President, I think there is some misunderstanding, for the information supplied by the Honourable Minister is not correct. If you refer to the Forest Code, appendix XXVIII, you will find that sundries includes repairs of boxes, purchase of stationery, and some other articles, and expenditure on these petty items is debited to this head. If a special officer appointed for the purpose of land acquisition is to be debited to sundries, I think it would be altogether a wrong appropriation of funds, and it should be disallowed.

Further, I would bring to the notice of the House the remarks made by the Honourable Minister in charge, that lands in the Haveli and Patan talukas are to be acquired for the Forest Department. I am afraid that the people who own these fields and lands would not at all be willing to part with them. It is not as if the fields were of great use to them ; they have been paying assessment and losing their crops for so many years, but they have been preserving these trees with the idea that some day or other they will be able to reap the benefit. But as Government is now looking to these lands with the idea that they should appropriate them

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from the owners by paying them a small compensation for the benefit of the State, I wish to inform the Government that the people are not at all willing to part with their lands, and there will be great discontent if Government were to proceed on the lines indicated by the Honourable Minister. With these words, I support the motion for reduction.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : Mr. President, I think the mistake committed by the Finance Department, if it is to be considered a mistake according to the statement made by the Honourable Minister in charge, is made up by the misprint we have in the list of motions where instead of sundries we have 'Industries'. Of course, that is a misprint. However, it looks as if there were an attempt on the part of Government to have a special land acquisition officer under this item. I submit that he would simply be an unnecessary appendage.

With regard to this land acquisition, which has been referred to by my honourable friend from Satara district, I must protest against the system of acquisition that is now going on for the purpose of acquiring the lands of the agriculturists. Oftentimes it happens that the agriculturists or superior holders of land are willing to give their lands into the possession of Government on a lease. But, instead of that Government always insists on acquiring the property. This sort of acquisition is more or less forcing the hands of the man who is helpless. This is nothing more than legalized robbery, if I can use a strong term. I know that certain inamdars also are agreeing to hand over their forest to Government. But instead of taking over the forests from the inamdars on a long term lease, the procedure I have described is being followed in several talukas in Satara district. I say, therefore, Sir, that Government ought to lay down some definite policy with regard to land acquisition by the Forest Department.

The Honourable Mr. C. V. MEHTA : May I explain, Sir, that this amount of Rs. 10,000 is included under the head "contingencies" as sundries? It does not include the cost of the officer, but the cost of the acquisition. It means that it is a contingent expenditure : it will occur only if Government decide on the acquisition of land. As it is contingent expenditure, this is the proper head under which it can be shown.

Mr. P. N. ADHAV : Compensation for land acquired will go under VIII (b).

The Honourable Mr. C. V. MEHTA : This is contingent compensation ; it will be contingent upon any acquisition being decided upon by Government. That is why it appears under the head "sundries". It is the Accountant General's order, I understand.

Mr. DIPCHAND T. OJHA (Karachi City) : I find, Sir, from the speech of the Honourable Minister that Government consider it desirable to go on acquiring land for forest purposes. I am also against this policy as has been urged by others as the result will be that villagers will be put to difficulty, and deprived of their produce. I hope, Sir, that the Honourable Minister will act in accordance with the wishes of this Council that an officer should not be appointed for land acquisition

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and that he will give up the idea of taking any steps for the acquisition of lands for forests as he has said that he generally acts in accordance with the wishes of the councillors. This sum of Rs. 10,000 has been inserted under the head "Sundries" probably to prevent detection as the Government might have thought that the Council might not grant this sum. This sum ought to have been specifically shown in the budget. I don't know who is responsible for throwing dust if the thing has been done intentionally. As the desire seems to be that this sum should not be sanctioned the item might be deleted.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, it does appear to me that there is a mistake at page 58. Under the head VIII, we find item (b) "Cost of forest settlements; compensation for land and rights". When you provide an amount for land acquisition, it ought to come under this head. It may be said that there is already an item of Rs. 13,850 provided under this head, and that the sum of Rs. 10,000 provided under "Sundries" is only a contingent expenditure. Under "contingencies" it is only such items as rents, rates, taxes, service postage and telegram charges, that can be entered. Can the Honourable Minister by any stretch of imagination bring cost of compensation for land acquired under this head "contingencies"? You cannot pitchfork this item under contingencies. Whether it is the Accountant General's orders or the Government's orders, I submit that this item should be cut out so that it may not appear again. I submit once more that if there is to be such an item, it should be entered under the proper head and not pitchforked like this under "sundries". In the budget, in giving the amounts, every item must be clearly shown so that it may be traced back to the proper heads. It is very strange indeed that a mistake like this should occur. From a lawyer's point of view I have no doubt that the rule of *ajusdem generis* applies as regards the correctness of this figure. I think some punishment is called for for such irregularity and the only punishment we can suggest, is to cut out the item.

Mr. G. A. THOMAS: I am quite prepared to admit, Sir, that it would have been better to have shown this item under the proper head, but I understood the honourable member from Ahmednagar to say that, if Government had called attention to the mistake in the Accountant General's office, he would have been prepared to vote for the amount. The Rs. 10,000 which is asked is required for the purposes of the Forest Department in connection with certain acquisition proceedings, and I understand that if it had been shown under the proper head, there would have been no difficulty. I trust the honourable member will kindly accept the explanation offered and not press his opposition.

Mr. O. ROTHFELD: Mr. President, the omission of this provision has been suggested by the honourable member from Ahmednagar for a slight mistake which appears to have been made in the way a particular item is shown in the accounts. May I point out that as the item refers to compensation for acquisition of lands, the omission of the item, if it

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punishes any one, will not punish any Member or Minister of the Government, or any Secretariat Department or any one in the Accountant General's office, but the punishment will fall upon the persons whose lands have been acquired. Presumably—I do not know the individual facts of the case—acquisition proceedings have been begun as such are proceedings that take a considerable amount of time. The presumption is that probably—I can only say probably, as I am not quite certain—the proceedings of the acquisition have already gone on. In any case, there would be inconvenience to this commercial part of the department's activities on which the country's prosperity depends. I therefore trust that no such action will be taken. I would also like further to point out that it is absurd—I know it was only suggested as a jest, not seriously—it is absurd to suggest for a minute that the mistake was deliberately committed. As honourable members are aware, it is a question of accounting and the preparation of accounts is a pretty complicated matter, and we must be prepared for any small slip which may be made. One item—out of a very large budget head—is not shown correctly. The rest is rightly shown and I hope, when the honourable member from Ahmednagar suggested that somebody should be severely punished for this mistake, he only meant it as a jest and that he was not serious and that he had no desire that any punishment whatever should be meted out to any one. The provision is required in connection with the acquisition of land in Haveli and Patan talukas for inclusion in the forest area. The procedure required for the acquisition of land is that first a project is drawn up, then certain lands are notified as being required for a public purpose—in this case for the forest purposes of Government. During that process, if any individual person urges any objection and there is not likely to be any dispute and if amicable terms are arrived at, then the land acquisition officer settles the whole matter and then compensation is given. That is the position if compensation is required in the matter of acquisition and acquisition is proceeded with. In this case presumably it must have very nearly been proceeded with. I trust that the House will accept the point of view I have put before them and allow the item to stand.

Mr. C. M. GANDHI (Surat City) : Mr. President, I think the explanation afforded by the honourable member for the co-operative societies goes far too further and defeats the very object with which he gave it. If the land has already been acquired and the proceedings have taken a definite shape, the Honourable Minister and the officers working under him should be in a position to tell the House definitely something as to the area or areas which have been acquired, or that steps have been taken for their acquisition. So far as I could understand the Honourable Minister, he said it was a contingent acquisition and, if the lands were acquired, Government would be called upon to pay compensation. Then there would be time enough for Government to have a supplementary budget estimate and the House will consider it. The Council would not be well advised in accepting the suggestion of Government, which is shifting, to say the least of it, from one argument to another when it is pointed out that the item is not quite explanatory.

The Honourable the PRESIDENT: It cannot come in as a supplementary estimate, because if the contingency has arisen during the budget preparation.....

Mr. C. M. GANDHI: No, Sir. It has not arisen. The Honourable Minister has said that it is a contingent acquisition. Acquisition proceedings have not been commenced and, if a financial liability arises subsequently, it will be quite competent to Government to come to this Council for a supplementary grant. Another circumstance is that it is no use merely asking this Council to take the Government into their confidence.

Mr. P. J. MEAD: Mr. President, I am somewhat surprised at the principles enunciated by my honourable friend from Surat. We all understand when we frame the budget that we have to anticipate the expenditure which is due to be spent in the year for which we budget. In this particular case the Honourable Minister has certain expenditure in sight and, naturally, he has asked the Finance Department to make provision therefor. I have to pay my tribute to the vigilance which my honourable and lynx-eyed friend from Ahmednagar has shown in pointing out a striking difference of Rs. 10,000 between the provision made this year and next and putting Government in the position of acknowledging that a mistake has been made. I think it should have been possible for the Finance Department to discover this mistake and I tender my apologies to the House for the department's failure in that respect. But I do ask the House at the same time not to follow my other honourable friend from Surat and ask us to delete the item whether it is contingent on action already taken or not.

The Honourable the PRESIDENT: Is it a foreseen contingency at present?

The Honourable Mr. C. V. MEHTA: Yes, Sir.

The Honourable the PRESIDENT: A supplementary estimate means a contingency unforeseen at the time of the budget. If this item be rejected now on the ground that it may be brought up later, if necessary, as a supplementary estimate and then, if when it is so brought as a supplementary estimate, a point of order is raised that as this contingency had been foreseen at the time of the budget it cannot be a supplementary estimate, there may arise some difficulty.

Mr. R. G. SALGAR (Sholapur City) (Addressed the House in Marathi): Mr. President, the reason why I have asked for a reduction of Rs. 10,000 is that the provision is considerably more than that of last year under that item, and if Government wanted to acquire the lands of these people for forest purposes, there is no reason why it should have been included under "Sundries". The item should have been shown and entered under the proper head, and not under sundries. Therefore, I want this reduction of Rs. 10,000 which I have proposed.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): I want to raise a point, Sir, and ask the Honourable Minister if notices are served on these people as regards proposed acquisition. If even notices are not served as yet, the matter cannot be gone into.

The Honourable the PRESIDENT : The notices may be served and Government may take action after that. Government have the idea to acquire and so give notice first. They may take action later on or defer doing so if they think fit.

Mr. JEHANGIR B. PETIT : I simply wanted your ruling, Sir.

The Honourable the PRESIDENT : I have already given my ruling, with the necessary reservations, if there is a point of order.

The Honourable Mr. C. V. MEHTA : While explaining the circumstances, Mr. President, under which this item has come to be included under this head, I will try to offer such explanation as I possess and I may at once do so by apologising to the House that a mistake of this kind, if there is one, passed through my department and also the Finance Department without being detected, but there was not the slightest intention of misleading the House. The whole point is that the Forest Department have appointed an officer to look into the question of certain parts of Haveli and Patan talukas where there is a large number of teak trees the right to which belongs to Government. The area concerned was large and therefore Government appointed an officer in order to enquire whether those teak trees were worth taking, whether the areas could not be so demarcated that in parts the trees could be sold off and in parts where subsequent regrowth was reserved to Government such trees had better not be incorporated within the forest limits as the owners of the land were unable to make any revenue out of those trees and as they find that the existence of these trees is interfering with their ordinary agricultural operations. The mamlatdar is at present examining these places, he has shown the areas which ought not to be acquired and the trees of which ought to be sold and an option has been given to the owners of land to purchase these trees at the rate of Rs. 1-8-0 each. But there are certain other important parts in that same taluka which contain trees in large number—valuable teak trees—which interfere with cultivation and which ought to be protected.

The whole question arose from a letter written by some owners of these lands asking Government to acquire these lands on account of the fact that the trees were interfering with their cultivation. The actual acquisition has not yet been decided upon by Government and is contingent on the report. Being contingent, I take it, it has been put by the Accountant-General under the heading of "Contingencies".

Mr. C. M. GANDHI : How is the figure of Rs. 10,000 arrived at ?

The Honourable Mr. C. V. MEHTA : We have got no specific data, but Rs. 10,000 was provided on the advice of our officers. I leave this question entirely to the good sense of the House. If they want to cut it out, then I will tell them what consequences will ensue. This officer has been appointed, he is working there now and, as I said before, he is working there at the instance of the owners of the land in that locality. They wish us to come to some arrangement by which we can either buy their lands or exchange them for some other lands. If the House cuts this out, we cannot continue the work that has already been started. If the Council thinks that that should be done, I am quite willing to carry

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out its desires, but let the Council realise that a large sum is involved in this, that the Forest Department is entirely unable to look after timber in the possession of private owners, that private owners cannot get any real profit out of it, but on the contrary they suffer on account of the interference of these trees with their ordinary cultivation. The result will be that forest revenue will be lost and the wishes of the public whose interests no doubt the honourable members are watching here will not be attended to. If they are satisfied with that assurance that the amount will be shown in future under the proper heading, that no amount will be spent on acquisition unless absolutely required, they can pass this grant. If they are not so satisfied and desire to cut out this grant, they know the consequences which I have pointed out to the Council.

I should have had no objection in withdrawing this amount from this budget, but the Honourable the President has already pointed out to you that under the law we shall not be able to bring it in as a supplementary grant which means fifteen months' delay. I leave it entirely to the Council.

Motion put and negatived.

The Honourable the PRESIDENT : With reference to these motions for reduction, I wish to prescribe this procedure : the honourable member from Satara's (Mr. Adhav's) notice of motion is for the highest reduction, viz., Rs. 5,16,000 and will have priority. The other motions are for lesser reductions. On the former motion there shall be a general discussion covering the whole ground and principle of reduction and also a debate on the subsidiary question as to the sum by which the demand should be reduced. The honourable members who have on paper notices of motions for lesser reductions can speak on this first motion of the honourable member for Satara and state why they think those lesser reductions should be made. If the motion of the honourable member for Satara be argued to, the other motions fall. If it be negatived, the other motions will be taken up in their order but they should be simply moved and there shall be no fresh debate.

Mr. P. N. ADHAV (Satara District) : Sir, I beg to move :

"That the total demand for Forests be reduced by Rs. 5,16,000."

My reason for the reduction is that for the last two or three years the price of timber is going down, and that we should make a reasonable reduction in the establishments of the Forest Department. Of course, there are some grades of officers regarding which we have no voice. Still there is room for reduction, and I shall show that many of the officers can be reduced and others can be better employed. The Bijapur and Dharwar Division is a grazing division. The total income from this division is Rs. 32,000, while the cost of the establishment is Rs. 35,000. From the report of the Forest Department for 1921-22, East Nasik has most of its revenue from grazing. Revenue from main heads amounts to Rs. 25,000 and establishment costs Rs. 28,000 ; similarly in Poona, East Khandesh and Satara most of the revenue, more than half, is from grazing. Satara division is worked at a loss. Kanara is

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divided into five divisions. Nasik and Thana have been further subdivided into more than two divisions. Of course, if the road and timber operations are heavy, it is necessary that a forest division should be very efficiently managed. If you go carefully into the report of the forest administration you find that there are not more than 400 miles of forest roads in any division. There are only two or three divisions which have got to look after heavy road work ; and it is one of the chief duties of the forest officers to keep the roads in efficient condition. Now regarding protection from fire the policy of the Government has changed and they have launched upon a policy of strict protection to be carried out only in the valuable forests ; and the other forests which have got a very poor growth or which are only fuel or pasture forests should be partially protected. In November and December, as soon as the rains are over and the standing grass is sufficiently dry, the forests are set on fire so that minimum damage might be done to the forests and to prevent damage from fierce fires in the hot season. Further I find that an I.C.S. officer is to be deputed at a cost of Rs. 1,54,000 for the settlement of Thana gurcharan lands. I understand that the honourable member for Thana will be able to give more information on this point. So far as I understand, the Government are going to set apart some grazing lands. People hitherto had the right to graze their cattle in forests free. Now the Government are going to take these lands and allow grazing on payment at certain rates. If an officer is going to be deputed from the ranks of the Civil Service and paid by Forest Department, he would look more to the interest of the forests than for the interests of the people. If an officer is so deputed and paid from the Revenue Department he will be able to look after the interests of the ryots better. Secondly just now we heard from the Honourable Minister that a mamlatdar has been deputed to enquire whether people intend to give up their malki lands in exchange or for compensation in Haveli and Patan talukas. This is not a step in the right direction, because the mamlatdar as a revenue officer, has got more sympathy with the ryots. If he is deputed to the Forest Department under the Conservator and divisional forest officers he will be more guided by their opinions with regard to the exchange of land. I therefore think that this item should be reduced.

Further, I would again point out that there are 26 divisions for which we have got 26 superior Imperial Service officers and 31 provincial officers fit to hold charge of divisions. This shows that the department is top-heavy. I would draw the attention of the Honourable Minister to this fact and request him to see that such a state of things does not continue, and that a great number of this establishment is reduced to its necessary minimum. I can point out the case of Satara district, which I have already referred to ; it has been shown as a major division, because a junior officer when in charge can draw his special allowance. All such divisions should be reduced and made minor divisions. Wherever there are large timber operations, large areas managed by Government, deriving an income of more than two or three lakhs per annum, it might be classed a major division. As far as we can see, every forest officer is to look after the carrying out of the provisions of

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working plans, road repairs, road construction and recovery of grazing fees. As far as the grazing fee recovery is concerned, it is a very simple operation and no special supervision is necessary except to see that the dues of Government are not evaded and that the forest subordinates are not dishonest.

Now I should like to show where it is that the cut that I want to make should be made. Take for instance the timber and other forest produce removed by Government agency. The revenue on that account had been Rs. 12,66,000 in 1920-21, Rs. 19,90,774 in the year 1921-22 and Rs. 25,00,000 for the year 1922-23. For 1922-23 it is the revised figure. Now for the expenditure for both timber and fuel we had in the year 1920-21 Rs. 11,00,000. In 1921-22 the actual figure was Rs. 13,00,000. Next year we have provided Rs. 14,56,755. Now I want to reduce a certain amount of say Rs. 3,00,000 for the reason that it has been already remarked in the annual report 1920-21 that there is a slump in the market and those remarks have been repeated in the last Administration Report of the Bombay Presidency. It is stated there :

"The expectation of the prosperous season bringing the revenue has not been realised. The slump in the market continues."

Then again it is said :

"Some of the contractors in the forest of Kanara have also not been able to bring the full stipulated quantities of timber to depots for sale and the revenue expected from this source is not likely to be realized. The decrease of 1206 in the current year's revised estimate is due to these causes which are likely to be in operation also during 1923-1924."

I may further add to this that the price of iron which was so high during the last two or three years after the War and subsequent events has gone down now. And such people as are willing to build ordinary houses will like to take more iron because they find it is much cheaper to get and use iron than ordinary teak timber. I am doubtful therefore whether the expectation, that by spending Rs. 14,00,000 of works for timber and fuel you will be able to realise Rs. 36,00,000 that is, 2½ times more than what you have usually expected or realized during the last two or three years, is likely to be fulfilled.

Then I will draw the attention of this House to head A VIII (a). The grant provided for is Rs. 8,055, the same figure as last year. The actual for 1920-1921 is 4,868, for 1918-19, 5,886, for 1921-22, 6,122. This shows that if you make a cut of from 2 to 3 thousand it will not be affecting the ordinary operations of the department to any extent. Now under A IX (b) it is remarked that this item is provided for grain compensation allowance. I think there is some mistake about it, because when I asked this question last time, I was told that no Government servants were allowed grain compensation allowance at all. I think under the Forest Code it would be law charges. Then under the establishment expenditure, in 1919-1920 we had got an establishment of 19,45,000, in 1930-21, 22,62,000, in 1921-22, 25,00,000 and last year revised 27,33,000. During the current year you have got 26,03,000. Here I think you are likely to save something like 40,000. At page 59 there is a remark, "Probable saving, 40,000". So this means the temporary establishment is not required at all. Again I should like to say under BII, Temporary Establishments, there were last year 37,360 provided. There are no

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actual figures of previous years. Under B II, Temporary Establishments, there have been shown 36,100. In 1921-22 there were no actuals shown and if I remember correctly last year I raised an objection that we should do away with the temporary establishments and it was accepted. This head is meant for making provision for travelling allowance only.

Then coming to leave allowances, this year the provision is Rs. 75,924, whereas the provision in the revised budget for 1922-23 is Rs. 30,000, and there was no provision for this allowance in 1921-22. This shows that there is far more provision made than what is actually necessary.

Then as regards IV, Contingencies, there has already been some discussion and I will show that the explanation given by the Honourable Minister is not correct. With these remarks, I would like to inform the House that the amount required is estimated at a higher figure than what is necessary.

While on this subject, I would bring to the notice of this House some remarks contained in the Forest Administration Report for the Bombay Presidency, page 80. There it is said :

“The fees levied for grazing represent only a fraction of its value and the question of a general increase in the scale of fees is under consideration. A beginning has been made in Satara district, where the old fees have been doubled without the people complaining of any hardship and with material benefit to the finances of the division.”

I would point out to this House that in the Satara district, except the Koyna Valley, part of Javli and Mahableshwar, there are no forests worth the name. Nobody would call the other forests as of any value. Those who have had the pleasure of going through the forests of Berar, Central Provinces and Madras would never call them forests. I would rather like that these areas were disforested in order to allow the village people free grazing and room for exercise for their cattle. The grazing lands in Satara district do not produce any grass at all. It is only because the people have got no other places to make their cattle stand that they have to resort to these grazing lands. The Forest Department was started in Satara in about 1879, and since then Government have not invested a single pie to improve these grazing lands. I do not see why the Government should increase and double the grazing fees, when no improvement is made in the grazing land. That is not the only point. There is another which involves a greater amount of hardship. A distinction has been made in the grazing rate. One is called the adjoining village rate and the other the distant village rate. The adjoining village has to pay one rate and the distant village has to pay a much higher rate. If the adjoining village pays 4 annas per cow, the distant village has to pay Re. 1. Not only that, but if cattle from inam villages or villages which have got no forest or pool of water for the cattle to drink from, go to the forests simply to have a drink of water, they are made to pay grazing fees. This is a great hardship, and I look upon the Honourable Minister to see that the grievance is redressed.

The Honourable Mr. C. V. MEHTA : I have not been able to follow the honourable member. If he will send me a note about it, I will see what can be done.

Mr. P. N. ADHAV : I have already put some questions on the subject, and when I get the answer, I will let the Honourable Minister know.

With these remarks, I beg to propose the reduction already moved.

Mr. C. C. HULKOTI (Dharwar District) : Mr. President, I rise to support the motion. First, I should like to make a few remarks on the working of the Forest Department so far as the Southern Circle is concerned. They are in the nature of a complaint against the management of the forests in the Southern Circle. The forest areas in the Southern Circle are mainly in the Kanara, Dharwar, Bijapur and Belgaum districts and these forests I am informed are not properly managed. I would first state the objections that I have to the management of these forests. In the first place, almost all the districts in the Southern Circle are working at a loss, and the establishments maintained by the department are very large and too costly and top heavy. There ought to be a reduction in the superior establishment so far as that circle is concerned. The next objection is, that a large number of temporary appointments have been created from time to time in this circle without there being really a necessity for the same. The third objection is that the engineering schemes that have been taken in hand by the engineers of the department in this circle have all proved financial failures, and the public money that has been spent on those schemes has simply been wasted. The fourth objection is that the system of exploitation that has been followed in the Southern Circle works to the great detriment of the conservation and development of the forests in that circle. My fifth objection is that no adequate facility is given for extending a scientific knowledge of Indian forestry in the Presidency. This is rather a general complaint throughout the Presidency, but I wish to speak on it later on. My last objection is so far as retrenchment is concerned, this year in the Southern Circle it has rather commenced at the wrong end and chiefly the protective establishment, which mainly consists of guards and foresters, has been heavily retrenched. This has done great harm to the forest policy of regenerating successfully the teak wood in the forests. Now I will ask the attention of the Council to a few details.

The Council will see that the expenditure proposed for next year on establishment, as shown on page 39 of the Blue Book, is Rs. 26,03,000 as against the revised estimate of Rs. 24,49,000 for 1922-23. And the House will notice that this cost on establishments, viz., 26 lakhs, is more than half the total expenditure of the whole department which is shown as Rs. 47,50,000. This year there is a decided increase from the revised estimate of Rs. 1,54,000 and the explanation for this is given on page 40, paragraph 36, of the Budget Blue Book.

"The increase (1,54) in next year's budget as compared with the current year's revised is due mainly to (a) provision for the deputation of Mr. E. W. Perry, I.C.S., in connection with the gurcharan settlement in the Thana district, (b) increase of the Engineering establishment, and (c) larger provision for salaries on account of increments."

Now, looking to the revenue, the House will notice that the revenue estimated is Rs. 82,79,000 as against an expenditure of Rs. 47,51,000. Therefore the net revenue is roughly 35 lakhs. I think these figures will show that the cost of the department is out of all proportion to the revenue that is derived from the department. May I call attention in this

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connection to one particular post, viz., the post of Chief Conservator? For 70 years nearly the department had been working without him; and I think that this post was created only recently, about ten years ago. The cost of the Chief Conservator is shown as Rs. 33,000, and the cost of his establishment including contingency allowance and honorarium charges will come to about Rs. 70,000 annually. Now may I suggest that now that a Forest Ministry with a Secretariat has been created under the reforms, this post can be without much difficulty retrenched and the department carried on with equal efficiency without this highly paid officer?

I now come to the temporary appointments. I will refer to page 59 of the Civil Budget, where the Council will see that provision is made for temporary forest officers to the extent of Rs. 33,540. In the list of questions that I asked yesterday you will find an answer given by the Honourable Minister that during the last five years six direct appointments were made in the Forest service. Now may I ask the Honourable Minister whether instead of recruiting foreign officers direct, in the way it has been done up till now, who will be quite new to the department, it would not be better to fill these appointments by promotion from the subordinate service,—I mean from men who are already in the department and thus give them chances of promotion? So far as my information goes, there is a great discontent among the subordinate service officers in the Forest Department on account of these higher appointments being often filled by direct recruitment.

I wish to bring to the notice of the Council that recently a Saw Doctor has been appointed, whose duty it is, I am told, to examine saw mills and to suggest means as to how this industry could be improved. It is very difficult to understand the propriety or justification of such an appointment. I may tell the Council at once, that I hear that this officer has remarked in his own diaries that there was no justification for his appointment and that no useful purpose could be served by it. I speak this, however, subject to correction, of course, but I believe that the facts are as stated, and I hope that the Honourable the Minister in charge will take necessary steps to retrench this post immediately.

Then I come to the engineering department. I may tell the Council that this department came into existence very recently and the work which this department now does, used to be done formerly by the rangers. The Council is aware that this department is managed by an engineer, getting Rs. 1,650 a month, and two assistant engineers getting Rs. 1,200 and in addition these have their costly staff, to assist them. Taking establishment and other charges, the engineering establishment will cost about one lakh of rupees annually. I will now lay before the Council a few of the schemes that have been taken up by this engineering establishment in the Southern Circle, and I shall point out how far, looking to the results, this department has proved a definite success. First, I will refer to the most important work taken in hand by this department,—the Alnavar-Dandeli Railway. The capital outlay on this railway is about 10 lakhs of rupees. The House will be surprised to learn that this railway has

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been unable to run one fully loaded train once a day for want of sufficient stock ready for transport.

The Honourable Mr. C. V. MEHTA : May I point out that the Forest Engineering establishment is not responsible for this railway ?

Mr. C. C. HULKOTI : Then the Public Works Department must be responsible.

Mr. E. M. PROES : (Said something which was inaudible at the reporters' table.)

The Honourable the PRESIDENT : The honourable member cannot criticise any other department. If the department with which he is concerned at present is not responsible, the matter drops.

Mr. C. C. HULKOTI : Sir, this railway was designed for the convenience of the Forest Department, and I find that the cost of an extension of this railway is debited to "Forest Capital Outlay." Therefore, I am entitled to criticise the financial working of this railway. This railway was expected to give a good return, but in actual working, it is now found, so far as my information goes, that the annual loss on this head is about Rs. 50,000. The railway, as a matter of fact, works only in the fair weather and that too twice or thrice in a week. I am told that a suggestion was made before the work was taken up by the Divisional Forest Officer, Northern Division, Kanara, that the railway line should be taken through populated areas and it would then only prove a success. Unfortunately, that suggestion was ignored and the result is that the railway is working at a great loss to the Forest Department.

Now I go to another scheme. Before doing so I wish to draw the attention of this Council to the fact that the timber depôt which was situated at Tavargatti was shifted to Dandeli a few years ago. After the depôt was shifted to Dandeli, a large number of buildings were built there, costing lakhs of rupees. I am informed that proper estimates for these buildings were not made before the work commenced and the necessary sanction was not obtained. Now after spending some lakhs on buildings at Dandeli, I am told that there is a proposal to shift the timber depôt to Mormugoa because it is found, after some experience, that the climate of Dandeli is too damp and has an adverse effect on the timber stocked at Dandeli.

Next, I come to another important engineering work, namely, the Bomanhalli causeway. This causeway is a masonry causeway built across the Kalinadi river at Bomanhalli. It is built to facilitate the transport of timber from Kulgi and other forest ranges. The former practice adopted to facilitate the transport of timber from these ranges was to put up a temporary crossing in fair weather costing about Rs. 100 at the most, and, I am told, thousands of tons of timber were transported by means of such temporary causeways by timber contractors. Somehow the department managed to have a permanent causeway built at an enormous cost of about Rs. 60,000. I wish specially to bring to the notice of this Council that even this masonry causeway which is built now, is a failure during the period of the monsoon, when only such a causeway is likely to be of any real use as the water up to 10 feet nearly over the

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level of the causeway, passes during the floods in the monsoon. The causeway is, therefore, practically useless in the monsoon and is useful only in the fair weather, and I may point out in the fair weather the same purpose would have been achieved as formerly by putting up a temporary causeway at a cost of about Rs. 100 only. In this way this enormous waste of Rs. 60,000 could have been avoided. I think that this is a sheer waste of public money. Now I will speak a few words about the financial working of the saw mills. As regards these saw mills, worked by the department, we have to take into account three factors, *viz.*, first, the cost of timber before it is cut, the cost of the same after it is cut and, thirdly, the probable demand in the country for such sawn timber. At first sight all the departmental estimates for cut wood look all right, but as a matter of fact, when we come to sell the sawn timber—and I bring especially this fact to the attention of the Council—I am told that there is a large quantity of timber in the six different saw mills, lying undisposed of for years and years. We find to our great disappointment that the scheduled rates as originally estimated by the department are notoriously high, and the timber can't be sold at a profit. The result will be that all this timber lying idle there, will go to waste, and lastly some reason will be adduced to say that the timber was found to have deteriorated on account of some climatic condition, and that scheduled rates can't be realised. Therefore, what I wish to bring clearly to the notice of this Council is this: the financial aspect of such matters has to be carefully considered; otherwise the transactions result in serious loss to the department, and ultimately to the tax-payer.

Lastly, I wish to say a word or two about retrenchment which has been made in the department. As I said, this retrenchment was made by reducing forest guards and other lower establishment. I may call the attention of the House to the fact that these forest guards are the people that have to be on duty during the worst part of the year and in the worst parts of the Presidency from climatic point of view to protect the forest areas and thus assist the development of the forest areas as a whole. Unfortunately, this part of the establishment was selected for retrenchment and, as a matter of fact, it has created a great amount of dissatisfaction among these poor servants of the department. It is a long standing complaint of the Forest Department itself that these servants are very low paid though they are very useful. And, moreover, retrenchment in regard to the posts of these forest guards and other lower establishment would mean a very small amount in actual practice. I need not tell the House that the development of forests mainly depends on the strength and efficiency of this protective establishment of forest guards and foresters, and so this kind of retrenchment is false economy in the long run. I need not say much further in detail because the honourable mover has already given his reasons for the reduction but, I would specially like to tell the House that in at least the five districts in the circle, I am convinced that there is ample room for economy and retrenchment. No doubt, I do realise that there is a real difference between economy and retrenchment. Economy aims at doing a thing at minimum cost, while retrenchment

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Further. It rather seeks to do away with a thing altogether as unnecessary. I believe, and it is generally admitted, that a time will come in the history of finance of this Presidency, when we have to seriously consider, whether in the name of efficiency we are not aiming at an administrative ideal, rather too high and too ambitious for the resources of our Presidency. The maximum level of taxation is almost reached and the cost of administration is growing day by day. May we not hope for a cheaper agency in matters of administration?

With these remarks I beg to support the motion moved by my honourable friend Mr. Adhav.

Mr. E. M. PROES : Mr. President, I do not want to make a long speech but I should just like to explain a few points which the honourable member for Dharwar has touched upon. His intentions were very good and he knows a little about certain things, but I am afraid he does not know everything, and I fear that he has rather mixed up one or two things. He talks about the Engineering Department, for instance. I do not know if the House is aware that what he refers to as the Engineering Department is not the Public Works Department. The Forest Department has certainly an engineer of its own who carries out certain works and that brings me to a question which arose earlier in the day regarding the cracked walls in a certain building. That has nothing to do with the Public Works Department as it is a building in charge of the Forest Department. As regards the Dandeli-Alnavar Railway, that railway was built neither by the Forest Department nor by the Public Works Department, but by the Madras and Southern Mahratta Railway. Then again, the causeway which the honourable member referred to, has nothing to do with the Forest Department. I mention this because it is not quite fair that this question should be brought in on the Forest budget. It is a matter which pertains entirely to my department and if the honourable member would like to ask a question, I should be only too pleased to give him all the data of that causeway, which I know all about. It does not come under the Forest Department, but is part of the main roadway in charge of the Public Works Department.

Mr. S. T. KAMBLI (Dharwar District) : Sir, the expenditure that is going to be incurred by the Forest Department seems too high, being about more than 50 per cent. of the income. This fact itself suggests that there is considerable scope for retrenchment. Sir, I may here point out some ways by which expenditure can be reduced. For example, there is a large quantity of scrub area which, instead of being profitable to the Forest Department, is costing them enormous amount of money. I have been told that the policy of the department is changing since last year and that such areas are being handed over to the Revenue Department. If that policy is carried out in full, a large amount of expenditure will be saved, and at the same time lasting benefit will accrue to the cultivators of the lands in whose neighbourhood these areas are situated. Let me point out one fact in regard to such areas, namely, that wild beasts especially wild pigs take shelter in such areas and cause an enormous amount of damage to the villagers and village lands round about. People

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are not allowed to set fire to the growth of grass in such areas nor grass of any earthly value to the Forest Department. So I beg to bring to the notice of Government that cultivators in the surrounding regions of these grassy areas will benefit considerably if they are allowed to set fire to this useless growth of grass, as in that case that grass would not be able to give shelter to wild pigs and other wild beasts which cause enormous damage to the lands of the cultivators in the villages near-by.

So, the two points I desire to bring to the notice of Government are firstly that these scrubs in many cases are of no use or value to the Forest Department and secondly, that the shrubs and the grass grown therein afford shelter to wild pigs and other wild animals. I therefore suggest that the Forest Department should continue their new policy of handing over these scrub areas to the Revenue Department for the purpose of allowing cultivators to make use of them in the best way possible.

The export of timber by Government to the London market has proved amply ruinous to this Presidency. First, the price of timber locally went up; secondly, Government lost a good deal because the price in the London market subsequently went down and Government could not earn the profit they had anticipated though the Government was put to the extra charge of transportation; and thirdly, people in this Presidency were obliged to use other substitutes for timber as the price of timber was made to rise in an artificial way. The speculation in export of timber thus indulged in by the Government proved entirely profitless to Government and I suggest that such speculation should be stopped hereafter.

Another point I wish to draw Government's attention to is in connection with the auction sale policy of Government.

The present system in Kanara forests is to hold auction sales apparently in order to sell the timber to the highest bidder, but the particular officer on the spot seems to have been given the discretion of accepting or refusing the highest bid. The result is that contractors who come there in anticipation of buying timber by reference to local prices obtaining in the Presidency find themselves entirely thrown on the pleasure or the whim and discretion of the officer conducting the auction. The auction system should be pursued with strictness. The highest bid must be accepted. Otherwise there will be no steadiness in the system and the Government will be obliged to incur a very large expenditure in protecting the timber in particular places owing to lack of bidders or purchasers.

There is one more point which I wish to bring to the notice of Government. A large amount of expenditure has been incurred in the construction of Alnavar-Dandeli railway and the Government were right in incurring the expenditure as a large quantity of timber has to be transported from the Kanara forests. But people find great difficulty in obtaining waggons for the transport of timber from place to place. There was a good deal of corruption some time back and I do not know what the present condition is. I want to bring to the notice of the Government that one station master of Alnavar was about a couple of years ago convicted of corruption in supplying waggons to the public. The Honourable

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Minister, I hope, will not rest satisfied with the explanation given by the India Government or by the Southern Maratha Railway but will try and see that the public are given more facilities for transport of timber. Otherwise the expenditure that will have to be incurred either by Government or by the purchasers in protecting the timber before transport will be unnecessarily high.

Mr. G. B. TRIVEDI (Thana District): Sir, if this were a revenue producing unit, I would have been very reluctant to propose any cut in this department. As we all know commercial enterprises are undertaken under certain conditions. If the enterprise is in a state of prosperity, one would like to spend more on it to increase one's profit. So also, if the forest administration had been a prosperous and revenue deriving one, I would request the House to spend more money on it for more supervision and inspection. I accept that proposition. When there is depression in the timber market and when the revenue from the forests is going down, applying the same principle as a business house would do, should we not reasonably reduce the establishment also? I will not ask for anything that will reduce the productive power of forests. What I wish to impress upon the House is that we took that establishment on a certain basis; and because we are not having now the same basis, should we not reduce the establishment also? Now, Sir, out of the whole expenditure there are two big items: one is conservancy 20 lakhs and the establishment charges of 22 lakhs. In the matter of various retrenchment of appointments, the honourable member for Dharwar has dealt with it fully, and pointed out that the lowest grade is the most useful in preserving forests and keeping watch. You dismiss so valuable a man in the lowest grade and retain the man at the head. That policy, although I know there are advocates in this House of efficiency and supervision, I do not approve of. I do believe there is ample room for retrenchment in the higher establishments because we took them on the basis that our revenue had gone up very high. Now, our revenue has come down and although we have to exploit our forests and may require some establishment, it is not necessary that we should keep unnecessarily separate divisions as pointed out by my honourable friend for Satara. In my own district there were two divisions; now we have three. It is admitted by the department itself that Thana has been completely exploited. Instead of three divisions why not have two? There should be some saving. There is large room for reduction in the establishment charges. The lower establishment is quite necessary, and they are like police constables so the reduction ought to be made in the higher grades.

Then, Sir, it ought to be the duty of the department not to give unnecessary harassment to people who have many grievances against the way in which the forest laws and regulations are applied in several districts. As for example there are many complaints against the department in my district which pays the highest forest revenue. We have only one-fourth of the forest for grazing and my district has the greatest grievance in this matter and also other forests, especially in the matter of grazing

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fees. I mean these laws are worked to the dissatisfaction of the people and I only put it to the Honourable Minister that now that he has appointed a special officer to go into the matter, he may see that the interests of the ryot do not suffer. I do not know whether there is to be a public inquiry or a departmental inquiry, or whether people have to come before this officer and state their grievances. But the fact remains that people have grievances and we want that there should be no oppression of the people on account of the collection of this forest revenue. It is necessary to have general satisfaction, so that we can tell people that it is in our own interest if we get more revenue from forest; and in that case I will be the first man to assist the department in that way, provided I am satisfied that the people's grievances are treated sympathetically.

There is only one point more, Sir. The aim of the department is to transfer exploitation to a private agency. I submit, Sir, that this House expects from the Honourable Minister, he being a gentleman of commercial ability, that he should work this department from a commercial point of view and push this policy of transferring exploitation to private agency as soon as possible. With these words I resume my seat.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I agree with the previous speaker that something must be done to improve the forest administration and to put the department on a commercial basis. If you look to the figures of previous years it will appear, Sir, that even in the best of years when the price of timber was highest the actual profits of the Forest Department were less than we can expect. In 1921 the actual profits were 28 lakhs. In 1919 they were 22 lakhs and now for the year 1923-24 the actual profits are shown as 35 lakhs. I think, Sir, that the actual profits of the department should under the present slump in the market and low price of timber be put down at something like 30 or 25 lakhs at most.

The honourable member from Dharwar alluded to the fact, that there is a good deal of scrub land in forest areas on his side. I may state that there are good many such areas in some districts which do not grow timber at all and still Government is keeping them as forests. I may quote for example Panch Mahals. There are very large areas of forest land which at present do not grow timber. Now, Sir, if these forest lands which are of no use to the Forest Department in growing timber and at which they have not grown any timber for sixty or one hundred years, why should these lands be subjected to the Forest Act and be managed by that department? Again in the Khandesh district also there are large areas which do not grow timber, still they come under the forest laws. I think such lands should be allowed to be put under cultivation and not administered according to forest laws. If they grow any timber then there is some reason for bringing them under the forest laws; but these areas neither have grown any timber nor any profit is made by the sale of timber from these areas. So if you cannot afforest these areas you can safely deforest them and hand them over to the people for cultivation. It is not only that by the very administration of these areas as forests the

[Rao Saheb D. P. Desai]

general production or volume of produce of the Presidency is not being added to, but that it brings about a lot of hardship to the surrounding villages produced by a strict law and diseases like malaria, and they are a source of loss to the Forest Department. Again, Sir, the population of these areas is not what we might call a rich or well-to-do population. Even in rich forest areas in which a large amount of timber is grown, my honourable friend the Minister will see that the people there live from hand to mouth, or rather they are starving under a green tree as the proverb says. I, therefore, submit that something should be done to improve the condition of these people. Now, Sir, the principle that ought in my humble view to be followed is this that instead of having this twenty or thirty lakhs of profit for the entire Presidency it would be far better to hand over these areas to the people themselves under a land assessment basis under certain conditions by which they can gradually cut timber on them so as to allow full scope for the growth of timber. With these remarks I support the motion.

Mr. C. M. GANDHI (Surat City) : Sir, the only point which I am making is that the Accountant General sometimes leaves blanks in the presentation of the budget as we find in this case. When we refer to preliminary estimate of 1922-23 we are given no figures as to the number of subordinate officers and depôt establishment which was estimated to cost nine lakhs eighty-seven thousand and odd. There is the same thing in the final estimates. But this time, in the present estimates, he has been kind enough to give us the number of subordinate forest and depôt establishments. I think the statute by which he is created does throw upon him the responsibility of giving us the figures, for, unless it was so, he would not have taken the trouble of giving us the figures of men employed in that department in the present estimates. If it is so, I think I am right in my contention that the law enjoins upon him the duty of giving us the number of people employed, and I hope the Honourable Minister will insist that so far as his department is concerned the requisite figures are given to us, so that we might be in a position to compare and offer useful criticism on the subject.

Now, looking to this, may I ask the Honourable Minister to say whether any retrenchment worth the name was effected during last year? So far as the figures which were supplied to us in the retrenchment committee were concerned, the total number came to 3,315 so far as subordinate forest and depôt establishment was concerned, by which I mean the forest rangers and guards. The figures were 167 rangers, 389 foresters, and 2,759 guards, and we were told that a certain amount of retrenchment was possible, and I am sure that retrenchment was attempted to be effected. But we now find that the number is 3,392 and the estimates have gone up to Rs. 10,62,000.

The Honourable Mr. C. V. MEHTA : May I ask the honourable gentleman to what year that number refers?

Mr. C. M. GANDHI : 1922-23. So that, that is a matter which requires to be looked into, in order to find out whether the increase is absolutely

[Mr. C. M. Gandhi]

necessary. For, so far as the Forest Department is concerned, the staff is at present not excessive, and is probably what the department requires, but under the organisation scheme of the Forest Department a large amount of staff is provided for and it is therefore that a very vigilant eye is required to see that no excess establishment is entertained under the organisation scheme, unless and until a very strong case is made out for any addition. I fail to understand that any case is made out for that, for under the head of office establishment, in which the clerks and menials are included, the same number is retained, namely 503, the figures being 336 clerks and 166 menials.

The Honourable Mr. C. V. MEHTA : It must be 167.

Mr. C. M. GANDHI : The difference of 1 will not matter much. I hope the Honourable Minister will look into it, because that is a point where retrenchment is possible.

The Honourable the PRESIDENT : The Council is adjourned to 1-30 p.m. tomorrow, Friday the 2nd March 1923.

Friday, the 2nd March 1923

The Council re-assembled at the Town Hall, Bombay, on Friday, the 2nd March 1923, at 1-30 p.m. the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

Present :

ABDUL KADIR KHAN ABDUL AZIZ KHAN, Mr.
 ADDYMAN, Mr. J.
 ADHAV, Mr. P. N.
 BATLIWALA, Dr. S. S.
 BEDREKAR, Khan Bahadur I. M.
 BHATE, Mr. G. C.
 BHUTTO, Khan Bahadur S. N.
 BOLE, Mr. S. K.
 CADELL, Mr. P. R.
 CHAGULE, Mr. ANAPPA PHADEPPA
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. F.
 COCKE, Mr. H. G.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Mr. V. A.
 DADACHANJI, Dr. K. E.
 DALAL, Sardar Khan Bahadur ADARJI M.
 DALAL, Mr. D. B.
 DESAI, Rao Saheb HARILAL D.
 DESAI, Rao Saheb DADUBHAI P.
 DRAKHAN, WADERO MAHOMED PANAH
 DUBHASHE, Mr. SHANKAR BALKRISHNA
 DUMASIA, Mr. NAOROJI M.
 DWARKADAS, Mr. KANJI
 FERNANDES, Major C.
 GANDHI, Mr. C. M.
 GARUD, Rao Bahadur S. D.
 GHULAM HUSSAIN, The Honourable Khan Bahadur SHAIKH
 GODAD, Khan Saheb ABDULLA AVJAL
 GODBOLE, Dewan Bahadur K. R.
 GULAMHUSEN, Mr. SULTANALI SALEMANJI
 GUPTA, Mr. V. R.

HAJI, Mr. IBRAHIM S.
HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA
HAVELIVALA, Mr. M. A.
HAYWARD, The Honourable Mr. M. H. W.
HEPPER, Sir LAWLESS
HULKOTI, Mr. CHANNAPPA CHANVIRAPPA
ISRAN, Khan Saheb G. A.
JADHAV, Mr. B. V.
JENNINGS, Major-General W. E.
KALE, Rao Bahadur R. R.
KAMBLI, Mr. S. T.
KANGA, Mr. J. B.
KASSIM, Mr. G. H.
KER, Mr. J. C.
LAGHARI, Khan Bahadur KHAIR BAKSH
LALBHAI AMBARAM, Mr.
LALJI NARANJI, Mr.
LAWRENCE, The Honourable Mr. H. S.
LIGADE, Mr. S. P.
LORY, Mr. F. B. P.
MACNAGHTEN, Sir HENRY
MANSURI, Khan Saheb A. M.
MEAD, Mr. P. J.
MEHTA, The Honourable Mr. C. V.
MODI, Sardar Davar T. K.
MOHIDINKHAN, Khan Saheb HAJI HAZRATH KHAN
MOHOMED SALAHUDDIN K., Mr.
MONTGOMERIE, Mr. A.
MUKHI, Mr. J. P.
MURPHY, Mr. S. J.
MUTALIK, Sardar V. N.
NELSON, Mr. F.
NILKANTH, Rao Bahadur R. M.
NIMBALKAR, Mr. K. B.
OJHA, Mr. DIPCHAND T.
PAHALAJANI, Mr. B. G.
PARANJPYE, The Honourable Dr. R. P.
PARULEKAR, Rao Saheb L. V.
PATEL, Mr. B. P.

PATEL, Mr. J. B.

PAWAR, Shrimant J. A.

PETIT, Mr. JEHangir B.

PRADHAN, Mr. M. W.

PROES, Mr. E. M.

RAHIMTOOLA, The Honourable Sir IBRAHIM

ROTHFELD, Mr. O.

SAHERWALA, Khan Saheb I. A.

SALGAR, Mr. R. G.

SETALVAD, The Honourable Sir CHIMANLAL

SHEPHERD, Mr. W. C.

SHIRRAS, Mr. G. FINDLAY

SINDORE, Mr. H. N.

SURVE, Mr. A. N.

THOMAS, Mr. G. A.

TRIVEDI, Mr. G. B.

VICHARE, Rao Bahadur D. A.

The Honourable the PRESIDENT : Order, order.

PRESENTATION OF PETITIONS.

Mr. R. G. SALGAR (Sholapur City) (Addressed the House in Marathi) : Mr. President, I wish to present on behalf of the citizens of Sholapur a petition to this Council regarding the contemplated abolition of the third-class booking office now located in the city. The petition says that this is false economy arising from a misconceived or misunderstood policy of retrenchment. The citizens ask for prompt interference by the Council.

The Honourable the PRESIDENT : The honourable member for Sholapur presents a petition on behalf of the citizens of Sholapur complaining that it is contemplated to abolish the city third-class railway booking office, which they say is an indication of false economy due either to a misconceived or misunderstood retrenchment policy, and they ask for prompt interference. Is it the pleasure of the House that this be laid upon the table ?

Petition ordered to be laid on the table.

The Honourable Mr. M. H. W. HAYWARD : Sir, I desire to make a statement before proceeding with the regular business. Further telegraphic information has been received to the effect that sureties have been accepted on behalf of Khan Saheb Sher Muhammad Khan Karam Khan Bijarani. (Honourable members : " Bai " ?) No : sureties. I stated yesterday that he had already been released on bail. Further information has now been received that sureties offered on his behalf have been accepted. There is therefore no further question now of his remaining in prison.

The Honourable the PRESIDENT: On that does any honourable member wish to ask any question?

Mr. M. A. HAVELIVALA (Bombay City): I should like to ask a question. The Honourable the Home Member said that surety has been accepted. The point is whether the case against him stands.

The Honourable the PRESIDENT: It does. That is what the Home Member's statement implies.

Mr. M. A. HAVELIVALA: I wanted to make it clear. I understood the Honourable the Home Member to say that the man was free. Every honourable member is not a lawyer, and therefore I wanted to make the position clear.

Mr. B. G. PAHALAJANI (Western Sind): My information last evening was.....

The Honourable the PRESIDENT: The honourable member may ask a question: not raise a debate, nor give information.

Mr. B. G. PAHALAJANI: I want to ask a question, Sir. My information last evening was that the Khan Saheb was released on bail. In view of the Honourable the Home Member's statement to-day that surety has been accepted, may I ask what the Commissioner's orders are? Has he confirmed the order of the District Magistrate or has he quashed the order?

The Honourable Mr. M. H. W. HAYWARD: The telegram is: "Sureties accepted, Khan Saheb Sher Muhammad Khan Bijarani". The telegram comes from the District Magistrate of Upper Sind Frontier.

Rao Saheb D. P. DESAI (Kaira District): Asked a question which was inaudible.

The Honourable the PRESIDENT: That is a hypothetical question and cannot be put according to the Standing Orders.

Mr. B. G. PAHALAJANI: The Commissioner has not passed any orders yet—is that the position?

Mr. Honourable M. H. W. HAYWARD: I am afraid beyond this telegram I have received no further information from Sind.

Sardar Khan Bahadur A. M. DALAL (Broach District): I take it that the District Magistrate who ordered him to produce sureties and did not accept the sureties offered first, has now accepted the sureties offered. Is that the case?

The Honourable Mr. M. H. W. HAYWARD: The man is now definitely free from prison.

Sardar Davar T. K. MODI (Surat District): May I enquire whether the matter is still *sub judice*?

The Honourable the PRESIDENT: Whether the matter is *sub judice* or not is a matter which cannot arise now. It can only arise if a motion is proposed.

The Honourable Sir IBRAHIM RAHIMTOOLA: Sir, I should like to say a few words in order to clear up the position. Mr. Bijarani was

[Sir Ibrahim Rahimtoola]

asked to furnish sureties under the Regulation, as in the opinion of the District Magistrate it was necessary to do so. Khan Saheb Bijarani offered certain sureties which the District Magistrate did not accept, and in consequence Khan Saheb Bijarani was sentenced to three years' rigorous imprisonment. Then the matter went to the Commissioner under his revisional jurisdiction. The Commissioner released him on bail, pending the enquiry that he was making. In the meantime certain further sureties were offered to the District Magistrate who accepted them. The effect of such acceptance is that the three years' rigorous imprisonment which was passed, is quashed and he is now free. Now, the only issue that remains is whether there was justification for demanding sureties or not. That issue is now before the Commissioner in Sind and Government have no information as to what action the Commissioner in Sind has taken or proposes to take.

The Honourable the PRESIDENT: It is clear now from the statement just made that Khan Saheb Bijarani is released on bail, but the question of the conviction under the Regulation is before the Commissioner in Sind for final adjudication. That being so it is necessary to pursue the matter further now?

[Khan Saheb Haji Hazrat Khan (Poona and Sholapur Cities) was attempting to speak something in Urdu on Khan Saheb Bijarani's case.]

The Honourable the PRESIDENT: The honourable member cannot speak now on that question. There must be a regular motion before any speech can be allowed.

(Discussion on budget demands resumed.)

The question again proposed is: Reduce the total demand under 8, Forest (Transferred) by Rs. 5,16,000. (Mr. Adhav's motion.)

Dewan Bahadur K. R. GODBOLE (Poona District): Mr. President, I wish to address the Council on the motion before the House. The administration of this department during the last three years has proved progressive in the matter of its remunerative character. In 1921-22 we had a surplus revenue of Rs. 23 lakhs of rupees. According to the revised estimates of current year, the surplus revenue is going to be Rs. 31,46,000 and according to the budget estimate as placed before the Council now, it is going to be Rs. 35,28,000 next year. With reference to the last figure, however, I want to bring it to the notice of this Council that some reduction is necessary in it on account of sinking fund and interest on the capital expenditure that we are incurring during the current year on our forests. There will probably be a reduction of Rs. 50,000 on this account. This is a point that has to be looked into.

Then, Sir, during yesterday's discussion it was brought out that our Forest Department is going to spend considerable sums on the improvement of forests belonging to the Dangs Chiefs. The Honourable Minister is going to spend a lot of money out of loan funds on these Dangs forests and I believe this procedure is open to objection. The Dangs Chiefs are not going to remain what they are at present. They will improve their status and condition, sooner or later, and then they will come up before

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this Council and Government, and say: "These forests are our forests, you happened to look after them for us so long, but the property should be handed over to us now." I would therefore strongly advise the Honourable Minister to come to a definite understanding with the Dangs Chiefs as regards the lease of this property. If the leases with these chiefs are made permanent, well and good; and then we will be justified in incurring a large capital expenditure on this property. Otherwise, the investment will be unsound. It is allowing.....

The Honourable the PRESIDENT: Is not the Honourable Dewan Bahadur re-opening a discussion which has already taken place and as to which the Honourable Minister has given a reply?

Dewan Bahadur K. R. GODBOLE: What I say, Sir, is that the Council will not be justified in incurring this expenditure.....

The Honourable the PRESIDENT: That is just the point which was discussed. Was it not?

Dewan Bahadur K. R. GODBOLE: No, Sir.

The Honourable Mr. C. V. MEHTA: No, Sir, the exact point which the honourable member is making was not discussed.

The Honourable the PRESIDENT: Very well. The Honourable Dewan Bahadur can then proceed.

Dewan Bahadur K. R. GODBOLE: The point that I wanted to make is that the Honourable Minister has spent already and is spending considerable capital funds this year and during next year on the development of the Dangs forests. He is going to construct railways and roads in the Dangs. Unless the leases are definitely made permanent, we will not be justified in incurring any capital expenditure for the development of this portion of our forest property. That is a point which requires attention and I think the Council will be quite justified in refusing any loan expenditure on Dangs forests unless some undertaking is placed before the Council by the Honourable Minister that the leases are going to be permanent.

Then, the other point that I want to place before the Council is in connection with the forest railways. The Alnavar-Dandeli Railway has been constructed for the development of a certain portion of the Kanara forests and we were told yesterday that this expenditure is unremunerative, that the railway receipts are not covering the actual working expenses and that the railway is working at a dead loss. I am not surprised at this at all, because this railway is a railway that has got no passenger traffic on it at all, and has no regular traffic which the railway is to carry from day to day. It is used only occasionally, and that too in four months of the year. The railway carries timber traffic only. A railway like this is not likely to pay. The correct policy would be to construct a line that will serve some population centres in or near forest areas and from this line to have branch lines going to the forest lands that are going to be tapped. In the case of the Alnavar-Dandeli Railway, it is going to exploit the forest areas in the neighbourhood of

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Dandeli and when these areas will be denuded of all their forest growth ready for sale, this railway will have to be removed to another portion of forests which requires exploitation. The correct policy would be to construct a railway like the Hubli-Sirsi Railway scheme that I have put forward before the Railway Board. Construct a line like this which taps population centres and which will have a constant traffic on it from day to day. The line will earn its working expenses and in order to serve the forest areas that are to be exploited, branch temporary lines should be constructed from the central line to those forest areas and when those particular areas have been exploited, then the branch lines should be removed and taken to other forest areas which may be in need of exploiting. Railway schemes for forest areas should be formulated on lines like these and then they are likely to be remunerative. The Honourable Minister proposes to extend the Alnavar-Dandeli railway from Dandeli to Kirwatti and if he does so he will be adding a line which will again be unremunerative, as the extension also will work four months in the year. During the rest of the year it will have no traffic and after its purpose is served it will have to be shifted elsewhere. The policy of constructing railways for forest areas will have therefore to be reconsidered.

In yesterday's discussion certain other points were brought out, with which I am in perfect accord. One of these points is that the present forest areas of this Presidency contain a lot of grazing lands and scrub jungle for the development of which no technical skill and knowledge are necessary. The management of such forests containing grazing lands and scrub jungle can safely be handed over to the ordinary revenue administration of the district concerned. I might tell the Council that in the district from which I come there are several small forest plots of 30 acres and 40 acres which can safely be entrusted to the mamaltdars and the revenue officers of the district. The highly trained technical forest officers need not be placed in charge of such areas.

Next I come to the manner in which the Honourable Minister proposes to carry out public works in forest areas. His methods will not tend to economy. We have the Public Works Department working in those areas in charge of provincial roads and buildings and the same agency should be utilised for constructing ordinary forest roads and buildings instead of employing special engineers to work in the forests.

In the budget we find that there are two agencies for removing forest products, one is Government Agency and the other is private agency. Government should eventually withdraw from this position altogether, as the exploitation of the forests is a matter that legitimately belongs to private enterprise and Government should not attempt to cut forest trees and to move them to the market.

In the same way another point is about the saw-mills that are being worked departmentally. I made certain remarks about this matter last year and I still adhere to those remarks that sawing forest timber is not a business of Government at all. This is the business of private enterprise which should be entrusted with this work wherever possible. If necessary subsidising should be resorted to, instead of Government attempting to run a commercial enterprise themselves.

[Dewan Bahadur K. R. Godbole]

With these remarks, I support the motion that is before the House.

Khan Saheb I. A. SAHERWALA (Northern Division): Sir, I rise to make a few remarks on this motion. I consider this grant as a whole to be an extravagant one. The Honourable the Finance Member has given this Council to understand that he has cut down the expenditure even to the danger of incurring inefficiency in administration, but I am afraid his position with regard to this grant is not at all correct. First and foremost I will take the expenditure side of the account in respect of the Chief Conservator of Forests' post and his establishment. The posts of Conservators of Forests to my humble mind compare with the posts of Divisional Revenue Commissioners and as Government have not seen the necessity of having a Chief Commissioner over these officers, I do not see how they can justify the existence of this big officer's post and his equally big establishment. I have some knowledge of the Forest Department. I fear I cannot support, and I hope this Council will be with me in my refusal to support this grant on this account unless and until the Honourable the Minister makes a complete statement justifying the existence of this post which I consider to be unnecessary and which I hold to have been created to provide for some pet gentleman from Home. Ten years ago, there was not such a post in existence. The problem of forest conservation is not so very great and complicated as to require the journey of that problem from Divisional Forest Officers to Circle Conservators and from Circle Conservators to Chief Conservator in order to put the same before Government.

I now come to the second point. Before I give my assent to this grant I would like to present before the Council some of the grievances which exist in the administration of this department. In the Panch Mahals there is considerable waste and open land which is under the administration of this department. I maintain that such land need not be kept under this department and should be given to cultivators to whom these lands would be useful. I submit that if this is done, the cost on account of establishment would also be proportionately cut down and a saving effected accordingly.

The next point is this. You talk of efficiency and economy in your administration. I will cite an example to prove the contrary. About a year ago, some grass depôts were built at Godhra. For this small work, big timbers were selected and cut down by the department from the jungles of Acchala and Richhia. By so doing the selling price of these two good jungles was considerably lessened. The next point why the jungles do not fetch a sufficient price is this, that the merchants do not realise sufficient price for their timber on account of the total want of supply of waggons and on account of the transport difficulties in spite of their repeated applications to remove these difficulties.

Sir, I am obliged to you and this Honourable Council for allowing me the other day to place on the Council table a wire which was eloquent enough to prove to this Council how indifferent are the railway authorities to the indispensable wants of Indian merchants.

[Khan Saheb I. A. Saherwala]

Another grievance regarding the waggons is, that about a year ago, the waggons were allowed to be filled up to 8 feet and now-a-days only 6 feet height is allowed, although the freight is the same.

The next point is this. Recently a new but defective system of disposing of jungles is introduced in the Panch Mahals district. It is this, that the contractor is given a certain jungle to cut and stock the same. The wood is then sold by auction and the contractor is given some portion of the auction price to meet his cutting expenses. This system I maintain is defective and I condemn it whole-heartedly, because only the influential men get the benefit of this system. Instead of this system if the original system of selling by public auction be continued, the Government would get a better price. With these remarks, I oppose the grant.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, the point of view which I would like to place before the House is this. This is the commercial department of Government ; and so it ought to be managed as an ordinary commercial transaction is managed. For the last three years this department is being managed by the Honourable Minister, who I take it, has enough business acumen to discover some of the patent defects which lie on the surface. First of all, as a commercial transaction, the question for consideration is whether there is a proper demand and whether that demand is met by the supply, within the range of prices that rule. From that point of view, I believe the result is really disappointing. The way in which accounts are kept is altogether different from the way in which accounts are kept in a business concern. We do not know whether they have got a table showing the stock in hand, and a table showing their assets and liabilities. We do not know, how much money they have sunk during the last 30 or 15 years in the matter of roads, buildings and railways—in what is called intensive exploitation. Some of the figures which the Honourable Minister has given with regard to the Dangs are themselves suggestive ; and the Council has a right to know whether as a result of this intensive exploitation we are either losing or making a profit.

The next point is that I find that this department was making good profit in days when the materials they produced were purchased by the military. We had then a good balance sheet. After that operation ceased, we find that even our Public Works Department itself is using timber, not the one produced in this Presidency, but the one they are getting from Burma. May I put it to the Honourable Minister and the Public Works Department also, whether they could not use the timber produced in the local forests and see that the timber produced in the Presidency is given a preference to the timber imported from Burma ? (An honourable member : No, no). I am not speaking of Bombay city but I know for Public Works buildings which are constructed outside Bombay, Burma timber is used for doors, windows and so on. (An honourable member : Yes, yes). I do not know to what extent it is used, and how much is used. I feel bound to say that there must be some arrangement between the Public Works Department and the Forest Department to utilize the local produce. The point at issue is this.

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Amongst the officers of the Forest Department, there is not one really commercial officer, whom the Government could trust; so long as such a man is non-existent the product put on the market will not fetch its value. I do not care a straw for the investment which will not ultimately bring us large revenues. Look at the table; it is rather suggestive. You find that on conservancy and works we spent about 25 lakhs in 1921-22; last year we spent about 20 lakhs, and this year we propose to spend about 20 lakhs. I do not know whether the Forest Department keeps a table of stock in hand, and whether that is taken into consideration every year. We ought to know from year to year whether this department, as a commercial concern would do, is making a profit or loss and a table of their profit and loss account ought to be sanctioned by this Council. There is no such table, there is no such information which could be easily called. From that point of view, if after spending about 25 lakhs in 1922, on our forest conservancy, it produced only 29 lakhs—a profit of only 4 lakhs—I do not know whether that profit is well made, or what stocks we really get out of the contract prices; but as a matter of fact there is no method whatsoever by which this stock is being disposed of at favourable prices.

I give one direction in which this large stock could be used. I know that large quantities of timber are being imported from the Central Provinces, from Itarsi, Khandwa and other places. It may be that from a commercial point of view, that timber is cheaper, or it is in some way preferable to the Government timber. If that is so, we must say that the valuable commercial asset of Government is not being exploited in the proper way for all commercial purposes. I do not know the exact difference between Bombay Presidency timber and that of the Central Provinces, but I should like to know why timber from Itarsi or Jubbulpore, being of the same quality as that available in Bombay, should be cheaper to the commercial man and he should buy it for the P. W. D. When we have our Thana and Kanara forests, why should it not be a commercial proposition for us to induce timber merchants to buy our produce? May I know how the prices and quality of the timbers from the Central Provinces and from Bombay compare? We spend a large amount on conservation. It is no doubt true that the teak wood of these forests is not marketable for 40 years from the date of its first plantation. That is the impression that I have gathered from the evidence I have collected. Forty years are taken by a teak tree for its full growth. But even on that basis the Central Provinces Government is able to beat this Government in the matter of prices. That problem ought to be looked into. I know that the Honourable Minister can say that we have not got an officer of the type of the late Mr. Thomson. It may be that he has retrenched that expenditure. If that retrenchment is going to land us in any loss, I say that is bad retrenchment. If it is necessary the Honourable Minister will do well in reference to the Forest Department, for the purposes of exploitation and giving us the best results possible, to put a commercial man at the head of this department of utilisation. I am afraid we have been frittering away revenue in the hope of getting

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crores of rupees, as the Honourable the Finance Member stated, which will never do, and if there is a small balance accruing, that small balance is not worth having in a department out of which we hope for better and more revenue. I am absolutely sure that the screw is loose somewhere for years together. So long as the department was in charge of Government, it was run on altogether conservative lines from the point of view of conservation, and development from the point of view of intensity of exploitation is necessary, and I am not sure whether the Honourable Minister has been able to devote the proper amount of energy that is required for this. I think even Rs. 5 lakhs may not be quite so large a cut; we might even ask for more if that amount is not to be rightly spent. A good deal of money has been spent in making roads, and we should like to know whether that has led to our getting more out of our forests. That is the way in which I should like to have those accounts, and I hope the Honourable Minister will meet us as far as possible in this respect.

The Honourable Mr. H. S. LAWRENCE: Mr. President, I am not clear in my mind what is the attitude of the last speaker (Rao Bahadur Chitale), whether he is supporting this proposal for reduction of Rs. 5 lakhs or whether he advocates the addition of further grants. The honourable member referred to my having stated somewhere that our forests produced crores of revenue. I am not very clear to what he refers, but no one in this House anticipates that we are going to get crores out of our forests without putting some money in by way of exploitation. The honourable member also asks some pertinent questions as regards expenditure and wishes for further detailed information. One would imagine from his complaint that very little information is contained in the forest report, but the annual report which I have in my hand contains 80 pages of most detailed statistics, and if it is the desire of this Council that further information should be obtained, I have no doubt the Forest Department will be very glad to produce such information as may satisfy any honourable member on any points in which the management has been bad or extravagant. But in regard to one point made by the honourable member his complaint is unfounded. He is of opinion that there is no information as to the amount of timber held in the department.

Rao Bahadur G. K. CHITALE: What is the capital sunk so far?

The Honourable Mr. H. S. LAWRENCE: There is a particular form which shows the balance of timber held in each division of the forest area, showing that in this particular year the department held over 2 million cubic feet of timber, and have received 2 to 2½ million cubic feet, and so forth. All the information is there in very considerable detail.

Mr. President, the motion that we are discussing is that the forest grant be reduced by Rs. 5,16,000, and if the House accepted that reduction, it would obviously be cutting down all measures of exploitation, and as a result would effect the reduction of our income.

Rao Bahadur G. K. CHITALE : You provide for exploitation elsewhere ; I think it is Rs. 6 lakhs.

The Honourable Mr. H. S. LAWRENCE : The budget shows that it is proposed to expend Rs. 47 lakhs, which will bring in a revenue of Rs. 82 lakhs. Now, Sir, I submit to this House that it would not be very wise if they were to reduce this provision of Rs. 47 lakhs by Rs. 5 lakhs, as they certainly would not secure the revenue anticipated of Rs. 82 lakhs. Various honourable members criticising the Forest Department have covered an enormous amount of ground to which, I gather, the House would scarcely expect a complete reply at this discussion. I think it would be sufficient if the Honourable Minister would satisfy the House that taken as a whole the administration has not been bad. So far as the Finance Department has been connected with the matter, I may mention that we have watched with high approval the very strenuous efforts made by the Honourable Minister to secure retrenchment. We are satisfied that he has obtained a very reasonable measure of retrenchment, and equally certain that he is examining the problem further, and we anticipate that there may yet be some further measure of retrenchment. On that point we are still awaiting an examination of the report of the retrenchment committee. The position with regard to the Forest Department is somewhat similar to that which has already been brought to the notice of the House in regard to say the Revenue Department or the Police Department. In former years, when the subordinate establishment was paid at very cheap rates, men were employed in considerable numbers, and there was no very strict tally taken of the work that they did. Now that every man has to be paid a very much higher rate than before—the House must remember that the wages of the subordinate staff have been increased by 100 per cent.—it has become necessary to examine the work in complete detail, and Government officers have to satisfy themselves that every man is fully employed to his capacity. That in itself has resulted in the reduction of a number of the subordinate staff. It is impossible for Government to be assured that they are getting full value for the men they employ or even that their forests are being preserved from depredation from theft or from fire, unless they have a sufficient staff of superior officers to see that the men of the lowest rank are doing their work honestly and thoroughly. Nothing could be more extravagant or wasteful than the employment of a large number of men of the lowest rank unless we have men who could be trusted to see that their work is thorough.

Now one honourable member from Dharwar made a furious onslaught on every feature of our forest administration. I must say, Sir, that I listened to his discourse with great interest and approval, approval for this reason that I think that it is of the greatest importance that honourable members of this House residing in the Southern Division should take interest in the forest near their homes. Hitherto these forests of Kanara have been left very much alone. Those forests, are, as I had occasion to say in a speech of mine in Belgaum some years ago, veritable gold mines, if the local people would only undertake with energy their exploitation on a sound basis. Therefore, Sir, I welcome the sign

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that these honourable members have become aware of the existence of these forests and are reading the literature that pertains to them. I cannot be understood, however Sir, to accept the various criticisms that my honourable friend put forward. They were altogether too sweeping because the honourable member said in effect that when there were two courses possible for Government and the Government always took the wrong course. It would take a long time, Sir, to give all the reasons for saying why one may be right and the other may be wrong, e.g., whether the generation of teak is being properly fostered and whether clear felling is or should be entirely abandoned.

My honourable friend opposite, the honourable member from Poona, has given us very valuable criticism on the Alnawar-Dandeli Railway and the House is aware that he is well qualified to speak on railway management and construction. But I think possibly the honourable member is not aware that this particular railway was constructed as a war measure directly at the instance of the Munitions Department and not of the Bombay Government, and this railway was constructed before the Honourable Minister came into office; and when it was constructed the Bombay Government had nothing to do with its working at that time. The honourable member suggests that another line should be constructed from Hubli to Sirsi. That may or may not be a good proposition by itself on its merits, but it is obviously a different proposition from the extension of the Alnawar-Dandeli Railway. We cannot say that if you have the Hubli-Sirsi Railway, you should not have the extension of the Alnawar-Dandeli Railway.

Dewan Bahadur K. R. GODBOLE: (asked a question which was inaudible).

The Honourable Mr. H. S. LAWRENCE: It is a matter on which expert opinion has been consulted and, as this House is aware, experts sometimes differ.

The Honourable the PRESIDENT: I do not think the question that the honourable Dewan Bahadur asked the Honourable the Finance Member was audible enough to the official reporter. I myself was not able to hear the question. Both the question and the reply have to go into the official reports of the House.

Dewan Bahadur K. R. GODBOLE: The railway line from Hubli to Sirsi if constructed would pass through the Kanara forest in question and it would serve as a branch line connecting with the Alnawar-Dandeli Railway Line.

The Honourable Mr. H. S. LAWRENCE: The principal reason for the construction of this branch railway line is the extraordinary difficulty of getting timber out from these very steep and precipitous hills on which the forests of Kanara stand, and that difficulty has been increased in recent years by the lack of contractors and labour. Now, if honourable members here can do anything to help the Forest Department in securing contractors or labour for exploitation of forest, they will confer a very great benefit on the country.

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For some reason, which is under inquiry, the supply of contractors in that part of the country has fallen off in the last ten years. Some people say that the local ryots have grown too prosperous to desire to send their carts and cattle into forests to work under conditions of considerable hardship; and the rise in prices of cotton and food-grains has enabled these men to take a holiday; while formerly they were compelled to go to the forests in order to make a living, they are now able to live in sufficient comfort in their villages. That is one theory which has been put forward. Whether it is correct or not I do not know.

One honourable member suggested that the engineering side of the Forest Department was a total failure. Well, Sir, I do not know whether that honourable member has had sufficient opportunity to really give us advice on that point, for the engineering branch of the Forest Department is a thing which is quite new. The Forest Department borrowed an engineer from the Public Works Department a few years ago and they have only recruited their own engineers in the last year or two. Now, when the Forest Department in this very hilly country with which I have some acquaintance, used to construct their own roads they had to do it in addition to all their daily labour connected with regeneration of forest-growth and the exploitation of forests. Naturally they could not spare a very great deal of time on questions of levelling and so forth and the result in practice is this: that in the old forest roads you have gradients of 1 in 7 and 1 in 10 and so forth and you have to use, in order to shift the logs along these roads, a large number of cattle, and even use up the cattle, because the cattle are often destroyed in the process. But if the roads are well aligned and the gradients are slight the same amount of timber can be moved by a smaller number of cattle with far less trouble and injury to those cattle. The use of a skilled engineering service for the forests is not therefore urged from the point of view of economy alone, the point of view of rapid exploitation, but also from the point of view of humanity to suffering cattle. That is a point of view which I hope will appeal to honourable members.

With these words I suggest that the grant should stand and not be reduced as proposed in the motion.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I wish to say a few words only, with regard to the most important point of view from which the Honourable the Minister should look at this question. In every commercial department and in every other department of business, the most important item of expenditure is the question of establishment charges. If it is possible to reduce the establishment charges it is possible to increase the proportion of profit. Now let us consider what is the proportion of establishment charges to the total income from the Forest Department. I am in a position to assert on the authority of an officer of that department, who is next only to the Honourable the Minister, that the establishment charges of this department should not be more than 25 per cent. He is definitely of opinion that 30 per cent. will be too high. Sir, if you look into the figures of expenditure and income during the last two years, you will find that the proportion of expenditure to income is

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not 25 per cent. but 31·9 per cent. or roughly 32 per cent. That is to say, we are spending on establishments alone 7 per cent. more than it should be necessary to spend. Making that calculation, I think, Sir, that the Honourable the Minister will be justified in demanding from the head of the department a reduction of at least Rs. 1,84,000, or roughly two lakhs of rupees. If he succeeds in cutting down the proportion of expenditure by 7 per cent. then I think a considerable reduction can be made in the expenditure on the working of the Forest Department.

Now, Sir, let me examine the question from another point, the proportion of the whole expenditure to the total revenue. It requires a very keen and eagle eye on the part of the Honourable Minister to regulate the enormous expenditure that is being incurred on 12 out of 25 Forest divisions. I have got a list of the proportion of total expenditure to the total revenue of the whole Department, and I find that in the case of Surat the expenditure is 110 per cent. of the income; in the case of East Nasik it is 60 per cent.; West Nasik, 110 per cent.; East Khandesh, 70 per cent.; Satara, 90 per cent.; Poona, 70 per cent.; and in the case of Kanara, the forests of which are said to be the most flourishing, the proportion is 90 per cent., 80 per cent., 110 per cent., 90 per cent., 30 per cent. and 90 per cent.

So that, Sir, in 12 out of 25 forests the proportion of the total expenditure to the income ranges between 70 per cent. to 130 per cent. Now, is it not, Sir, the duty of this House to insist that in regard to such forests as cannot produce any income—forests like those in Satara in the Central circle and in Surat, the Northern—is it not for this Council to see that under such circumstances, steps should be taken either to increase the productivity of those forests or to dispose of them in such a way as not to fall upon the people of this Presidency as a further burden? Out of 25 forests, 13 forests are actually absorbing 80 or 95 per cent. of the revenue and they are a veritable drag upon the rest of the forests which are more productive. In 1921-22 our figures show that out of every Rs. 100 of revenue 60·4 was absorbed by the expenditure and therefore affording a saving of 39·5. In 1922-23 we had about 58 per cent. absorbed towards expenditure, and this year you have, Sir, a margin of about 2 per cent. as the increase in the income. Now, Sir, is a margin of about 2 out of a 100 a sufficient guarantee of the prosperous working of the department? In 1921 this Council came into existence and the Honourable Minister proposed to develop as many forests as possible and laid his proposals for the acceptance of the Council, got as many engineers and as many grants as possible for new engineers and saw experts under him, and a great deal of improvement and income was promised. But if we consider the position as to the concrete immediate profit from the operations taken up to this time, I am only sorry to say that none of the prospects have been realised in the least. All this expenditure of the department, therefore, requires to be looked into and this Council has therefore a right to insist upon a drastic curtailment upon the establishment charges in such a way as to be able to increase the productivity over unproductivity of these forests as a commercial asset, as admitted by the Honourable Minister himself

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from time to time. Now, Sir, I am prepared to go with my honourable friend from Dharwar that we are paying too much in the higher salaries on the higher appointments and especially on the appointment of the Chief Conservator of Forests. This is an appointment about which questions have been asked in the Council. This is an appointment which absorbs Rs. 33,000. His establishment also costs about Rs. 16,000. Now, when was this post of Chief Conservator created? It was created in 1917 as a war measure, because it was then demanded by war conditions that the Forest Department of this Bombay Presidency should be so fully organized that the military demands be met. Now, Sir, the officer that was wanted for an urgent, emergency purpose, has come to stay, and we have again the experience—I again speak on the authority of actual experience—that there has not been a proportionate commercial improvement in the work of the department in spite of the continuous existence of this post with its establishment. It is for the Honourable Minister, even though I know he is trying his best and doing his best to make retrenchments and improve the forest administration, to insist upon economy when he feels, when he rightly feels, that there is no necessity of having any all-India Service men whom we can do away with, to insist upon economy both in the higher establishment as well as in the lower where the establishment in some places seems too high or too large. And not only insist upon such economy himself, but lay the matter before this Council, so that he may have the support of the whole Council behind him in the right retrenchment in that direction. I therefore submit that, from the figures I have placed before him, on the highest authority possible, the way in which reduction is possible, I have suggested to him a reduction of Rs. 2,00,000. If a few other adjustments of forest areas are made he will at least find that Rs. 3,00,000 could be reduced. I therefore submit to the House that the House in voting this item will go carefully into the matter and not be carried away by the fact that the Minister is doing his level best. I admit he is doing his level best to economise expenditure and improving the forest administration, but in considering this he has not considered the enormous expenditure that is being incurred by the department on some of the items. What the House must do is to vote short and compel him to reduce the expenditure and increase the revenue in proportion.

Mr. KANJI DWARKADAS: I move that the question be put.

The Honourable the PRESIDENT: I see none wishes to address. I accept the closure moved.

Mr. M. W. PRADHAN (Thana District): I want to speak a few words, Sir.

The Honourable the PRESIDENT: I have already accepted the closure after waiting: I call on the Minister to say his last word.

The Honourable Mr. C. V. MEHTA: Mr. President, I join with my honourable friend the Finance Member in congratulating the Council on the larger interest that they are taking in the matter of forest

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administration. I do that, Sir, for several reasons. One is that I think that the renewed interest will probably give us better and more numerous contractors particularly in the Southern Circle; secondly, that it will help in dispelling the feeling that undoubtedly exists in certain parts of the forest areas of antagonism in the minds of the cultivators; and thirdly, (this is the most important of all) because I hope that this renewed interest will lead to the coming forward for the Forest Department of Indian recruits both for the provincial and Imperial services of which the department is so much in need. I think the most important part of the criticism of my honourable friend from Dharwar, when he went over the whole gamut of forest administration, was the point about recruitment and about scientific training. I admit at once that the rangers who form the backbone of the forest administration should receive, or at any rate should have, the prospect before them of going into the higher branches of the service so that not only may it attract better men but so that the principle which I have attempted to follow, namely, that every soldier must carry the marshal's baton in his knapsack, should be fulfilled. I consider, Sir, that the rangers have every claim to be promoted to the provincial service and I have informed them that not less than 50 per cent. of the recruits in the provincial service will be taken from the rangers and not by direct recruitment as used to be the case before. Coming to the question of scientific training, I think the House will agree with me that if we are to have indianisation in the Forest Service, it is essential that we must have a training college on the most modern lines in India and I think I may mention here that it was largely owing to the recommendations of this Government and largely on account of the fact that that recommendation proceeded from the Minister from the only province in which forests were a transferred subject that both the Legislative Assembly and the Council of State, in spite of Government opposition, have determined upon voting very large sums of money for the creation of a forest college in India (Hear, hear). Sir, I mention that, in order to show that, although, as I shall presently proceed to point out, our attempts have been directed very closely to economy and retrenchment, we have also not lost sight of the wider issue that pertains to all forest administration. Sir, when so much was said about the commercial character of the forests and about the commercial acumen of the Minister who happens to be in charge of that portfolio now, I think that something might also have been said appreciating the substantial step towards indianisation of which so much has been spoken.

Let me give you now the figures of the retrenchment and the economy which have been achieved in the department during one year and which I am free to admit is by no means the last word in either economy or retrenchment. I was somewhat bewildered by the percentages and proportions and calculations in which my honourable friend from Sukkur revels and I venture to think that I am not the only person in this House who is suffering from that bewilderment, and that perhaps all the other

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members share that same unfortunate fate. I shall give him not calculations made at random or proportions arrived at on some arbitrary basis, but actual details, which can be examined by the Council, and which will help them in order to arrive at a decision on the motion that is before them. It was stated that the Chief Conservator was an anomaly and an excrescence; that no retrenchment has been effected in the higher branches of the service, and that you can do with a very much smaller number of the Conservators and Divisional Forest Officers. Now I wish this Council to remember that if you want to give a proper chance to your rangers (which principle I take it has now been accepted by the Council) who number about 161 in the service, you should have a reasonable proportion of provincial posts to whom these rangers would be promoted and I wish this Council further to also remember that if they wish to get the full benefit of this promotion, it is necessary that the ranger gets into a position of responsibility when he is young and not at a time of life when the habits of obedience and subordination have become stereotyped. It is necessary therefore to have a reasonable number of Divisional Forest Officers manning the provincial service to whom these rangers can be promoted. The Chief Conservator, it is perfectly true, has been retained, but there was another post that had been created, namely, the Conservator of Utilisation Circle which has been abolished and the work of the Chief Conservator and the Conservator of Utilisation has been combined into one post. That means a saving of about Rs. 25,000 a year. We have not yet been favoured with the report of the Retrenchment Committee and I venture to submit it is somewhat unfair to ask the Minister to deal with their recommendations when they could easily have supplied him with a copy of that report. I would like in this connection to acknowledge the fairness of the Chairman of the Retrenchment Committee who did not deal with the matters which my more zealous friend brought forth and who asked me in broad outline to state what was the actual retrenchment that had been achieved and whether the figures that appear in the next year's budget were correct or not. Besides the services of five assistant conservators who were on temporary agreement with Government having been dispensed with, the number of permanent guards has been reduced to 398; temporary to 175; menials 41, temporary 40 in broad outline. The total number of permanent reduction is 455; temporary 398; and the total amount saved comes to Rs. 2,66,000. Now, Sir, in connection with that amount it is necessary to remember the cost that has been entailed on the department because of revision of pay which this Council has approved of. As Council are no doubt aware the Imperial Services got a revision of about 21 per cent. The pay of rangers and foresters and guards who make up about 3,392 of the officers in charge of the department, has been revised; rangers from 50-150 to 80-200; foresters from 15-40 to 30-60. Guards who number 2,841, who were on the scale of Rs. 8, Rs. 9, Rs. 10, Rs. 12 are now getting Rs. 15½ with a maximum of Rs. 25. You will see, therefore, that the percentage of increase on account of this revision in those grades alone amounts to no less than 60 on the average, probably more in the

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case of the lowest and most numerous staff. I have not heard so far any complaint that these subordinate officers at any rate are being paid on an extravagant scale. On that ground alone you should not expect a much larger reduction than I have stated.

My honourable friend for Satara for whose opinion I have got the greatest regard, because it proceeds from actual knowledge, suggested that we should combine divisions, reduce the number of divisions, and reduce some major charges to minor charges. Now, in Kanara where the number of divisions was five we have already taken steps to reduce it to four. East and North Nasik divisions, which my honourable friend referred to, have also been combined into one division. As regards Satara and Dharwar-Bijapur the question whether they should be made a minor charge is under consideration. My honourable friend for Thana suggested that the three divisions in the Thana district might be reduced to two which was originally the case. I will ask him to recollect what is the increase in the revenue, what is the increase in the amount of work, that has been entailed in these divisions during the last several years. I put this point to the expert officers who advised that tampering with the present arrangement would mean serious risk; that would mean killing the goose that lays golden eggs.

I may mention in passing, with regard to the question of gurcharan lands, that the officer whom we have appointed is a revenue officer, that he will be entirely untrammelled by forest considerations, and that every opportunity will be given to villagers to put their case before him, to enable him to come to a just conclusion.

I should like to deal with some small points referred to by the honourable mover. I think I must refer to them because the honourable member in moving the reduction of five and odd lakhs tried to show in what directions this retrenchment could be effected. The main reason he gave is that because the market for timber had not improved it was not likely that money provided for exploitation purposes would be required. Then he pointed out the directions in which economy was possible. He referred to grain compensation allowance which he thought was a mistake, because the revision has been brought into force, but I am informed the grain compensation is still given to temporary establishment, especially in Kanara. I must point out the effect which this reduction, which I take it would largely have to come out of the amount provided for the exploitation, must have upon the revenues of the department next year. If you turn to page 39 of the Blue Book, you will find 28 lakhs provided for conservancy and works, which is really now the point at issue. It was merely a budget provision and the actual expenditure incurred was only 20 lakhs, with the result that the smaller expenditure by eight lakhs was reflected in the lesser amounts on the revenue side. As a matter of fact, the revenue should have suffered by considerably more than eight lakhs. Now, the circumstances in the current year were somewhat exceptional, and the reason why the whole amount could not be spent was largely due to the fact that coupes in the Southern Circle were sold standing, that is, private agency was made more use of

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according to the policy approved of by Government, and also because of the fact that the contractors who would have had to be paid for bringing in timber, even though it came under the heading of timber removed by Government agency, were not available in enough numbers, and that several of the contracts which they had taken up were not fulfilled. The Council may therefore rest assured that while provision is being made for this amount, only the absolute requirement is spent. In the ensuing year, I do not think that will be the case. Government have undertaken, or are about to undertake large contracts for the supply of material to the railway companies, and in order to carry out those contracts this amount will be absolutely essential, and if the Council determines to cut out any portion of it, it will only mean that we shall not be able to carry out our contracts with the railway companies, and incidentally lose a very large sum of money.

Let me refer now to the profits that are being made, and while I am at one with honourable members of the Council that every attempt should be made both to increase the volume and the percentage of these profits, as a business man the amounts of profits that are being made make my mouth water. Rs. 47 lakhs have been spent, and even if you add to it Rs. 5 or 6 lakhs of capital expenditure, you are getting a revenue of Rs. 82 lakhs, that is to say, roughly on Rs. 50 lakhs you get Rs. 30 lakhs profit. I venture to think that that is a proposition which ought to appeal even to the most avaricious like myself in forest matters; and also it compares most favourably with the results of any other province in India.

Rao Saheb D. P. DESAI made an observation which was inaudible.

Mr. JEHANGIR B. PETIT also made an observation which was inaudible.

The Honourable Mr. C. V. MEHTA : If I am allowed to go on, I shall be pleased to answer any questions for elucidating further information.

The Honourable the PRESIDENT : That is in the Honourable Minister's own hands. If instead of resuming his seat, he stands up and refuses to give way no honourable member shall have any right to interrupt.

The Honourable Mr. C. V. MEHTA : My complaint was about the interruption that was being made while I was on my feet. I am asked whether we take into account the capital value of the property which we have obtained. I shall give later on, if the Council permits me, figures about the necessity of retaining such a large portion of land under forest. But let me say that in every province the system is exactly the same. In no province is the capital value of the forests taken into consideration. Will you compare the results of this province with those of other provinces in India, or will you stand on a pinnacle by yourselves alone and ask for the impossible figure. Last year and this year again, I am sorry to say that my honourable friend from Sukkur was not present at the general discussion of the budget, I quoted figures which I venture to think particularly during the last two or three years are such as can compare favourably with other provinces in India. I am not in the habit

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of blowing my own trumpet, but when honourable members suggest large reductions which would have the effect of absolutely crippling the forest administration, I trust they will have the patience to make comparisons with other provinces in the country. And I beg the Council to remember that these handsome profits have been achieved in a period of acute trade depression which overtook this department since it became a transferred subject affecting the price of timber 50 or 60 per cent. or more.

A good deal was said about the working of the Alnavar-Dandeli railway in the Southern Circle, and about the mistake that Government were making in getting another line built round about that centre. Now, Mr. President, it almost appears as if I am to be held responsible for no action of mine. The line was built at a cost of about Rs. 10 lakhs under special circumstances and, I understand, the alignment was not approved of by the Forest Department. The money came out of revenue, so no interest or other charges are to be paid. Nevertheless, I must ask this Honourable House to remember that the statement that it is not paying its way is incorrect, and that if you look at it from the true point of view from which it should be looked at, the line is not so bad as it is made out to be. Under the scale of rates that we are now levying which I believe is about Rs. 3-8-0 per ton of timber and fuel and about Rs. 2 per ton of bamboo the line is paying its cost. The Madras and Southern Mabratta Railway Company are running that line for us and all the charges made by that railway are I believe slightly more than covered by the rates which are charged on that line. But, Sir, that is not the only way in which we can look at the working of this line, and I will ask my honourable friends to see that the true measure of the success of the line is the cost which would otherwise have to be paid if this line had not been in existence. Now, I do not think that my honourable friends from the Southern Division will contest the fact that cartage in that circle costs 12 annas or more per ton mile to carry. This line is 20 miles. But the direct route by road is about fifteen miles, and if you charge to your account the full cost, namely, Rs. 11-4-0 per ton which you ought to charge, you will see that the line would be making a very handsome profit. Moreover, if the line had not been in existence we should not have been able to exploit the same amount of timber and that for every ton of teak we would have had to lose about Rs. 100 and fuel would have been impossible to be carried at all. We could not have sold any fuel to the railway company for which we are getting a good price.

Then, Sir, comes the question of the extension of that line. The honourable member for Poona suggested that we should have a line from Hubli to Sirsi. That certainly is a possibility, but as he knows it would be about 30 or 40 miles. It does not tap the most important part of our forest. If we are to take the branch line to tracts of high forest it would have to go another 15 or 20 miles and as against that we command a good cart traffic on the Hubli-Sirsi road. But the Dandeli-Potoli line the project of which has been passed by the Council last year and on which

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Rs. 1,40,000 have been spent in the current year, will tap a forest which would otherwise have been neglected and which could not have been exploited, and it is only 9 miles from Dandeli. In the calculation of the costs of that line we allowed for full depreciation, for full interest charges at 7 per cent. for abandonment of that line in ten years. That calculation which had been checked by an *ex-member* of this Council who had great personal experience of the working of forests in Burma shows about 17 per cent. of return after making allowances for these charges.

It was also stated that the engineering establishment ought to be done away with. The Honourable the Finance Member gave in my opinion convincing reasons why in the interest of kindness to animals and cheapness of cartage it is desirable to provide roads with correct gradients. We should have officers who are particularly trained to handle the work. But that is not the only reason why they are kept. They are also required on account of these railways which are being projected and built by Government for the carrying out of which we must have, as the honourable member for Poona district knows, such an engineering establishment. Take then the case of the officer in charge of the saw-mill. Without him, we should not get the results from the saw-mills that we have a right to expect. It has been suggested that these saw-mills may be made over to private agency, and I do not perhaps require to impress upon the House that I am in favour of private agency whenever and however it can be encouraged. Let me give you a specific instance in point. In the Dangs we have both Government saw-mills and we have a saw-mill run by a private contractor. This private contractor gets terms which perhaps my honourable friend from Poona will consider exorbitant because they are in the nature of a subsidy, and I consider, of a heavy subsidy. The arrangement with him is that he is to collect the dead wood from the forest and to saw it up in his saw-mill at his expense and that on the sale of every product of that saw-mill he gets half of the gross earnings, whether the sale has been negotiated by Government in several of their departments like the Development Department or Railways or outside or by the contractor himself; and yet the results of that saw-mill compare unfavourably with the saw-mill in the same part of the country which is run by Government. I asked this contractor to build another saw-mill where one is required; I offered him the same favourable terms; I offered him the assistance of this expert supervisor whom we have now got, and yet he would not take upon himself the construction and the working of another saw-mill. So much, Mr. President, as regards private agency. It is difficult to get the proper staff and more difficult still to retain it in a malarious climate where the saw-mills work only for a few months in the year without permanent employment and where there are no other amenities and facilities such as we are accustomed to in towns. The working of saw-mills is like the working of a factory and it requires expert men and they are found in towns and not in the heart of a forest. But we have carried out private agency to its utmost extent in such parts of the forest areas as will permit it. I will instance the working

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of the Thana forests which are very valuable and which pay us the highest profit of all our forests. Sir, they have been brought by careful nursing to this pitch of efficiency that you need only sell the coupes; the contractors do the cutting; find the finance; do everything else including sales. We have enough competition among the contractors not to wish to do anything by means of Government agency. It was suggested that Government might look into this fact—I do not know whether it is a fact in the first place—that the Central Provinces timber was being sold in Bombay. At all events it was suggested that Thana timber might take the place of the Central Provinces timber. Now, it will be evident from what I have stated that with regard to the Thana forests Government have nothing to do with the sale and it is entirely in the charge of private contractors and we may trust them to look after their interests in the best manner possible. In the Southern Circle and in Peint, which we are now beginning to exploit, it is essential that we must have work, in the beginning at all events, done by Government agency. Take the case of Peint. We gave a contract last year to a contractor, and it was complained that it was given on especially favourable terms. Yet he failed to carry out the contract and the work had to be taken over by Government. Mr. President, I do not think that I need multiply instances which will show how anxious we are to obtain the assistance of contractors and how grateful we shall be to any honourable member of this House who will place themselves in communication with us. The Honourable the Finance Member explained why it was that contractors were not forthcoming in the Southern Circle and he gave certain reasons for it. Let me give the most potent reason which has been given to me by the contractors themselves, and which I have no doubt will be confirmed by the members who have experience of that side of the country. About two or three years ago—I am not quite certain of the date—the High Court gave a decision by which the whole working of the Workmen's Breach of Contract Act was altered. Formerly the contractors who used to give advances—and they must give advances to the labourers if they want to take contracts at all—could sue the labourers for non-fulfilment of contract in the criminal courts. That has now been done away with by the ruling of the court and it is not now possible for the contractors to undergo the heavy risks involved in making large advances to labourers. (An honourable Member: They can sue them in the civil courts.) Yes; but the game is not worth the candle.

Mr. G. B. TRIVEDI: The Act has been amended by the Indian Legislature.

The Honourable Mr. C. V. MEHTA: This was the information given to me by the contractors. Probably my honourable friend from Belgaum will confirm my statement. They can of course take civil proceedings. But you know what that means. Moreover, the contractors have been very badly hit, particularly in that part of the country, owing to the exceptional slump in the price of timber. Honourable members when they are judging the working of this department will not lose sight of the fact that forest timber like everything else has suffered the exceptional slump

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in prices, which has overtaken this department only after it has been transferred under the Reforms. (The honourable member was interrupted at this stage.) I do know this, that prices have dropped by anything from 40 to 60 per cent. with regard to timber, and in spite of that drop the results are so favourable as I ventured to place before the Council.

Now, I ask the honourable members of this Council to bear with me for a minute in connection with a matter of great importance on which I should like the honourable members to take a long view. It has been stated, Sir, that this department should go in for a vigorous policy of disforestation. Nothing would benefit the financial results of the department more than to carry out that wish if I were not at the same time convinced that it would be in the worst interests of the public whose interests I am placed here to look after. If I were looking at the forest administration purely and solely from the point of view of revenue alone, then it will be the simplest thing for me to hand over miles of forest land which we have now to look after, and on which establishment charges have to be incurred. Then, my returns would not be the fifty or sixty per cent. that we get now, but very much more. Reference was made to the Forest Administration Report, and I would like to draw the particular attention of my honourable friend for Sukkur to the percentages of establishment charges. These high percentages are incurred owing to the fact that certain parts of the forests are unremunerative. Take the case of the Central Circle (page 24 of the Report for 1920-21). I am sorry the report for 1921-22 is not before the honourable members, which is more favourable than this; but anyhow let me take this. You will see, Sir, that for a revenue of 9 lakhs this circle costs us Rs. 5,66,000, that is to say, more than 60 per cent. is the cost of establishment. It is impossible to get a higher revenue from this circle for some time to come. It will be the easiest thing for me to disforest large portions of the Satara and the Poona ranges and to allow the forests to be demolished, to allow the rainfall to be affected and to show to this Council an excellent statement of profits out of the Forest Department. It is not as if we were not allowing cultivation in these parts where cultivation would be beneficial as against forests. Take the case of Kanara alone. As a result of the investigations which we have recently made, no less than 33,000 acres have now been disforested and placed in the charge of the Revenue Department. In Khandesh, for instance, to which reference was made by an honourable member, proposals are at present on foot, by which some areas are to be handed over for cultivation. And my honourable friend from Kaira knows that in the Panch Mahals the same process is under consideration. The only difficulty there, Sir, in carrying it out is the fact that we do not want rich landlords and people who are well up in cultivation to get hold of the lands to the exclusion of the poor people in Khandesh and Panch Mahals. Sir, it is their interests that we want to guard, and I hope the Council will not be led away by the fact that land is there available. If we put it up for auction, the rich man will get hold of it at the expense of the poor people.

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Sir, let me give you now the reasons why it is necessary that we should have a larger percentage of land than 12 per cent. which is the case in the Bombay Presidency, under forest. Now, India, Sir, has a population as an agricultural country of 158 persons to the square mile. Statistics of fuel consumption show that an average family of five persons requires from five to ten pounds of fuel daily. I wish to invite the particular attention of the House to the statistics which I shall now give, because I desire the House to take long views in this matter and I desire the House to understand that forest conservation is as much required for the daily necessities of the people as for profits for the State. I stated, Sir, that an average family of five persons requires from five to ten pounds of wood fuel daily. These statistics were obtained from towns where rigid economy in fuel consumption is necessary and refer only to fuel required for domestic purposes. This gives, Sir, an annual demand of 51.5 tons for 158 people (to the square mile) and it remains to determine what area is necessary to produce a crop of 51.5 tons of wood fuel. The proceeds of fuel on an acre of forest may be roughly taken at about half a ton as the average yield. In order to produce, therefore, 51½ tons of wood fuel 103 acres of forest are required; in other words, for every square mile 103 acres or 16 per cent. must be set aside for the production of fuel for domestic purposes only. But, in addition to this, there are other purposes for which fuel is required, for all the industries, such as the making of carts, for sugar making factories, for charcoal and smiths, and various other purposes. In some localities, like that from which my honourable friend from Satara comes, forests have to be maintained for purposes quite apart from the production of material. The prevention of avalanches, the preservation of sources of water-supply, the prevention of erosion and moderation of floods and climatic effects are the most important of such purposes. This is also the experience of other countries where forest conservation has been going on for a couple of centuries. In France and Germany it was laid down some years ago that for a country to be at its best 25 per cent. of its area should be under forest. The increased productivity of forests resulting from a long period of careful management has caused the experts to reduce this figure to 20 per cent. This reduction, however, cannot be held to apply to India, where the forests have not nearly reached their maximum productiveness.

Rao Bahadur G. K. CHITALE : May I know from what the Honourable Minister is reading all this ?

The Honourable Mr. C. V. MEHTA : A statement which has been published by the Inspector General of Forests. If my honourable friend has any figures to rebut this statement, I shall be only too pleased to listen to his criticism. If you work back from another basis, you come to about one acre of forest per head of the population. On this basis 158 acres per square mile would be required. It gives you a percentage of about 25. Remember, Mr. President, that this is exclusive of pasturage.

The conclusion that the writer arrives at is that countries which still possess large tracts of forests may yet pause before embarking upon any destruction of forests beyond a certain point in their endeavour to increase

[Mr. C. V. Mehta]

the area under agriculture. I do not think, Sir, that any honourable member will accuse me of partiality for forests at the expense of agriculture. I have stated, Sir, that it is desirable in these matters to take a long view, because you do not see the result of work in the forests for 40, or even 50 years and in some cases even 80 years. In technical matters we must be guided by the advice of experts who have been specially trained for those purposes.

I hope I have been able, even at the risk of wearying honourable members, to give them as much information as they desired on all the points.

I am asked about the Dangs. As I mentioned yesterday, the lease of the Dangs was entered into in 1842, some 80 years ago, but we have agreements under which I understand that the Chiefs cannot compel Government to pay anything more.....

Mr. P. N. ADHAV : Is it a perpetual lease ?

The Honourable Mr. C. V. MEHTA : It is practically perpetual. On these matters it is very difficult to get absolutely *pucca* agreements and I think that while we are spending the amounts of money which I stated yesterday, we are getting revenue much more than what we spend and out of loan we have practically spent nothing. We have only spent a few thousands on roads last year. As the honourable Council is aware loan expenditure was introduced into our accounts only last year ; the year before that everything was met out of revenue ; that although ten lakhs was provided for capital expenditure last year, only about Rs. 5,60,000 is expected to be spent. A large sum was provided for the Dangs railway which we have not yet decided to build and on which negotiations are contemplated with the Baroda Government as to whether they will extend their line and work it. If it is ultimately decided to build this line, then I may tell the Council it will only be done if the estimates show a handsome return on the outlay ; only small sums are being spent on roads which are essential for the development of forests and which are required if we wish to get private enterprise to come in and exploit these forests.

Question put and negatived.

The Honourable the PRESIDENT : What is the desire of honourable members as regards the subsequent motions for reductions ?

Honourable MEMBERS : We do not wish to move the motions.

Question put

That the total demand under 8 Forest (Transferred), Rs. 42,97,000, be granted and agreed to.

The Honourable the PRESIDENT : Order, order.

Demand of Rs. 7,43,000 under 9, Registration (Transferred).

The Honourable Mr. C. V. MEHTA : Mr. President, I beg to ask for a grant of Rs. 7,43,000 under 9, Registration (Transferred).

Mr. G. C. BHATE (Kolaba District) : Mr. President, I move

That Budget Schedule D, Item No. 27, Additional Post of Sub-Registrar in the grade of Rs. 50-3-80 for three months, be omitted.

[Mr. G. C. Bhate]

It is no doubt a very small item, but I am not satisfied from the explanation attached to this that it is quite essential that a temporary post should be created. It is a small amount of work that has to be done and can easily be done by the establishment that is already there. Besides, in column 2 of the budget it is stated that the grade of the officer is of Rs. 50—3—80 which is rather suspicious. Is it that the post is to be made permanent later on? That is why I take objection to this item.

Mr. C. M. GANDHI (Surat City): Sir, I support the motion but on different grounds. There is no reason why public money should be spent for printing and binding departmental manuals unless they should be made available to the public on payment of money. A resolution was moved in this Council by me and after the principle of it was accepted it was with very great difficulty that Government made the Jail Manual available to the public and the Police Manual also, at a cost which I should consider prohibitive. When I asked the Revenue Secretary for making the Bombay Excise Manual available to the public, to my great surprise I was told that these copies were not available. We say, Sir, that if these manuals are to be printed out of public money, then they should be made available to members of the public certainly on payment of the cost. It may be argued that the demand from the public may be very small and it would not be worth while to print a large number of copies for it. I do not ask Government to publish an unnecessarily large number of copies but only for such demand as the public would legitimately make, and I say, Sir, the Registration and Excise Manuals are things which members of this Council and the public are interested in having and therefore I say that unless the Honourable Minister is prepared to give us copies of these manuals, of course at such reasonable cost as Government may be able to fix, the Council will be well advised in not giving any money out of the public funds.....

The Honourable Mr. C. V. MEHTA: I may at once say, Sir, that there is no objection whatsoever to supplying these copies to the public.

Mr. C. M. GANDHI: Even Civil List is not made available to the members of this House.

Mr. G. C. BHATE: I beg leave to withdraw my motion.

Question put and leave granted.

The Honourable Mr. H. S. LAWRENCE: May I say that the Bombay Civil List can be obtained from the Superintendent, Government Press?

Mr. C. M. GANDHI: I was told that it could not be made available unless after the whole of their distribution list was finished.

The Honourable Mr. H. S. LAWRENCE: There is a limited stock of copies.

The Honourable the PRESIDENT: The question is not before me, but I think honourable members ought to be supplied with these copies, to enable them to put questions. If Government include the members of the Bombay Legislative Council under the head of officers that will remove all difficulties.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : Sir, I beg to move :

"That Item No. 28, grant of Rs. 2,600 for the purchase of instrument for the photo-copying department, be omitted."

This is a new system that has been introduced. Last time it was discussed at length, and I think the general sentiment of this House was that the system was not working satisfactorily, and that it was not liked by the people, and that the documents are copied in such a way that it proves to be not the exact copy of the document. If it is not liked by people there is no use continuing this system in the department which is the people's department. Therefore, I move that this item be omitted.

Rao Bahadur R. M. NILKANTH (Ahmedabad District) : Sir, I rise to support the motion for omission. Wherever this system has been introduced, it has created dissatisfaction in the public. The one defect is that the photo-copies are so small that there is inconvenience and trouble to the eyes in reading them. Further, there is difficulty in preserving them. Again, the photo-copying process reproduces only black ink. If, therefore, any document is signed or attested in red ink or blue ink this system of photography cannot reproduce such signature or attestation. Further, when copies are taken by this system of photography 5 or 6 extra copies can at the most be taken. If further application is made for copies after these are exhausted, there is only one course left, viz., that of copying the photo-copy of the document in hand as there is no possibility of getting further copies by this process of photography. For thus copying a magnifying glass becomes a necessity for reading and while being copied the photo-copy is read with difficulty. Again, copies thus taken cost more than copies taken in hand. For all these reasons, I think it would be better not to continue this system any further. Of course the expenditure is not much considering that we have a budget of 14 crores. But if the system is continued there would be further expenditure. The best course is to stop this system and omit this expenditure.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, last year I was one of those who supported it. I consulted many people who have to register their documents, and their opinion shows that the system is unsatisfactory. As representatives of the people, we are bound to voice their feelings and therefore I cannot but recommend the omission of this item as a matter of principle.

I admit that the present method of taking certified copies may be scientifically better, but effect to the wishes of the people must be given. Moreover, it may be a convenient form of taking copies, but at the same time it should be capable of being preserved and easy to handle. As the people affected do not appear to like this method, which is in their opinion in advance of their time, I think it would be better to put an end to this system once for all.

Mr. R. G. SALGAR (Sholapur City) (addressed the House in Marathi) : Mr. President, I support the motion for the omission of this item. The dislike of the public for this system of copying has grown to such an extent that it has become dangerous. Formerly the copying charges were

[Mr. R. G. Salgar]

2 annas, and they have been raised to 6 annas. In reply to a question by the late Rao Bahadur Sathe Government have stated that the experiment is in force in five places, but no details have been given as to the expenditure and the income. In such a short period original machinery is out of repairs and in the current year some money was given to purchase new machinery for this purpose. I think that the system of preparing copies by hand through the agency of clerks will be more profitable. The great disadvantage of the system, as stated by the Registrar of Ahmedabad, is that the type in the photograph is too small to be easily readable, and this small type is not proper and if a large type is introduced the expenditure will also increase proportionately. I therefore support the omission of this item.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Mr. President, I support the motion for the omission of this item from the budget. After visiting the photo-copying installation with some of my honourable friends during the last Poona session, it appears to me that this system is very deficient. The copies that are taken out are insignificant in size to preserve. Besides the cost to the people which is more than before, the number of copies that are taken out is very small. Later on, if more copies are required, they have to be copied by hand. Besides, only those documents which are written in black ink can be photographed. It appears to me that it is the fad of some officer who has taken a fancy for this system, but that is no reason why the public should suffer and this system continue. I further understand that a resolution was brought before the Council by the honourable member for Ahmedabad, and it was withdrawn on the assurance of the Honourable Minister in charge that the system will be looked into and stopped. For these reasons, I support the omission of this item.

Mr. KANJI DWARKADAS: Sir, I move the closure.

The Honourable Mr. C. V. MEHTA: Mr. President, I should like to give the facts in connection with this experiment, and I should like honourable members.....

The Honourable the PRESIDENT: I did not accept the closure because the Honourable Minister has still to speak and the honourable mover has to reply.

The Honourable Mr. C. V. MEHTA: I should like honourable members to remember that any expenditure that they might or might not grant in connection with this will commit them to absolutely nothing, and that in deference to the wishes of the Council we are determined to give a further year's trial to this experiment. That year will end in November 1923, by which time the Inspector General of Registration has been asked to report as to the working of the system. It will be seen, therefore, that Government have taken steps to give effect to the wishes of the Council, and not to force this method if the Council do not want it. But I would like them to remember what has happened in the period that this experiment has been working. The system was first introduced in

[Mr. C. V. Mehta]

the Haveli sub-registrar's office in April 1921. As it was thought that the photo-copying staff of that office not being used to this particular method of copying would not be able to turn out copies of sufficient clearness, it was subsequently extended to other offices, five or six in number. Ahmedabad and Satara were also included in that experiment. Since the 25th April 1921, when it was first introduced, to the end of June 1922, 9,132 documents were photographed, and only 108 out of those documents were returned as unfit for reproduction. That is to say, about 98·8 per cent. of the total documents presented to the photozinco office were successfully photographed, and only 1·2 per cent. had to be returned. Now, the return of these documents really means nothing. It does not mean that the documents cannot be hand-copied. As a matter of fact, the return only means that instead of photographing those documents they will be hand-copied in the ordinary way. Now, from these figures it is perfectly clear that the system is practicable, and that if it was worked on a sufficiently reasonable scale, it would work out cheaper than the hand-copying process. There is no doubt that several objections were raised, and there was considerable force in some of the objections. It is on that ground that Government have decided not to adopt the scheme in its entirety, but to continue the experiment for a further period of one year, so that we may be able to judge as to its acceptability to the people. Remember, Mr. President, that only some districts in one Division have had experience of this process, that 98 per cent. of the documents were successfully copied and that all the registrars of those districts have reported favourably on the experiment. Only one of them has raised an objection, viz., that the copies are too small. I have placed these copies before honourable members to see whether some of them—or rather most of them—cannot be read by the naked eye and that only a very small proportion require the use of a magnifying glass on the rare occasion on which these copies have to be taken out and produced in court.

Dewan Bahadur K. R. GODBOLE: Why could the remaining 1·2 per cent. of the documents not be copied by this process?

The Honourable Mr. C. V. MEHTA: The reason why 1·2 per cent. of the documents could not be copied under this process was that, as the honourable member for Ahmedabad pointed out, documents written in blue or violet ink are not, under the present instruments that we have got, liable to be photographed properly. That was also the case with red ink, but red ink is now being fully photographed, and if we get these instruments which we are now asking for, it will be possible to photograph all kinds of inks. Furthermore, the only objection that has so far been raised is about the size of the photographs, and although we should much prefer to have these photographs a little bigger in order that each one of them may be fully readable by the naked eye, it can only be done if work goes on on a bigger scale and the costs are generally reduced. When big scale operations are undertaken, I feel that it may be possible to reduce the cost, so that larger copies can be made available. But, Mr. President, I should like the Council to remember that no damage is done to these documents, and the hand-copying process has to be resorted to in cases where the

[Mr. C. V. Mehta]

photo process fails. On the other hand, look at the advantages which this system offers.

The first question is of cost, but I will not dilate much upon that point because a little saving in this matter is of no consequence if the people are not prepared to accept this system. The great advantage is that you get three copies instead of one, that you can store them at different places and that you have certain safeguard against the copies being destroyed. Take the case of hand copying and the damage that was done in 1919 in Ahmedabad. With the hand copy you get only one copy of the document; it is liable to be destroyed by fire or some other calamity, and in Ahmedabad all those documents were actually destroyed and thus the only evidence of transactions was lost. Here, by this process you get three copies, two of them you can preserve and they occupy a space less than two-thirds of the hand-written documents. What is more, you can get an absolutely faithful impression of the document, of all the curves of the handwriting and even of thumb marks. Moreover you do away with the natural danger of mistakes being made in hand copying as well as in comparing these documents, and to my mind it seems an extraordinary pity that some three hundred or four hundred of our people should spend all their lives in doing nothing but copying these documents, serving on a pittance on a scale of wages against which I have received constant complaints, as honourable members are aware.

Rao Bahadur R. M. NILKANTH: Would you reduce them?

The Honourable Mr. C. V. MEHTA: They could certainly be reduced if hand copying were superseded by the photo process. I know it may be hard on some of these men who may be reduced but temporary men will be first affected. We have to employ a large number of temporary staff, in order to cope with the work in the busy season. But in any case the photo process would redeem men from a most monotonous occupation, namely, copying of documents and comparing them.

There remains, Mr. President, only this point that it was stated by the honourable member that we are going to ask for an expenditure of Rs. 10,000 for the purpose of buildings and Rs. 2,600 for instruments. I do not think that I need deal with that on this occasion, because I think there is a motion for the reduction of items Nos. 28 and 29 to be dealt with. I will only say this, that both these items hang together and on both of these there would be a considerable saving even if the Council ultimately determines to do away with the photozinco process altogether.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Mr. President, I think the Council will do well to allow the item to pass in view of the explanation given by the Honourable the Minister in charge. It appears to me that the system is likely to become popular in course of time. The photo prints that have been circulated among the members seem to me to be more handy and much better finished than I had expected. If they do not fade away and do not otherwise deteriorate,

[Mr. Jehangir B. Petit]

they are sure to be exceedingly useful for the purpose for which they are meant. I have no doubt that the introduction on a larger scale of this system of getting the documents photographed will in the long run be found to be exceedingly convenient, and will be welcomed both by the Government and the public. I am therefore of opinion that this process ought to be adopted by slow degrees throughout the Presidency. Under the circumstances, I think the Council will be well advised in sanctioning the continuation of this experiment, in order to enable the Government to test the efficacy and utility of the system with a view to its ultimate introduction throughout the Presidency.

I do hope, therefore, that the House will not accept any of the amendments for which notices have been given, but will accept the original recommendation of the Minister in charge.

The Honourable Dr. R. P. PARANJPYE: Mr. President, I do not wish to intervene very much in this debate, but I really think that honourable members of this Council will do well in considering whether they will not pass any new idea. I remember when machinery was introduced in weaving....

The Honourable the PRESIDENT: Order, order. Now, I think we are going into a very large question not relevant to the question now under debate.

The Honourable Dr. R. P. PARANJPYE: I will finish only in one or two sentences. When machinery was introduced it was objected to on exactly the same grounds that a new thing like that would put lots of people out of work. These ideas are distinctly queer and I believe that this process of copying is a very long process. Any introduction of a new system is always opposed by people, but honourable members of this Council are not simply to follow the prejudices but they might also help in educating the people. I really think that honourable members of this Council will do well in letting the Honourable Minister know what the people think but that it does not necessarily follow that every prejudice of the people has to be implicitly obeyed. In a short time they will come to know the advantages of the system that my honourable friend has mentioned, and they are sure to lead people within a very few years to accept this system as of great advantage. I feel myself that the present system of copying by hand is liable to a great number of mistakes, danger and also a great number of hardships. There is likely to be a chance of deception in hand copying. It is possible that a certain amount of deception might be made by getting at people who tally copies. I therefore think hand copying must go, if a better and scientific process can be used. It is no good saying that this process is unknown in other countries. There is no reason why we should not set an example which other countries might follow. I believe that this mechanical process has in it the germs of a very useful innovation. I hope therefore that the Council will not accept the prejudiced opinion due merely to sentiment, and lead people to understand that the House has thrown out a really scientific system.

Mr. KANJI DWARKADAS : I move a closure, Sir.

The Honourable the PRESIDENT : I accept the closure.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : I must say, Sir, that the Honourable the Minister gave us a very poor compliment in supposing that we are here ventilating prejudices against machines. He can certainly accuse me of conservatism, but I am quite sure that he cannot accuse my honourable friend behind me of that. As for this system, I am not satisfied that it is an unmixed evil. My point is that when people do not want an improvement, it should not be forced on them, as the old system is working satisfactorily for a long time.

The Honourable the PRESIDENT : Will the honourable member reply to the arguments raised ? I find he is repeating an argument with which he started his first speech.

Sardar V. N. MUTALIK : The Honourable the Minister for Education said that the other countries may copy us in the matter of scientific experiments. We are yet far behind other countries, and we have yet to copy a good deal from them, and are not in a position to hold the ambition to teach other nations in the matter of scientific advancements and improvements.

The Honourable Mr. C. V. MEHTA : Sir, I have only to read one sentence from the report of the Inspector General of Registration :

"In fact the actual facts of the experiment show that although complaints and criticisms were to be expected, during these six months (it is dated 20th November 1922) I have heard of no complaints at all, and in all, as I have stated, 9,132 documents have been successfully photographed."

Question put: House divided: Ayes 10; Noes 50; Motion lost.

Division No. 3.

Ayes.

BHATE, Mr. G. C.
CHITALE, Rao Bahadur G. K.
DESAI, Rao Sahab Harilal D.
DESAI, Rao Sahab DADUBHAI P.
GODBOLE, Dewan Bahadur K. R.

LALBHAI AMBARAM, Mr.
MANSURI, Khan Sahab A. M.
MUTALIK, Sardar V. N.
NILKANTH, Rao Bahadur R. M.
SALGAR, Mr. R. G.

Tellers for the Ayes : Rao Bahadur G. K. CHITALE and Sardar V. N. MUTALIK.

Noes.

ABDUL KADIR KHAN ABDUL AZIZ KHAN,
Mr.
BEDREKAR, Khan Bahadur I. M.
BHUTTO, Khan Bahadur S. N.
BOLK, Mr. S. K.
CHIKODI, Mr. P. R.
CLAYTON, Mr. F.
DABHOLKAR, Mr. V. A.
DADACHANJI, Dr. K. E.
DALAL, Sardar Khan Bahadur ADARJI M.
DUMASIA, Mr. NAOROJI M.
DWARKADAS, Mr. KANJI
GARUD, Rao Bahadur S. D.
GHULAM HUSSAIN, The Hon'ble Khan
Bahadur SHAIKH
GUPTA, Mr. V. R.
HAJI, Mr. IBRAHIM S.

HALKATTI, Rao Sahab PHAKIRAPPA
GURUBASAPPA
HAYWARD, The Hon'ble Mr. M. H. W.
HEPPER, Sir LAWESS
HULKOTTI, Mr. CHANNAPPA CHANVIR-
APPA
ISRAH, Khan Sahab G. A.
JADHAV, Mr. B. V.
JENNINGS, Major-General W. E.
KAMBLI, Mr. S. T.
KEE, Mr. J. C.
LAGHARI, Khan Bahadur KHAIR BAKSH
LAWRENCE, The Hon'ble Mr. H. S.
LIGADE, Mr. S. P.
LOBY, Mr. F. B. P.
MEAD, Mr. P. J.
MEHTA, The Hon'ble Mr. C. V.

MODI, Sardar DAVAR T. K.
 MOHIDINKHAN, Khan Saheb HAJI HAZ-
 RATH KHAN
 MOHOMED SALAHUDDIN K., Mr.
 MONTGOMERIE, Mr. A.
 MURRI, Mr. J. P.
 NELSON, Mr. F.
 OJHA, Mr. DIPCHAND T.
 PAHALAJANI, Mr. B. G.
 PARANJPYE, The Hon'ble Dr. R. P.
 PATEL, Mr. B. P.

PAWAR, Shrimant J. A.
 PETIT, Mr. JEHANGIR B.
 PRADHAN, Mr. M. W.
 PROES, Mr. E. M.
 RAHIMTOOLA, The Hon'ble Sir IBRAHIM
 ROTHEFELD, Mr. O.
 SETALVAD, The Hon'ble Sir CHIMNALAL
 SHEPHERD, Mr. W. C.
 SHIRRAS, Mr. G. FINDLAY
 THOMAS, Mr. G. A.

Tellers for the Votes : Mr. F. NELSON and Major-General W. E. JENNINGS.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President,
 I rise to move this motion, namely :—

“Omit item No. 29, Rs. 10,000, for construction of a shed for the Photo Department.”

I move it because I am bound to know the details. I am told, the House is told that the photo-copying work is at present done in the photo-zinco office, and “as there is not sufficient accommodation in that office for the additional instruments required for the extension of the photo-copying system to more offices it is necessary to erect a suitable shed.” May I know, Sir, the exact accommodation? I was told that this grant has been passed temporarily, but the number of documents that were so far examined were only about a thousand and of this size (pointing to a book in his hand). Now, may I know exactly why it is necessary to have an extension? Because I think when the grant has been passed temporarily it means that this arrangement is only temporary or a makeshift arrangement. Does it mean that Government has made up its mind to have a permanent building? Otherwise I cannot understand why these photographs cannot be taken for a whole year in the same office. It does not seem to me, under the present circumstances, impossible. I therefore think that this item ought not to be allowed.

The Honourable Mr. C. V. MEHTA : I will give the information, Sir, which is desired by the honourable member for Ahmednagar. This amount of Rs. 10,000 is required for the purpose of accommodating the new instruments which will deal with the extension of the photographic process to some other districts including a portion of the Northern Division. Rs. 5,000 is required for that, and Rs. 5,000 for the purpose of doing photographic work for Bombay city, which will release some of the office accommodation in the High Court that is now being occupied by the Registration Department which is required from us by the High Court. I will give separate figures for these two different purposes. I would like the Council to remember that the giving of the grant by no means entails a decision that it is a permanent arrangement, and it is not going to cause any loss to the Government even if the experiment is abolished later on. The extension is required for this purpose: The process has been tried only in a few districts of the Central Division; in those districts the reports of all the district registrars are, as I said before, that the experiment is a success. But Government are not satisfied with the experience gained or the knowledge gained in one or two districts only. Government want to know what other districts' experience will be and therefore we wish

[Mr. C. V. Mehta]

to bring the system into operation in Ahmedabad and a few other places in the Northern Division. Originally, Ahmedabad was included for experiment, but as the one instrument was unable to deal with the offices of the Central Division as well as Ahmedabad, it was decided to cut out Ahmedabad. Therefore, Sir, it will be seen this amount is required for seeing whether the process should be extended or not. It is really carrying out the wishes of the Council as it is the Council's desire that the process should not be continued or made permanent unless it is found to be a general success. The Inspector General of Registration reported with regard to this extension that a sum of Rs. 5,000 would be required for this purpose and he reports that it can be justified in two ways. In the first place, he says, in view of the introduction of the photo scheme, the Inspector General has been able to stop the building of one record room and to negative the doubling of a sub-registrar's office. That is to say, this building is to take the place of two other buildings which would otherwise be necessary if you continued the hand-copying system. The second way, he says, in which this expenditure can be justified is that it can be guaranteed that there will be an ultimate saving to Government. This follows from the figures that he gave us. Further the offices in which the experiment is to be extended can be so chosen that one or two sub-registrars can be abolished since we have a wide choice for the experiment. In these circumstances, the photo system would show a further clear saving of at least Rs. 100 per mensem. Therefore, you will see that for that extension you will get recouped.

There remains the Rs. 5,000 for the work to be done for the Bombay office, and there the case is even stronger than for the mofussil. The extension will cost approximately Rs. 5,000. The recurring cost would be : staff Rs. 580 ; chemicals Rs. 460 ; and.....Rs. 80. That is, roughly Rs. 1,120 per mensem or say Rs. 1,200 per mensem. The saving would be 27 clerks in Bombay, which means Rs. 1,890 per mensem ; the space of 120 square feet in the High Court to replace which we would have to pay about Rs. 500 per mensem as rent if we were to select a site outside. Also register books would mean a saving of some one hundred rupees. The total saving therefore is Rs. 2,500 so that you will see that on the Bombay work the saving will be Rs. 1,300 per mensem. I think the Council will feel that these figures are conclusive and that the grant of Rs. 10,000 should be made.

Rao Bahadur G. K. CHITALE : I beg leave to withdraw the motion, on the explanation given by the Honourable Minister.

Question put and leave granted.

Question put that the total demand of Rs. 7,43,000 under Registration be granted and agreed to.

The Honourable the PRESIDENT : I wish to take the sense of the House on one point. There is still a large number of budget grants to be disposed of and we are going at a very slow pace. The House remembers that on the last of the days allotted to supply I shall have to put all the outstanding demands at 5 p.m. without any debate. The question therefore is whether I should now impose any time limit on the

[The President]

speeches in the exercise of my power under the Rules. I think I should allow ten minutes to the movers, the Minister or Member in charge, the Finance Member and the Leader of the House; five minutes each to others.

Rao Bahadur G. K. CHITALE: Even if the subject is an important one like the Development Department, will the time limit of five minutes be imposed?

The Honourable the PRESIDENT: It is in my power to vary the time limit. If it is an important subject, I will allow latitude. Now we go on to 13A, Irrigation and Navigation, etc. (Reserved).

Demand for Rs. 98,68,000 under 13A, Irrigation and Navigation, etc., reserved.

The Honourable Sir CHIMANLAL SETALVAD: Mr. President, I beg to move for a grant of Rs. 98,68,000, being No. 6, at page 22 of the Blue Book. The amount is made up of the votable expenditure chargeable to Revenue under XIII, XV and 55. Those are the three heads under which irrigation accounts are divided. This sum of Rs. 98,68,000 includes all the votable expenditure of all these three heads. In XIII the expenditure is Rs. 25,85,000. Honourable members will find that at page 43. The total expenditure is shown as Rs. 28,68,000 out of which the votable portion is Rs. 25,85,000. Under XV the expenditure is Rs. 42,83,000. That will be found at page 46. The total item there is Rs. 44,93,000 out of which Rs. 42,83,000 is votable. To that should be added, out of the expenditure under 55 which is at page 92, 30 lakhs provided out of the Famine Insurance Fund. You thus get a total of Rs. 98,68,000. The corresponding figure for 1922-23 stood at Rs. 71,24,000, but honourable members must not imagine from that that the expenditure this year is going to be any more, the expenditure is really less. This figure becomes Rs. 98,68,000 because we are taking 30 lakhs from 55, Famine Insurance Fund. That is why it goes to Revenue. The corresponding item for expenditure out of loans No. 25 gets correspondingly reduced. If you eliminate this sum of 30 lakhs which last year was included in loan works and is this year debited to Revenue being taken from the Famine Insurance Fund, the total expenditure is only 68 lakhs as against 71 lakhs of last year.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, I beg to move:

That under 13 A, Irrigation (Reserved), Budget Schedule D, item No. 36, Raising banks of Jamrao Canal in miles 10 to 30, Budget page 152, Rs. 10,000 be omitted.

My point in making this motion is to get information. I want to look ahead and I want to see whether this expenditure cannot be held over pending the decision on the Sukkur Barrage Scheme, for, supposing that that scheme materialises, this item will go along with the bigger scheme; not only this one item but there are several items which may share the same fate. What I am afraid of is that what we sometimes do in other matters may also be done here, and we shall be setting bad examples. Sometimes, I know that some particular item which is considered urgent remains on the list, repairs are carried out only six months or so

[Rao Bahadur G. K. Chitale]

before provision is asked for a new item altogether, and so whatever money was spent on those repairs goes for nothing. My point therefore is that this raising of banks of the Jamrao Canal seems to be only of a temporary character because the remark reads as under :

As the heavy bed silt scours down from the upper reaches it is being deposited lower down and is causing an increase in water levels in spite of resectioning of the canal by groyning. In fact this groyning has itself caused some rise in water levels and to keep pace with further increase the banks will have to be raised and strengthened.

There are several items of this nature and, without taking up the time of this House, I would like to see whether it would not be preferable to hold over the expenditure of this amount pending the final decision of the Sukkur Barrage question.

The Honourable Sir CHIMANLAL SETALVAD : Sir, I wish to point out to the Honourable member for Ahmednagar that this expenditure is absolutely necessary at present with regard to Jamrao canal and it would not be rendered the less necessary when the Sukkur Barrage is completed. Sukkur Barrage will take several years in order to materialise. Even if the Sukkur Barrage comes, this is absolutely necessary.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, I ask for leave to withdraw my motion.

Question put and leave granted.

Rao Saheb D. P. DESAI (Kaira District) : I beg to move

That item No. 66, raising and strengthening miles 42 to 46 of Mulchand Shahbunder Bund, Rs. 20,000, be omitted.

I want some information regarding this expenditure under the Indus River Commission. I would like to know from the Honourable the General Member whether the expenditure incurred by the Indus River Commission is included over the several canals which are declared to be productive in Sind, because for the protection of those canals and for the good irrigation of the areas under them these bunds are being raised, or new bunds constructed every year and new expenditure incurred under the head of Indus River Commission. I would like to know whether this is a fact or whether the expenditure incurred is distributed over several canals which are declared to be productive and paying a return of 8 to 9 per cent. interest.

The Honourable Sir CHIMANLAL SETALVAD : Mr. President, I am afraid that I have entirely failed to follow the honourable member as regards his enquiry. I can tell him as stated in the Blue Book in the remarks column against this item, that this expenditure is required for raising this particular bund, and that the work is absolutely necessary to bring the bund to the standard height.

Mr. DIPCHAND T. OJHA (Karachi City) : Mr. President, I rise to oppose the motion for the deletion of this item. It is very necessary to raise the bund to the standard height before the inundation season. The canal is almost at the tail of the river and in the flood season if the canal or the river overflows its banks the fields and villages round about are submerged in water. It is very necessary that the bunds

[Mr. Dipchand T. Ojha]

there should be improved and their height raised, in order to be ready for the inundation season. If that is not done, the irrigation of the lands covered by that part of the canal will suffer in addition to the villages roundabout.

Rao Saheb D. P. DESAI (Kaira District): Sir, what I wanted to know was whether the expenditure incurred under the Indus River Commission is required for the protection of the canals and for the irrigation of Sind generally. Of course, I do not think it should be taken under this head, but distributed over the various canals. To that of course no reply was given to me by the Honourable the General Member. I do not know whether the expenditure is for the efficient and better working of those canals or not. However, I withdraw my motion.

Question put and leave granted.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Mr. President, I beg to move:

That item No. 70, strengthening Ghar Right Bank, Rs. 25,000 be omitted.

It is very difficult to speak on such technical subjects. All that I did was to read a few articles which appeared in the *Times of India*, in which it was stated that these old canals would be more perennial, so that the water would run all the year round, and we might get more revenue. At the same time, there is some doubt in my mind whether the old works would be suitable when the Sukkur Barrage scheme is completed. As far as I can see there is only provision made for big canals to be built. I am afraid, Sir, still, that in spite of the assurance given that these amounts which we are spending in dribbles will be found to be useless afterwards when big canals are flowing all the year round. I want an assurance to be put on record now from the Honourable the General Member, who is responsible for this expenditure, that it is a useful expenditure. I doubt it very much myself, but I am not an expert. But let us have an assurance that this grant will be usefully spent and will not be swamped away in the big scheme.

The Honourable Sir CHIMANLAL SETALVAD: I may tell the honourable member that this expenditure is absolutely necessary.

Rao Bahadur G. K. CHITALE: I withdraw the motion.

Question put and leave granted.

Mr. C. M. GANDHI (Surat City): Mr. President, I beg to move

That item No. 84, Manjri Drainage Scheme, Rs. 20,000 be omitted.

The remarks given in the last column in explanation of the item are hardly illuminating. It says "The scheme has been approved by Government and agreed to by the owners". It is not stated whether under the scheme the owners pay anything for the benefit that they will derive by the drainage of their land or whether they are to be given that facility gratis. It is further stated that it will prove a valuable object lesson. It is not stated how it will be an object lesson, and, in the absence of any information which may give us some guidance to see whether the scheme is useful or not, I think the amount may as well be omitted.

Dewan Bahadur K. R. GODBOLE (Poona District) : Mr. President, I support the motion that has been put before the Council by the honourable member from Surat. As regards this proposal, I think it is a proposal that would benefit the lands of private individuals. The proposed drainage is going to confer a benefit upon the holders of private lands, and as such, I do not see why public funds should be expended on this improvement. The reason given is that it will prove a valuable object lesson. But I may point out to this House that Government have already been spending considerable sums of money in demonstrating to the cultivators that such drainage schemes are necessary, and when carried out, they confer a great benefit on the irrigators. They have all understood the question and I do not think any further demonstration is needed. If these proposals are carried out, they will benefit private parties, and I think the proposed expenditure should not be incurred by Government from public revenues.

The Honourable Sir CHIMANLAL SETALVAD : Mr. President, I may assure honourable members that no part of the cost will fall on Government. The Government Resolution sanctioning this project says that the scheme is to be undertaken only in case the owners of 60 per cent. of the area actually agree. Those willing to come under the scheme will pay their share of the cost of the drainage, which will be determined according to the areas of the individual holdings and the relative improvement derived by the holdings which will be improved. To allow for any overestimate of the improvement of any particular area all will pay 10 per cent. over and above their shares of the costs. Government are not going to lose anything on this, and those who are unwilling will be treated in a different manner. The drains will be the property of Government, and the maintenance charges will be almost insignificant. I trust the grant will be voted.

Mr. C. M. GANDHI : Sir, I beg to withdraw my motion.

Question put and leave granted.

Sardar V. N. MUTALIK (Deccan Sirdars and Inamdars) : Sir I move :

Item No. 291, Additions and alterations to the public works inspection bungalow at Sarhad, Rs. 2,500, be omitted.

It is proposed to provide accommodation at the expense of Rs. 2,500, for accommodation in the bungalow is not quite sufficient. Sir, inspection bungalows are intended not as permanent residential quarters, but as only temporary residences, just like *dharamsalas* and it is not quite fair that accommodation in such bungalows should be insisted upon, and it is difficult to see why it should be necessary. I only bring it to the notice of the House.

The Honourable Sir CHIMANLAL SETALVAD : Mr. President, I am afraid the honourable member has not seen this bungalow and the requirements that are necessary. This bungalow, I understand, serves two districts and the present accommodation is absolutely insufficient for the purpose.

Sardar V. N. MUTALIK : I beg leave to withdraw the motion.

Question put and leave granted.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, I move that

"Item No. 292, Constructing Pucca sluices, Rs. 10,000, be omitted."

Sir what I wanted to know was that this canal has kacha heads sluices for such a long time, and it is only now that the construction of pucca heads sluices is demanded. If there were kacha heads sluices so long—I think it is a very old canal—more than thirty or forty years old—why pucca heads sluices should be necessary now if for forty years you did not want them. So I want to know how exactly the matters stand.

The Honourable Mr. H. S. LAWRENCE: Sir, I may answer the honourable member's question. The substitution of *pucca* sluices for *kacha* sluices has been in progress for many years and is carried on gradually as funds are available.

Rao Bahadur G. K. CHITALE: Sir, I ask for leave to withdraw the motion.

Question put and leave granted.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Sir, I move

"Item No. 327. Gokak canal first section and storage works, Rs. 30,000, be omitted."

Sir, the amount which is intended to be spent is Rs. 30,000. In the remarks it is stated "In order to meet the demand of the mills throughout the year and to supply water to *rabi* and perennial irrigation under the canal it is proposed to raise the weir permanently". The question, however, is whether this Government is bound to construct storage works for the convenience of mills. I know I have never been to see the canal and perhaps the Honourable the General Member will confront me with the same argument as he did in connection with the last item, but I think that it is a question of principle as to whether we should spend for the convenience of these mills. Sir, I am not aware of the original agreement between the mills and Government, as that agreement is not before this Council, and we are not taken into confidence as to that agreement. I think it would not be justifiable to spend such a large amount only for the convenience of mills which are already getting large profits, and we are not given to understand that if we do this work for the mills they will pay us more. Perhaps the mills will not pay us more and all this amount will be spent not for the benefit of irrigation, but for the mills which are making a very large profit. Under the circumstances I oppose this grant.

Mr. P. R. CHIKODI (Belgaum District): Mr. President, I support this motion which has been moved by my honourable friend from Satara. It appears, Sir, to be the policy of Government in regard to this canal to help the mills rather than the agriculturists who have been crying for years for water. The canal was originally constructed with the object of helping the agriculturists, especially at the time of scarcity or famine. But it appears, Sir, that this object has lately been abandoned to help the mill industry at the sacrifice of the interests of agriculture. There are two sections of which the first is now in operation and the second which would have irrigated a considerable area has been abandoned

[Mr. P. R. Chikodji]

with a view to satisfy the claims of the mills. Had this second section been constructed, much of the water, now stored, would have been utilised for agriculture, and the quantity of water required by the mills would not have been available. On account of an agreement between the mills and the Government, it appears that Government are under obligations to supply a certain quantity of water to the mills. Both the Famine Commission and the Irrigation Commission have examined this question very closely and the latter recommended an arrangement whereby the Government could release themselves from these obligations. I want to know whether Government have taken any steps in this direction. Government want to provide Rs. 30,000 this year to increase the storage for meeting the demands of the mills, but this is not the first time that Government have come forward to help the mills. A reference to the Irrigation Report for the year 1920-21 will show that some amount has been already spent for the convenience and help of the mills. At page 22 in paragraphs 222 and 223 it is stated:—

"The weir crest (to 985 feet in length) was as usual temporarily raised by two feet at a cost of Rs. 1,497 and the additional storage of 256 millions C. ft. of water thus obtained was most useful for the irrigation of rabi crops and for meeting the demand of the mills at Gokak.

"The rainfall of the year was much below the average and being unfavourable, especially in the rabi season, there was a heavy demand for water then. This scanty rainfall also caused great distress in some parts of the Belgaum District, but the tract served by the Gokak was not very much affected. The canal was run full till 7th December 1920, and then, owing to the low level in the reservoir, a smaller discharge was allowed to pass through the canal till 18th January 1921 when it was entirely closed. Later on when it was noticed that much of the rabi would be seriously damaged unless one more watering was given the canal was reopened for a week. This supply of water proved exceptionally valuable and was most gratefully used by the cultivators. Thus it was not only that the crops were saved, but the area irrigated during that season was the highest on record."

The mills pay to Government annually a sum of about Rs. 14,000 for this use of water. I believe this sum was fixed forty years ago, and still the same amount is being paid, and Government are sustaining a loss in this respect. Not only that but the agriculturists are put to great inconvenience, and although they apply for water still they do not get it when it is absolutely needed. I find that in the remarks column it is stated

"In order to meet the demand of the mills throughout the year and to supply water to rabi and perennial irrigation under the canal, it is proposed to raise the weir permanently."

This, Sir, I do not think, is the real reason. The real reason appears to be to help the mills and not the agriculturists. If they want to help the agriculturists they would have constructed the second section before now. Therefore, I want to draw the attention of the Government to this circumstance and to get an explanation from them with regard to their policy on this Gokak Canal section. With these words I beg to support the motion of my honourable friend from Satara.

The Honourable Sir CHIMANLAL SETALVAD: Mr. President, some honourable members seem to have got the idea that Government want to favour the mills and are spending money from provincial revenues

[Sir Chimanlal Setalvad]

for the benefit of the mills. I want them to realise that Government have no option in the matter: they are bound in law to do what they are doing. The contract with this mill company was entered into in the year 1884. That contract is for a period of 99 years. Under this contract Government gave to the company the exclusive right to use the water from the falls at Gokak, "so far as the same shall be required for the work of the lessees"—a very wide provision. Then a further agreement was entered into in 1897, under which the company got the right during the continuance of the lease, to a supply of water not exceeding the equivalent of a continuous flow of 68 cubic feet per second at the rental of Rs. 14,000 and odd a year. That is the bargain that was made—whether it was an improvident bargain or not I will not say. I am not going into the merits of it at this stage, as it is useless to do so. That is the contract by which the Government are in law bound to provide them with water at this rate for 99 years beginning from the year 1884.

Sardar V. N. MUTALIK: May I know what is the volume of water capacity represented by "not exceeding the equivalent of a continuous flow of 68 cubic feet per second?"

Dewan Bahadur K. R. GODBOLE: May we know how this 68 cubic feet per second was arrived at?

The Honourable Sir CHIMANLAL SETALVAD: No matter how it was arrived at. A legal contract was made. You may say that the contract made in 1884 was not a beneficial one to Government, but the fact remains that we are now bound by this agreement and we are now bound to supply this water for the full period of the lease.

Dewan Bahadur K. R. GODBOLE: The reason why I wanted to make the enquiry was to see whether Government is bound to supply the company more than the natural supply expected when the agreement was entered into.

The Honourable Sir CHIMANLAL SETALVAD: The Dewan Bahadur is under a misapprehension. It does not matter what preceded the contract. In law we are bound to supply this "68 cubic feet per second" at a particular value fixed.

Then this expenditure asked for is really not in the interests of the mills: it is in the interests of the irrigators. After giving this supply to the mills, which under the agreement we are bound to give, very little remains for irrigation. Therefore this expenditure is asked for not really for the purpose of favouring the mills, but for the purpose of giving the necessary supply to the irrigators.

Mr. P. R. CHIKODI: Have not the mills applied to raise the crest of the weir?

The Honourable Sir CHIMANLAL SETALVAD: What weir does the honourable member mean? I do not know if they have any other source of supply: but, if they want this supply we are bound to give them, and if we give them this supply, we are not in a position to give the full supply wanted by the irrigators. Therefore, it is necessary to raise the weir in order to supply for both purposes.

Mr. S. T. KAMBLI : I do not know these details, but certainly we must take care to see that we do not supply the mills more than we are bound to.

The Honourable Sir CHIMANLAL SETALVAD : We would certainly not supply to them more than we are bound to.

Mr. P. N. ADHAV : Can you not get rid of the silt in some manner ?

The Honourable Sir CHIMANLAL SETALVAD : The honourable member may as well leave that to the expert advisers of Government. That is not found possible.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : This is a matter, Sir, which requires careful scrutiny. I may say I have heard very serious complaints about the rights of the proper persons being entrenched upon by influential people. This canal was constructed before the mills were started, soon after the famine of 1879. It is stated that this is the most important canal in that part of the district. I take it therefore that the primary object of Government in constructing this canal was to supply water to the agriculturists. It may be that in those days it was thought that there would be more water than was sufficient for irrigation and that Government could make money by selling the surplus by entering into a very long lease of 99 years with the mills. I consider that it was a questionable transaction to enter into such a long lease for a paltry sum of Rs. 14,000. Now, may I know from the Honourable the General Member what has been spent on the capital account on this canal and what proportion it bears to this Rs. 14,000 ? I think that the ratio will show that it was a questionable transaction. If it was so in 1884, it was more so in 1897 when the second contract was entered into. On the other hand, the interests of the agriculturists have been sacrificed. Here I may say that I have heard complaints also from other places. I won't bring them in here ; I am only mentioning them to emphasise my point, that a work which was constructed solely in the interest of the agriculturists is being used for other purposes without regard to the interests of the agriculturists.

I know, Sir, that the answer will be that we have on our hand a scheme called the Gokak Canal which is going to cost 2 crores more. When you have spent so many lakhs of rupees on this scheme, you want this supply for the poor agriculturists. The whole water which can now be given in the most distressing times to the poor agriculturists is being used for industrial purposes, and no matter what the crop was, though the people are very, very badly off, still the water was refused on the ground that it was guaranteed to a mill by Government. These poor people cannot go to a court of law and fight against such powerful machinery as Government and powerful interests like those of a rich company to whom the Government wants to supply the water, and I think the House exists for the particular purpose of giving relief to such people. If you want to guarantee this supply to the mill, by all means do it but not at the expense of the poor people who are in most urgent need of the water. My honourable friend the Member in charge of the General Department wants to

[Rao Bahadur G. K. Chitale]

uphold the agreement and supply water by spending Rs. 20,000, thus fulfilling the first essential condition, namely, to give a constant supply of water for six days in a week. I believe a week consists of only 7 days ! The arrangement which he proposes seems to me to be most inequitable and from my point of view I think this House will not vote this sum. I know as a matter of fact that that amount will not conduce to the interest of the agriculturists at all and it is very likely that even in a bad year in Belgaum perhaps the mills will be spending more than is justifiable and I think, Sir, this House will be well advised in throwing out this demand unless and until an assurance is given that by using this Rs. 20,000 the interest of the poor people will be protected and unless that undertaking is given, I think this House will be well advised in cutting out the grant.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association) : Mr. President, I want information on one important point, namely, whether it is not possible to clear this tank of its silt by the periodical use of a dredger and, if so, at what cost ; and if not, whether it is at all necessary to increase the capacity of the tank in question in order to ensure a regular flow of 68 cubic feet per second, which, I understand, is the supply which the Government have undertaken to give to the mill company under the agreement with them. If it is not absolutely necessary to increase the capacity of the tank for this purpose by raising the weir permanently, as appears to be the intention of Government, I think the Government ought to avoid this expenditure. There must be enough capacity in the tank at present for that purpose ; and I do not think it is altogether an unpractical proposition to suggest that an endeavour should be made to let the water flow direct upon the surface below for the purpose of creating the power required under the agreement without collecting it in the tank above.

The Honourable Sir CHIMANLAL SETALVAD : It must pass through the storage tank ; otherwise how is it to remain ?

Mr. JEHANGIR B. PETIT : If these are the facts, I do not see, Sir, how the House can reject the demand.

Dr. K. E. DADACHANJI (Bombay City, South) : Mr. President, the question asked by my honourable friend representing the Bombay Millowners' Association is not a big point. Now, the water-works for all purposes always want dredging and cleaning. But this seems to have been done in some olden days by a Rajah or so (Honourable Members : No, no). I do not know, Sir, whether there was some dredging or something like our present day apparatus which can be applied to remove water or silt there and clear the tank of silt. By raising the height of the weir, the tank would impound additional quantity of water. That is the only means to attain our object of giving requisite quantity under the contract. If you want to give water under contract, the only way open to us is to raise the height of the weir and impound more water.

Dewan Bahadur K. R. GODBOLE (Poona District) : Mr. President, I know a good deal about this weir and I think the information that I will place before the Council will facilitate their coming to a correct decision

[Dewan Bahadur K. R. Godbole]

on this subject. This particular weir is a weir that has been thrown across the Ghataprabha river and it feeds an irrigation canal which was constructed in 1884. The canal irrigates a considerable area at present. Unfortunately however on account of this agreement which was entered into with the mills in 1897, Government have bound themselves to supply to the mills a certain flow of water and to make up the deficiency of the natural supply of river water available at the falls when it falls below the stipulated flow. The mills utilise the power generated at the falls and in order to have that power it is necessary that a certain flow of water at the falls should always be available. When the natural flow of water falls below the required volume, then water is let out from this weir to supplement the water discharge so as to make up the quantity that is required for mill purposes. As Government has entered into this agreement, we cannot get out of it and the work is therefore absolutely necessary. The Council should not be under the impression that the whole of the water that is impounded by the weir is going to be utilised by the mill. It will continue to be employed for irrigation in the same manner as hitherto. It is only the shortage of the natural flow of the river that is to be made up occasionally from the storage above the weir for the purposes of the mill. That is the correct position. The matter is not very satisfactory, but the predecessors of the present Government have allowed Government to enter into the agreement and there is no other way of getting out of the difficulty. The Gokak Mills shares have attained a considerable market value on account of the water power available. I have myself been induced recently to take up some shares in these mills.

The Honourable Sir IBRAHIM RAHIMTOOLA : Mr. President, I should like to say a few words after the very clear explanation just given by the honourable member for Poona. It has elicited one thing of a very serious nature. This supply of water to the Gokak Mill appears to be not for the ordinary requirements of a mill but for the purpose of obtaining power. Now, if you do not give that supply, the mill cannot work. If there is a legal obligation to supply water in order to enable the mill to work, the damages claimable will be enormous if the mill stops working in consequence. The result will be that in order to effect a small saving the Council will land Government into litigation for heavy damages. The position is far more serious than I thought and I hope honourable members will not object to sanction the grant.

Mr. C. C. HULKOTI (Dharwar District) : May I know what the recommendation of the Irrigation Commission was as to the effect of the agreements entered into ?

The Honourable Sir CHIMANLAL SETALVAD : The agreements are agreements, good or bad.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : There is very little left for me to reply after the speeches we have just had.....

The Honourable the PRESIDENT : Then, why make a speech at all !

Sardar V. N. MUTALIK : Then I will make no speech at all, Sir, but will leave the whole question to the House.

The Honourable Sir CHIMANLAL SETALVAD : The honourable member for Nagar, Mr. President, really confounds the issue before the House. He criticises the agreements of 1884 and 1897. That is not the issue before the House at all. You may say, if you like, that these agreements were not what they should have been or that the Government did not make a very good bargain in those days. That may or may not be. That is not the point we are concerned with. The agreements are there, Government are under an obligation to give this supply to the mill and the whole question is whether, in order to fulfil that obligation and also to provide the irrigators with the water they need, this expenditure is necessary or not. That is the only issue now before the House and I have no doubt that the House will vote the grant.

Question put and negatived.

Mr. P. R. CHIKODI (Belgaum District) : I ask for a division.

The Honourable the PRESIDENT: Requests for division are becoming common, but it is within my discretion to prescribe from time to time the mode of division. I will not on this occasion adopt the method of giving trouble to the honourable members of going into the lobbies.

(Honourable members who were for the Ayes were asked to stand up ; subsequently those for the Noes were also asked to stand up ; the Noes being in the majority, the question was declared to have been negatived.)

Rao Bahadur G. K. CHITALE : Does the Honourable the President want to know which members have voted for and which against ?

The Honourable the PRESIDENT : Yes, the honourable member is right. In the House of Commons the Secretary or the Clerk at the Table goes to each honourable member and takes down his name. The following members are for the Ayes :—

Mr. P. N. Adhav,
Rao Bahadur G. K. Chitale,
Rao Saheb D. P. Desai,
Mr. P. R. Chikodi,
Sardar V. N. Mutalik,
Mr. G. B. Trivedi,
Mr. G. C. Bhate and
Rao Bahadur D. A. Vichare,

The names of those members who did not vote are :—

Rao Saheb L. V. Parulekar,
Mr. R. G. Salgar,
Mr. B. G. Pahalajani,
Rao Bahadur S. D. Garud.
Mr. Dipchand T. Ojha.
Rao Saheb Harilal D. Desai.

The rest vote for the Noes.

Mr. B. V. JADHAV : May I move my motion, Sir ?

The Honourable the PRESIDENT : Does the honourable member wish to reduce the item by one rupee ? That is usually done for the purpose of charging the department with some delinquency or censuring any particular officer.

Mr. B. V. JADHAV : I desire to lay the grievances people have against these survey parties.

The Honourable the PRESIDENT : Are the grievances under that particular item ?

Mr. B. V. JADHAV : I wish to make general remarks about this whole matter.

The Honourable the PRESIDENT : That cannot be done. If the delinquencies come under this particular item, a motion for reduction of the salaries of such delinquents would be in order.

Mr. B. V. JADHAV : My object is to show how these survey parties are working and so on.

The Honourable the PRESIDENT : Surely the honourable member could have called the attention of the Honourable Member of Government in charge of this department on the whole demand. I would again point out that such reductions are only moved when the purpose is to charge any particular officer or any department with any delinquency when its vote is upon the estimates and that is done for the purpose of raising a debate upon that delinquency. So, if the honourable member wishes to do that, I will allow his motion ; otherwise it is out of order.

Mr. B. V. JADHAV : I do not wish to move it.

Question proposed that the total Irrigation demand be granted.

Mr. G. B. TRIVEDI (Thana District) : Sir, we had just now an item here on which the discussion turned on the way in which the Irrigation Department gives up the original purpose for which certain irrigation works were constructed. This is the occasion to tell Government that in carrying out their irrigation works, the Irrigation Department does not look to the interests of the agriculturists for whom the irrigation work is intended. I shall give a recent instance as to what happened in Sholapur. In Sholapur, there is a tank called the Ekrukh tank. It was constructed primarily with the object of supplying water to the agriculturists. Afterwards the demand of the city came in for water-supply. After this, certain mills came into existence there, and these wanted water. I understand now that there are not less than 5 or 6 mills in that city. This tank water which was primarily intended for agricultural purposes has now been diverted for the use of not only of the city but for the workshops and mills there. The original object of this tank has now been frustrated thus. This is only one instance where the interests of the agriculturists have been sacrificed to those of the mills. Unless the honourable member in charge gives an assurance that such instances will not recur, we will have to omit this demand.

Rao Sahab D. P. DESAI (Kaira District) : Sir, I would like to make some observations with regard to the working of the Irrigation

[Rao Saheb D. P. Desai]

Department in Sind. The Irrigation Department has increased its working expenditure and charges on establishments also have increased, and I fear what are called productive works have ceased to be so as it appears from the last Irrigation Report. These charges are encroaching upon our profits. Even there was a distinct loss of about 13 lakhs in the year 1920-21 and even if we take the ensuing year and deduct the expenditure incurred by the Indus River Commission on the several canals, it will be found that the net realization does not exceed 7 lakhs 21 thousand rupees, an amount hardly sufficient to meet the interest charges.

The Honourable the PRESIDENT: The honourable member has exceeded his five minutes.

Dewan Bahadur K. R. GODBOLE (Poona District): Mr. President, I want to state clearly the present position as regards the matter that has been placed before the Council by my honourable friend for Thana. The question is with reference to the Ekruk tank, with which I am intimately acquainted.

The Honourable the PRESIDENT: Is there a separate item as Ekruk tank? On the whole demand you cannot pick out a particular item and then impose a grievance upon that. On the whole demand, the grievances must be of a general character—the organization and administration of the whole department as distinguished from any specific sub-head.

Dewan Bahadur K. R. GODBOLE: The point that I am going to touch upon is the utilisation of our irrigation works that have been constructed from irrigation funds for the purposes of water supply to industrial concerns. That is a general question, and.....

The Honourable the PRESIDENT: Is it a question of expenditure, or is it a question of realising revenue, and bringing money into the coffers of Government?

Dewan Bahadur K. R. GODBOLE: It is a question of realising revenue.

The Honourable the PRESIDENT: Then that ought to have come during the budget discussion. I rule it out of order.

Mr. C. C. HULKOTI (Dharwar District): Mr. President, I wish to say a few words concerning my district on this motion. From the Irrigation Report of 1920-21 it appears that there are only 7 first class irrigation tanks in Dharwar Irrigation district, and, according to the report for 1920-21, the net revenue to Government is Rs. 2,02,253 and the working expenses amounted to Rs. 91,581. The total area irrigated in the district comes to 92,759 acres. My complaint against the irrigation policy of the Government is that the attention which ought to have been paid to the irrigation works of my district is not paid, and unless it is done, it is exceedingly difficult for the agriculturists to improve their only source of income in the district, namely, agriculture. Especially my district (Dharwar) is an agricultural district, and the greater part of the population—nearly 90 per cent.—depend on agriculture for their livelihood. I think it is indispensable that some means of improving their lot should be

[Mr. C. C. Hulkoti]

provided, and serious steps taken to that end. During this very session, I brought to the notice of the Honourable Member in charge of the department by a few interpellations some feasible schemes of irrigation in my district and the first scheme is about the storage reservoir on the Dharma river. The estimates are stated to be quite ready as far back as 1908. The estimated cost of the scheme is Rs. 3,81,150, the estimated revenue therefrom is Rs. 33,500 and the area under command of this scheme is about 14,000 acres. I beg to submit to the Honourable Member in charge that there is a good deal of profit in the scheme, and if taken up it will not financially work out a loss. The prominent objection which is always urged against irrigation works in the Deccan is that they do not pay sufficiently as in Sind. No doubt,.....

The Honourable the PRESIDENT: Up to this point the honourable member was relevant, because he was dealing with expenditure. But now he is going to the point of realising revenue. That ought to have come in during the budget discussion, and I believe the honourable member did take part in it.

Mr. C. C. HULKOTI: My point is that sufficient attention is not paid to the irrigation works in my district and sufficient money is not invested.

The Honourable the PRESIDENT: Therefore, the honourable member would be perhaps justified in getting round the ruling by showing that sufficient money is not spent on irrigation.

Mr. C. C. HULKOTI: So also, there is another scheme, Right Bank Canal of Madag, which is estimated to cost Rs. 3,38,932 and the area under command will be 16,400 acres. The gross estimated revenue is Rs. 16,440. If this is also taken up by the Irrigation Department, it will go a great deal towards relieving the sufferings of the agricultural population of my district, which is always liable to failure of crops for want of sufficient rains.

Mr. B. V. JADHAV: Mr. President, the Irrigation Department is a very necessary department, and has been doing a deal of good to the agriculturists. But some of the officers of the department are not as considerate towards the agriculturists and to the owners of land as they ought to be. I want to bring to the notice of the authorities some of their actions. Whenever a survey is to be made, some of these enclose too much land and exact gratification from those whose lands can easily be left out. They play other tricks too, and are the veriest tyrants whenever they can. When canal works proceed, some of them take *murum* and earth from, and construct temporary buildings in private fields without the permission of the owner or occupier, as if such persons were of no importance at all. But when some of these are not pliant enough to submit to them and take their complaints to higher quarters, these high-handed subordinates induce their superiors to start acquisition proceedings, and give notices that the land is required permanently for Government use. Before commencing the work they had not felt the need of acquiring that particular field. But the superior officers are easy enough not to suspect the inner motives of their subordinates and

[Mr. B. V. Jadhav]

allow themselves to be easily taken in. It is a matter for regret that there are some high officials of this nature who become a party to the squandering of Government money in acquiring lands unnecessarily.

Mr. E. M. PROES : What are the names of those high officials ?

Mr. B. V. Jadhav : They will come out in proper time. Sir, these are some of the grievances. The other grievances are that the Irrigation Department generally favour such projects as cost a great deal of money—crores of rupees—and neglect minor ones which do not cost a large sum. I think they ought to pay more attention to smaller schemes. Some of the smaller schemes are very practicable, and will be profitable in certain localities. For instance, the eastern part of Satara district is liable to famine in two years out of three and wants irrigation badly to save the tract. The Nira Right Bank canal does not benefit any considerable portion of it. Small irrigation works are wanted, but are not constructed.

The Honourable the PRESIDENT : Will not this be an appropriate subject for a resolution ? When it is stated that a grievance may be brought to the notice of Government and a motion for a reduction of the demand may be made, it means some specific grievance, so that the department may be punished by a reduction of the amount allotted to it, and if the salary of the Member in charge is votable he may be censured by a motion for its reduction made and carried. But it is no use saying that the Irrigation Department is doing this and not that. That raises a very large question for which a debate on supply would not suffice.

Mr. B. V. JADHAV : That is true, Sir, but we get such opportunities very rarely, and we are inclined.....

The Honourable the PRESIDENT : I think the honourable member has called attention to it, and if he wants to call attention more effectively to the grievance, he had better adopt the proper method of raising a debate upon it.

Mr. B. V. JADHAV : Sir, another matter is that the patkaris that distribute water are notoriously corrupt, and it should be checked by the introduction of admixture of castes.

Mr. KANJI DWARKADAS : Sir, I move for a closure.

The Honourable the PRESIDENT : I accept the closure.

Mr. B. V. JADHAV : In the middle of my speech ?

The Honourable the PRESIDENT : If the honourable member looks up the Standing Orders, he will see that closure can be moved and accepted by the Chair even in the midst of a speech.

The Honourable Sir CHIMANLAL SETALVAD : Mr. President, I do not propose to detain the Council long at this late hour. I would only observe with regard to the complaints made by the last speaker that it is a very easy thing to make sweeping charges of corruption as he has ventured to do. I say the remedy is in the hands of the people themselves. If certain officers are alleged to be corrupt, the people who tempt them to be corrupt are also equally responsible.

[Sir Chimanlal Setalvad]

If the people concerned would not come forward and make a complaint to the proper authorities how is this corruption to be dealt with by the Government? It is very unfair to the officers concerned for honourable members to stand here and make sweeping charges at budget time and then go to sleep for the whole year, and then repeat the charges again next year at budget time, doing nothing during the year for combating the evil if it does exist.

With regard to the observations made by the honourable member from Thana and also by the honourable member from Poona, what they alleged is that it is the policy of the Irrigation Department to extend its help to millowners at the expense of the irrigator, and they instanced the case of the Ekrukh tank at Sholapur. I have to explain, Sir, that these honourable members are not conversant with, and have not investigated, the real facts about the matter. No doubt the Ekrukh tank was constructed for irrigation purposes, but after it was constructed, for a number of years, the irrigators would not take water from that tank, and Government therefore gave water to the city municipality and to the mills. So, the initial diversion of the water for other purposes was not the choice of Government but it resulted absolutely through the action of the irrigators themselves in refusing to take water for some years from that tank. Having once diverted the use of the water or a portion of it in that manner, and the city municipality and mills being dependent upon the water of the canal, it must be remembered that vested interests have now been created. With a big city like Sholapur and with the growth of the industrial population there in connection with the mills, we cannot by a stroke of the pen stop the supply of water.

Rao Bahadur G. K. CHITALE: May I know if there is any written agreement between the Government and the municipality and mills?

The Honourable Sir CHIMANLAL SETALVAD: I do not think this Council or Government would require any written agreement when the health of a great city like Sholapur is concerned. The honourable member for Ahmednagar is not serious in saying that if there is no written agreement, a legal contract, Government need not mind the question of the water supply for Sholapur town. You cannot stop the supply and turn adrift all the inhabitants—two lakhs and more—of a big, populous town and keep them without any supply of water. Taking the mills you have several thousands of people employed there, working in these mills. And you cannot contemplate the possibility of closing down the mills. But I can assure this House that this subject of the distribution of water from the Ekrukh tank is receiving the serious attention of Government. I am personally investigating the matter and we hope to be able to evolve some definite policy. In the interim we have arrived at a workable scheme under which there would be no difficulty at any rate till the rains. Then, as a permanent measure, what course should be adopted will in the meantime be investigated and will be followed by the department.

Then the honourable member from Kaira went into various figures and—he will pardon me for saying so—created confusion worse confounded.

[Sir Chimanlal Setalvad]

But as far as I was able to follow him his plea was that irrigation as a whole did not pay at all and that the provincial revenues made a loss. I am greatly surprised to find any honourable member who has taken care to study the figures about irrigation saying that the irrigation projects mean a loss to the provincial revenues. A study of the figures will show the contrary. The honourable member points to certain figures, but it all depends upon how you read them, how you understand them and how you deal with them. I do not want to go into details of the matter but I have got here figures worked out which show that we make a substantial profit over the irrigation schemes put together. It is perfectly true that irrigation in the Deccan does not pay what it ought to, but the Sind irrigation pays very handsomely. We must take everything together. You have to see how the policy as a whole has paid or not paid, and a large proportion of the land revenue in Sind is attributable to the canals that are there, and it appears from the figures worked out, that after paying as interest to the Government of India of about Rs. 36 lakhs on the capital value on the irrigation works that are handed over to us at an average of about 4 per cent., and after taking all the expenditure, a further balance of 3 per cent. on the whole expenditure is left, which means a very good thing. After providing for 4 per cent. interest we have further 3 per cent. as the result of the irrigation projects. It certainly cannot be called to be unsatisfactory, and I again repeat, therefore, that I do not know how the calculations made by the honourable member for Kaira were arrived at. He must be entirely wrong, he must have misread the figures entirely before arriving at that conclusion.

Question put and demand granted.

The Honourable the PRESIDENT: The Council is now adjourned till 2 p.m. on Monday the 5th March 1923.

Monday, the 5th March 1923.

The Council re-assembled at the Town Hall, Bombay, on Monday, the 5th March 1923, at 2 p.m., the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

Present :

ADDYMAN, Mr. J.
 ADHAV, Mr. P. N.
 BATLIWALA, Dr. S. S.
 BEDREKAR, Khan Bahadur I. M.
 BHATE, Mr. G. C.
 BHUTTO, Khan Bahadur S. N.
 BOLE, Mr. S. K.
 BULLOCKE, Mr. A. GREVILLE
 CADELL, Mr. P. R.
 CHAUGULE, Mr. ANNAPPA PHADEPPA
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. F.
 COCKE, Mr. H. G.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Mr. V. A.
 DADACHANJI, Dr. K. E.
 DALAL, Sardar Khan Bahadur ADARJI M.
 DALAL, Mr. D. B.
 DESAI, Rao Saheb HARILAL D.
 DESAI, Rao Saheb DADUBHAI P.
 DRAKHAN, WADERO MAHOMED PANAH
 DUBHASHE, Mr. SHANKAR BALKRISHNA
 DUMASIA, Mr. NAOROJI M.
 DWARKADAS, Mr. KANJI
 FERNANDES, Major C.
 GANDHI, Mr. C. M.
 GHOLAP, Mr. D. D.
 GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH
 GODAD, Khan Saheb ABDULLA AVJAL
 GODBOLE, Dewan Bahadur K. R.
 GULAMHUSEN, Mr. SULTANALI SALEMANJI

GUPTA, Mr. V. R.
HAJI, Mr. IBRAHIM S.
HAJI KHAMISO GUL MAHOMED, Mr.
HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA
HAYWARD, The Hon'ble Mr. M. H. W.
HEPPER, Sir LAWLESS
HULKOTI, Mr. CHANNAPPA CHANVIRAPPA
ISRAN, Khan Saheb G. A.
JADHAV, Mr. B. V.
JENNINGS, Major General W. E.
KALE, Rao Bahadur R. R.
KAMBLI, Mr. S. T.
KANGA, Mr. J. B.
KASSIM, Mr. G. H.
KER, Mr. J. C.
LAGHARI, Khan Bahadur KHAIR BAKSH
LALBHAI AMBARAM, Mr.
LALJI NARANJI, Mr.
LAWRENCE, The Hon'ble Mr. H. S.
LIGADE, Mr. S. P.
LORY, Mr. F. B. P.
MACNAGHTEN, Sir HENRY
MANSURI, Khan Saheb A. M.
MEAD, Mr. P. J.
MEHTA, The Hon'ble Mr. C. V.
MODI, Sardar DAVAR T. K.
MOHOMED SALAHUDDIN K., Mr.
MONTGOMERIE, Mr. A.
MUKHI, Mr. J. P.
MURPHY, Mr. S. J.
MUTALIK, Sardar V. N.
NELSON, Mr. F.
NILKANTH, Rao Bahadur R. M.
NIMBALKAR, Mr. K. B.
OJHA, Mr. DIPCHAND T.
PAHALAJANI Mr. B. G.
PARANJPYE, The Hon'ble Dr. R. P.
PARULEKAR, Rao Saheb L. V.
PATEL, Mr. B. P.

PATEL, Mr. J. B.
 PAWAR, SHRIMANT J. A.
 PETIT, Mr. JEHANGIR B.
 PRADHAN, Mr. M. W.
 PROES, Mr. E. M.
 RAHIMTOOLA, The Hon'ble Sir IBRAHIM
 ROTHFELD, Mr. O.
 SABERWALA, Khan Saheb I. A.
 SALGAR, Mr. R. G.
 SETALVAD, The Hon'ble Sir CHIMANLAL
 SHEPHERD, Mr. W. C.
 SHIRRAS, Mr. G. FINDLAY
 THOMAS, Mr. G. A.
 TRIVEDI, Mr. G. B.
 VICHARE, Rao Babadur D. A.
 WOODS, Mr. E. E.

The Honourable the PRESIDENT: Order, order. Questions.

DEFALCATION ON FAMINE WORK.

Mr. P. N. ADHAV (Satara District): (a) Will Government be pleased to lay on the Council Table the result of inquiry in which a sub-overseer was found to have swindled or extorted money from coolies engaged on famine work on the Khandala-Lonand road?

(b) Were the coolies defrauded compensated for their loss?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The local officers report that it is not possible to furnish the information in the absence of the approximate date of the alleged defalcation and the name of the subordinate referred to.

DR. KAPADIA'S CASE.

Dr. K. E. Dadachanji on behalf of Dr. S. S. BATLIWALA (Bombay City, North): (a) Will Government be pleased to state whether they have received rejoinders from Dr. Kapadia and the Bombay Medical Union dated 31st August 1922, regarding the conduct of Superintendent Carter towards the former?

(b) If the reply is in the affirmative, will Government be pleased to state what they have done in the matter?

(c) Will Government be pleased to lay on the table the full report of departmental inquiry for the information of the Council?

(d) Will Government be pleased to state what facts, circumstances or reasons are in their possession, other than what appeared in the court, that led them to come to the conclusion, other than the judgment of the learned Chief Presidency Magistrate?

The Honourable Mr. M. H. W. HAYWARD : (a) and (b) Government received further representations which did not however include any material not already before them.

(c) and (d) Reference is requested to the replies given at the July Sessions to the supplementary questions put by the honourable member for the Millowners' Association.

DACOTTIES, THEFTS, ETC., IN THE NORTHERN PART OF BOMBAY.

Dr. K. E. Dadachanji on behalf of Dr. S. S. BATLIWALA (Bombay City, North) : (a) Will Government be pleased to state whether they are aware of frequent dacoities, thefts and hooliganism in the northern part of Bombay and its suburbs ?

(b) If so, what steps have they taken or propose to take to give protection to the people living in the suburbs ?

The Honourable Mr. M. H. W. HAYWARD : (a) Government have made enquiries into the statements which have been made regarding the prevalence of crimes against property in the north of the Island. The figures supplied by the Commissioner of Police are as follows :—

Serious thefts with house-breaking.

| — | | | September. | October. | November. | December. |
|------|----|----|------------|----------|-----------|-----------|
| 1921 | .. | .. | 159 | 109 | 202 | 172 |
| 1922 | .. | .. | 150 | 109 | 139 | 185 |

Simple thefts.

| | | | | | | |
|------|----|----|-----|-----|-----|-----|
| 1921 | .. | .. | 464 | 606 | 434 | 517 |
| 1922 | .. | .. | 498 | 502 | 537 | 527 |

(b) A reference is requested to the reply given at the recent sessions in Poona to the question asked by the member for the Bombay Millowners' Association. It should be noted further that the new police station will probably be opened during this or next month at King's Circle, Matunga.

PASTURAGE IN BOMBAY PRESIDENCY.

Dr. K. E. Dadachanji on behalf of Dr. S. S. BATLIWALA (Bombay City, North) : (a) Will Government be pleased to state what percentage of land at present exists for pasturage in the Bombay Presidency ?

(b) Will Government be pleased to state whether

(i) they are aware of the insufficiency of grazing grounds in the Presidency which adversely affects the welfare not only of the cattle but of the people as well ? If so

(ii) what steps do Government propose to take to increase the land open to pasturage in the Presidency ?

The Honourable Mr. C. V. MEHTA : (a) The area of grazing land under the Revenue Department is 2,359 square miles and that under the Forest Department open to grazing of all animals is 3,374 square miles and to all animals except browsers is 8,387 square miles.

(b) Government have appointed a committee to consider the question of improving the breeds of cattle as well as the fodder supply. The report of the committee is awaited.

RUNNING OF STEAMERS ON WESTERN COAST.

Mr. G. C. BHATE (Kolaba District): Will the Government be pleased to place on the Council Table the form of the license or licenses and to state the rules and conditions, if any, under which the "Bombay Steam Navigation Company" (Agents, Killick Nixon and Company) are running their steamers on the western coast of our Presidency?

The Honourable Sir IBRAHIM RAHIMTOOLA: A copy of General Pass Rules* under which the passenger steamers ply at ports in this Presidency situated south of Bombay is placed on the Council Table. The steamers are also required to observe the rules laid down by Government under section 6, sub-section (1) of the Indian Ports Act, 1908 (XV of 1908) (*vide* Government Notification in the Revenue Department, No. 5154, dated 2nd June 1914, printed at pages 1255 and 1256 of Part I of the *Bombay Government Gazette*, dated 4th *idem*).

POST OF PROFESSOR OF HYGIENE IN GRANT MEDICAL COLLEGE.

Mr. Kanji Dworkadas on behalf of Mr. S. K. BOLE (Bombay City, North): Will Government be pleased to state—

(a) What are the qualifications required for the post of Professor of Hygiene in the Grant Medical College?

(b) Is the present incumbent of the post duly qualified for that appointment?

(c) What emoluments does he get?

The Honourable Dr. R. P. PARANJPYE: (a) This is a minor professorship and is entrusted to the Professor of Physiology, as they are cognate subjects. No particular professional qualifications are laid down for this appointment.

(b) Yes.

(c) He is granted a duty allowance of Rs. 200 a month for this appointment.

BACK BAY RECLAMATION.

Rao Saheb D. P. DESAI (Kaira District): (a) (i) Will Government be pleased to state what were the original estimates for Back Bay Reclamation Project?

(ii) What amount has been spent till the close of the last financial year?

(iii) and what amount will still be required to complete the project?

(b) Is it a fact that the revised estimates have increased by 100 per cent.; if not, by how much?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) (i) The original estimate for the Back Bay Reclamation Project made in the year 1919 was Rs. 367.61 lakhs.

(ii) The total expenditure to the end of the last financial year is Rs. 203.23 lakhs.

- (iii) The amount required to complete the project is Rs. 499·20 lakhs.
- (b) The revised estimate shows an increase of 91 per cent. over the original estimate, but is as nearly as possible the same as that underlying the figures published in Press Note No. S. A. 3709, Development Department, of 20th September 1921.

UNPRODUCTIVE IRRIGATION WORKS IN SIND.

Rao Saheb D. P. DESAI (Kaira District): (a) Will Government be pleased to state what amount has been spent from Famine Insurance Fund during the last five years on unproductive irrigation works in Sind ?

(b) Will Government be pleased to state whether it is a fact that for a project of irrigation in Sind to be sanctioned it must be shown that it will be a productive work ?

(c) Will Government be pleased to state what is a productive work under the latest rules of Government ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) No expenditure has been incurred on unproductive irrigation works in Sind from the Famine Insurance Fund during the last five years ending 1921-22 except in the last year of the quinquennium, during which such expenditure amounted to Rs. 3,054 only.

(b) No.

(c) To admit of a new work being classed as a Productive Public Work, the following conditions must be satisfied :—

(a) There must be good reason to believe that the revenue derived from it will, within ten years after the probable date of its completion, repay the annual interest on the capital invested at 6 per cent., but in preparing a project for sanction no deduction is to be made from the total capital outlay on account of anticipated excess of revenue over simple interest.

NOTE.—Capital invested includes (1) direct charges, (2) indirect charges and (3) all arrears of simple interest, if any, i.e., balance of total interest over total net-revenue.

(b) It must be susceptible of having clear Capital and Revenue accounts of it kept.

(c) Its classification as a productive Public Work must be authorised by competent authority.

EFFECTS OF CANALS ON RAINFALL.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state what is the effect, observed by the Director of Agriculture, of canals to the north-west of our country, on the rainfall of the rest of our Presidency ?

The Honourable Mr. C. V. MEHTA : It has not been ascertained that the canals have any effect on rainfall.

AGRICULTURAL RESEARCH.

Rao Saheb D. P. DESAI (Kaira District): (a) Will Government be pleased to state whether their attention has been drawn to the note on Agricultural Research issued by the Director of Information on the 25th January 1923 ?

(b) If the reply to the above be in the affirmative, will Government be pleased to state what arrangements have been made by them to import from Pusa a herd of cross-bred cows ?

The Honourable Mr. C. V. MEHTA : (a) Yes.

(b) No Pusa cross-bred cows have been imported into this Presidency as cross-breds are very susceptible to disease and can only be kept in large herds isolated from other cattle.

Rao Saheb D. P. DESAI : These crosses were taken to evolve a disease-resisting breed as pure foreign breed is much subject to disease in this country ?

The Honourable Mr. C. V. MEHTA : The information at the disposal of Government at present is that any cross-breed in which foreign cattle play a part would make them liable to disease.

Rao Saheb D. P. DESAI : If that is the case, why should Pusa experts have such a large herd of cross-bred animals ?

The Honourable Mr. C. V. MEHTA : We are not responsible for what is being done at Pusa.

BOOK COMMITTEE FOR GUJARATI BOOKS.

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to place on table a list of the president and members with their special qualifications for the work of the Book Committee on whose recommendations Gujarati books are sanctioned by Government as text, prize and library books for primary and secondary schools ?

The Honourable Dr. R. P. PARANJPYE : The information is being obtained.

SERIES OF GUJARATI BOOKS BY RAO BAHADUR K. P. TRIVEDI.

Rao Saheb D. P. DESAI (Kaira District) : (a) Will Government be pleased to state whether it is a fact that Rao Bahadur Kamalashankar P. Trivedi, a retired principal of the P. R. Training College, sent to the Book Committee referred to in the above question a series of Gujarati reading books written by him ?

(b) If the reply to the above question be in the affirmative will Government be pleased to state when these books were received by the Book Committee for approval and when the recommendations on these books were made by the committee to the Director of Education for his final orders ?

The Honourable Dr. R. P. PARANJPYE : Enquiries are being made.

SUBSIDY TO NEWSPAPERS.

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to place on table a list of newspapers and periodicals receiving subsidy from the Government with the amount of subsidy paid to each of them ?

The Honourable Mr. M. H. W. HAYWARD: No newspapers or periodicals receive subsidies from Government.

DISTRIBUTION OF COTTON SEED BY AGRICULTURAL DEPARTMENT.

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

(a) what quantity of cotton seed of 1027 A.L.F. and of selection 1-A was distributed by the Agricultural Department for sowing in the monsoon of 1922, and

(b) on how much area was the seed actually sown, and

(c) in which villages this area is situated?

The Honourable Mr. C. V. MEHTA: (a) The total quantity of seed distributed by the Department was—

Lbs.

1,571,822 of 1027 A.L.F.

342,231 of Selection 1-A.

Besides this, enormous quantities of these seeds have been distributed by gin owners, etc.

(b) Practically the whole of the country south of the Narbada is under this seed. The area actually ascertained so far is—

98,500 acres under 1027 A.L.F.

12,000 acres under Selection 1-A.

Some 90,000 lbs. of seed were distributed in the tract north of the Narbada in the Cambay State and Thasra taluka of the Kaira district.

(c) The area sown lies in the following tracts:—

1027 A.L.F. (1) Half of Chorasi taluka (Southern portion).

(2) Ankleshwar taluka (whole).

(3) Rajpipla State (whole).

(4) Jalalpor taluka.

(5) Mahuwa, Gandevi and Palsana talukas of Baroda State.

(6) Bardoli taluka.

Selection 1-A. (1) Half of Chorasi taluka (northern portion).

(2) Olpad taluka.

(3) Navapur taluka.

(4) Part of Thasra taluka.

(5) Cambay State.

NEW WORK ON COTTON.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state whether any new work on cotton has been done in Gujarat since the retirement of Mr. Fletcher; if so, what new varieties other than those mentioned in the preceding question have either been evolved or introduced in Gujarat?

The Honourable Mr. C. V. MEHTA: The work of selection of cotton in Gujarat was absolutely in its infancy in Mr. Fletcher's time. It has been necessary to select his types through a series of years in order to get the best pure types of approximately constant character. In some cases (like 1027 A.L.F.) the old names have been retained, but the present stock represents the result of a number of years of rigorous selection from Mr. Fletcher's mixed types. These pure types represent the best 'out of his and other stocks of cotton and are now being used as the basis for further advance by crossing. The work is now in the third year of crosses definitely aiming to combine the Surat and Navsari staple with higher ginning percentage and is reported to be exceedingly promising.

The new varieties are—

(1) Broach Deshi, comprising of—

(a) Selection 1-A.—Long Boll Type:—the seed is being distributed in Olpad taluka.

(b) 1027, A.L.F.—seed being distributed in the Surat district.

(c) 1-A.—Cylindrical Boll Type:—seed being distributed in the Broach district.

(2) Goghari.—Five pure types have been evolved, inferior in staple but with some economic character of marked value.

(3) Waghad.—Five pure types have been evolved.

TRANSFER OF SECRETARIAT FROM BOMBAY TO POONA.

Rao Sahab D. P. DESAI (Kaira District): Will Government be pleased to lay on the table the report of the Retrenchment Committee on the transfer of the Secretariat from Bombay to Poona and the decision of the Government thereon?

The Honourable Mr. M. H. W. HAYWARD: The report of the Retrenchment Committee will be included in their final report which will be laid on the table as soon as it is issued. The question is still under consideration.

FORFEITURE OF PENSIONS OF PRIMARY SCHOOL TEACHERS, AHMEDABAD.

Rao Sahab D. P. DESAI (Kaira District): Will Government be pleased to state whether it is a fact that Government contemplate forfeiting the pensions of the primary school teachers serving under the committee of management of the Ahmedabad municipality?

The Honourable Dr. R. P. PARANJPYE: No.

COST AND FINANCIAL RESULT OF SUKKUR BARRAGE SCHEME.

Rao Sahab HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to give information in the form of a statement as shown below regarding the cost of construction and financial results of the Sukkur

Barrage Project of 1920 according to the sequence of construction as proposed in the project, in lakhs of rupees :—

| Year of Commencement. | Expenditure Direct charges. | | | | | | | | Net Revenue. | | | | | |
|-----------------------|-----------------------------|--------------|--------------------|--------------------|------------------------------|---------------------------------|--|--------------------------------|---------------|--------------------|--------------------|--------------------|----------------------------|----------------------------|
| | Barrage. | Rohri Canal. | Nara River Canals. | Right Bank Canals. | Total expenditure on canals. | Total expenditure in each year. | Total expenditure to end of each year. | Simple interest at 6 per cent. | Rohri Canals. | Nara River Canals. | Right Bank Canals. | Total net revenue. | Interest less net revenue. | Net revenue less Interest. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 1 | | | | | | | | | | | | | | |
| 2 | | | | | | | | | | | | | | |
| 3 | | | | | | | | | | | | | | |
| 4 | | | | | | | | | | | | | | |
| 5 | | | | | | | | | | | | | | |
| 6 | | | | | | | | | | | | | | |
| 7 | | | | | | | | | | | | | | |
| 8 | | | | | | | | | | | | | | |
| 9 | | | | | | | | | | | | | | |
| 10 | | | | | | | | | | | | | | |
| 11 | | | | | | | | | | | | | | |
| 12 | | | | | | | | | | | | | | |
| 13 | | | | | | | | | | | | | | |
| 14 | | | | | | | | | | | | | | |
| 15 | | | | | | | | | | | | | | |
| 16 | | | | | | | | | | | | | | |
| 17 | | | | | | | | | | | | | | |
| 18 | | | | | | | | | | | | | | |
| 19 | | | | | | | | | | | | | | |
| 20 | | | | | | | | | | | | | | |
| 21 | | | | | | | | | | | | | | |
| 22 | | | | | | | | | | | | | | |
| Total .. | | | | | | | | | | | | | | |

- (1) Accumulated arrears of interest Rs. lakhs.
 (2) Recapitulation of figures :—
 (a) Direct outlay .. Rs. lakhs.
 (b) Indirect outlay .. Rs. lakhs.
 (c) Survey expenditure .. Rs. lakhs.
 (d) Arrears of interest .. Rs. lakhs.
 (3) Total of capital investment .. Rs. lakhs.
 (4) Net Revenue .. Rs. lakhs.
 (5) Return on capital invested .. Rs. per cent.

The Honourable Sir IBRAHIM RAHIMTOOLA: The various items constituting the complete Sukkur Barrage and Canals Project, 1920, are not proposed to be constructed in the sequence indicated by the member but simultaneously. The detailed financial forecasts for each part of the project are not available and cannot therefore be supplied. The relevant details regarding the project as a whole will however be found in Part IX of Volume V of the Project Report, a copy of which is kept in the Council Library.

INFORMATION REGARDING CERTAIN IRRIGATION WORKS.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to give information in the form of a similar statement on the basis of the Rohri and Nara River Canals, or such portions thereof as the present perennial flow would serve, being first taken in hand and the commencement of the construction of the barrage and other works being postponed till the fifth year of the commencement of the former?

The Honourable Sir IBRAHIM RAHIMTOOLA: Reference is requested to the reply given to the previous question put by the member.

AMOUNT OF STORES AND MACHINERY FOR DEVELOPMENT DEPARTMENT.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to supply the following information about the Development Department, Bombay—

(a) The total amount of stores and machinery imported from Europe for the Development Department from the beginning up to date?

(b) How much of the above was imported through the High Commissioner, stating—

(i) the amounts for which indents were sent to the High Commissioner restricting him to purchase from a particular firm or person or suppliers, and

(ii) the amounts of indents for which the High Commissioner had a free hand to buy from the cheapest source?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) The total amount paid for stores and machinery imported from Europe for the Development Department from the beginning up to date is Rs. 1,57,16,672.

(b) The whole of the above was imported through the High Commissioner. The amounts—

(i) for which indents were sent to the High Commissioner restricting him to purchase from a particular firm or person or suppliers, and

(ii) for which the High Commissioner had a free hand to buy from the cheapest source are Rs. 5,90,975 and Rs. 1,51,25,697, respectively.

AHMEDABAD WATER WORKS.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to state—

(a) Whether the Ahmedabad municipality had before its supersession refused to take the new engine as being unsuitable for their water works and the available water-supply?

(b) Whether Government had provided for it in the budget of 1922 ?

(c) Whether after the supersession of the municipality the committee of management had also objected to take it ?

(d) Whether the committee of management of the superseded Ahmedabad municipality has been told by Government that their grants would be in abeyance until the committee accepts the engine ?

(e) Whether some of the Government grants to the municipality have been withheld pending the final settlement of the question ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :

(a), (b) and (c). Yes.

(d) No.

(e) Yes. Government have withdrawn the orders and the municipality is allowed to draw Government grants.

APPLICATIONS FOR OCCUPATION OF NEW CHAWLS BUILT BY THE DEVELOPMENT DEPARTMENT.

Mr. KANJI DWARKADAS : Will the Government be pleased to state if they have received any applications for the occupation of these chawls from mill-workers and clerks and, if so, what are the average rents offered by these classes ?

The Honourable Sir CHIMANLAL SETALVAD : Government are not in a position to furnish the information asked for in the first part of the question, as the applicants were not called upon to state their occupation. Some of the applicants agreed to pay the rent asked for, while others offered to pay Rs. 7 or Rs. 8 per room per month.

Mr. KANJI DWARKADAS : May I ask a supplementary question, Sir ? In view of the fact that these chawls were primarily built for the working classes, unless Government ask that in applications the occupation of the applicants should be stated, how are Government going to find out that the rooms are going to the working classes ?

The Honourable Sir IBRAHIM RAHIMTOOLA : The first few chawls were put on the market without any restrictions, the object being to ascertain the current letting value.

Mr. KANJI DWARKADAS : Will the experiment be repeated ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Certainly not.

Mr. KANJI DWARKADAS : In view of the fact that the rents offered were only Rs. 7 or Rs. 8, what steps do the Government propose to take to make up for the loss ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Government have not let them at that rate. Therefore the question of loss does not arise.

Mr. KANJI DWARKADAS : How do Government expect to realise a rent of Rs. 15 from the working classes ?

The Honourable Sir IBRAHIM RAHIMTOOLA : I am unaware of the source from which the honourable member derives his information as regards Rs. 15 being the letting value.

Mr. KANJI DWARKADAS : I derived the information from.....

The Honourable the PRESIDENT : It does not matter wherefrom the honourable member derived the information : the honourable member is responsible for it.

Mr. KANJI DWARKADAS : Is it not a fact that Government are proposing to take Rs. 15 per room for the 120 rooms for the housing of police constables ?

The Honourable Sir IBRAHIM RAHIMTOOLA : That is an inter-departmental arrangement between the Home Department and the Development Department.

Mr. KANJI DWARKADAS : May I enquire from the Government whether it is an absolutely inter-departmental arrangement or an arrangement which requires the sanction of the Legislative Council ?

The Honourable the PRESIDENT : Does the statute require that it should be done with the sanction of the Legislative Council ?

Mr. KANJI DWARKADAS : I find that this is one of the items in the budget which is submitted to the Council.

The Honourable Sir IBRAHIM RAHIMTOOLA : The honourable member can object to that item when it comes before the House.

The Honourable the PRESIDENT : If this is a matter which is coming upon the supply estimates, then I think it need not be pursued now.

Mr. KANJI DWARKADAS : I am asking for information, Sir. The Honourable the Leader of the House has asked me where I got the information about Rs. 15 being the rent per room. In reply to that I am pointing out that Government themselves are taking up 120 rooms at Rs. 15 per room.

The Honourable the PRESIDENT : The honourable member need not go into all this explanation. He is giving information in the guise of a supplementary question, instead of asking for information, and that on a matter coming for debate on the supply estimates.

Mr. KANJI DWARKADAS : Are the Government aware that the economic rent is Rs. 15 per room ?

The Honourable the PRESIDENT : The honourable member is giving information. He ought not to do that, unless it is for the purpose of seeking for information on some question of fact.

Mr. KANJI DWARKADAS : It is a preliminary to a question, Sir. The question which I want to ask is : How do Government expect to realise a rent of Rs. 15 ?

The Honourable Sir IBRAHIM RAHIMTOOLA : I do not know, Sir, the source from which the honourable member has derived his information that the Government intend to charge Rs. 15 per room.

Mr. KANJI DWARKADAS : Then, my question is : What rent are Government going to charge to the working classes ?

The Honourable Sir IBRAHIM RAHIMTOOLA : That is under consideration.

Mr. S. K. BOLE (Bombay City, North) : Is it not a fact that on account of the high rents that are charged now, many of the rooms remain unoccupied ?

The Honourable Sir IBRAHIM RAHIMTOOLA : I think, Sir, the Council would prefer that I should answer a little more elaborately. When the first few chawls were built, Government wanted to ascertain what the current letting market value of the rooms was, and they therefore decided to put up a certain number of chawls on the market and to let them to any applicant. That was in order to find out how many rooms would be let and at what rent, and to apply that experience to subsequent chawls. The result was that many people offered less and abstained from renting them. Then, as regards the whole policy, honourable members are aware that this Council has sanctioned the imposition of the cotton cess to meet any loss that might be involved in letting these chawls at lower rates than the economic rent.

Mr. S. K. BOLE : Is it not a fact that on account of the high rents charged some of the rooms have been occupied by classes other than working classes ?

The Honourable Sir IBRAHIM RAHIMTOOLA : The honourable member has already been told that the first letting was an experiment to try and ascertain the market rates, and therefore no restriction of occupation was made. But as soon as that information becomes fully available, Government will decide upon the policy to be pursued in letting these chawls.

Mr. KANJI DWARKADAS : (Stood up).

The Honourable the PRESIDENT : The honourable member, having already exhausted his right, cannot ask further questions.

PRINTING OF TEXT-BOOKS.

Mr. KANJI DWARKADAS : (a) Will the Government be pleased to state the names of parties who tendered for printing text-books in English, Gujarati, Marathi and Canarese and the amount they tendered for and which of them was given the contract ?

(b) Will they also be pleased to state the amount for which Messrs. Macmillan and Company were given the contract for printing the text-books in English, Gujarati, Marathi and Canarese from 1918 to 1922 ?

The Honourable Dr. R. P. PARANJPYE : The information is being obtained.

ESTABLISHMENT OF THE VARIOUS DEPARTMENTS OF GOVERNMENT.

Mr. KANJI DWARKADAS : With regard to the following question from the Honourable Mr. Purshotamdas Thakurdas printed in the 6th list of questions of the third session of 1922, will the Government be pleased to give further information as promised in their answer :

Will Government be pleased to put on the table statements showing—

(a) Reduction in numbers of establishments of Imperial, Provincial and subordinate (superior and inferior) services in the various departments of the Bombay Government since 1st March 1922 ;

(b) Reductions in scales and rates of pay (including allowances of all nature) attached to all posts as above made since 1st March 1922;

(c) Increases in establishments (as in (a) above) since 1st March 1922;

(d) Increases in scales and rates of pay (as in (b) above) since 1st March 1922;

(e) Comparative statements showing—

(x) strength of all important establishments on 1st March 1915, 1st March 1919 and every subsequent 1st March whenever a revision was made and on 1st March 1922;

(y) scales and rates of pay (as in (c) above) as on 1st March 1915, 1st March 1919 and every subsequent 1st March whenever a revision was made and on 1st March 1922,

(f) Revision sanctioned but not yet effected, indicating rough estimates of such cost?

The Honourable Mr. H. S. LAWRENCE: The information is being collected.

TEXT BOOKS FOR VERNACULAR AGRICULTURAL AND TECHNICAL SCHOOLS.

Rao Bahadur S. D. GARUD (West Khandesh District): Will Government be pleased to state whether text books have been prescribed and prepared for the vernacular agricultural and technical schools in the Presidency?

(b) If not, what arrangements are proposed to be made for prescribing and preparing them, and

(c) Within what time are they likely to be published?

The Honourable Dr. R. P. PARANJPYE: Enquiries are being made.

TOLL BARS IN WEST KHANDESH DISTRICT.

Rao Bahadur S. D. GARUD (West Khandesh District): Will Government be pleased to state—

(a) the total number of toll bars in each taluka of the West Khandesh district,

(b) the maximum and minimum distance between two toll bars,

(c) if it is true that the rates levied in the Nasik district on provincial roads are half of the rates levied in West Khandesh,

(d) if so, will Government be pleased to state the reasons for this difference?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN:

(a) In Sakri Taluka 4 Toll bars on Provincial Roads.

In Nandurbar " 3 " " "

In Nawapur " 1 " " "

In Shirpur " 3 " " "

(b) Necessary information has been called for.

(c) Rates of tolls on provincial roads in the West Khandesh district are in a few cases double of those in the Nasik district.

(d) The rates of tolls were sanctioned as recommended by the local officers. It has now been decided to have uniform rates in each division from 1st April 1923.

BHIL CHOWKIS IN KHANDESH DISTRICT.

Rao Bahadur S. D. GARUD (West Khandesh District): Will Government be pleased to state (a) the total number of Bhil chowkis in each taluka of the Khandesh district, (b) if it is true that they are permitted to levy tolls on carts and other traffic, (c) who has given them this permission, (d) under what legal authority is this permission given, and (e) the amount Bhil chowkis are permitted to levy per cart?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The necessary information has been called for.

REVISION OF PAY OF BOMBAY MEDICAL SERVICE.

Rao Bahadur S. D. GARUD (West Khandesh): (a) Will Government be pleased to state (i) the exact calculation on which the revised pay of Bombay Medical Service officers was fixed by Government Resolution No. 578 of 18th January 1922, and (ii) the rates of percentage and increments that were allowed?

(b) Is it true that some of the 1st grade Bombay Medical Service Officers who would have got Rs. 360 on 1st March 1921 if the revision had not come into effect have been only allowed to get Rs. 280 under the revision?

(c) Will Government be pleased to state the reasons for which the actual pay of Bombay Medical Service Officers on 1st March 1921, the date from which the revision was to take effect, was not taken into consideration in calculating the increment due under the revision of pay?

(d) Was any extra consideration shown to those Bombay Medical Service officers who had passed the septennial examination or had acted as Civil Surgeons in fixing their revised pay?

(e) What steps have Government taken or propose to take to remedy these grievances of Bombay Medical Service officers?

The Honourable Dr. R. P. PARANJPYE: (a) The pay of the officers as it stood on 31st March 1920 was taken as the basis for the revision of their pay. They have been given percentage increases in accordance with the statement* laid on the table and additional increases at the rate of half an increment for each three years' service in their grade. Further additional increases, equivalent to the charge allowance which they used to draw before the revised scale of pay was introduced, have also been given to them.

(b) Government are not aware of any such case.

Attention is directed to the reply† given at the third session of the Council in 1922 to question put by Khan Bahadur D. B. Cooper in July 1922.

(c) The pay on 31st March 1920 was considered to be a more suitable basis of calculation.

(d) No.

(e) Government are not aware of any legitimate grievances.

* Kept in Secretary's office. † Printed in the first list.

SCIENCE APPARATUS FOR PRIMARY SCHOOLS.

Mr. V. R. GUPTE (Poona City): (a) Will Government be pleased to state how many primary schools in each district of the Presidency are supplied with science apparatus; and

(b) how many in each district have started the teaching of nature study with the help of school gardens?

The Honourable Dr. R. P. PARANJPYE: The information is being obtained.

APPOINTMENT OF AN OFFICER UNDER THE COMPULSORY EDUCATION ACT.

Mr. V. R. GUPTE (Poona City): Will the Government be pleased to state if it is their intention to appoint an officer on special duty in connection with the administration of the Compulsory Education Act passed in December last? If so, will they mention his name and any special qualifications he might have for the task?

The Honourable Dr. R. P. PARANJPYE: Mr. M. Hesketh, M.A., I.E.S., Educational Inspector, Central Division, who acted as Secretary to the Compulsory Education Committee, has already been placed on special duty in connection with the introduction of the new Local Boards and Primary Education Acts.

PAYMENT TO MESSRS. MACMILLAN AND COMPANY FOR COPYRIGHT OF WOOD-CUTS.

Mr. V. R. GUPTE (Poona City): Will Government be pleased to state if they are required to pay anything to Messrs. Macmillan and Company for the copyright of the wood-cuts used in the text books? If so, how much?

The Honourable Dr. R. P. PARANJPYE: Messrs. Macmillan and Company claimed copyright in those illustrations only which were prepared at their expense. Some of the illustrations referred to in the question were so prepared, and others were obtained from other sources. Government have decided not to make use of the copyright illustrations, and no question of payment will therefore arise.

EXCISE COMMITTEE.

Mr. V. R. GUPTE (Poona City): Will the Government be pleased to state whether it is their intention to nominate a chairman to the Excise Committee? If so, has any choice been finally made? Is the committee expected to submit its report in time for the present Council to take any action upon it?

The Honourable Mr. C. V. MEHTA: Government has made its choice of a Chairman. The Committee has not finished its deliberations and it cannot be stated when its report will be ready.

DHARWAR TRAINING COLLEGE.

Mr. V. R. GUPTE (Poona City): Will Government be pleased to state the number of students in the third year class of the Dharwar Training College?

The Honourable Dr. R. P. PARANJPYE: The information is being obtained.

POLICE TRAINING SCHOOL AT NASIK.

Mr. V. R. GUPTE (Poona City): Will Government be pleased to state the reasons that forced them to reopen the police training school at Nasik? Will they also state how many officers and men from the department and of what standing are going to be admitted to it?

The Honourable Mr. M. H. W. HAYWARD: The Police Training School at Nasik has been reopened partially as an emergent measure to provide training for the large number of Imperial Police probationers being recruited to fill the unusual number of vacancies in the Imperial Police.

Seven of these probationers have already been selected and are already receiving training at the school and it is expected shortly to select twelve more probationers. The school is also to be utilized for training 10 head constables as sub-inspectors for the Bombay City Police.

LONDON EDUCATIONAL CONFERENCE.

Mr. V. R. GUPTE (Poona City): Will Government be pleased to state if it is their intention to send an Indian representative on behalf of this Presidency to the London Educational Conference? If so, whom have they selected and what facilities is he to enjoy during his deputation?

The Honourable Dr. R. P. PARANJPYE: Attention is invited to the answer to question put by Mr. G. B. Trivedi at the present session.

BUILDING FOR TRAINING COLLEGE FOR WOMEN, POONA.

Mr. V. R. GUPTE (Poona City): Will Government be pleased to state if the idea of erecting a new building for the Training College for Women at Poona on the site acquired in Sadashiv Peth has been abandoned? If so, what are Government's reasons for that decision and the manner in which the plot in question will be utilised?

The Honourable Dr. R. P. PARANJPYE: Attention is invited to the reply given to a similar question on the subject put by Mr. G. B. Trivedi at the present session.

RECRUITMENT OF A EUROPEAN FOR INDIAN EDUCATIONAL SERVICE.

Mr. V. R. GUPTE (Poona City): Will Government be pleased to say if they intend to recruit a European from England for the Indian Educational Service in view of the retirement of Mr. Ludlow, the present Inspector of European schools? Is there no other European in the Educational Department to take up his work?

The Honourable Dr. R. P. PARANJPYE: Mr. Ludlow is only acting in the post of Inspector of European schools, his permanent post being that of Principal, D. J. Sind College, Karachi. Government have not yet considered the question of recruiting a candidate for the latter post either in England or in India.

NORMAL CLASS IN ENGINEERING COLLEGE, POONA.

10. Mr. V. R. GUPTE (Poona City): (a) Will Government be pleased to state if it is a fact that the normal class attached to the Engineering College, Poona, has been finally closed?

(b) If so, on what grounds?

(c) Are Government aware that the class was opened ten years ago to provide recruits for the technical schools to be opened in the Presidency?

(d) If so, how are Government going to provide for such recruitment?

The Honourable Dr. R. P. PARANJPYE: (a) Yes.

(b) Because it definitely failed to fulfil the object with which it was started and which its designation connoted.

(c) Yes.

(d) Stipends are granted for a period of 2 years to a certain number of students of the college workshops who have gone through the three years' course for mechanical or electrical apprentices and satisfactorily passed the final examination, in order to enable them to obtain practical experience for 2 years in recognised workshops.

TRANSFER OF MARTAND AMRIT KULKARNI, TALATI OF OZAR IN NASIK DISTRICT.

Mr. B. V. JADHAV: Will Government be pleased to state (a) whether they have received a copy of the resolution passed at a public meeting at Ozar, taluka Niphad, district Nasik, requesting the authorities to transfer Martand Amrit Kulkarni, the talati of the village, on account of his insolent, partial and harassing conduct towards the villagers?

(b) What action have they taken in the matter?

(c) Whether the present talati was the hereditary kulkarni of the village before this designation was changed to that of the talati of the place?

(d) Whether the district deputy collector held an inquiry in the matter and any reply was given?

(e) In case an inquiry was held, whether Government will be pleased to lay the papers on the Council table?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) Yes.

(b) No action has been taken by Government as the transfer of talatis is within the power of local officers who should be approached in the first instance.

(c), (d) and (e) Information has been called for.

Mr. B. V. JADHAV: Will Government be pleased to issue orders as to transfers of talatis?

The Honourable Sir IBRAHIM RAHIMTOOLA: Not as at present advised.

BLACK COTTON SURFACE SOIL.

Mr. B. V. JADHAV: (a) Will Government be pleased to state if it is a fact that black cotton surface soil from several fields of the village of Pimpri Budruk, Khandala mahal of the Satara district, was removed about two years ago for the core of the northern bank of the Nira Right Bank canal?

(b) If so, what compensation and what rate per 100 cubic feet was given to the owners and when was it paid ?

(c) If not paid, the reason why the amount has remained unpaid ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Inquiry is being made.

QUARTERS FOR SENIOR SUB-ASSISTANT SURGEON.

Rao Bahadur R. R. KALE (Satara District) : (a) Is it a fact that the old quarters for the senior sub-assistant surgeon attached to the Civil Hospital, Satara, have been demolished before new ones are constructed on the new site proposed for them ?

(b) If so, when will the new quarters be erected ?

(c) In the meantime do Government propose to extend the junior sub-assistant surgeon's quarters so as to accommodate the senior assistant there in view of the great inconvenience caused to him and to the public at large ?

The Honourable Dr. R. P. PARANJPYE : (a) Yes : The quarters in question were reported unsafe by the Executive Engineer, Satara, and had to be demolished.

(b) Plans and estimates for new buildings have been prepared. The construction will be taken in hand when funds permit.

(c) Yes : The matter is under consideration. In the meantime the Senior Medical Officer has been granted an allowance for house-rent.

Rao Bahadur R. R. KALE : Will not Government consider the question of providing quarters in the compound of the civil hospital ? My question was put on the ground of public convenience.

The Honourable Dr. R. P. PARANJPYE : It is a question of funds.

FOREST IN SHIRALA PETA AND PATAN TALUKA IN SATARA DISTRICT.

Rao Bahadur R. R. KALE (Satara District) : Does Government intend to reserve some area for Government forest in Shirala peta and Patan taluka in Satara district ? If so, are there special reasons for reserving such area ?

The Honourable Mr. C. V. MEHTA : Some land in the Patan taluka is to be acquired for inclusion in reserved forest as it contains valuable teak trees and its inclusion will consolidate the forest area, improve its boundaries and enhance its capital value. Owing to the thick growth of teak trees most of these lands are useless for agriculture whereas they are valuable for forests.

WAR FUND, DHARWAR DISTRICT.

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

(a) What is the amount of the unspent recruit or war fund of the Dharwar district, and where it is invested, and for what purpose it is going to be applied ?

The Honourable Sir IBRAHIM RAHIMTOOLA : The unspent balance of the Dharwar District Recruit Fund is Rs. 62,155. Of this amount

Rs. 50,000 has been invested in the Karnatak Central Co-operative Bank, Dharwar, Rs. 5,000 lent to the Dharwar District Agricultural Association and Rs. 7,155 deposited with the Imperial Bank, Hubli. A sum of Rs. 50,000 out of this amount has been earmarked by the subscribers of the fund for technical education.

**TRANSFER OF MR. HIRANAND KARAMCHAND FROM HYDERABAD
JAIL TO THANA.**

Mr. G. H. KASSIM (Karachi City): Will Government be pleased to state why Mr. Hiranand Karamchand, Editor of *Hindu* of Hyderabad, who was sentenced to three months' simple imprisonment in a private defamation case, was sent to Thana prison from Hyderabad?

The Honourable Mr. M. H. W. HAYWARD: The transfer was made in the public interest.

CLERKS IN THE REVENUE DEPARTMENT.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): (a) Will Government be pleased to state if there are any complaints of injustice meted out to some of the clerks in Revenue Department particularly in Satara district on account of the interpretation of the rules prescribing the grant of advance increments or promotion by which junior clerks are entitled to a higher rate of pay than their seniors?

(b) If so, do Government intend to take any steps in the matter similar to that taken by the Home Department in the case of clerks in Judicial Department?

The Honourable Mr. H. S. LAWRENCE: (a) The rules have been interpreted in the same way in the Satara district as in other districts. Government have not received any complaints to the effect that junior clerks are entitled to more pay than their seniors.

(b) Does not arise.

ALI BROTHERS AND OTHER POLITICAL PRISONERS.

Mr. G. H. KASSIM on behalf of Mr. DIPCHAND T. OJHA (Karachi City): Will Government be pleased to state if the Ali Brothers, Jairamdas, Choithram, Ghanshamdas, Vishnoo, Lokram and Jhamatmal, formerly editors of *Hindu*, Govindanand and Krishnand are given their own bedding, books, newspapers and lights at night?

The Honourable Mr. M. H. W. HAYWARD: They get their own books but not their own bedding, newspapers or lights, which would not be in accordance with the prison regulations.

POLITICAL PRISONERS AND OTHER PRISONERS.

Mr. G. H. KASSIM on behalf of Mr. DIPCHAND T. OJHA (Karachi City): Will Government be pleased to state why persons convicted under sections 124A, 108 and 144, Criminal Procedure Code, are not allowed to mix with other prisoners in the same jail?

The Honourable Mr. M. H. W. HAYWARD: They are only kept separate from other prisoners where necessary for the preservation of the discipline of the prison.

JAIL DIET.

Mr. G. H. KASSIM on behalf of Mr. DIPCHAND T. OJHA (Karachi City): Is it a fact that respectable Indian prisoners are given the ordinary jail diet given to criminals while Eurasian and European prisoners are given better food and provided with bath and sanitary arrangements?

The Honourable Mr. M. H. W. HAYWARD: It is not a fact. All prisoners are provided with conveniences for bathing and sanitation. The diets are varied according to the different requirements of different prisoners under the prison regulations.

Mr. KANJI DWARKADAS: Is it a fact that some prisoners have been given a servant?

The Honourable Mr. M. H. W. HAYWARD: I am not aware of any prisoner being given a servant.

CLOTHING TO POLITICAL PRISONERS.

Mr. G. H. KASSIM on behalf of Mr. DIPCHAND T. OJHA (Karachi City): (a) Is it a fact that political prisoners are not given a pillow and have to take their bath in the open without any towels or soap?

(b) Is it a fact that political prisoners have to wash their own clothes when they get dirty and are not supplied with a change, but have to stand almost naked till the clothes they wash get dry?

The Honourable Mr. M. H. W. HAYWARD: There is no such distinction as 'political prisoners'.

DEPUTY SECRETARYSHIPS IN THE SECRETARIAT.

Mr. B. G. PAHALAJANI (Western Sind): (a) Since when have the Under Secretaryships in the Secretariat been converted into Deputy Secretaryships?

(b) What is the excess of expenditure incurred by this conversion?

The Honourable Sir CHIMANLAL SETALVAD: (a) The posts of Under Secretaries were not converted into those of Deputy Secretaries but were abolished long after the latter were created in order to reduce the expenditure on the Secretariat.

(b) The attention of the Honourable Member is invited to the final reply given to his question put in February 1922.

GOVERNMENT CLERKS AS STENOGRAPHERS.

Mr. B. P. PATEL (Ahmedabad District): Will Government be pleased to state—

(a) how many Government clerks have been trained for obtaining proficiency in shorthand at the Sydenham College of Commerce and Economics, Bombay,

(b) how many have come out with special distinction and remarkable speed,

(c) who are they and to what offices they belong,

(d) whether they get the remuneration in accordance with their intelligence and efficiency in speed,

(c) whether these stenographers trained at the expense of Government are offered lucrative situations in preference to outsiders; if so, how many of them have been provided for?

The Honourable Mr. H. S. LAWRENCE: Enquiry will be made.

DAILY ALLOWANCE TO GOVERNMENT SERVANTS.

Khan Sahab I. A. SAHERWALA (Northern Division): (a) Are Government aware that only officers drawing more than Rs. 100 per mensem and less than Rs. 200 get no increase in the rates of their daily allowance?

(b) Whether Government have taken any steps to increase them?

(c) If so, what?

The Honourable Mr. H. S. LAWRENCE: (a) and (b) The attention of Government has been drawn to the anomaly and steps have been taken to remove it.

(c) The following sliding scale, under which the daily allowance drawn by an officer varies with his pay, has been introduced:—

| Pay. | Rate of daily allowance. | | |
|-----------------------------------|--------------------------|----|----|
| | Rs. | a. | p. |
| Above Rs. 100 up to Rs. 125 | 1 | 4 | 0 |
| Above Rs. 125 up to Rs. 150 | 1 | 8 | 0 |
| Above Rs. 150 up to Rs. 175 | 1 | 12 | 0 |
| Above Rs. 175 up to Rs. 200 | 2 | 0 | 0 |

ROCK-OIL LICENSES IN SHOLAPUR CITY.

*Mr. R. G. SALGAR (Sholapur City): Will the Government be pleased to state—

(a) How many licenses there are to sell the rock-oil in the Sholapur city?

(b) How many tins of rock-oil they are allowed to keep in their shops under the license?

(c) Whether the storing of rock-oil is allowed to be kept in town or somewhere outside the City?

(d) Whether there is any superintendent appointed by the Government in this behalf, and whether any complaint is lodged against any licensee by such officer during the last three years?

The Honourable Sir CHIMANLAL H. SETALVAD: (a) There are five licensees for the sale of kerosene oil in Sholapur City, three in form E and two in form A.

(b) They are allowed to store 2,950, 2,500, 5,000, 1,250 and 1,250 tins of kerosene respectively in the licensed premises. The last two licensees can also keep 125 tins in their shops for retail sale.

(c) Three installations are outside the city near the railway station and two in the city.

* This question was asked at the meeting held in February 1922, when an *ad interim* reply was given.

(d) The Chief Inspector of Explosives or his subordinates inspect the licensed premises periodically. No complaint has been lodged against any licensee during the last three years.

ACCIDENTS AT SHELGI NALA IN SHOLAPUR.

Mr. R. G. SALGAR (Sholapur City): Are the Government aware that—

(a) There is a stream called Shelgi nala within a mile distance from the city of Sholapur on the Tuljapur road?

(b) On account of several accidents while crossing the stream a stone farsi is built some years ago?

(c) How many accidents have taken place while crossing this stream in last three years?

(d) What steps the Government has taken to remedy this evil?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The necessary information has been called for.

TOLL TAX.

3. Mr. R. G. SALGAR (Sholapur City): (a) Is the Government aware that a toll tax is levied at 4 annas per cart at Bijapur and 2 annas per cart at Sholapur?

(b) If so, why this difference exists?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The necessary information has been called for.

RAILWAY THEFTS.

Mr. R. G. SALGAR (Sholapur City): Will Government be pleased to state—

(a) Was any commission appointed to enquire into the theft on the railway station in the Nasik district?

(b) Is the price of the goods stolen in such thefts recovered from the merchants of the villages in the Nasik district?

(c) If so, what amount was collected from the merchants with their names and villages?

(d) Whether the persons from whom the money is collected are found to have any hand in the thefts occurred?

(e) Will the Government be pleased to lay on the Council Table the whole of the correspondence of the same?

The Honourable Mr. M. H. W. HAYWARD: (a) to (e) I am not aware of any commission or correspondence upon any theft at any particular railway station in the Nasik district. I shall be glad however to give any information possible if more specifically informed of the matter in the mind of the member.

MILLS IN BOMBAY.

Dr. K. E. DADACHANJI on behalf of Mr. A. N. SURVE (Bombay City, North): Is it a fact that the windows of the mills in the city of Bombay are kept open only so long as the factory inspector is on the premises and are shut immediately after his departure?

The Honourable Sir IBRAHIM RAHIMTOOLA : Government are not aware that such a practice exists.

MEDICAL CERTIFICATE UNDER FACTORY ACT.

Dr. K. E. DADACHANJI on behalf of Mr. A. N. SURVE (Bombay City, North) : (a) Are Government aware that medical certification prescribed by the Factory Act is very defective, and that a child which is declared unfit for employment under one name is declared fit under another after an interval of a very few days.

(b) If the answer be ' Yes ', will Government state what steps they have taken or intend to take to remedy the evil ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) and (b) No such case has been reported to Government. If the member will supply the particulars of any such case it will be investigated.

RECOMMENDATIONS OF THE IMPERIAL BOARD OF AGRICULTURE.

Dr. K. R. DADACHANJI on behalf of Mr. A. N. SURVE (Bombay City, North) : (a) Will Government be pleased to lay on the table a copy of the recommendations made by the Imperial Board of Agriculture in 1907 and 1913 on the prevention of curtailment of the grazing grounds and to mention what steps have been taken in our Presidency to give effect to them ?

(b) Will Government be pleased to state the extent of land reserved as village pasture in villages and the percentage it bears to the village lands ?

The Honourable Mr. C. V. MEHTA : (a) No recommendations to that effect were made.

(b) Is not quite clear. The area of grazing land in charge of the Revenue Department is 2,359 square miles; that under the Forest Department is 8,387 square miles. The percentage which the total grazing area bears to cultivated lands is 16·13.

NUMBER OF SAFES PURCHASED IN REVENUE DEPARTMENT.

* Mr. G. B. TRIVEDI (Thana District) : (a) Will Government be pleased to state how many safes were bought by them during the last five years in the Revenue Department ?

(b) How many of these were of foreign make ?

(c) And how many of Indian manufacture ?

(d) And how many of the latter were bought from Messrs. Godrej and Boyce ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) 38.

(b) 7.

(c) 31.

(d) 13.

ACQUISITION OF LANDS IN SALSETTE AND TROMBAY.

* Mr. G. B. TRIVEDI (Thana District) : (a) Will Government be pleased to make a statement as to the progress made by them in the matter of acquisition of lands in Salsette and Trombay ?

* This question was asked at the meeting held in September 1922, when an *ad interim* reply was given.

The Honourable Sir CHIMANLAL SETALVAD : (a) Out of about 10,948 acres notified for acquisition in Salsette and Trombay, 4,023 acres approximately have so far been taken possession of, and the acquisition proceedings in respect of the remaining lands and the comparatively small area taken possession of under the urgency section 17 (1) of the Land Acquisition Act, 1894, are in progress. Lands not yet actually acquired or taken possession of under the urgency clause remain in the occupation of the owners.

TROMBAY SCHEME OF DEVELOPMENT DEPARTMENT.

Mr. G. B. TRIVEDI (Thana District) : Will Government be pleased to state how many plots in the Trombay scheme of the Development Department are taken up by

- (a) Industrial concerns ;
- (b) Bombay Municipality ;
- (c) Government ;
- (d) Private persons intending to build ?

The Honourable Sir CHIMANLAL SETALVAD : (a) Areas measuring approximately 1,21,320 square yards, 59,290 square yards, and 7,96,483 square yards have been earmarked for lime-kilns, dye-works and tanneries, respectively, but they have not yet been taken up.

(b) Areas measuring approximately 300 acres and 110 acres have been earmarked for the Bombay municipality for milch-cattle stables, and a new slaughterhouse, respectively.

(c) Areas measuring approximately acres 3 gunthas 34 annas 6 have so far been reserved for Government purposes.

(d) Seven plots, measuring 64,281 square yards in all, have so far been taken up by private individuals. Negotiations with several owners of lands in the scheme, who desire to arrive at a settlement with Government are being carried on at present.

SUPPLY OF PERIODICALS AND NEWSPAPERS TO MR. GANDHI
IN JAIL.

Mr. G. B. TRIVEDI (Thana District) : Will Government be pleased to state—

(a) What periodicals and newspapers were asked for by Mr. M. K. Gandhi in the Yeravda Jail ?

(b) Which of the periodicals and newspapers are supplied to him ?

(c) Did Mrs. Gandhi write in the matter to Government ?

(d) What is the reply sent to her ?

The Honourable Mr. M. H. W. HAYWARD : (a) and (b) The "Saraswati" is supplied but the following have been disallowed : "Samalochak", "Vasant", "Modern Review", "Indian Review" and "Times of India, Weekly". Newspapers are not permitted by the rules of the Prison.

(c) and (d) The reply was that approved periodicals in a reasonable number would be supplied to prisoners but not newspapers.

Mr. G. B. TRIVEDI : What was Government's objection to the periodical "Vasant" ?

The Honourable Mr. M. H. W. HAYWARD : I cannot say without notice.

Mr. G. B. TRIVEDI : Are Government aware that this is a purely literary periodical ?

The Honourable the PRESIDENT : That is giving information and raising a debate.

Mr. G. B. TRIVEDI : Will Government make enquiries in the matter ?

The Honourable Mr. M. H. W. HAYWARD : I shall be glad to receive any further information on the subject from the honourable member.

Mr. G. B. TRIVEDI : On what grounds

The Honourable the PRESIDENT : The honourable member's best plan would be to write to the Honourable the Home Member giving his opinion about the periodical "Vasant" and then afterwards to renew the question if he thinks it can be asked under the Standing Orders.

EXCISE OFFICERS IN THANA DISTRICT.

Mr. G. B. TRIVEDI (Thana District) : Will Government be pleased to state which officers in the Excise Department are at present at one place in Thana district for over three years without being transferred ?

The Honourable Mr. C. V. MEHTA : There are no such officers in the Thana district.

SUPPLY OF TIMBER TO DEVELOPMENT DEPARTMENT.

Mr. G. B. TRIVEDI (Thana District) : (a) Will Government be pleased to state how much timber was supplied by the Forest Department to the Development Department since its inception and what is its value ?

(b) Was there any consultation between the officers of the Forest Department and the Superintending Engineer, Materials Division of the Development Department, about the supply of timber to the latter suitable for temporary gantry to be built at Marine Lines ?

(c) Did the Forest Officers agree with the officer of the Development Department that they had no timber suitable for this purpose to offer ?

The Honourable Sir CHIMANLAL SETALVAD : (a) 8,22,150 c. ft. of timber and 1,232 (number) bamboos costing Rs. 17,760 and Rs. 308 respectively have been purchased by the Development Department since its inception from the Forest Department.

(b) Yes. A consultation was held between the Chief Conservator of Forests, on the one hand, and the Director of Development, the Chief Engineer, Reclamation Branch, and the Superintending Engineer, No. 4 Project Division, at which the requirements of the Development Department were stated.

(c) The Chief Conservator of Forests agreed that he could not meet the requirements of the Development Department.

BOMBAY PORT TRUST HOSTEL.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state the total expenditure and income of the Bombay Port Trust Hostel during the official year 1921-22?

(b) Is it intended to spend any more money on the same; if so in what direction?

The Honourable Sir CHIMANLAL SETALVAD: (a) The whole cost of the management of the Bombay Port Trust Hostel is borne by the purveyor, who under his agreement with the Trustees has to pay them a fixed proportion of the charges levied from passengers for accommodation in the Hostel. The proportion received by the Trustees in 1921-22 amounted to Rs. 42,493. The Trustees have to incur expenditure only on repairs and maintenance, which amounted to Rs. 2,268 during 1921-22.

(b) No further expenditure, except ordinary maintenance charges, is at present, contemplated.

INSPECTION OF LIQUOR SHOPS IN POONA.

Mr. G. B. TRIVEDI (Thana District): Will the Government be pleased to state the grounds on which they rejected the recommendation made by the local Excise Advisory Committees, Poona city and cantonment, at their meeting held on the 24th January 1922 with regard to the inspection of liquor shops by the members of the committees?

The Honourable Mr. C. V. MEHTA: In view of the ill-feeling existing between the shop-keepers and the temperance workers owing to the picketing movement it was not desirable to give any further powers to the advisory committee.

Mr. G. B. TRIVEDI: Has not that ill-feeling subsided now?

The Honourable Mr. C. V. MEHTA: I am not aware of that.

DEVELOPMENT DEPARTMENT CONTRACTS.

Mr. G. B. TRIVEDI (Thana District): (a) Are Government aware that—

(a) The Development Department are making advances to their contractors, whereas their Public Works Department accept tenders on F 2 forms, whereby the contractor has to put a deposit of 5 to 10 per cent.?

(b) What are the reasons for this departure from the Public Works Department practice?

(c) Does the Development Department accept tender on K 2 form which has no time limit binding on the tenderers?

(d) Is this in consonance with the practice of the Public Works Department? If not, why not?

The Honourable Sir CHIMANLAL SETALVAD: (a) Advances to contractors in certain special circumstances are allowed under paragraph 275 of the Public Works Department Code.

(b) There is no departure from the Public Works Department practice.

(c) Yes.

(d) Yes.

OFFICIAL PUBLICATIONS.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state the names of corporate bodies to whom Government publications are supplied free of cost ?

The Honourable Sir CHIMANLAL SETALVAD : Each Government publication is distributed to such individuals and institutions as are suitable having regard to the nature of the publication. The compilation of a complete list for all publications would involve the expenditure of an amount of time and labour incommensurate with any useful object likely to be gained.

DEVELOPMENT DEPARTMENT CHAWLS AT WORLI.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state how much money has been spent on experimental work on Worli chawl construction by the Development Department ?

The Honourable Sir CHIMANLAL SETALVAD : A sum of Rs. 6,900 has been spent at Worli on experiments, which have resulted in the saving of several lakhs of rupees to the scheme.

DEVELOPMENT DEPARTMENT NO. 1 PROJECT DIVISION
CONTRACTS.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state under what circumstances the contract given to Mr. Oodey Singh in connection with No. 1 Project Division, Development Department, was cancelled and given to Major Gammon and Company ?

(b) (i) Is it not a fact that Major Gammon and Company were allowed to make their own designs in place of old designs on which tenders were invited in connection with No. 1 Project Division of the Development Department ?

(ii) Were they given increased tender rates ?

(iii) Were any tenders accepted on old designs ? If so, what was the difference between the lowest tenders on old and new designs ?

(iv) Was any test applied to the old designs before they were rejected ?

(v) Was this procedure in accordance with the usual practice of the Public Works Department ?

(c) (i) Is it not a fact that the Superintending Engineer in charge of No. 1 Project, Development Department, has given contracts to a firm in which his ex-Engineer is interested ?

(ii) If so, is it in accordance with the Public Works Department Rules ?

The Honourable Sir CHIMANLAL SETALVAD : (a) Mr. Oodey Singh's contract was cancelled because his work was bad and because he refused to accelerate construction when requested to do so both by the Executive and Superintending Engineers.

The contract was given to Messrs. Gammon, Limited, because (1) their rates were identical with Mr. Oodey Singh's rates ; (2) it was considered that they had a staff who could handle the work as well as adequate arrangements for labour, etc.

(b) (i) No. The altered design referred to was done under the supervision and to the orders of the Superintending Engineer in charge of the Housing Scheme.

(ii) In one or two cases increased rates were given but these were due to the cost of steel fabrication which the original tender did not include. The cost of the chawls was therefore not increased through giving these extra rates since this department originally did this fabrication.

(iii) A few tenders were accepted on the old design; the difference between the lowest tenders on old and new designs showed approximately a sum of Rs. 4,500 per chawl in favour of the new design.

(iv) No. Only to the beams, not to the floor as a whole.

(v) It is not known what the Public Works Department would have done in the circumstances.

(c) (i) The Superintending Engineer is only empowered to accept contracts up to Rs. 50,000, and no such contract has been given to any firm, in which any *ex-Engineer* of the Directorate is interested.

BOMBAY UNIVERSITY.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state what action they have taken or propose to take to give effect to the resolutions passed by the Senate of the University of Bombay in 1919 to liberalise its constitution?

The Honourable Dr. R. P. PARANJPYE: The question is under consideration.

WATER FROM EKRUK TANK AT SHOLAPUR.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state—

(a) whether water for irrigational purpose from the Ekruk Tank at Sholapur has been stopped since the 3rd January 1923?

(b) Was this tank constructed primarily for irrigational purposes? If so, why is preference given to the mills and the G. I. P. Railway?

(c) Is not this stoppage of water for irrigational purposes likely to affect the standing cane crop and the rabi crop?

(d) If so, have Government issued or propose to issue any orders safeguarding the interests of the agriculturists?

The Honourable Sir CHIMANLAL SETALVAD: (a) As is well known the rains of 1922 failed throughout the catchment of the Ekruk tank. The forecast of conditions of the water supply in the tank consequent on this disaster made it obligatory in December 1922 to issue orders stopping as a precautionary measure an irrigational supply from the 3rd January by which time the standing cane crops would be matured and be removed. The actual water level at the end of January 1923 has, however, made it possible to provide for 30 acres of cane up to the 10th June. (This the irrigators know and have agreed to).

(b) The Ekruk tank was originally projected and constructed (over 50 years ago) for irrigational purposes. In an ordinary year of rainfall and replenishment it has always more than fulfilled these irrigational demands. In the past when cultivation was slow to make full use of the water available, Government permitted the mills, railway and

Municipality, who had no source of their own, to obtain their supplies from the tank. These concerns are now solely dependent on the Tank and in the circumstances the supreme interest is not the mills or the railway, but is and must be the town supply.

(c) See reply to (a) above.

(d) Government have the whole question of the Ekruk Tank supply and the divergence of interests between the (Agricultural and non-agricultural) communities which has now arisen, under thorough investigation and consideration.

DEVELOPMENT RATE FOR LAND ACQUISITION.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state what is the "development rate" charged to land owners for relinquishing their lands notified for acquisition in Salsette and Trombay?

(b) Is this uniform irrespective of the situation of the land?

The Honourable Sir CHIMANLAL SETALVAD: (a) The rate in question is normally Rs. 1-12-0 per square yard on the area which the land owner is permitted to retain under the settlement, after deducting the area required for roads.

(b) The rate is, in general, uniform but is varied to meet special cases and circumstances.

INDIANS IN INDIAN EDUCATIONAL SERVICE.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state what is the present proportion of Indians in the Indian Educational Service and how it compares with that of Europeans?

The Honourable Dr. R. P. PARANJPYE: There are 26 Europeans, 23 Indians and six vacant posts in the Indian Educational Service at present.

PAYMENT FOR COPYRIGHT OF WOODCUTS.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state if it is required to pay anything to Messrs. Macmillan and Company for the copyright of the woodcuts? If so, what is the amount?

The Honourable Dr. R. P. PARANJPYE: Attention is invited to the reply given to a similar question on the subject put by Mr. V. R. Gupte, at the present session.

RECRUITMENT OF A EUROPEAN FOR INDIAN EDUCATIONAL SERVICE.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state if they are contemplating to recruit a European from England for the Indian Educational Service to fill the vacancy that might shortly be caused by the retirement of Mr. Ludlow, the present Inspector of European Schools? If so, will they be pleased to state the reasons why it has been found (necessary?) to do so?

The Honourable Dr. R. P. PARANJPYE: Attention is invited to the answer given to question put by Mr. V. R. Gupte at the present session.

NORMAL CLASS IN ENGINEERING COLLEGE, POONA.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state if it is a fact that the normal class attached to the Engineering College, Poona, is finally closed?

(b) If so, on what grounds?

(c) Are Government aware that the class was opened ten years ago in order to provide recruits for the technical schools to be opened in this Presidency?

(d) If so, how are Government going to provide for such recruitment?

The Honourable Dr. R. P. PARANJPYE: (a), (b), (c) and (d) Attention is invited to the reply given to a similar question put by Mr. V. R. Gupte at the present session.

AUCTION OF TODDY LICENSES.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state their reasons for putting up toddy licenses to auction?

(b) Have they raised the price of toddy supplied to the public? If so by how much?

(c) Has this reduced consumption?

(d) Has the quality improved?

(e) Are Government aware that poor people are affected by this auction system making toddy dear?

(f) Do they propose to revert to the old system with a view to supply cheap drink to the poor?

The Honourable Mr. C. V. MEHTA: (a) Under the fixed-fee system, the scale of fees was on purpose pitched low in order to ensure a cheap and pure supply of toddy to the public. This object was not attained and the low assessment only benefited the licensees who, in some cases, sublet shops at a figure several times the license fees paid to Government. It was impossible to enforce the maximum retail prices fixed by Government and they were almost always exceeded. The introduction of the auction system has diverted to the state a portion of the large profits made by the licensees and has reduced opportunities of corruption.

(b) The retail price of toddy is not regulated by Government.

(c) The auction system was introduced from 1st August 1918. The consumption in 1918-19 to 1920-21 exceeded that of the years 1916-17 and 1917-18. There was a fall in 1921-22 which was, however, an abnormal year.

(d) Government have no information on the point.

(e) and (f) No.

INQUIRY INTO CONDUCT OF HEADMASTER OF GOVERNMENT HIGH SCHOOL, BIJAPUR.

Mr. G. B. TRIVEDI (Thana District): (a) Is it not a fact that the conduct of the headmaster of the Government High School at Bijapur was recently the subject of an inquiry by the Educational Department?

(b) If so, what was the nature of the charges and the result of the inquiry?

(c) Is this the first inquiry of its kind held into the conduct of that officer ?

The Honourable Dr. R. P. PARANJPYE : (a), (b) and (c) Enquiries are being made.

DUTIES OF EXECUTIVE ENGINEERS IN PUBLIC WORKS DEPARTMENT AND DEVELOPMENT DEPARTMENT.

Mr. G. B. TRIVEDI (Thana District) : Will Government be pleased to state whether the powers and functions of an Executive Engineer in the Public Works Department are the same as or different from those of an Executive Engineer in the Bombay Development Department ? If they differ, in what respects are they different ?

The Honourable Sir CHIMANLAL SETALVAD : The necessary information is being collected and will be furnished when ready.

PRICE OF TIMBER.

Mr. G. B. TRIVEDI (Thana District) : Will Government be pleased to state—

(a) Whether the Development Department has calculated the price at which they would get delivered in Bombay Indian and Burmese timber required for the Back Bay Reclamation ?

(b) If so, how would it compare with the price of Oregon pine imported from Canada ?

The Honourable Sir CHIMANLAL SETALVAD : (a) An advertisement calling for tenders for the supply of timber suitable for gantry and pile driving in connection with the Back Bay Reclamation Scheme has been published, and the price at which Indian or Burmese timber can be delivered in Bombay will be obtained from the answers to the advertisement.

(b) A comparison with the price of Oregon pine imported from Canada will be made on receipt of the tenders.

POLICE TRAINING SCHOOL AT NASIK.

Mr. G. B. TRIVEDI (Thana District) : (a) Will Government be pleased to state the reasons leading up to their decision to reopen the Police Training School at Nasik ?

(b) Will they also state how many officers will be taken up there and of what standing ?

The Honourable Mr. M. H. W. HAYWARD : The attention of the member is invited to the reply given to question put by Mr. V. R. Gupte.

POLICE GATHERING.

Mr. G. B. TRIVEDI (Thana District) : Will Government be pleased to state :—

(a) What was the expense of the Police Gathering arranged at Poona in October 1922 ?

(b) What useful purpose is served by these gatherings ?

(c) Who are entitled to partake in the gathering ?

(d) Was any such gathering held in the years 1914 to 1919 ?

(e) Are any district gatherings held for the same purpose at district headquarters ?

The Honourable Mr. M. H. W. HAYWARD : (a) The Annual Police Week costs roughly Rs. 12,000. The expense falls mainly on the travelling allowance grants of the various police districts.

(b) The purposes of these gatherings are :—

(1) to stimulate interest in and raise the standard of manly sports ;

(2) to stimulate a spirit of *esprit de corps* throughout the force ;

(3) to bring officers together to compare and broaden their ideas and to discuss in conference controversial questions of interest to the department ;

(4) to enable the Inspector General to meet and discuss official and demi-official matters with all his Superintendents ;

(5) to preserve the *esprit de corps* of the Imperial Service without which its traditions would suffer to the serious detriment of the public interests.

(c) The competitions are open both to non-gazetted and gazetted officers. Each district team consists of 15 men only, which may include not more than one gazetted officer. The officers' events are only open to members of the Imperial Police.

(d) and (e) Some districts hold police sports. The Inter District Athletic Competition was not held during the course of the Great War.

SITE FOR TRAINING COLLEGE FOR WOMEN IN POONA.

Mr. G. B. TRIVEDI (Thana District) : (a) Will Government be pleased to state whether they have condemned the site acquired for the building of the Training College for Women, Poona ?

(b) If not, why is the work of construction delayed ?

(c) If the site has been condemned, which other site has been acquired for the same ?

The Honourable Dr. R. P. PARANJPYE : (a) and (c) The Public Works Department reported that the foundations of the building would from the nature of the soil present some difficulties. No final decision condemning the site has been arrived at.

(b) No funds are at present available for the building.

NEW LIQUOR SHOP IN ABDUL REHMAN STREET, BOMBAY.

Mr. G. B. TRIVEDI (Thana District) : (a) Has the Collector of Excise, Bombay, granted permission to open a new liquor shop at Kapadia House, Abdul Rehman Street, Bombay ?

(b) Was the advisory committee consulted ? If so, what was their recommendation ?

(c) Did the Municipal Commissioner oppose it ?

(d) Did the residents of the locality oppose it ?

(e) Has that decision been confirmed by the Commissioner ?

The Honourable Mr. C. V. MEHTA : (a) No permission was granted to open a new liquor shop in the locality. Permission was, however, granted by the Collector of Bombay to the transfer of the liquor shop

No. 206 from house No. 56 in Abdul Rehman Street to house No. 50 in that Street, at a distance of about 20 yards. The sanction of the Collector was examined by Government and on careful consideration of the case Government confirmed the decision of the Collector after discussing the whole question with the Advisory Committee the majority of which withdrew their objections to the transfer.

(b) Yes. The Advisory Committee at first opposed but the majority subsequently withdrew their objection to the transfer.

(c) The Municipal Commissioner originally opposed the transfer of the shop but subsequently withdrew his objection.

(d) Some of the residents opposed it.

(e) The Commissioner agreed with the Collector, but the decision is the decision of Government.

HOSTEL GRANT TO THE DEPRESSED CLASS MISSION SOCIETY OF INDIA.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state whether the Depressed Class Mission Society of India, Bombay, have been receiving a special hostel grant of Rs. 2,000 per year since 1914 as per Government Resolution No. 2594, Education Department, of 20th August 1914?

(b) Was this reduced in 1921-1922? If so, to how much and for what reason?

(c) In view of their policy to encourage education amongst the depressed classes do they intend to restore it to the original amount?

The Honourable Dr. R. P. PARANJPYE: Enquiries are being made.

NUMBER OF PUPILS STUDYING IN TRAINING SCHOOLS FOR PRIMARY TEACHERS.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state the strength of pupils studying in each of the training schools for primary teachers in the Presidency, and also the expenditure required annually for the maintenance of each?

The Honourable Dr. R. P. PARANJPYE: Information is being obtained.

APPOINTMENT OF ASSISTANT SECRETARY TO GOVERNMENT, HOME DEPARTMENT.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): (a) Is it true that the post of Assistant Secretary, Home Department, is given to an outsider?

(b) If so, will Government be pleased to give the reasons for bringing an outsider and thus superseding the claims of qualified senior superintendents in that department?

(c) Is it a fact that the Assistant Secretary in the Home Department has been given Rs. 100 more than the starting pay of that appointment?

(d) If so, will Government be pleased to say what special qualifications he possesses, and why he has been given more pay than that of another Assistant Secretary, who is senior to him both in service and in the appointment?

(e) Is it true that posts of Assistant Secretaries are generally filled by superintendents in the various departments of the Secretariat who have long experience of the work in their departments, and are thus qualified for the post ?

(f) If so, will Government be pleased to say why this departure has been made in the usual practice ?

The Honourable Mr. M. H. W. HAYWARD : I am afraid I cannot discuss personal matters of this nature which involve no question of law or principle. The officer judged to be most suited to the post was selected by Government.

Mr. C. M. GANDHI : May I enquire whether the Honourable the Home Member is not aware that the supersession of qualified Indians holding the post of senior superintendents is also a question of principle ?

The Honourable Mr. M. H. W. HAYWARD : I do not know that supersession of men in the office who have been held not equal to the post by a more qualified man from another office can be said to be a matter of public concern for discussion in this House.

The Honourable the PRESIDENT : What is it ?

The Honourable Mr. M. H. W. HAYWARD : I think, Sir, that you ruled at one time that questions of a personal nature were not matters of public concern unless they involve a question of law or principle.

The Honourable the PRESIDENT : The question of law or principle here is : If there are efficient men in a department why should they be superseded ? The honourable member for Surat also raises the question of racial principle, I suppose.

Mr. C. M. GANDHI : It is not a racial principle that I am raising, Sir.....

The Honourable the PRESIDENT : It is for me to determine whether there is any principle of administration with a *prima facie* case to make it a matter of public concern for the purpose of admissibility. Government Members are at liberty to give any answer they like. They may say that they think it is not a question of public concern. I have nothing to do with the attitude of Government in regard to the reply they may think fit to give. Mine is to admit a question ; theirs to answer as they think proper.

Mr. C. M. GANDHI : I am asking " is it not a fact that ordinarily the senior superintendents are made Assistant Secretaries when vacancies occur ? "

The Honourable Mr. M. H. W. HAYWARD : I should say " not necessarily ". An officer specially fitted for the post is usually selected.

Mr. C. M. GANDHI : Is the honourable the Home Member aware that when the senior superintendent of the Home Department applied to be appointed chief officer of the Surat city municipality, the late Home Secretary gave him a certificate of having done his work with consistent ability, diligence and trustworthiness ?

The Honourable the PRESIDENT: That I think is pushing the case a little too far. It must be remembered that after all the head of the department must be allowed a certain amount of discretion in making appointments and promotions. It is only where a question of public principle or concern is concerned that such a question can be put. The supplementary question now asked goes beyond that and introduces a controversial matter.

Mr. G. B. TRIVEDI: Is it not a fact that the Honourable the Finance Member in his budget speech of last year said that in view of retrenchment Government have given orders that no outsider would be taken into service?

The Honourable Mr. M. H. W. HAYWARD: I think that is a matter within the knowledge of the Honourable the Finance Member.

Mr. C. M. GANDHI: Is it not a fact that this man has been given Rs. 100 more than the starting pay of the Assistant Secretary?

The Honourable the PRESIDENT: That is giving information.

Mr. C. M. GANDHI: That question has been asked and the Honourable the Home Member does not answer it.

The Honourable Mr. M. H. W. HAYWARD: I cannot say without looking up the papers, but I understood that the real point of the question was that men in the office should on no account be superseded by men from outside the office. The men in the office in this particular case were not considered to be suitable or competent for appointment as Assistant Secretary. Therefore a man from outside the office was appointed. That was the point which seemed to me to have been in the honourable questioner's mind. I shall be glad to give information on any other point on receiving due notice from the honourable member for Surat.

Mr. C. M. GANDHI: I give the required notice now. Is it not a fact that the late Home Secretary certified that the senior superintendent in the Home Department was a man who had done his duty with consistent diligence, trustworthiness and ability?

The Honourable Mr. M. H. W. HAYWARD: I think that really is a personal matter not raising a question of principle.

The Honourable the PRESIDENT: Yes, and it is a debating point. In the matter of any appointment, if there is any question of principle of public concern involved, the honourable member may propose a resolution on it but he cannot give information in the guise of a question and raise a debate during this question hour.

Rao Bahadur G. K. CHITALE (Ahmednagar District): May I know whether the man who is now appointed a better man than the man whose claims have been superseded?

The Honourable the PRESIDENT: That, I think, is a matter of opinion.

REVISION OF PAY OF BOMBAY EDUCATIONAL SERVICE MEN.

Mr. C. C. HULKOTI (Dharwar District): Will Government be pleased to state (a) if it is a fact that while the revision of the pay of the

mamlatdars was introduced from 1st March 1920 and that of the Public Works Department from 1st February 1920, the revision of the pay of the Bombay Educational Service men was introduced from 1st April 1921 ;

(b) and if so, the reason or reasons for this differential treatment ?

The Honourable Dr. R. P. PARANJPYE : (a) Yes.

(b) Attention is invited to the answer given to part (a) of a question on the same subject put by Rao Saheb Halkatti a year ago.

MR. JOGLEKAR, RANGER OF KALGHATGI.

Mr. C. C. HULKOTI (Dharwar District) : (a) Is it a fact that in the year 1921, one Mr. Joglekar, ranger of Kalghatgi in the Dharwar district, was dismissed as a result of enquiries made in Ghalgi sandalwood case, and that he afterwards was reinstated ?

(b) Will the Government be pleased to state the reasons for his reinstatement ?

(c) Is it a fact that Mr. Joglekar was first dismissed on account of incriminating evidence against him disclosed in the case ?

The Honourable Mr. C. V. MEHTA : (a) Yes.

(b) and (c) Mr. Joglekar was dismissed by the Conservator of Forests, Southern Circle, for omission to detect and report the theft of sandalwood which took place in his range, the omission being considered by the Conservator to have amounted to either culpable carelessness and neglect of duty or an attempt to hush up the matter. The offence was however committed when Mr. Joglekar was ill and confined to bed and it did not readily come to his knowledge as one of his subordinates (subsequently convicted along with the other offenders) was helping the accused. There was also no evidence against Mr. Joglekar of having participated in or abetted the offence. He was, therefore, on appeal, reinstated by the Chief Conservator.

Mr. G. B. TRIVEDI (Thana District) : May I rise to a personal explanation, Sir ? The other day I made some comment on the excise policy and quoted something which the Honourable Minister for Excise objected to and said that it was not true. May I now point out that my comments were made on the authority of the report of the speech of the Honourable Minister at Dhulia by a correspondent, who has reported the whole of his doings, in Dhulia, and the words which I quoted are there :

“ But this policy will not do ; and a more drastic retrenchment is necessary. ”

These are the words that I quoted and these words occur in that report....

The Honourable Mr. C. V. MEHTA : May I ask the honourable member to read the whole of it ?

Mr. G. B. TRIVEDI : “ But this policy will not do ; and a more drastic retrenchment must be made.... ”

The Honourable the PRESIDENT : The honourable member explains that his authority for saying what he did say was a correspondent in the *Times of India*.

The Honourable Mr. C. V. MEHTA : If I may point out, Sir, that authority is not an authority because, so far as I can understand, the words that are stated by the correspondent do not bear out what the honourable member said.

Mr. G. B. TRIVEDI : The exact words....

The Honourable the PRESIDENT : Now, we cannot have a debate upon it. The matter must drop there.

Mr. C. M. GANDHI (Surat City) : May I ask whether the Honourable the Home Member has anything more to say about the case of Khan Saheb Bijarani ?

The Honourable Mr. M. H. W. HAYWARD : I have not yet received any further information from the Commissioner in Sind.

Mr. C. M. GANDHI : Will the Home Member be pleased to expedite it ?

The Honourable Mr. M. H. W. HAYWARD : The Commissioner in Sind has already been asked to send his report as soon as possible and no doubt he will do so.

Mr. C. M. GANDHI : I may say, Mr. President, that there is a strong feeling in the House that something should be done to expedite this matter, and, if no information is forthcoming to us, I want to move a motion of adjournment of business of the House two days hence, and the Honourable the Home Member may take this as notice.

The Honourable the PRESIDENT : I hope this is not the final notice and that the honourable member will give a regular notice and inform the Honourable the Home Member previously. He will have to show me the notice and obtain my permission first.

Mr. C. M. GANDHI : Certainly.

(Discussion on budget demands resumed.)

DEMAND FOR Rs. 93,10,000 UNDER 22 GENERAL ADMINISTRATION.

The Honourable Mr. H. S. LAWRENCE : Mr. President, I rise to move for a grant of Rs. 93,10,000 under the head of General Administration.

Rao Saheb L. V. PARULEKAR (Ratnagiri District) : Mr. President, the motion which I wish to move is....

The Honourable the PRESIDENT : Will the honourable member speak up ? I cannot hear a word of what he says.

Rao Saheb L. V. PARULEKAR : There is too much noise, Sir, outside on account of the motor lorries and other traffic.

The Honourable the PRESIDENT : Is there no arrangement which Government can make to stop this noise when the Council is sitting ? In the House of Commons there is some arrangement made by which the House is not disturbed by outside traffic. A policeman might be stationed outside to see that no noise is made when the Council is sitting.

The Honourable Mr. M. H. W. HAYWARD : I will enquire into the matter, Sir, and see whether something cannot be done. I am not sure

[Mr. M. H. W. Hayward]

that the police have the power. However, I am myself painfully aware of the inconvenience and will see what can be done.

The Honourable the PRESIDENT: Thanks.

Rao Saheb L. V. PARULEKAR: With your permission, Sir, I move the motion standing in my name, namely:—

“Omit item No. 88, Rs. 300, for telephone charges on account of rent of two connections, viz., one in the office of the Commissioner, S. D., and the other at his residence.”

It is stated in the remarks column that the connections are necessary for administrative reasons. That obviously means that this installation is intended to facilitate the office work being performed by the Commissioner at his bungalow instead of going to the office. I think it is not necessary at all; for the work the Commissioners do is not generally of such urgency as to require a very speedy communication at unusual times. His is only a forwarding office situated between that of the Collector on the one hand and that of the Secretariat on the other; and has been, for a long time past, considered as one of doubtful utility and necessity. There are no urgent matters as stated above such as those that are to be dealt with in the office of police officers. No doubt this is a small sum, but I object to it on principle, especially as it is a recurring charge on public revenue. If this amount is sanctioned it is setting a premium on indolence. That being the case, it seems to me to be simply an official luxury and not a necessity. For these reasons I submit that this item should not be allowed to remain in this budget. I therefore move that the item be omitted.

Rao Bahadur R. R. KALE (Satara District): Sir, the amount asked for is a small one no doubt, but I object to it on principle, namely that even from the time of the old Council the posts of Commissioners are regarded as unnecessary, and this Council has also urged from time to time that these posts should go away. Under these circumstances, instead of adding to the charges of their establishment by such petty expenses as telephone communication, etc., a policy should be inaugurated by which such small items of expenditure should be omitted. Under these circumstances, I object to this item.

The Honourable Sir IBRAHIM RAHIMTOOLA: Sir, I thought that at the present time no exception would be taken to the proposed grant by honourable members who must appreciate the advantage of telephonic communication. I cannot possibly understand how honourable members can object to telephones when they know how work is expedited by that means which would otherwise take much longer time to dispose of. I may inform honourable members that there is telephonic communication between the Secretariat and the houses of Honourable Members and Ministers but that has not resulted in their absence from office. I am sure honourable members realize the great importance of this convenience for expediting the work of Government.

Then I was surprised by the argument of the honourable member from Satara, namely that because honourable members are opposed to the posts

[Sir Ibrahim Rahimtoola]

of Commissioners, that therefore they should cut out this grant. Now, Sir, it will be much more straightforward if honourable members take their stand against these posts directly instead of hitting at them in this way. If you have the Commissioners, you must get the best results of having them and if in the discharge of their duties this convenience is advantageous the Council ought to sanction it. It is, Sir, a very extraordinary argument to urge that because there are certain officers whom the Council has no power to remove, that therefore the Council should not give them the necessary facilities to be fully useful. I hope that that argument will not appeal to the House and that the House will reject the motion.

Question put and lost.

Mr. C. M. GANDHI (Surat City) : Mr. President, I move

"That Item No. 91, Increase of 50 per cent. in the annual maintenance grants for furniture, carpets, etc., in the buildings of Government Houses in the Presidency, Rs. 11,637, be omitted."

Sir, it is a small item and I thought Government would take the lead and would not press this House to go to a division on this vote. In all such cases where expenses of the Royal household and the Governor's household are concerned, it is much better that the desire for retrenchment came from the persons who were immediately concerned. His Imperial Majesty also did the same thing so far as the grant for the Royal household expenditure was concerned and appointed a committee to see that the expenditure was so arranged as to.....

The Honourable the PRESIDENT : I am not quite sure that the topic of the grant for the Royal household is relevant.

Mr. C. M. GANDHI : I bow to your ruling, Sir. It is within the knowledge of honourable members that in such cases if, while replying to a vote for retrenchment, a lead could be taken by the persons most intimately concerned with it, it would have a very great effect upon the public imagination. I therefore hope, Sir, that Government will see their way to accept this proposal, which I have moved in the interests of retrenchment and which as I said, coming from responsible officers themselves, would strikingly touch popular imagination. The amount budgetted has to be increased to the extent of nearly 11,637. The amount originally budgetted for was Rs. 23,273. I submit that Government should see if they can manage these things economically, and I hope this Council will accept the motion.

Rao Saheb L. V. PARULEKAR (Ratnagiri District) : Sir, I rise to support the motion for the omission of this grant. I consider this increase in the expenditure is not necessary at all. This item forms part of a very big sum of Rs. 6,46,000 referred to at page 67 of the White Book and budgetted for this year in connection with the expenditure of the upkeep of the Government Houses. From the mofussil point of view, this huge expenditure is beyond the conception of the poor electorate. This expenditure must have been put down at easy times when there was no popular representation or even the idea of economic stringency as

[Rao Saheb S. V. Parulekar]

it exists to-day, and therefore at the present time it is necessary to curtail that expenditure to suit the exigencies of the day. The original item of over Rs. 23,000 being already exorbitant, this increase of 50 per cent. is not at all necessary and this House will be properly advised to reject this item.

Mr. P. R. CHIKODI (Belgaum District): Sir, if the object of the omission of this amount is retrenchment only, then the honourable mover would have done it better by setting an example himself before asking His Excellency to set the example. The Governor is not an ordinary official of the State but is in many ways a different and higher personage. He must have a liberal allotment for furniture suited to his dignity. Therefore, I oppose the motion.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, if you turn to page 67 of the Civil Estimates, there is a provision of Rs. 90,000 for inauguration grant for furniture and carpets. I believe that this item is in addition to this. When there is such a large provision of Rs. 90,000 for the same object, I believe we must have conclusive reasons why this amount should not be omitted this year. It must also be remembered that the Government of India and the Secretary of State have sanctioned an increased grant for the last three years. Government had gone on hitherto without spending that money. We must have reasons why this amount is thought necessary this year. It appears to me there is absolutely no reason why this additional grant should be given.

The Honourable Mr. H. S. LAWRENCE: Sir, I submit firstly that this is purely an economic question. The House is well aware that the expenditure on furniture, etc., is at least 50 per cent. more than it used to be in former years, and that the prices have not yet fallen. Some years ago, it was found that furniture and carpets could not be obtained to the ordinary standard of a Government House at the amount that was then sanctioned, Rs. 23,000. The matter was fully examined, the condition of the carpets and furniture of the Government House was taken into consideration, and the Secretary of State sanctioned an increase of Rs. 11,000 until prices fall. The increase of prices is a fact which is well within the knowledge of honourable members of this House who live in a large city like Bombay. The honourable member for Ratnagiri, if I understood him correctly, suggested that all furniture is a luxury. That may be the point of view in Ratnagiri; but I do not think that is held equally in Bombay. Some furniture, some carpets are absolutely necessary, and I believe that will be the opinion of the majority of the members of this House.

The honourable member for Ahmednagar rightly pointed out the item in the Civil Budget of Rs. 90,000 for "Inauguration Grant for Furniture and Carpets". The need of that "Inauguration" grant was explained to the Finance Committee last month, and I will explain to the House the character of this expenditure. This is a grant which is renewed every five years for the incoming Governor. It has been very carefully estimated that, on the original cost of various

[Mr. H. S. Lawrence]

kinds of furniture in all Government Houses, so much percentage should be allowed for depreciation—so much for crockery, so much for curtains, carpets, etc., etc., that go to make up the necessities of a house, where so much public entertainment is carried on. A certain proportion of that is allowed for repairs and renewals, and the balance is saved year after year and kept for the use of the new incumbent of the office when he appears on the scene. The sum of Rs. 34,000 is quite different from this sum of Rs. 90,000. From 1st March up to the time the new Governor arrives, the amount of Rs. 34,000 will be at the disposal of the present Governor, and the amount of Rs. 90,000 will be placed at the disposal of the incoming Governor. Then, Sir, the suggestion was made that this expenditure is on an excessive scale. Sir, those honourable members who are acquainted with the demands made upon the hospitality of Government House in Bombay and Poona can realise what an enormous amount of furniture is required for these entertainments for which sometimes not less than 2,000 guests are invited. That is on a scale quite beyond the experience and conception of any private individual, and I respectfully suggest that this House should realise that it is impossible to extend the standards of private entertainments to expenditure on a public institution such as Government House.

Mr. B. G. PAHALAJANI (Western Sind): Sir, there is one difficulty in understanding this account, and that is: I find that the actual amount spent on the purchase and repairs of furniture, carpets and equipment in 1921-22 is entered as Rs. 92,369. That was only about two years ago, at the beginning of 1921. When so recently as that an amount approximating a lakh of rupees has been spent for the purchase and repairs of furniture, and added to that we have the normal expenditure of Rs. 23,000 and odd spent every year, making a total of Rs. 1,15,000 spent within the last two years, I am unable to understand why Rs. 11,500 more should be added this year to the normal amount of Rs. 23,000. So far as the hospitality of Government House is concerned, it is a practice that cannot be disputed, but for that hospitality there is a sumptuary allowance of Rs. 32,000. I feel, Sir, that when provision is already made for this, this item is one in which the members of Government may try to economise.

Mr. C. M. GANDHI (Surat City): Mr. President, I only want to bring to the notice of the House the actual expenditure incurred from year to year. The accounts for 1920-21 show to the House that Rs. 1,30,000 were spent on purchase and repairs of furniture, etc.; the accounts for 1921-22 also show that Rs. 92,000 were spent. We have been assured by so high a personage as the Honourable the Finance Member that there has been a saving made from year to year. Unfortunately for us the revised estimates of this item of expenditure are never shown—for this year or for the previous year—so that we are not in a position to know what was actually spent and what was saved. As has already been pointed out, a sum of Rs. 92,000 was spent in 1921-22. I think, therefore, Sir, that it is not necessary to add further to the normal grant. No case has been made out why for renewals and repairs such a large sum should be required.

[Mr. C. M. Gandhi]

No doubt, Sir, we in the mofussil cannot realise the magnitude of the hospitality of Government House, but we do realise this: that retrenchment in this expenditure will be an act of grace and that will appeal to the people and show that Government are really in earnest.

The Honourable Mr. H. S. LAWRENCE: Mr. President, the honourable member from Sukkur has raised the point that a certain amount has been spent for the year 1921-22. If he had given me some notice of that point, I should have been very glad to go into that item in detail; but speaking, as I have to do, on the spur of the moment, without an opportunity of investigating that item, I can only tell the House that I understand from enquiries that can be made at the moment that the expenditure was in relation to the visit of the Prince of Wales. I should be very glad to investigate the matter further with the help of and in consultation with the honourable member from Sukkur; but on the spur of the moment that is the only explanation that I can offer.

Mr. B. G. PAHALAJANI: There was special provision made for the Prince of Wales' visit.

Mr. C. M. GANDHI: Provision was made for the purchase of furniture in connection with the Prince of Wales' visit.

The Honourable Mr. H. S. LAWRENCE: I should be very glad to place the papers before the Finance Committee and explain to them fully what this expenditure of Rs. 92,000 two years ago represents.

With regard to the item that we are now discussing, namely Rs. 34,910, the House is fully seized of the knowledge that entry in the budget does not necessarily mean expenditure. And I hope the House will do us the justice of believing that the Finance Department have in the past year exercised some small measure of control over expenditure; and I am quite prepared to say that we shall watch and examine expenditure from this grant in the course of the coming year, and if in point of fact there was this expenditure of Rs. 92,000 in 1921-22, and if in view of that expenditure an expenditure of Rs. 34,910 this year should be found to be excessive, the Finance Department will not fail to exercise its power of advising that this expenditure should be curtailed. The honourable member from Surat has made reference to an act of grace of withdrawal or reduction of this grant. There may be such a withdrawal or actual reduction in expenditure, but I suggest that there would be very little grace if the grant was refused by this House. I submit, Sir, that the House may feel confident that no extravagance will take place, and reject the motion for the omission of Rs. 11,637.

Question put and lost.

Rao Bahadur R. R. KALE: Mr. President, I move that

"Item No. 92, revision of pay of subordinate revenue service in the Bombay Suburban district, Rs. 3,500, be omitted."

With reference to this item I only want to have an explanation, because I find that the Bombay Suburban district was only recently created, and

[Rao Bahadur R. R. Kale]

the establishment is shown under the head of Development, for which a separate budget appears in the Blue Book. This item refers to the revision of the pay of subordinate revenue service in the Bombay Suburban District, and I do not understand why this increase should be met from the general revenues of the Presidency when they are distinct from Development revenues. It will be seen that provision for the ordinary revenue establishment is made on page 80 of the White Book, and the Development items are shown on pages 127 and 128 of the Blue Book, that is major head 59, Bombay Development Scheme. So, I should like to know why these items of expenditure are to be met from the general revenues, and not from the revenues raised for development purposes.

Question put and lost.

Rao Bahadur R. R. KALE (Satara District): Mr. President, I beg to move that

"Item No. 93, revision of pay of book-binders, Rs. 1,872, be omitted."

I want an explanation with regard to this item. I do not understand why it is necessary to keep these book-binders attached to the Collectors, when the work can very well be got done by outside agency. No doubt, it might have been necessary to have these book-binders when it was not possible to get the work done by outside agency. No doubt, the pay of all establishments has been increased, but my submission is that this work can be got done by outside agency, and therefore I have thought it necessary to raise this objection to this item.

The Honourable Sir IBRAHIM RAHIMTOOLA: Sir, the explanation is very simple. These book-binders are on the permanent staff at present, and I hope the honourable member does not desire that they should be turned out and the work entrusted to outside agency. Besides, there is nothing to show that getting the work done through private agency will be cheaper than maintaining a permanent staff. I would also point out that the revision proposed is on a very modest scale, namely, at the rate of Rs. 25— $\frac{1}{4}$ —30 per mensem.

Rao Bahadur R. R. KALE (Satara District): Sir, I ask for leave to withdraw the motion.

Question put and leave granted.

Rao Bahadur R. R. KALE (Satara District): Mr. President, I beg to move that

"Item No. 97, Rs. 1,308, Entertainment of a clerk for the preparation of the Bombay Civil List, be omitted."

I move the omission of this item on two grounds. In the first place, I think that the work of the preparation of the Bombay Civil List has been reduced, because instead of a quarterly Civil List, it is now proposed to issue a biennial Civil List. My second reason is that, instead of having a Civil List covering all departments sent to each department, the list may be so prepared that the department concerned should get only the portion relating to that department. Instead of the whole list being sent

[Rao Bahadur R. R. Kale]

to each and every department, I think it is sufficient if only the portion relating to a particular department is sent to that department. Take the subordinate judges for instance. They are not concerned with any other department, and only that portion which relates to the Judicial Department may be sent to them, and considerable saving might be effected in the amount of paper and the work involved in preparing the whole list. On these grounds, I submit that this is an item of extra expenditure, and should not therefore be allowed.

Mr. J. C. KER : Mr. President, it will save a certain amount of discussion if I say that the suggestion made by the honourable member from Satara is already being adopted with regard to the distribution of the Civil List. But that, however, does not affect the item. The work has to be done in the Accountant-General's office. He is not an officer of the Government of Bombay, and he cannot be expected to do the Bombay Government work for nothing any more than the Bombay Government does work for the Government of India without any charge. The Government of Bombay charge the Accountant-General for certain things which he gets from the Bombay Government, and the Government of India charges the Bombay Government for what the Accountant-General does for us. The preparation of the Civil List is not a new expense thrown on the Bombay budget. I therefore oppose the motion.

Mr. C. M. GANDHI (Surat City) : Mr. President, I support the motion for the omission of this item on the ground on which I supported a similar motion last time. The Civil List is not made available to us, and as I informed the Council the other day, our request for copies was not attended to. Therefore, no money should be made available for the preparation of the Civil List unless Government agree to arrange for copies to be made available to the public on payment.

Mr. E. M. PROES : Copies can be had from many book-sellers, and from the Government Book Depôt.

Mr. C. M. GANDHI : The Superintendent, Government Book Depôt, told us that he could not attend to our demand till the distribution list was first attended.

Mr. E. M. PROES : Anyhow, copies can be purchased.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, the honourable member may rest assured that, as stated by the honourable the Secretary of the Public Works Department, a larger number of copies will be printed if there is a demand for them. The publication is available to the public on payment.

As regards the main issue underlying the question, I may inform honourable members that considerable correspondence has been going on between the Government of India and the local Government in readjusting liabilities for various kinds of work which now falls on this Government and the Government of Bombay have been pressing (and in many cases successfully) for getting a contribution from the Government of India for expenditure in regard to subjects which can be specified as "Central". This

[Sir Ibrahim Rahimtoola]

is only one of those items which is purely local and the Government of India have asked the local Government to pay for it. It is a small item and the Council will no doubt pass it.

Rao Bahadur R. R. KALE: I have have nothing to say in reply.

Mr. C. M. GANDHI: Is it a recurring charge?

The Honourable Sir IBRAHIM RAHIMTOOLA: Yes.

Question put and lost.

Rao Saheb L. V. PARULEKAR (Ratnagiri District): Sir, I move that

"Item 99, page 164 of Blue Book, Entertainment of establishment to look after the camp equipage of His Excellency the Governor, Rs. 4,000, be omitted."

This item partakes of the nature of item No. 91 on principle and for the reasons already advanced by me for the rejection of that item, I move for the omission of this item also. This is now a high time not to encourage such expenditure. I therefore hope that this Council will reject this time.

The Honourable Mr. H. S. LAWRENCE: Sir, this is a small item which comes into the long list of items which are under discussion with the Government of India. We are constantly submitting claims to the Government of India that this particular sum previously borne by the Government of Bombay should now be borne by the Government of India, and generally it is the Government of India who take the aggressive and ask us to pay various sums which they used to pay in the past. On the whole in these matters of exchanges I submit that the Bombay Government have not come off second best, but this is a very small item which we cannot dispute the justice of. They formerly stored the equipage for His Excellency the Governor and now they demand that we shall pay the expenses of storing it. It is an absolutely necessary expenditure for the maintenance of property which belongs to this Government and I trust that the House will at once pass the grant.

Rao Bahadur R. R. KALE (Satara District): I wish to ask why, when as a matter of fact this establishment is there, simply because it does some additional work, this additional charge should be met by the Government of Bombay. I understand that an establishment is being maintained to look after articles of equipment, etc., and I therefore am unable to see why, just for some additional work, this Government should be expected to bear this charge. The Honourable the Finance Member said that this is a matter in which the justice of the claim of the Government of India cannot be disputed. My submission is....

The Honourable Mr. H. S. LAWRENCE: I did not intend to convey that the claim of the Government of India that the Bombay Government should pay was just, but that the Government of India will not keep this material any longer for us free of charge.

Rao Bahadur R. R. KALE: The people are there and it is only when His Excellency goes on tour that they are of real use. My submission

[Rao Bahadur R. R. Kale]

is that supposing that the Government of India do abolish the establishment altogether, the expenses of some staff will no doubt be necessarily chargeable to the Bombay Government, but what I understand from the note is that the Bombay Government is now going to entertain their own civil establishment. So far so good. But my contention is that this establishment is to remain there and its expense is to be borne by the Government of India all the same; there is no work practically to do except when His Excellency the Governor goes on tour when these people who are otherwise idle, are expected to do certain additional work, and for all these reasons I think the matter should be pressed home to the Government of India that no additional charge should be made on this Government just because these people are utilised for a short time for some additional work.

Mr. P. J. MEAD: The cost, Sir, of the military establishment which has hitherto been looking after the camp equipage of His Excellency the Governor, is now to be charged to the local Government and is Rs. 5,800. We now propose to have this work done by our own civil establishment at a reduced cost, namely, at Rs. 4,000 or at a saving of Rs. 1,800. There is no question of paying for establishment which does not exist. The work which has hitherto been done by the military will no longer be done by the military but it will be done by a cheaper civil establishment of our own.

Mr. KANJI DWARKADAS: I move for a closure.

The Honourable the PRESIDENT: I accept the closure.

Rao Saheb L. V. PARULEKAR: I have nothing to add.

The Honourable Mr. H. S. LAWRENCE: I have nothing to say, Sir, except that this is a step which we have taken in the interest of strict economy.

Question put and lost.

Mr. R. G. SALGAR (Sholapur City): (Addressed the House in Marathi) Sir, I find in 1922-23 the provision for the staff and household of His Excellency the Governor was Rs. 4,80,000, whereas for 1923-24 it has been put down at Rs. 6,13,000. I cannot understand this large increase.

Question put

"That the item of Rs. 6,13,000 for Staff and Household of the Governor, page 64, Civil Estimates, under A, be reduced by Rs. 1,25,000."

and lost.

Mr. G. B. TRIVEDI (Thana District): I move

"That the provision of the pay of Ministers, Rs. 1,92,000, page 64, Civil Estimates, be reduced to Rs. 1,08,000."

It means that the pay of the Ministers should be reduced to Rs. 3,000 per month. At the outset I want to make it clear that this is not a vote of censure. I do not move it because I am not satisfied with the work that the Ministers do. In spite of our differences here and there, we have

[Mr. G. R. Trivedi]

the highest regard for the work that they are doing and will do in future. In the last two years, Sir, we had this motion and on this motion I voted for no reduction. But since then circumstances have arisen which have impressed me that the time has now come when we should set this as an example for the retrenchment that we so much desire. Sir, it is clear, in spite of the prosperity budget that is put before us, that at every step we are told that there is no money and that, therefore, unless new taxation is levied, no money can be forthcoming even for the nation-building departments. The position is such that it was also proved that the retrenchment so far has been on unimportant lines only, that is, non-recurring expenses have been reduced, but no permanent reductions have been made in any department whatsoever. Then, this would be a good example or a good lead, that the House, although it approves of the work of the Ministers, of their policy and all that, and it has no desire to censure them, should say "We shall give the lead by asking the Ministers to take less pay." I know, Sir, and I myself was the first man to argue that a reduction of pay was a lowering of dignity. But, Sir, we have two years of work and the Ministers have established their dignity. They are equal to any Honourable Member of Government in the reserved departments, and therefore the question of dignity having been established, the only question is of economy, and the economy can be always urged and retrenchment can be always urged by the people who are ready themselves to have a reduction in the post which they value the most. The Ministers are ours, they are our leaders, and therefore we will tell them "You give us the lead in the matter of economy and retrenchment". The whole question in this country is a crucial question now whether the country can afford the expenses of the costly administration that is going on in this country so far. If we come to the conclusion that the country cannot afford this expensive administration, then what is the remedy? We cannot at present touch the higher appointments; we cannot at present reduce the pay of the Members of Government. At the same time it is also desirable that we must take some practical step to show to the Government that we are in earnest in suffering ourselves, that our Ministers are with us to lead that movement of saving by retrenchment, and that we want this costly administration to come down. And the very first thing is that the Ministers should make up their mind that they shall give the lead in this matter. Then, it being admitted that the administration is costly, how can we impress it more forcibly than by saying that this Council, in spite of their approval and appreciation of the work of the Ministers, is ready to see that their Ministers are paid lower than the Members of Government so that, after a year or two, we will turn on Government and say we are paying less to our Ministers, and is it right, is it fair, that Government Members should claim higher pay? That will be our argument after a year or two. So, in order that we should be equipped with that argument.....

The Honourable the PRESIDENT: The honourable member need not go on in the way he does and anticipate the future. We have to deal with the existing situation.

Mr. G. B. TRIVEDI: Well, Sir, if we have to begin a policy of retrenchment, we must begin it now and what I say is that we shall have to tackle this question later on.

The Honourable the PRESIDENT: That is allowable and I have allowed on a point of order. All I say is that that should not be enlarged upon beyond reasonable limits.

Mr. G. B. TRIVEDI: Now Sir, as regards the costly nature of the administration, I will here quote the argument that was given to us the other day as regards Indians in the colonies. I give it only for the sake of analogy, I do not want to discuss it, as to why Indians are not wanted in the colonies. It was said that they were not wanted on account of the economic question, not on account of the racial question, and the fear of the Europeans in that colony has been that if they have more Indians there, there will be competition between the two,—an economic competition. Now, I say that we Indians are accustomed to a simpler kind of living but by the advent of the Europeans they have made our living very costly and we have imitated them.

The Honourable the PRESIDENT: The honourable member is now drifting into a question which I am afraid is beyond the scope of this little vote.

Mr. G. B. TRIVEDI: I was only arguing, Sir, that the cost of living is increased unnecessarily and if we have to give a lead to the people and also to the administration, the only stumbling block is this, and we cannot remove that stumbling block, if not at present at least later on, except by saying that we are prepared to see our Ministers paid a lower salary, and then we can tackle the question of the Government Members' pay and of other officials' pay. Now, Sir, the financial position of the country being what it is, I am convinced that this is the time to take a step now in this direction. And in this direction, Sir, we have the example of two other provinces before us. So, with their example before this House, we will make up our mind, though with great reluctance, that the salaries of the Ministers shall be reduced to Rs. 3,000 per month.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Mr. President, I rise to support the motion of my honourable friend....

The Honourable the PRESIDENT: Honourable members will remember that five minutes are allowed for every speaker upon this motion except the Member in Charge, the mover and the Leader of the House.

Mr. JEHANGIR B. PETIT: Last year when this question was taken up in the Council, I was one of those who opposed it, particularly on the ground that has been suggested even now that a reduction in salary is likely to re-act prejudicially against the status of our honourable colleagues the Ministers, and the high esteem in which they are justly held. Their status has already been established, and there is no question as to the high respect which they all undoubtedly command. And, Sir, I feel that this question ought now to be considered and decided upon from an altogether different and higher standard.

[Mr. Jehangir B. Petit]

Judged in the light of that standard and from the standpoint of this Presidency, where the expenditure under the heading of services comes to as much as 35 per cent. of the total revenue of the province, a proposal for reduction such as the one which has now been made cannot be considered too early. Honourable members of this Council are no doubt aware of the fact that so far as the capacity and position of our Ministers are concerned, they are on a par with the Executive Councillors who form the bulk of the Government of Bombay. When I rise therefore to support a reduction in their salaries, it is not with a view to cast any unnecessary reflection upon their high reputation or to convey to the Council an impression that we hold them in any degree less respect than we hold the other Members of the Government, but to say that by reducing their salaries we would be setting an example to the entire higher grades of the services, and would be creating an unanswerable precedent of very great importance by means of which we shall be able later on to attack the higher services. I think this question will have to be faced by the country sooner or later; and if expenditure has to be reduced, it will have to be courageously tackled at least so far as the Indian Civil Services are concerned. The one effective way in which we can do it is to begin with the Ministers, even though they are of us and represent the people, and even though we have the highest admiration for them. If once this principle is accepted,—and, I hope, the Honourable the Ministers will do so themselves of their own accord,—it will enable the country to effectively drive a wedge into the entire services and to ask for a substantial reduction therein. I do not think that any democracy in the world, and least of all the great democracy of England, would fail to be impressed with the force and cogency of our arguments in favour of a reduction when we are able to show them that men of equal capacity, equal integrity and equal force of character can be had in the country itself as Ministers of the different Provinces.

The Honourable the PRESIDENT: The honourable member is perhaps drifting into a subject which is beyond this particular vote.

Mr. JEHANGIR B. PETIT: I bow to your decision, Sir. I only wish to point out that such an argument will weigh very considerably with the English democracy and ultimately very materially help us in the attainment of the object we have all in view. As I have already said, we have nothing to say against the Ministers and their ability. The country only wishes these reductions to be made in order to enable it to carry this argument to its logical conclusion and to call upon the democracy of England to agree to a similar reduction in the salaries of the higher services in order that it may obtain that relief of which it is so much in need. It is with this object in view that I therefore rise to support this motion and not in order to cast any unnecessary reflection upon our Ministers for whom, as I have already said, we all have the very highest respect and admiration. I hope the House will take the same view that I have done and support this motion. I have accordingly very great pleasure in supporting this amendment.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, the matter is rather a delicate one as a matter of principle and on the principle which has been enunciated by the Public Services Commission, namely, same work, same pay, the present pay holds good, but having regard to the expansion of the large sphere of our reformed Councils and the general trend of opinion in the whole country in this matter gradually the ground is being prepared for the opinion that Indians from patriotic motives, if not on any other account, should dictate their own pay on which they are willing to work for their own country from purely patriotic motives. No doubt it is rather a large order to make on local patriotism as far as matters stand and, so far we cannot go beyond that, until we see what the present Royal Commission that is coming to decide the matter before us has done ; however, I should think that if an amendment is proposed that the amount be reduced to such salary as the Ministers may be willing to accept, I should think that it will be in consonance with the wishes of the House, and will mean a good deal as we want to deal with the wishes of the Ministers themselves. No doubt in this motion the particular sum is mentioned, but that was unavoidable because under the rules as they stand a particular amount has to be mentioned. However, I should think that if we can have an amendment that is in order and if the Ministers who are of us are willing, the proposition will be carried with an amount of force if this is brought about. Otherwise a vote of reduction is likely to be misconstrued by the general public into a vote of censure, as there are too many pronounced divisions even in our own Presidency. I shall not be a party to any such proposition if there is the remotest chance of this reduction being made from another motive from which it has been prompted. I should, therefore, seek your ruling, Sir, if it is possible to have an amendment in this form :

“ That the salaries of Ministers may be reduced to such amount as the Ministers may be willing to accept.”

The Honourable the PRESIDENT : It is quite out of order. It is leaving the decision of what the House can decide for itself to somebody else. The amendment is vague, as it mentions no sum for reduction. Besides, it assumes without warrant that the Ministers have agreed to a reduction. It is therefore incomplete and ineffective.

Rao Bahadur G. K. CHITALE : Supposing, Sir, I mention the amount, will it not be possible ?

The Honourable the PRESIDENT : Further reduction ?

Rao Bahadur G. K. CHITALE : Lesser reduction.

The Honourable the PRESIDENT : No notice has been given of that.

Rao Bahadur G. K. CHITALE : Then with those words, I support the motion.

After recess.

Rao Bahadur R. R. KALE (Satara District) : Sir, it is conceded on all hands.....

The Honourable the PRESIDENT : Does the honourable member propose a motion by way of further reduction ?

Rao Bahadur R. R. KALE : I asked the Leader of the House and the Member in charge, because I must make the motion with their consent. They said that they would consider it. It is conceded that the salaries of Ministers in this country are based on a high level. In other countries the salaries of Ministers are nowhere so high when we consider the salaries in this country. The reason why Ministers in this country are drawing such a high salary is that the salary of the Executive Council Members is on a high level. The Executive Council Members get a high salary because they have been imported from other countries. Of course foreign labour is bound to be dearer than your own labour. Therefore, the principle that prompted the Government to propose a similar salary for Ministers is that they should draw as much salary as the Executive Council Members. Even when the matter was under the consideration of the Government of India and the Joint Parliamentary Committee, they allowed that question to be decided by the Councils, although they were of opinion that the salaries of Ministers should be less. The reason for their leaving it to the Councils for decision is that if they decided it, a wrong construction would be put upon it and that it would create a misunderstanding. The indianisation of the services must go on gradually; this has been recognised, for otherwise we cannot achieve cheapness in the administration. Also it is not possible to have indianisation all-round all at once and if we wait to reduce the salaries of Indians, we shall have to wait indefinitely, nay for ever, since that day will never come. If we make a beginning now, we shall be laying the foundation of a good case before the Royal Commission for a reduction in the high salaries. It is only in this manner that we can induce our Imperial Parliament to accept the view that in the interest of economy and cheapness the administration should be indianised. I would, if the Honourable Member in charge would allow me.....

The Honourable Mr. H. S. LAWRENCE : I regret I cannot agree to any amendment on the proposal before the House.

The Honourable the PRESIDENT : When a demand for grant is made a motion for either reduction or omission is allowed by the Rules.

Rao Bahadur R. R. KALE : I am putting it to the Honourable Ministers whether they should not give a lead to their successors and themselves agree to accept a reasonable reduction in their salaries. I hope the House will carry this motion.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Sir, I beg to oppose the motion for reduction of the salaries of Ministers. In the first place no case has been made out for any defect or any incapacity towards our Ministers with regard to the portfolios in their charge. It has been argued by my honourable friend for Thana that we are going to reduce the pay of the Ministers as a sort of retrenchment. It has also been argued that by reducing their pay they are not going to pass a vote of censure on Honourable Ministers. It has been admitted by all my honourable colleagues in this House that Ministers have been doing their best and are discharging their trust to the best of their ability. It has been argued that by reducing the salaries of Ministers we can move for the reduction of the salaries of Executive Council Members. We cannot

[Khan Saheb A. M. Mansuri]

not only raise that question but we cannot touch with our little finger those people, I mean the Honourable Members of the Executive Council, and I wonder if Government will take any steps towards making a retrenchment by reducing the pay of the Members of the Executive Council. The reduction proposed is from Rs. 5,000 to Rs. 3,000. Looking to the sundry expenses the Ministers have to incur in Mahableshwar, in Poona, and taking into consideration all this, I think the pay of the Honourable Ministers is just and not extravagant. It has been argued that retrenchment should commence from the top. We have not been able in the least to touch the top, which is the desire of the people here and outside this House. No useful purpose will be served by putting a cut on the salaries of Ministers. I think the Council would be well advised in thinking twice before they decide one way or the other in all such matters.

Mr. KANJI DWARKADAS: Mr. President, I rise to support the motion for reduction moved by my honourable friend from Thana, and I regret very much the necessity of a motion for reduction having to come from this side of the House. I expected, Sir, that a reduction of this kind would have come with good grace from the Honourable Ministers themselves, and I still expect that they would accept this motion. For two years, year after year, some of us on this side have been supporting the Rs. 5,000 salary on the basis of equality of status between the Executive Council Members and the Ministers of the Presidency; but in view of the fact that throughout this country, in the important provinces of Madras, Bengal and United Provinces Honourable Ministers have themselves come forward and offered to take a much lesser salary, I expect that our Ministers, who have for the last two years given their best in the service of the motherland, will also agree to have their salaries cut down. I am quite aware of the difficulties that are in their way, but I hope they will be able to surmount those difficulties and agree to a cut and help to pass a unanimous motion on this point.

Sardar Khan Bahadur A. M. DALAL (Broach District): Sir, we are all indebted to the Honourable Ministers for the great services they have been rendering to this Presidency for the last two years. But, Sir, I feel that on patriotic grounds they ought to give a lead to the country. In England and other parts of the world Ministers accept small salaries. Though the Viceroy is under the Prime Minister, and the Viceroy's salary is high, the Prime Minister himself gets less than the Viceroy. Now, the whole country is for retrenchment, and the Honourable Ministers should come forward and offer to serve for less than what we are paying them at present. It is surprising that the lead has not come from them; it should have come long ago. It is time that they should come forward. I therefore support this motion.

Dewan Bahadur K. R. GODBOLE (Poona District): Sir, I wish to address the Council on the motion before it regarding paying our Ministers on a lower scale than the scale adopted at present. The first question that is put to us, elected members of this Council, by our constituencies is: "If you agree that the Government is top-heavy and the salaries at the top should be reduced, what have you done to reduce

[Dewan Bahadur K. R. Godbole]

these high salaries." We can tell them that the civil services are beyond our control and we cannot touch them ; and that the salaries of certain posts in the reserved departments also are beyond our reach. But the next question that they ask is : " What about the transferred departments ? " I think that the reduction that is proposed is a reduction in the right direction ; and if it is agreed to it will enable us to tell our constituencies that we have done something in the matter of reducing the cost of administration in its higher branches. If our Ministers, who have been doing excellent work for the last two years, will agree to render services to this Presidency on lower salaries, it will be highly appreciated by the country-side and we will be armed with an argument with which we can urge that the salaries of our Members of Council and other high officers should also be reduced. We are all aware that our Ministers are doing exactly the same work that the Members of Council are doing.....

The Honourable the PRESIDENT : That argument has been repeated by four or five speakers that have preceded.

Dewan Bahadur K. R. GODBOLE : I do not want to repeat, Sir. The only thing I want to point out is that the proposed reduction will enable us to reduce the cost of administration in the higher branches and as such the motion commends itself to me, and I am going to support it.

Mr. V. A. DABHOLKAR : Sir, I rise to oppose the amendment which has been proposed for the reduction of the salary of the Ministers. Mr. President, we have heard times out of number in this Council that the Government service should be indianised, and now when we have got Indians at the helm of the Government, some councillors are proposing to reduce their salaries. It is very easy to define patriotism as suggested by the previous speakers but patriotism should not begin with Ministers alone. It has been admitted on all hands that the Ministers are doing sterling work, and I do not understand why this Council should grudge to pay them the salary that has been fixed ever since the Reforms, unless it is the desire of the supporters of the amendment that the Honourable Ministers should be put on the same footing as the Secretaries to Government, which I hope this Council will not allow. Under these circumstances, Mr. President, I oppose the amendment.

The Honourable Sir CHIMANLAL SETALVAD : Mr. President, the honourable member opposite from Poona has told us the motive behind this motion. He told us that the elections were very near and it would be a good thing to go to the electors and tell them that we have done something. That is the motive, as frankly admitted by him, lying behind this motion. But I will appeal to him and other members who take the same view not to be carried away merely by the notion of being able to tell the electors " We have done something ". In their anxiety to show some result to the electors, let them not do something about which they may in the end repent. I may remind him that so far as this Council is concerned, they have a very good record of performance to place before the electors without resorting to this expedient and they had better rely on that

[Sir Chimanlal Setalvad]

performance for getting a judgment from the electors in their favour. And I beg of them not to be in a hurry to pass a motion which will lead to undesirable results. It is all right and good, Sir, to talk of economy, but you must remember that if you want people of the right calibre to undertake the responsible duties of Government you must pay them a proper wage. It would indeed be a bad day if your over-zeal for economy leads you to reduce the salaries of responsible Members of Government in a manner which would fail to secure the right sort of men that you want. You must remember, after all, that it is difficult to get men of the proper calibre to take up a Membership of Council or a Ministership, because people of the proper standard and proper qualifications can make outside much more than we can ever hope to give them here. If you try to reduce those salaries in the manner suggested, you will still further reduce the inducement for proper people to come and work the government, and honourable members must remember how responsible the work is that is entrusted to the Ministers, and it must also be remembered that under the Reforms scheme, later on it will be all Ministers and the Members of Council will in course of time disappear. Therefore, honourable members must realise that it is essential to properly pay the Ministers, so as to make them thoroughly independent, so as to make them bring all their zeal into the work that is entrusted to them. It must also be borne in mind that a thousand or fifteen hundred less will not effect any appreciable saving at all, while by the proper discharge of his duty, by his zeal, by his straightforwardness and honesty a Minister can save lakhs and lakhs to the Presidency. It is, therefore, to my mind, very false economy to grudge a proper salary to your Ministers. It is no encouragement for proper people to come forward in the manner I have mentioned, and it will be no inducement and encouragement to them to discharge their duties in the proper manner. I would therefore beg of the Council not to press this motion, especially when we have only about ten months remaining for the present Council to terminate. You have allowed your Ministers to draw the same salary as Members these two years and two months. In another ten months' time the life of the Council will be over; you will have the next election coming then, and you will then also be able to gather the wishes of the electorates in the matter, and you can very well leave this question to be decided by the new Council. There is no hurry to carry out the proposed reduction for the remaining ten months, in view, as I say, of the fact that you have allowed it to go on for these two years and two months, and you must not, merely with the desire to please the electorates, rush into a thing for the results of which you may ultimately repent. I would beg of the Council therefore not to pass this motion at this stage, but to allow things to go on as they have gone on for ten months more, and then bring it up after the new Councils come into existence if so advised.

Rao Saheb D. P. DESAI (Kaira District) : Mr. President, I agree with the reduction proposed by the honourable member from Thanā, and my only regret is that this will perhaps be the only item which this Council will be reducing, for I must frankly admit that in this session we have not

[Rao Saheb D. P. Desai]

been able to make substantial reduction in a budget which of course may be said to be an extravagant budget. However, with the object of laying down the future policy of the Bombay Government, I agree to the proposed reduction. When a similar motion was brought up two years ago, I was opposed to it, but I have since changed my views, and now I consider that the Ministers should on no account be paid more than a living wage. They must be prepared at any moment to threaten Government with resignation, if the view of the Council to which they are responsible were not accepted by Government. These posts must not be financially tempting. The Ministers must be in a position to dictate the sense of this Council and if not the present, at least the future Ministers, must not be guided by financial considerations to stick to their job. From this point of view I support the motion of reduction in their salaries. Though of course future Ministers like my honourable friend on my right might say that it will be better to arrive at a compromise, I rather accept the amount proposed for reduction by the honourable member from Thana as quite adequate.

Mr. B. G. PAHALAJANI (Western Sind) : Mr. President, I had not at all intended to speak on this motion until, contrary to my expectations, the Honourable the General Member rose, because I do not think, after the honourable member from Bombay (Mr. Petit) disclosed to the House that the real object of bringing forward a motion for the reduction of the Ministers' pay was the introduction of the thin end of the wedge to enable us to do the same with the other higher officers of Government, it was fair or graceful for the Honourable the General Member to rise and defend his own position by saying that the Ministers should be given a living wage. Knowing the personality of the present Ministers, the life of one of whom has been one of self-sacrifice, who is prepared to return, if he is not a Minister next time, to exactly the same pay and the same position that he occupied before, and taking into consideration the fact that the other Minister is too rich to care for Rs. 3,000, Rs. 4,000 or Rs. 6,000, I do not think that this question of a living wage should at all have entered the mind of any one, much less the Honourable General Member. If it is a question of a living wage, I think Rs. 3,000 is far more than a living wage even in the city of Bombay where living is reputed—not really—to be dear. When the Honourable the General Member said that the only motive underlying the move was to go to the electors and tell them what has been done by honourable members, now that the election is drawing near, I may inform the honourable members on the Government benches opposite, that it is not now but it was two years back, it was as soon as we entered upon our duties that the electorates called upon us to explain and show what work we had done in this Council, so far as reduction in the higher grades is concerned. It is easy to tell them that the Government is prepared to kill the peons with one stroke of the pen ; it is easy for us to hold down our heads and say that the clerks' pay has been reduced, but when we come to the all-India services, Members of the Executive Council, etc., we tell them that the House is powerless to do anything in the matter. Now this is the answer

[Mr. B. G. Pahalajani]

that we have been giving to the electorates for the last two years, and the present motion is moved simply to tell the electors that we are trying our level best, as far as lies in our power to reduce the pay of the Ministers, and thus set an example to the Government itself to retrench in the higher grades. We are prepared to show not by way of pleasing the electorates—far from that, but by way of assuring them that this House has some power of asserting its will and showing its independence; that if it is prevented from doing anything by the statute of law, it is acting within its powers in setting an example for reduction of pay, and I am certain that none of the Honourable Ministers will be willing to uphold the Honourable the General Member in the argument he has put forth in their defence. I am sure that we have still amongst us in our Presidency men who are prepared to come forward for public good and for the good of this Presidency of as high education and talent as the Honourable Dr. Paranjpye prepared to make a sacrifice for the country and accept lesser pay. It is not the Rs. 5,333-3-3 that the Honourable Dr. Paranjpye has set his heart on, it is for showing to the people, it is for showing to the Government in England that we in India, that we Indians in this Presidency, have men who can become Educational Ministers with credit. I think that every one in this House must admit that the Honourable Dr. Paranjpye (I am naming him, Sir).

The Honourable the PRESIDENT: It is out of order to mention any honourable member by his name. I have often pointed out that.

Mr. B. G. PAHALAJANI: I give him credit, not discredit.

The Honourable the PRESIDENT: Whether for credit or discredit that cannot be allowed. The honourable member should mention him as the Minister for Education, not by his name.

Mr. B. G. PAHALAJANI: Under those circumstances, that is not the motive underlying this motion, and when we have to explain to the electorate once and always and hereafter, it is but fair that we, for the sake of principle (not for the sake of censure or otherwise commenting on the Ministers' administration), should go to vote and set an example to the Government that we are prepared, that we Indians, Indian Members and Indian Ministers, are able to make sacrifices in the country's cause. That is what I desire to impress upon this House.

Mr. NAOROJI M. DUMASIA (Bombay City, South): Mr. President, I desire to.....

The Honourable the PRESIDENT: I think other honourable members had risen prior to the arrival of the honourable member for Bombay. They have caught my eye and I must give them precedence.

Mr. NAOROJI M. DUMASIA: Does that prevent me from speaking, Sir?

The Honourable the PRESIDENT: No, but I cannot allow the honourable member to catch my eye before other members who, having been present since the commencement of this debate and risen to speak, have had their turn. I call on the Home Member.

The Honourable Mr. M. H. W. HAYWARD : I should suggest this to the Council, Sir, that this is not a question of personal feelings or personalities of the Ministers, but it is a general question of very great importance to the Government of this Presidency. I entirely support the arguments put forward by my learned friend and colleague in the General Department that it is of the highest importance to keep the salaries of the Ministers at a figure which will attract the very best men possible for the service of this Presidency. It may be that you will find some men of private fortune who can afford to do without those salaries, but it seems to me of very great importance that you should not restrict your choice simply to those men who have the good fortune to have money of their own and who can afford to do without salaries but that you should throw open the appointments of Ministers to the most talented men of this Presidency who have not had that great fortune of their richer friends in the Presidency. I submit that looking at it from this purely impersonal point of view, this salary now fixed for Ministers is by no means incommensurate with the responsibilities which lie upon them. The work which they have to perform is of the very gravest importance. They have to deal with subjects of great import to all the people of the Presidency ; they have to deal with matters involving expenditure of crores of rupees. It is important that there should be no doubt that we can get for this purpose the very best men available and it is no secret to anybody who has lived either in Poona or Bombay that the expenses of a Minister who has to travel about from Poona to Bombay and Bombay to Mahableshwar and back to Poona and Bombay are very heavy expenses. They are not expenses which can be borne by an officer drawing no more than a junior Secretary to Government. I appeal therefore to honourable members to look at it from this point of view and not to reduce the salaries to a figure which would render it impossible for men without private means to come forward to do our work in this Government. I put it to them that this is really a most important matter and one which should not be dealt with lightly in this Council. It is of the gravest importance that this House should do nothing whatever to imperil the success of this reformed Government and I firmly believe that if this Council is going to reduce the salaries of the Ministers to no more than a second grade Secretary to Government, they will be very seriously imperilling the success of the reformed scheme of Government.

I would suggest one more point and that is this, that at the last budget meeting it was agreed that the salary of the Ministers should be retained as it was originally fixed, that is to say, two years ago that the salary should remain as originally fixed, and this Council would now be reducing the salary of these Ministers for the last nine months of its existence. I put it to members, is that going to be a useful electioneering cry ? Can you go to your electors and say " look what we have done ; after giving the Ministers the full salary originally fixed, we have now for the last nine months of their existence reduced it " ? The result would be that those that come in afterwards will draw the lesser salary. Is that going to be really an effective electioneering cry ? I submit that it will be quite the contrary and the honourable members will be thanked for nothing

[Mr. M. H. W. Hayward]

and will find themselves speedily hoist by their own petard. Again put it into money. What can you show to the electorate? You cannot show a saving of more than Rs. 80,000 per year. For the next nine months the saving will not come to more than Rs. 70,000. Think of it, Rs. 70,000 out of fifteen crores of rupees. What are you going to show to your electors? What will they say to you? They will say "How is this saving of Rs. 70,000 going to help the country? We have got a revenue of sixteen crores; out of that you show a saving of Rs. 70,000. Can you tell us that that is sufficient to warrant our electing you again to the Council? Don't tell us that you could not reduce their salary for two years and now for only nine months you say you have succeeded in cutting down their salary".

I submit to the Council that this is a very difficult question to decide the exact salary necessary to secure the very best men for our service. That is a question which will in all probability be gone into thoroughly by the Royal Commission. Would it not be better to leave this question open till that Royal Commission comes and then decide exactly what is the most suitable pay that will produce the very best men we require for the service of Government? I suggest therefore that till then this House should do nothing, that they with a real sense of their responsibility ought to leave the matter alone for the present, that they ought not to be carried away by any supposed electoral advantages, that they ought to remember that the question will shortly be considered by the Royal Commission and ought to proceed only after this Royal Commission has made its recommendations to decide the salary which will attract the very best men for the services of Government.

Mr. NAOROJI M. DUMASIA (Bombay City, South): Mr. President,..

The Honourable the PRESIDENT: Those who have caught my eye before must have preference. Mr. Hulkoti I think had stood up first.

Mr. C. C. HULKOTI: Yes, Sir; but I have no objection to my honourable friend addressing first.

The Honourable the PRESIDENT: Very well, then let the honourable member from Bombay proceed.

Mr. NAOROJI M. DUMASIA: Mr. President, I was surprised to hear the Honourable the General Member saying that this was a campaign for election purposes. So far as I am concerned, I have brought this question over and over again and I think it has now become a hardy annual. I was, therefore, surprised to hear the Honourable the General Member saying that this was only for the purposes of electioneering campaign. As I said last year, Sir, the Ministers who were a tender plant have grown into a big bureaucratic tree and the merging of the Indian Ministers into the bureaucrats has been complete, and this has been to-day evinced by the honourable members on the opposite bench taking such a strong attitude in favour of the salaries of the Ministers. Sir, these are days of retrenchment. Everywhere we hear of retrenchment and retrenchment until our ears are deafening, and to-day, Sir, we are surprised to find the Members of the Government telling us that

[Mr. Naoroji M. Dumasia]

Rs. 70,000 or Rs. 80,000 is a question of no importance. Sir, again the bogey of dignity and prestige has been trotted out and, as I have often repeated again and again, the prestige and dignity will depend upon the sacrifices and services which the Honourable Ministers render to the State and the people of this country. Their dignity and prestige will not depend upon their salaries, but I emphatically say that it will be in proportion to the sacrifices they make and the services they render.

Sir, it is said that we should not rush this question through. We have deliberated and deliberated on this question and I am glad to find that to-day I see many converts who have come round to my view that the salary of a Minister is a very big item and it is our bounden duty to reduce our already top-heavy administration. We are suffering from a top-heavy administration and, Sir, the Honourable the Home Member said that we should not imperil the reforms by curtailing those salaries. I say, Sir, that those who stand in the way of retrenchment and reduction of this salary are imperilling the reforms. We should not allow those expenses to grow out of proportion and I certainly say that it is the Government and the official members supporting this increased salary who are imperilling the reforms. Sir, considering the example set by other Presidencies and provinces, we should have thought that our Ministers would come forward gracefully and say "We are willing to take less salary" but we have been disappointed in our hopes. Our Ministers have not taken steps which we should have liked them to take. It is the ministers who have been non-co-operating with us—co-operators. We have heard so many sermons and lectures from these Ministers about co-operation and we should have hoped that this time they would willingly come forward to co-operate with us and set an example to the country at large. Sir, this question has been discussed threadbare and I will not go into it, but I will appeal to the Ministers themselves to show a spirit of self-sacrifice. I will appeal to them to show what sacrifice can do. I ask them to set an example that their prestige and dignity will be enhanced by their sacrifice and not by insisting upon the salary of Rs. 5,333 a month. Sir, Rs. 5,333 is heaps of money considering the experience of these Ministers. The members of the civil services, most of them, do not come to that position even at the time of their retirement and these Ministers even without having that experience (Honourable Members: No, no) I am not saying it in any disparaging mood, Sir. I only say that the salary is too high and the Ministers should themselves come forward and say that they are willing to accept Rs. 3,000 as salary.

Rao Sahab HARILAL D. DESAI (Ahmedabad City): Mr. President, honourable members of this House will agree with me when I say that this is a very important question, one which ought not to be decided either by a debate or a division, but it would be better that we should all have time, including the Ministers and the Members of Government as well as the other members on the official benches, to think and to consider the matter so as to see whether it is possible for us to come to a graceful conclusion on this subject. I would, therefore, suggest rather than rush this motion to-day whether this debate cannot be adjourned till to-morrow.

The Honourable the PRESIDENT: I should like to know how that can be done when I am compelled to put item by item to the House in the order in which the items appear on estimates. As for postponing this item till to-morrow and going on with other items that would mean a breach of the ancient rule that items must be taken up in the sequence in which they appear on the estimates.

The Honourable Sir CHIMANLAL SETALVAD: One way, Sir, of meeting the wishes of the honourable member for Ahmedabad city would be this: instead of going on with the discussion to-day of this particular question, we might proceed with the next item and postpone this item till to-morrow.

The Honourable the PRESIDENT: I am in the hands of the House as to whether they would like to go on with another item now.

The rule is:

"When several motions relating to the same demand are offered, they shall be discussed in the order in which the heads to which they relate appear in the budget."

The only way I can get out of the difficulty is this. I can go on with the following items and postpone this item till to-morrow. The rule does not say that an item shall be decided before a subsequent item can be taken up. All that is required is that the *discussion* of items shall be taken up according to the order set down in the budget, not the *decision*.

Rao Bahadur G. K. CHITALE: If the amendment could be allowed to be moved by the Member in charge, I think it would meet our wishes.

The Honourable the PRESIDENT: I understand that it was for the purpose of considering some amendment that the Deputy President (Rao Saheb Harilal Desai) has suggested that the decision of this item be postponed till to-morrow.

Rao Saheb HARILAL D. DESAI: Sir, I move:

"That the decision of the item of Rs. 1,92,000, Provision for the pay of the Ministers to be reduced to Rs. 1,08,000, be adjourned till to-morrow."

The Honourable Sir IBRAHIM RAHIMTOOLA: Mr. President, however much honourable members may desire to disguise the real effect of an adverse vote on a division on the question of the Ministers' salary, it is tantamount to (Honourable Members: No, no)—however much honourable members may try to disguise the effect of such a vote it will inevitably make their position difficult if not untenable. It must be remembered that the question of reduced emoluments of Ministers in other provinces has been settled by arrangement in consultation with the Ministers. There has not been in any province an adverse vote. I, therefore, think that in view of the fact that the Ministers command the appreciation of the Council—and this has been given expression to by many members,—it is necessary to see whether the view which honourable members have so emphatically expressed cannot be met by some arrangement on the lines of what has happened in other provinces. That being so, nothing is lost by accepting the Deputy President's amendment and dealing with the subject to-morrow. That will give Government an opportunity to discuss the matter and inform honourable members of the decision arrived at. I want to make it perfectly clear that if honourable members are determined that the salary of the

[Sir Ibrahim Rahimtoola]

Ministers shall be reduced by an adverse vote to Rs. 3,000, then let them throw out the amendment. But if they are undecided on that point or if they do not want to pass an adverse vote, then the only course open to them is to agree to the postponement and decide to-morrow what they will do. After knowing Government decision, they will be able to do what they like to-morrow.

The Honourable the PRESIDENT : On the question of postponement every honourable member has a right to speak.

Rao Bahadur R. R. KALE (Satara District) : Sir, on this question of adjournment I may point out to the House that I had intimated to the Honourable Members of Government to consider a way of a compromise; if no objection was taken to that course we could have gone on with the motion. It is the only possible motion on which there is likelihood of a compromise. So my point is, it is no use adjourning till to-morrow. We are still prepared if Government are willing to accede to the compromise which has been suggested or which will be suggested. My submission is that there is no necessity for an adjournment being granted for this purpose. That is all that I say, namely, that the Honourable Member in charge was given an opportunity and it is still open to Government to come to a decision.

Mr. B. V. JADHAV : Sir, I rise to support this motion for adjournment. The reasons adduced by the Deputy President and the Honourable the Leader of the House are strong ones, and I think we ought to give time to both the sides to come to some amicable settlement which will be creditable to all. Nothing will be gained by hurrying up this matter, and I am sure that this side of the House will lose nothing by having the decision postponed till to-morrow. Whatever this House may say, the reduction of the salary by an adverse vote is tantamount, according to Parliamentary practice, to a vote of censure. (Honourable Members: No, no). In spite of the 'noes' I do submit that it does amount to that. In spite of the 'noes' I submit that it is a motion tantamount to censure, though it may not be intended as such. The effect on the outside public will be the same. The appeal made by the Honourable the Leader of the House is I think worthy of consideration, and will do credit to all.

Mr. NAOROJI M. DUMASIA (Bombay City, South) : Sir, this motion for postponing the decision should not be allowed. The Honourable the Leader of the House says that it will be tantamount to a vote of censure on the Ministers. Sir, the fixing of the salary of Ministers is in the hands of the Council. It has been made quite clear in the Joint Committee's report. Government have no voice in the matter; and therefore if we exercise our right, it cannot be said that it is tantamount to a vote of censure on the Ministers. With these remarks I oppose the question for adjournment of the decision.

Sardar Khan Bahadur A. M. DALAL (Broach District) : Sir, may I ask the members of the Government benches whether the Honourable the Leader of the House can give some assurance to the opposite benches that a compromise is likely if the debate is postponed till to-morrow ?

The Honourable Sir CHIMANLAL SETALVAD : Sir, I really fail to understand why there should be so much unwillingness on the part of some members to postpone this question till to-morrow. I do not know how they will be the worse for it. Those who are prepared to vote to-day can equally vote to-morrow also. The object I may assure the House is not to try to influence the votes. The object is to take time and fully consider the matter and arrive at some decision. The honourable member for Satara (Rao Bahadur Kale) has offered a solution. But he does not expect Members of Government to come to a decision all at once. They are after all a corporate body; they have to put their heads together and arrive at a decision, and they cannot rush through a proposal. There will be nothing lost by waiting till to-morrow and members can do what they think proper. I hope, therefore, that they will postpone the question till to-morrow.

Dr. S. S. BATLIWALA (Bombay City, North): Sir, the only fear is that if the postponement is granted, Government, being influential, will use all their influence to canvas votes on their side to-morrow. That is the feeling uppermost in the minds of almost all of us on this side of the House. It is for that reason they do not like to postpone the decision. Supposing the Government Members and the Ministers are prepared for the reduction suggested by the non-official members, I think the latter will also agree to the postponement of the decision of the question till to-morrow. I personally do think that it might be called a vote of censure if the proposition is passed in the form in which it has been worded. If that is to be avoided, I submit, an assurance ought to be forthcoming from the Government side that they will use all their influence in seeing that the salaries of the Ministers will be reduced. I hope, therefore, some Government Members or Ministers will give an assurance to that effect.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, I wish to add one word. It is not true to say, as we know our Ministers, that they are anxious to retain their present scale of salaries. (Hear, hear.) But it has been hinted by the Government benches that they being a corporate body it is not possible to come to a definite decision all at once and that the Ministers should remain mute. That being the position, I am speaking as straightforwardly as I can, I think the Ministers will be vocal to-morrow, and free from the difficulty which binds them to be mute to-day. They are mute to-day because in their corporate capacity, as the reason given by the Honourable the Leader of the House, they have not considered the question from that point of view. The question will be considered in their corporate capacity between now and to-morrow. The very compromise that has been suggested will come from the lips of the Ministers themselves. Under these circumstances, it will only be fair to defer the decision till to-morrow; and I am sure that is a matter which might be left to the good sense of the House safely.

Mr. C. M. GANDHI (Surat City): Sir, may I suggest a way out of the difficulty. If Government gives an assurance that Government officers will refrain from voting to-morrow, as this is purely a non-official item, I believe there will be no difficulty in postponing the decision.

Mr. S. P. LIGADE (Sholapur District) (Addressed the House in Marathi): Sir, I rise to support the motion for adjournment, because even if the decision is postponed to to-morrow, it makes no difference. The members are at liberty to vote as they like. What I mean to say is that an important question like this as far as possible should not be hastened through. I therefore support the motion for adjournment.

Rao Bahadur R. R. KALE: Sir, I move a closure.

The Honourable the PRESIDENT: I accept the closure.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Sir, it is very unfair to impose any condition either on one side or the other, in giving consent to the adjournment. As everybody has stated, we have every respect and regard for our Ministers. It is on that ground alone that we should allow them time to consult with their colleagues before coming to any definite conclusion. They cannot do it themselves. They cannot say now off-hand "we are prepared to accept Rs. 1,000 or Rs. 2,000 or Rs. 3,000 or Rs. 4,000". They cannot do it, as honourable members are aware, because of the views of the Joint Committee on the Reform Bill. They say that they have to act in a corporate capacity, and in a matter of this character they cannot pronounce any decision without consulting their colleagues. And therefore I should think that if it is not mere lip sympathy and lip regard for our Ministers that has been expressed, it is due to them to give them the time that I have requested you to give.

The Honourable Mr. H. S. LAWRENCE: Sir, I have nothing to add on this motion for adjournment.

Question put

That the decision on the motion to reduce to Rs. 1,08,000 the provision made for the pay of Ministers (Civil Estimates, page 64) be postponed to to-morrow and carried.

Honourable MEMBERS: What time?

The Honourable the PRESIDENT: The first thing to-morrow, subject to any part-heard debate.

The Honourable Sir IBRAHIM RAHIMTOOLA: May I take it, Sir, that when the postponement is agreed to the remainder of the debate will be resumed on the following day? It would hardly be right to adjourn to 2 o'clock and then go to vote at once. Government will consider the matter and announce their decision, and non-official members should have an opportunity of discussing it.

The Honourable the PRESIDENT: If there is any new matter as regards that decision, I will allow a debate; but I will not allow the Council to go over the same ground that has been covered to-day.

The Honourable Sir IBRAHIM RAHIMTOOLA: I hope the Honourable the Finance Member will have a right of reply to-morrow.

Honourable MEMBERS: The debate is closed.

Mr. C. M. GANDHI: The Honourable the Finance Member has no right unless we speak. The debate is closed, unless new matter is introduced.

The Honourable the PRESIDENT : But the Honourable the Finance Member has the last word upon the whole debate.

Mr. C. M. GANDHI : So has the honourable mover.

The Honourable the PRESIDENT : Yes, the honourable mover, too. But other honourable members will not be allowed to repeat the same arguments.

Mr. G. B. TRIVEDI (Thana District) : I beg to move :

“ Reduce to Rs. 50,000 provision of Rs. 2,09,000 made under 22, General Administration (Reserved) for Commissioners.”

Sir, the whole idea is that in General Administration no retrenchment has been made at all. It is not for the sake of argument before the electors or before the public : it is for our own satisfaction. We have waited for two years. We forced retrenchment on Government last year, and Government have cut down one crore.

The Honourable the PRESIDENT : Order, order. May I again appeal to the honourable member ? I hope we shall not hear any more of this electioneering.

Mr. G. B. TRIVEDI : Sir, I only wanted to say that our motive is not.....

The Honourable the PRESIDENT : I do not think it is proper for either side to impute motives of an electioneering character in a matter like this.

Mr. G. B. TRIVEDI : Having waited for two years for retrenchment to be done by Government themselves or by the Retrenchment Committee, this House is now impatient, and wants to take the matter into its own hands. Therefore it is that I move this proposition. It is to reduce the establishment of the Commissioners. We cannot touch the pay of the Commissioners, it is non-votable ; but if the House insists on reducing their establishment charges from Rs. 2,09,000 to Rs. 50,000 their desire will be fulfilled. I want Government to take a lead and to reduce one of the Commissioners' appointments, so that next year they may be able to do away with the next. I have not touched the Commissioner of Sind, because Sind is a province which is administered on different lines, and we require for the present a Commissioner there. What I mean to suggest is that, in the Presidency proper, apart from the question whether the Commissioners are needed or not, it has been proved that the Divisions at present existing are unequal, and that Government can very well, even at the present moment, without going into the question whether the Commissioners shall or shall not remain, by amalgamation reduce the three Divisions to two, and it is in order to give Government an opportunity of reducing one Commissionership that I have been very moderate in my demand and have moved that the establishment charges be reduced to Rs. 50,000.

Now, I come to the other question, and that is whether the Commissioners' appointments are wanted or not. Sir, it has been the cry of this House, and it has been proved beyond doubt.....

The Honourable the PRESIDENT : Do I understand the honourable member to suggest that he has put down this motion merely for the purpose of getting rid of one of the Commissioners ? Is that the motive ?

Mr. G. B. TRIVEDI : Yes, Sir.

The Honourable the PRESIDENT : The salary of a Commissioner is non-votable. I am afraid the honourable member has brought himself perilously within the ruling of the Chair in the House of Commons, that it is out of order to do indirectly what cannot be done directly : Parliamentary Debates : House of Commons, IVth Series, column 163. There, when the demand on the Estimates was for the establishment of the Lord Chancellor, a member desired to move reduction of the salaries of the establishment in order to discuss the position of the Lord Chancellor. But, as the Lord Chancellor's salary was non-votable, the chairman ruled :

"It is out of order to do indirectly what cannot be done directly. The position of the Lord Chancellor cannot be discussed on the vote."

That principle applies here. The honourable member wants to discuss the position of the Commissioners by proposing to cut down their establishments. That cannot be allowed as the Commissioners are not on the vote.

Mr. G. B. TRIVEDI : The other day you gave a ruling that if we cannot touch.....

The Honourable the PRESIDENT : The honourable member desires to carry on his warfare with the Commissioners by killing their baggage bearers as it were. That is not fair, and that is not in order. In Parliamentary Debates, House of Commons, IVth Series, Volume 28, columns 1426 to 1428, a demand having been made for the salaries of the clerks of the House of Lords, a member wished to move a reduction of the salaries on the ground that the House of Lords was obstructive, and the Chair ruled :

"I don't think the policy of the House of Lords is open to discussion on the vote."

Mr. G. B. TRIVEDI : You yourself gave a ruling several times and made the suggestion that if we cannot touch a particular item being non-votable, then we could reduce the establishment.

The Honourable the PRESIDENT : The honourable member can argue that the establishment of the Commissioners is too costly for the work the Commissioners have to do. That would be in order ; but it would not be in order to discuss the position of the Commissioners that they are unnecessary and ought to be done away with or that their salaries should be reduced. The question on this vote relates to the duties and remuneration of the officials of the Commissioners' establishment.

Mr. G. B. TRIVEDI : I am coming to the argument that the present establishment of Rs. 2,09,000 is too costly and can be reduced to Rs. 50,000. It has been proved beyond doubt that the Commissioners exist as a post office between the Ministers and Members of Government and the Collectors. That being so, I do not want to do away with the Commissioners. I want to keep them, but I would rather remove them from their headquarters and bring them into the Secretariat and give them other duties, so that they will be able to control several matters there rather than doing 180 duties that they now do and coming as a clog in the way of the reformed Council. Sir, we had several occasions on which

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it was proved beyond doubt that the Commissioners, instead of helping the reformed Government, were a sort of clog in the wheel, and therefore their proper place is in the Secretariat and not in the Divisions. So.....

Sir HENRY MACNAGHTEN: I rise to a point of order. Is the honourable member entitled to say that the Commissioners are coming as a clog in the wheels of this Council?

The DEPUTY PRESIDENT: I do not think there is anything unparliamentary in it.

Mr. G. B. TRIVEDI: My whole argument is that they would be useful in the Secretariat, and therefore their present establishment may be reduced.

Rao Saheb D. P. DESAI (Kaira District): Mr. President, I support the motion for the reduction in the establishment of the Commissioners. The honourable member for Thana is perfectly right in saying that the Commissioners are post offices. As the Commissioners are useless, their subordinates are also useless.

The Honourable the PRESIDENT: I am afraid the honourable member goes beyond my ruling.

Rao Saheb D. P. DESAI: Generally speaking, there is little to do in the Commissioners' offices. They pass on the views of the Collectors to Government for orders, and at times stereotyped endorsements are made by the Commissioner either in the matter of appeals to them against the decisions of the Collectors or in appeals to Government against their own decisions. Their work is simply to be an intermediate office between one office and another; this does not require a big establishment, and therefore I support the motion for the curtailment of these officers. Sometimes it does happen that a Commissioner uses his discretion and sets aside Collector's orders or strikes out a new policy himself but such occasions are very, very rare and for that purpose if a small establishment were kept, they would work equally well. So I think that this curtailment in the establishment of the Commissioner's office should be effected.

Sardar Khan Bahadur A. M. DALAL (Broach District): I must oppose the motion before the House, Mr. President. This resolution is somewhat premature; we have not yet got the report of the Retrenchment Committee and until we know its conclusions we cannot at the start give our opinion, and apart from this, I believe that there must be some control on the Collectors by the Commissioners and this I can, living as I do in the mofussil, assert without the slightest hesitation. However, as the Retrenchment Committee's report is yet to come before us, there is time enough for the Council to discuss the matter of Divisional Commissioners and then to arrive at some definite conclusion. I therefore oppose the motion for reduction.

Mr. C. M. GANDHI (Surat City): Mr President, I must oppose this motion. The question whether the Divisional Commissioners should exist or whether their posts should be done away with is a very large

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and complicated question, which it will not be possible to solve satisfactorily on a vote like this. That question has been considered at some length by the Retrenchment Committee and I think the House will be well advised in waiting for the committee's report to see whether the recommendations made by that committee are acceptable to the House or not. I think it will be taking a very great risk in asking the House to vote for such a large reduction without being able to make up our minds as to whether the Commissioners with all their establishments as at present existing should or should not be retained. Whether the check exercised by the Commissioners on the District Collectors' administration is really necessary or whether the same check could be exercised from the Secretariat is also a question which requires careful consideration and I think the House will not be well advised in cutting out this large sum till after considering both sides of the question.

Mr. G. B. TRIVEDI : I beg leave to withdraw the motion.

Question put and leave granted.

Mr. G. B. TRIVEDI (Thana District) : I beg to move, Sir :

"That the provision for Bodyguards Establishment of Rs. 86,822 (page 66, Civil Estimates) be reduced to Rs. 40,000."

What I wish to say is that here is an item in which reduction can be very well made in the altered conditions of the day. In the olden days bodyguards were a necessity as there were no motor cars. Now we have the automobiles and also we are now living in times when money is so dear that a reduction of this kind would be advisable. In this connection, I will draw the attention of the House that even the Viceroy himself has moved in the matter and has reduced.....

The Honourable the PRESIDENT : Order, order. If the honourable member has been reading May's Parliamentary Practice he will find that the names of the Crown, the Prince of Wales and the Viceroy are not to be introduced for the purpose of influencing a debate.

Mr. G. B. TRIVEDI : I meant the Imperial Government. This item has been reduced by the Imperial Government as we see from the telegram that has been published very recently. At the same time the same thing has been done in Madras. In view of these instances I think this is an item which can very well be reduced by nearly half the amount.

The Honourable Mr. H. S. LAWRENCE : Mr. President, I do not think that this proposal will appeal to this House. This House is well aware that the bodyguard in Bombay stands on a very different footing from the bodyguard referred to in other provinces. It is a thoroughly workmanlike body in Bombay and has plenty of work to do. I hesitate very much, Mr. President, to make a reference to other provinces which are not entirely.....

The Honourable the PRESIDENT : If the Honourable the Finance Member will imitate the example set by the mover, after I gave him my ruling which he got round by saying "the Imperial Government," there will be no hitch.

The Honourable Mr. H. S. LAWRENCE : Elsewhere the bodyguard does not spend all the year in attendance on the Head of the Government. In this Presidency the bodyguard is on duty for ten months of the year ; even in Mahableshwar there is a part of the bodyguard in attendance. The situation is entirely different in other provinces. Also the cost of our bodyguard is much less, I think it is about two-thirds of the cost of the bodyguard elsewhere, so that whereas we have a very fine and spectacular body of men, we have the satisfaction of feeling that we get full value for every rupee that is spent on it. In these circumstances I trust that this motion may be withdrawn.

Question put and lost.

Mr. R. G. SALGAR (Sholapur City) (Addressed the House in Marathi) : Sir, I move

"That the item of Rs. 25,000. Provision for Presents and Charities (page 66, Civil Estimates), be omitted."

I desire to know to whom the charities were given.

The Honourable the PRESIDENT : It is not permissible on this note to ask to whom or how the amount sanctioned for charities was given and on that ground to move its omission or reduction. My ruling is that the motion would not be in order if the object of it is, as the honourable mover has said, to enquire who are the recipients of this charity and how the charities are distributed, and if the answer is not satisfactory to the mover, to get the House to refuse the demand of this particular item. The money I understand is placed at the disposal of His Excellency the Governor for presents and charities and once it is so placed he is not called upon to account for it on this vote. The only question upon such a motion as this is : should the House vote a certain sum of money for presents and charities ? The manner in which the money is spent is not the issue here. If the House does not choose to entrust the Government with money for presents and charity, that is a reason for not voting it, but if it is voted as money for presents and charities, to be distributed by the Governor, there can be no question on the Presents and Charities Vote as to how it should be expended. If any department is known to have expended some of that money upon any particular object, than it may be called upon to account for it on the vote for that department (see Parliamentary Debates : House of Commons IVth Series : Volume 87, columns 717 and 718.) The principle of the ruling there applies to this vote.

Mr. R. G. SALGAR (Addressed the House in Marathi) : Yes, Sir, I want to put it on the ground that this provision is not at all necessary. I leave my other grounds.

The Honourable the PRESIDENT : That would be in order on this vote.

Mr. R. G. SALGAR (Addressed the House in Marathi) : Sir, I submit that when His Excellency the Governor's salary is Rs. 1,20,000, it should not at all be necessary to provide Rs. 25,000, as has been done, for charity. Who is it that requires assistance for making charity ? Surely, not people who get high salaries and can afford to make charity ? It is only those

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who are receiving small salaries or small income who require such assistance.....

The Honourable the PRESIDENT (in Marathi): The honourable member is out of order and under a misapprehension when he says that. This amount is not provided for charity and presents out of His Excellency's private purse, but for charity on public grounds on behalf of Government out of the public purse. There is no relation whatever between the salary of His Excellency the Governor and this provision for charity on public grounds for public purposes.

Mr. R. G. SALGAR: Then, I only say, Sir, that this provision should be omitted from the budget.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Mr. President, I wish to know why this amount has suddenly leapt up from Rs. 3,618 or thereabouts in the year 1921-1922 to as high a figure as Rs. 25,000 in the current year's estimates before us. I find that in 1922-23, both in the original and revised budget estimates no provision was made for any sum of money under this head; but we suddenly find from the estimates now before us that the figure of Rs. 3,618 has risen to Rs. 25,000. I think the Honourable the Finance Member should take the House into his confidence, and tell us how and why this sudden increase has occurred. The house would also like to know whether this figure includes donations given to public funds or merely contributions made by Government House to small causes of charity and by way of tips and other emoluments for services rendered. I hope the Honourable the Finance Member will make both these points clear in his reply.

The Honourable Mr. H. S. LAWRENCE: Mr. President, if the honourable member will study the Blue-Book, page 54, he will find his question answered. It is stated there:

"The increase in the revised estimate of 1922-23 is due to the transfer to this head of the provision of 25 for presents and charities by His Excellency the Governor, which was hitherto provided under the major head '47, Miscellaneous'."

It is not a new item at all. It is merely a matter of accounting. The Accountant General has pointed out that it should more appropriately be shown under the head now proposed instead of being shown under the major head 47, Miscellaneous. As to the objects on which the amount is expended, I understand that it is expended on public charities.

Mr. R. G. SALGAR (Sholapur City) (Addressed the House in Marathi): I have nothing further to add to what I have already stated, that I want the provision to be omitted.

Question put and lost.

Mr. C. M. GANDHI (Surat City): I move, Sir, that this item be omitted...

The Honourable the PRESIDENT: Mr. Gandhi, your motion reads

"Reduce provision for the inauguration grant for furniture and carpets"

It does not mention the amount by which it is to be reduced.

Mr. C. M. GANDHI : If you will refer, Sir, to the original motion as I gave it—not the printed one as given here—you will find that I have asked that it should be reduced. I want the whole amount to be reduced, that is, omitted. In the original I have said “Reduce this amount (of Rs. 90,070) from this grant.”

The Honourable the PRESIDENT : Of course, the motion says “Reduce the grant”, but by what amount? That is the point, and.....

The Honourable Mr. H. S. LAWRENCE : May I point out, Sir, that another member has the same motion to reduce the grant by Rs. 80,000 and the discussion might proceed on that motion?

The Honourable the PRESIDENT : Yes, Mr. Salgar can move his motion now.

Mr. R. G. SALGAR (Sholapur City) (In Marathi) : Mr. President, I move :

“That the provision of Rs. 90,070 for inauguration grant for furniture and carpets be reduced by Rs. 80,000.”

Only the other day, Sir, I made complete enquiries and ascertained that everything as regards this furniture and the carpets was all right and in order. Therefore, there is no necessity for this item; at any rate, the whole provision of this amount is not necessary. I therefore move that it be reduced by Rs. 80,000.

The Honourable the PRESIDENT : I have now seen the original notice of motion, sent in by the honourable member for Surat (Mr. Gandhi). In one place he says “Reduce the total demand of 22, General Administration by one lakh”; in another place he says “Omit item No. 117 of the Blue-Book—Rs. 50,000”. On this item he says “Reduce Rs. 90,070 for inauguration grant for furniture and carpets out of the grant for General Administration.” Of course, the reduction is to be made out of the grant for General Administration. But reduce to what, or by what? It is put in such equivocal terms that I am afraid I cannot admit the motion.

Mr. C. M. GANDHI (Surat City) : Sir, speaking on this motion to reduce the provision for the inauguration grant for furniture and carpets, Rs. 90,070, by Rs. 80,000 what I want to point out to the House is that an item of Rs. 10,000 was provided for this inauguration grant in the budget estimate for 1922-23. What it was really, it is difficult to find. For there was no expectation of any new Governor coming in the year 1922-23. So far as this inauguration grant is concerned the Finance Secretary has circulated a note to the members of the Finance Committee which says that out of the grant made for purchase and repairs of the furniture from year to year, a certain percentage is saved and that therefore in asking the House to vote for this Rs. 90,000, Government have not asked the House to vote for any new item but for the amount which has been saved for the last five years at the rate of Rs. 18,000, a year. I am afraid Sir, that the statement hardly bears examination. For as I have already pointed out on a previous occasion, in the previous civil estimates, we have not been given any revised estimates in that head in order to enable

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us to judge whether this saving of Rs. 18,000 per year was made. When the Government House was being lavishly furnished as is being found from the year 1920-21 up till now, I think we can as well wait till the year 1924-25 after we see what the new Governor wants instead of spending a large sum of money for the two or three or four months for which he may be in office during the year under consideration. The Rs. 10,000 for these two or three months would be quite enough and we should therefore cut out this item.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Mr. President, I am afraid that the amount of Rs. 90,070 as the inauguration-grant for furniture and carpets every five years is rather a big figure even for the exchequer of a rich province of the position and resources of the Bombay Presidency; and it is all the more so, when we realise that we have only recently voted away as much as Rs. 34,000 as a grant for the renewal of furniture and other household equipment. Even considering the very sumptuous manner in which Government Houses are furnished, the scale on which entertainments are continuously given within their precincts, the very heavy wear and tear of the furniture and other equipment that they must necessarily entail, and the consequent demand that must inevitably be made upon the public exchequer for their continued maintenance and high degree of excellence, I cannot help saying, Sir, that both these figures are rather high, and that a very large and substantial reduction can be made in them without reducing either the sumptuous character of the furniture and other equipment under consideration, or the extent and scope of their utility. I am, therefore, inclined to agree with the honourable mover of this motion that no harm can possibly be inflicted upon any one by reducing by Rs. 80,000 this grant of Rs. 90,000; and I must admit that additional weight is lent to this proposal by the consideration that has been advanced by my honourable friend on the left that it would be desirable not to sanction this grant for the moment, particularly in view of the fact that a new head of the Presidency is very soon to exchange places with the present one, and that his tastes and needs may be very different from those of the present head. Under these circumstances, I think the House will be well advised in accepting the motion for reduction which is now before us.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I am only sorry that I am not a furniture merchant myself if the Government House is buying so much furniture. In the budget under consideration for 1923-24, on pages 66 and 67 under contingencies appears this item: Furniture for new buildings at Government House Rs. 37,760. A provision for the same amount Rs. 37,760 appears in current year in 1922-23 for furniture and new buildings at Government House; that for 1921-22, was Rs. 60,000. So that, Sir, from 1921-22, from the time that this elected House has been sitting, we have sanctioned Rs. 60,000 for furniture and new buildings at Government House, one year, then Rs. 37,760 in the next year 1922-23 and there is a similar provision of Rs. 37,760 in the budget estimate of 1923-24. Thus during these three years, Rs. 1,35,000 furniture has been sanctioned for the Government House. Add to it the

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additional item which during the two previous years was Rs. 23,260—totalled Rs. 46,500, and this year under the same head the House has sanctioned Rs. 34,910: so that there is an additional Rs. 80,000 spent for these three years on furniture, etc. Thus, Sir, if during these years, two lakhs or over two lakhs and a quarter have been spent upon the furniture of Government Houses, I cannot understand why another lakh should be spent upon the inauguration grant.

I am only sorry, Sir, that any item of the Government House could come under open discussion in this House. We would have been very much obliged to the Honourable Member in charge, if this item had been carefully scrutinized and omitted from the budget. I will, therefore, submit to this House that this item of 90,070 is an excessive item and is not required at all, because the Government House has been renovated from time to time and will now be renovated by the present Governor, with furniture only six months before the arrival of the new Governor. Therefore, I do not think that when the new Governor comes in, he will want Rs. 90,000 for his inauguration furniture.

The Honourable Mr. H. S. LAWRENCE: Sir, the honourable member for Sukkur quoted figures and said that lakhs have been spent; but the actual situation is different. While the honourable member is quite right in pointing out that Rs. 60,000 was provided for furniture for new buildings in 1921-22, the actual expenditure in 1921-22 was only Rs. 3,760 and no expenditure was incurred in 1922-23.

Mr. B. G. PAHALAJANI said something which was inaudible.

The Honourable Mr. H. S. LAWRENCE: Any discussion about the expenditure on furniture for the last two or three years is not pertinent to the question of the inauguration grant of the new Governor. The inauguration grant, as I explained this afternoon, is a grant which is provided for the incoming Governor, and is to be expended at his discretion during the term of his office. Rs. 10,000 shown in the current budget estimate is the saving from the inauguration grant of the present Governor.

Mr. C. M. GANDHI: The expenditure for Rs. 90,000, the inauguration grant of the present Governor, has not been shown in the Civil Estimate.

The Honourable Mr. H. S. LAWRENCE: The expenditure is shown in the Budget Estimate of 1922-23. If the honourable member wants the complete figures I shall be happy to obtain them from the Accountant General.

Mr. C. M. GANDHI: In the revised estimate of 1921-22 some expenditure should be shown. This is not to be found in the account of 1920.

The Honourable Mr. H. S. LAWRENCE: I submit, Sir, that the House will be well advised in not reducing this grant, which will be in the nature of a deposit at the disposal of the new Governor.

Mr. R. G. SALGAR (Sholapur City) (Addressed the House in Marathi): Sir, I do not see any necessity to provide this sum even before the new Governor arrives. If, after he comes, he finds the need for furniture, he

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can have the money for the furniture, which he can purchase according to his choice.

Question put and lost.

Mr. G. B. TRIVEDI (Thana District) : I beg to move :

Reduce to Rs. 60,000 provision of Rs. 80,000 made under 22, General Administration (Reserved) for Tour Expenses of the Head of the Province.

Sir, my object is not to curtail the tours which I regard as necessary. My object is to claim something from the Government of India for the tours that are undertaken in the Kathiawar Agency. Sir, it has been ruled that the Kathiawar Agency is not part of the Bombay Presidency, and as such the Kathiawar Agency is under the jurisdiction of the Government of India. Therefore, the expenses of these tours must be borne by the Imperial Government. This motion will help the Honourable the Finance Member to claim this portion of the tour expenses from the Government of India. With these words, I move the motion.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I support the reduction of this item. In fact, much of the expenditure that is incurred in this and other matters is incurred on behalf of the Indian Government. Out of the six lakhs on the votable side of the main item, at least three lakhs should be recovered from the Imperial Government. His Excellency is not only the Head of this Presidency, but he is also the representative of the Indian Government in many of the Indian States of this Presidency which comprise about two-thirds of the area of this Presidency. So, I should think that this expenditure should be transferred to the Indian Government ; and there is no reason why we should pay for it. Somehow or other our Government is so dilatory in this matter, that they do not fight for their own rights with the Indian Government. (The honourable member was inaudible at this stage.) The Honourable the Finance Member has the support of this Council in this matter, and if he goes to the Government of India, I hope he will succeed. With these words, I support the motion.

Mr. V. A. DABHOLKAR : Sir, I move the closure.

The Honourable the PRESIDENT : I accept the closure.

The Honourable Mr. H. S. LAWRENCE : Sir, I will only assure the House that it is necessary that the Head of the Government should tour through the Presidency and the area is very large.

With regard to the view expressed that any visit to a portion outside the actual British territory should be paid for by the Government of India, the whole question of the position of the Governor and the Indian States which are at present attached to the Bombay Presidency is under discussion with the Government of India. We have received certain payments from the Government of India with regard to those matters which have been under discussion, and we hope to receive certain other payments in regard to expenditure under the head " Political." Whether the actual expenditure with regard to travelling in those areas would be paid to us or not is a question which I am not prepared to answer. But I do

[Mr. H. S. Lawrence]

not think that the House will be misled by the pessimism of the honourable member for Kaira. We all know his views; he is invariably plunged in gloom. We have in fact secured very satisfactory sums after considerable controversy with the Government of India, sums which have added to the closing balances and assisted in securing the favourable financial situation of this Government.

Question put and lost.

Rao Saheb D. P. DESAI (Kaira District): Sir, I beg to move:

Omit provision of Rs. 1,38,000 made under 22, General Administration (Reserved) for Political Department.

Sir, there is only one reason for this motion. Our Presidency's finances should have nothing to do with the maintenance of a Political Department in the Secretariat, and the charge should not be met from the coffers of this Presidency. So I move that this provision be omitted from the budget.

The Honourable Mr. H. S. LAWRENCE: Mr. President, I feel I have only to repeat the remarks which I have just been making, that this is a matter which is under discussion with the Government of India. After these States have been transferred to the Government of India, we do not propose to cease from demanding that we shall receive payment for work which we may now be undertaking on behalf of the Government of India.

Rao Saheb D. P. DESAI: Sir, with that assurance I beg to withdraw the motion.

Question put and leave granted.

Rao Saheb D. P. DESAI (Kaira District): Sir, I beg to move:

Reduce by Rs. 40,000, provision of Rs. 2,11,000 made under 22, General Administration (Reserved) for Revenue Department.

Sir, the Honourable the Finance Member will see that in the accounts for 1921-22, the total expenditure under this head came to about Rs. 2,29,000; but in the budget for 1923-24, the total estimated is Rs. 2,73,000. I consider, Sir, that this is a very sudden and large increase within three years. So, about Rs. 40,000 should be cut from the estimates. With that view I move a reduction of Rs. 40,000 from the budget of the Revenue Department of the Secretariat.

Mr. C. M. GANDHI (Surat City): Mr. President, in speaking on this motion, I have only one word to say. I find that in many places the revised estimate greatly exceeds the budget estimate. For instance, in this case, the budget estimate for 1922-23 was Rs. 2,57,000, but according to the revised estimate it comes to Rs. 2,79,000. I would only like to know whether any previous sanction was obtained, or whether the matter was brought before the Public Accounts Committee, or whether there is inherent power in the Honourable the Finance Member to sanction expenditure beyond the allotted amount.

The Honourable Sir IBRAHIM RAHIMTOOLA: Mr. President, I should like to invite the attention of honourable members to the whole statement on page 71, where the fullest details are given with regard

[Sir Ibrahim Rahimtoola]

to the increases proposed. The honourable mover simply takes the total, but if he goes over the various items shown in that statement, he can find all the details as to how the expenditure has increased. One of the reasons for this increase is the revision of pay and the increments which are earned. Honourable members will see that the revised estimate is Rs. 2,79,000 for this year, while the provision for next year is only Rs. 2,73,000. It is true that in 1921-22 the total amount was Rs. 2,29,625, but there has been, as the statement clearly shows, steady increases under all these heads. It will be observed that full details are given in the budget and the statement clearly shows at a glance how and where small increases have taken place during this time. I hope the honourable mover will withdraw the motion.

Mr. C. M. GANDHI (Surat City) : Sir, how could the Revenue Department spend more than the budget allotment? I should like to know whether the Public Accounts Committee was referred to before incurring additional expenditure.

The Honourable Sir IBRAHIM RAHIMTOOLA : Government asks for the Council's sanction for all supplementary grants, and when these are made, they are added on to the budget provision.

The Honourable Mr. H. S. LAWRENCE : Mr. President, I will say one word to allay the fears of my honourable friend. He thinks the Finance Department has spent more money than was sanctioned. If the House will turn to page 64, they will find that the budget estimate for the Civil Secretariat was Rs. 12,77,000, whereas the revised estimate is Rs. 12,54,000. So that, all that has taken place has been a reappropriation from one department to another, but the total has been very considerably reduced.

Rao Saheb HARILAL D. DESAI (Ahmedabad City) : Sir, on page 71, under the head of allowances, honoraria, etc., the budget estimate was Rs. 17,676, but the revised estimate comes to Rs. 30,000. How is this more than the budget provision?

Mr. P. J. MEAD : Mr. President, I think the honourable member from Kaira will not dispute the point that the total cost of the Secretariat establishments has been kept within and in fact lower than the last budget estimate. All that has happened is a certain amount of readjustment between one department and another. Those adjustments are in the nature of reappropriations within the grant sanctioned by this Council.

Rao Saheb D. P. DESAI (Kaira District) : Mr. President, I have moved my motion exactly on the same ground as was stated by the Honourable the Revenue Member that on account of the increments and high salaries given to the Secretariat staff the expenditure was continually increasing year after year, and considering that expenditure increases year after year by about Rs. 40,000 a year, we do not know where we are to stop. Again, I find in the budget of the Revenue Department that for contract contingencies while in 1921-22 Rs. 13,000 was provided Rs. 14,700 is provided in this budget, when the cost of paper and other contingencies

[Rao Saheb D. P. Desai]

is going down. So, I think that the Government ought to look into this matter and try to reduce the expenditure as far as possible.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I congratulate the honourable member for Kaira for his eagle eyes in the investigation of the whole budget. His eye has settled on an item of contract contingencies which shows an increase of Rs. 1,200. Now, Sir, if honourable members are going to investigate every small item of this character in this Council, the work of the Council will be considerably prolonged. I think, Sir, that in such small matters the Council ought to leave in the hands of the Members and Ministers the responsibility of investigating whether the expenditure is justifiable or not. Questions of policy and large retrenchments are what honourable members should in my opinion concentrate upon, if I may be pardoned for saying so.

Question put and lost.

The Honourable the PRESIDENT : The Council is adjourned to 2 p.m. to-morrow, Tuesday, the 6th March 1923.

Tuesday, the 6th March 1923.

The Council re-assembled at the Town Hall, Bombay, at 2 p.m. on Tuesday, the 6th March 1923, the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

Present :

ABDUL KADIR KHAN ABDUL AZIZ KHAN, Mr.
 ADDYMAN, Mr. J.
 ADHAV, Mr. P. N.
 BATLIWALA, Dr. S. S.
 BEDREKAR, Khan Bahadur I. M.
 BHATE, Mr. G. C.
 BHUTTO, Khan Bahadur S. N.
 BOLE, Mr. S. K.
 BULLOCKE, Mr. A. GREVILLE
 CADELL, Mr. P. R.
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. F.
 COCKE, Mr. H. G.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Mr. V. A.
 DADACHANJI, Dr. K. E.
 DALAL, Sardar Khan Bahadur ADARJI M.
 DALAL, Mr. D. B.
 DESAI, Rao Saheb HARILAL D.
 DESAI, Rao Saheb DADUBHAI P.
 DRAKHAN, WADERO MAHOMED PANAH
 DUBHASHE, Mr. SHANKAR BALKRISHNA
 DUMASIA, Mr. NAOROJI M.
 DWARKADAS, Mr. KANJI
 FERNANDES, Major C.
 FERREIRA, Mr. D. J.
 GANDHI Mr. C. M.
 GAYASUDDIN JAUDDIN, Mr.
 GHULAM HUSSAIN, The Honourable Khan Bahadur SHAIKH
 GODAD, Khan Saheb ABDULLA AVJAL
 GODBOLE, Dewan Bahadur K. R.
 GULAMHUSEN, Mr. SULTANALI SALEMANJI

GUPTA, Mr. V. R.
HAJI, Mr. IBRAHIM S.
HAJI KHAMISO GUL MAHOMED, Mr.
HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA
HAVELIVALA, Mr. M. A.
HAYWARD, The Honourable Mr. M. H. W.
HEPPER, Sir LAWLESS
HULKOTI, Mr. CHANNAPPA CHANVIRAPPA
ISRAN, Khan Saheb G. A.
JADHAV, Mr. B. V.
JENNINGS, Major-General W. E.
KALE, Rao Bahadur R. R.
KAMBLI, Mr. S. T.
KANGA, Mr. J. B.
KASSIM, Mr. G. H.
KER, Mr. J. C.
LALBHAI AMBARAM, Mr.
LALJI NARANJI, Mr.
LAWRENCE, The Honourable Mr. H. S.
LIGADE, Mr. S. P.
LORY, Mr. F. B. P.
MANSURI, Khan Saheb A. M.
MEAD, Mr. P. J.
MEHTA, The Honourable Mr. C. V.
MODI, Sardar Davar T. K.
MOHOMED SALAHUDDIN K., Mr.
MONTGOMERIE, Mr. A.
MURPHY, Mr. S. J.
MUTALIK, Sardar V. N.
NELSON, Mr. F.
NILKANTH, Rao Bahadur R. M.
NIMBALKAR, Mr. K. B.
OJHA, Mr. DIPCHAND T.
PAHALAJANI, Mr. B. G.
PARANJPYE, The Honourable Dr. R. P.
PARULEKAR, Rao Saheb L. V.
PATEL, Mr. B. P.
PATEL, Mr. J. B.
PAWAR, Shrimant J. A.

PETT, Mr. JEHANGIR B.
 PRADHAN, Mr. M. W.
 PROES, Mr. E. M.
 RAHIMTOOLA, The Honourable Sir IBRAHIM
 ROTHFELD, Mr. O.
 SAHERWALA, Khan Saheb I. A.
 SALGAR, Mr. R. G.
 SETALVAD, The Honourable Sir CHIMANLAL
 SHEPHERD, Mr. W. C.
 SHIRRAS, Mr. G. FINDLAY
 SURVE, Mr. A. N.
 THOMAS, Mr. G. A.
 TRIVEDI, Mr. G. B.
 VICHARE, Rao Bahadur D. V.
 WOODS, Mr. E. E.

The Honourable the PRESIDENT: Order, order. Questions.

LEASE OF WESTERN INDIA TURF CLUB.

Mr. IBRAHIM S. HAJI (Bombay City): (a) Will Government be pleased to state the date when the first lease was made with the Western India Turf Club? What is the period of the lease? What are the conditions of the lease?

(b) Will Government be pleased to lay on the Council table the copy of the lease in force between the Government and the Western India Turf Club?

The Honourable Mr. M. H. W. HAYWARD: (a) and (b) The information is being obtained.

RACE COURSES AT POONA, KARACHI AND KIRKEE.

Mr. IBRAHIM S. HAJI (Bombay City): (a) Will Government be pleased to state whether the race courses at Poona, Karachi and at Kirkee are leased out to any club or any party? If so, to whom? What are the conditions in the lease or the leases as the case may be?

(b) Will Government be pleased to state whether any license is issued for running the horse races at Kirkee and Karachi under Race Course Licensing Act of 1912? If not, why not? If they are exempted, will Government be pleased to state under what law they are so exempted?

The Honourable Mr. M. H. W. HAYWARD: (a) The information is being obtained.

(b) A reply to a similar question was given at the July Session to the Member.

URDU TRAINING COLLEGES AT POONA AND AHMEDABAD.

Mr. IBRAHIM S. HAJI (Bombay City): Will Government be pleased to state what steps have been taken for starting two independent

Urdu training colleges at Poona and Ahmedabad as per their definite promise made on the resolution of the Nawab of Wai at the September Session, 1920, of the Legislative Council ?

The Honourable Dr. R. P. PARANJPYE : Government have since decided that there is no need at present for more than one full Urdu training college and that Poona is more convenient and central than Ahmedabad for its location. With regard to the steps taken to establish such a college in Poona attention is invited to the reply given to a similar question put by Mr. Mohamed Salahuddin Karimuddin at the present session.

RECOMMENDATIONS OF MAHOMEDAN EDUCATION COMMITTEE.

Mr. IBRAHIM S. HAJI (Bombay City) : (a) Will Government be pleased to supply the following information :—

(i) Recommendations of the Mahomedan Education Committee, 1913.

(ii) The final order of the Government in 1919 on the recommendation of the Mahomedan Education Committee.

(iii) How many of their recommendations the Government have been able to carry out ?

(b) If all the recommendations have not been carried out, will Government be pleased to state the reasons why they have not been carried out ?

The Honourable Dr. R. P. PARANJPYE : (a) Attention is invited to—

(i) Government Press Note, Educational Department, No. 1978, dated the 14th August 1917.

(ii) Government Order No. 1075, dated the 22nd March 1919.

(a) (iii) and (b) Some of the recommendations have not been carried out because they were not approved by Government, while others have not been carried out owing to the difficulty of providing funds.

HORSES.

Mr. IBRAHIM S. HAJI (Bombay City) : (a) Will Government be pleased to give the following figures for the last five years :—

(i) The total number of horses landed in Bombay and Karachi from England and Australia ?

(ii) The total number of horses landed in Bombay and Karachi from Arabia and the Persian Gulf ?

(b) Will Government be pleased to state the total number of horses purchased by the Government during the last five years and how many of them have been classified as country-bred ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :

(a) The number of horses imported into the Port of Bombay from various ports overseas has been given in the Annual Administration Reports of the Bombay City and Harbour Veterinary Department, the last report being for the year 1921-22. The number of horses imported into the port of Karachi from the years 1916-17 to 1920-21 has been given in Table No. 16 in the Statement of the Trade and Navigation of the Province of Sind for the year 1920-21, which is the latest report available. Separate figures for horses imported into Karachi from various countries

are not available. The importation of horses into the Port of Karachi from overseas has been prohibited with effect from 24th February 1922 by the Notification of the Government of India, No. 362-117, dated 24th February 1921.

(b) The information is not available.

STAFF OF URDU TRAINING CLASSES.

Mr. IBRAHIM S. HAJI (Bombay City): (a) Will Government be pleased to state whether the graduate and non-graduate staff of the Urdu training classes were brought under the operation of the revision scheme of 1920? If so, will Government be pleased to state whether the non-graduate staff had suffered any set-back and how many of them were so affected?

(b) Will Government be pleased to state whether any official was denied the benefit of the Government Resolution, Educational Department, No. 737 of 15th November 1921? If so, why?

(c) Will Government be pleased to state whether Government Resolution, Educational Department, No. 737 of 15th November 1921, is intended to benefit officials as per their length of service or their grade?

The Honourable Dr. R. P. PARANJPYE: Enquiries are being made.

POST OF DEPUTY INSPECTOR OF VISUAL INSTRUCTION.

Mr. IBRAHIM S. HAJI (Bombay City): (a) Will Government be pleased to state the reasons why the post of the deputy inspector of visual instruction was raised to the provincial cadre?

(b) Is Government aware that the present deputy inspector of visual instruction was selected from the officers of the acting grade? If so, will Government be pleased to state the reasons why selection was not made from the permanent grade?

The Honourable Dr. R. P. PARANJPYE: Enquiries are being made.

HOLIDAYS FOR URDU CLASSES.

Mr. IBRAHIM S. HAJI (Bombay City): Will Government be pleased to state the reasons why the Urdu classes at Poona, Ahmedabad and Hubli are not allowed to enjoy their own listed holidays, besides the gazetted ones as is done in the case of the Marathi, Gujarati and Kanarese training institutions?

The Honourable Dr. R. P. PARANJPYE: Enquiries are being made.

ADMISSIONS IN HOSTELS OF TRAINING COLLEGES AT POONA AND AHMEDABAD.

Mr. IBRAHIM S. HAJI (Bombay City): Will Government be pleased to supply the following information:—

(a) At the last annual certificate examinations of the training colleges for men at Poona and Ahmedabad, how many outside students had applied for the permission to board and lodge at the hostels of these colleges?

(b) How many of such applicants were of the Urdu side and how many of the non-Urdu side?

(c) How many of each side were refused permission ?

(d) What official was given the power to decide these admissions and refusals ?

The Honourable Dr. R. P. PARANJPYE : The information is being obtained.

INDIAN MEDICAL SERVICE.

Mr. IBRAHIM S. HAJI (Bombay City) : Will Government be pleased to state the following :—

(a) The number of Indian Medical officers employed under the Medical Department at present ?

(b) What are the posts in the Medical Department generally filled by employing officers of the Indian Medical Service ?

(c) How many of such posts are now filled by officers other than Indian Medical Servants ?

The Honourable Dr. R. P. PARANJPYE : The information required will be found in the list of officers, Indian Medical Service and others, holding superior medical appointments in Civil employ on 1st January 1923, a copy* of which is placed on the table.

(Discussion on Budget Demands resumed.)

Rao Bahadur R. R. KALE (Satara District) : Mr. President, may I rise to renew my motion in respect of Ministers' salaries ?

The Honourable the PRESIDENT : I have not yet proposed the question moved yesterday by the honourable member for Thana (Mr. Trivedi).

Question proposed that the pay of the Ministers be reduced to Rs. 3,000 a month each.

Rao Bahadur R. R. KALE : I beg to renew my motion which I moved last evening, namely, that instead of reducing the provision for Ministers' salaries to Rs. 1,08,000, it should be reduced to Rs. 1,44,000, that is to say, Rs. 4,000 per month for three Ministers, which comes to Rs. 12,000 a month and, for twelve months, it is Rs. 1,44,000. I need not detain the Council with any further remarks. I have already given my reasons and I hope the honourable House.....

The Honourable the PRESIDENT : I cannot allow this motion unless the previous motion for reduction which has been proposed by the honourable member for Thana is either withdrawn or is put to the vote and lost.

Mr. G. B. TRIVEDI (Thana District) : I beg leave to withdraw my motion that the salaries of the Ministers be reduced to Rs. 3,000 per month.

Question put and leave granted.

The Honourable the PRESIDENT : Does the Honourable the Finance Member agree to the motion by Rao Bahadur Kale being moved ? I enquire under the proviso to Standing Order XI : 3.

The Honourable Mr. H. S. LAWRENCE : I cannot but agree to the motion being moved.

* Kept in the Secretary's office.

Rao Bahadur R. R. KALE : I beg to move :

" That the provision for the pay of the Ministers, Rs. 1,92,000 (Civil Estimates, page 64), be reduced to Rs. 1,44,000. "

Question proposed.

The Honourable Mr. C. V. MEHTA : Mr. President, as so much pointed reference has been made yesterday to the silence of the Ministers, it is desirable, I think, that I should intervene at this stage on behalf of the Ministers. It must be remembered that in the matter of the discussion on the Ministers' salary, we have, as is natural, studiously refrained from taking any part whatever both last year and the year before. The Council will readily understand our hesitation on a matter personally affecting our own status as well as emoluments. At the outset, on behalf of my honourable colleagues and myself, I wish to offer our most cordial thanks for the warm manner in which our work and our efforts have been appreciated in the speeches yesterday. Such a unanimous expression of opinion on behalf of the Council, whose representatives we have the honour to be, amply repays us. For it is recognised that we have accepted the onerous duties of our high office not on account of its emoluments, (hear, hear) but because of its opportunities of public service which we have faithfully striven to discharge. When the question was first under consideration at the time of the inauguration of the reforms, the universal opinion was that the status and emoluments of the Ministers should be exactly the same as those of the Executive Councillors. It was felt and is still felt in several quarters that, though the equality of status may be established, the emoluments of the Ministers should be such as would normally attract the best talent and it is always a difficult matter to fix the correct amount. It is a matter on which different opinions can be and are fairly held. An expression of opinion can now hardly be expected of us when only a few months of office remain, but this much is clear that we are the representatives of the elected members of the Council and responsible to the House, and we must leave it to the Council to determine their own considered opinion on this question.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, I believe it a happy augury of the reformed Council that in a matter which concerns both sides of the House this motion should be allowed to be discussed dispassionately. I know everyone here is prompted by an honest desire to serve his motherland at some sacrifice of time and energy. There is no doubt in our mind that our Ministers have accepted the post not for the sake of lucre of money which is, after all, a small thing, but for the sake of the advancement of the true interests of the country which they are trying to serve. Viewing it in that light, I may not only hope that this motion will not be discussed further but allowed to be carried unanimously. It will be a happy conclusion of our labours if the motion is carried with the consent of the House.

Sir HENRY MACNAGHTEN (Bombay Chamber of Commerce) : May I ask, Sir, whether any arrangement has been come to, which has not been notified to the House ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I rise to say that no arrangement has been arrived at at all. Yesterday, the Honourable

[Sir Ibrahim Rahimtoola]

the Finance Member said that he could not allow any new amendment to be moved reducing the salary of Ministers to Rs. 4,000. The attitude of Government to-day is that if any honourable member desires to move such an amendment, Government will raise no objection.

Question put and agreed to.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I beg to move :

"That the provision for the General Department of the Secretariat (Rs. 2,25,000) be reduced by Rs. 20,000 (C. E. p. 71)."

I move this reduction on the same ground as the previous one that I moved with regard to Revenue Administration. In the revised estimate of 1922-23, it is Rs. 2,08,000, and the budget estimate for 1923-24 is Rs. 2,25,000. There is no justification for this increase. As I have put the reduction at a very modest figure, I hope the Honourable Member in charge will accept my motion.

The Honourable Mr. H. S. LAWRENCE : Sir, I see that the honourable member for Kaira has not received the support of the House in his motion for reducing the grant by Rs. 20,000. I pointed out yesterday that there has been a considerable decrease of expenditure on the whole Secretariat. The House is well aware that even before that decrease a cut of 10 per cent. had already been taken in each department of the Secretariat. Under these circumstances, I submit the motion should be withdrawn.

Rao Saheb D. P. DESAI : Sir, I ask for leave to withdraw the motion.

Question put and leave granted.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I beg to move :

"That the total demand for 22, General Administration (Rs. 93,10,000) be reduced by Rs. 30,00,000."

I wish to give the House certain figures in order to convince it of the justification for this reduction. Under General Administration, mamlatdars have been included and this change is quite recent. The combined figures for Land Revenue and General Administration will make it clear to the House that within the last five years an increase of Rs. 90 lakhs has been made. In 1917-18, the combined expenditure was 200 lakhs ; in 1921-22, it was raised to 287 lakhs ; in 1922-23, as shown by the revised estimates to hand, it was reduced to Rs. 283 lakhs owing to the cuts ; and now in this budget the Government have quietly restored the expenditure to 290 lakhs. Now, separating the figures for the General Department from the figures under Land Revenue, I find that for General Administration the expenditure for 1917-18 was 61 lakhs ; in 1921-22 it was 122 lakhs ; in 1922-23, owing to the cuts, it was reduced to 115 lakhs ; but in 1923-24 it is estimated to be 120 lakhs. That is, out of a total increase of about 90 lakhs within the last five years, Land Revenue is responsible for an increase of 30 lakhs and General Administration for about 60 lakhs. Allowing for extra expenditure owing to increase in the number and cost of establishments and increase in prices, I should think that a reduction of 30 lakhs is not impossible.

[Rao Sahab D. P. Desai]

Yesterday, during the course of the debate on the various items it was shown that a part of our burden is due to the work done by our Government for the Government of India. Almost all our Executive Councillors are doing Government of India work for about half of their time; their clerks and their secretaries are also doing Government of India work for much of their time. So, why should not compensation be asked for from the Government of India under that head? Even His Excellency is doing a lot of work for the Government of India. So under that head also a substantial compensation should be asked from that Government.

Even if the Government of India refuse to do that, there is still some scope for further curtailment in the departments. As I said, owing to the depreciation of the rupee higher salaries had to be granted, but now that prices have already gone down, the salaries may be lowered in proportion. Again, Sir, there are a good many small talukas in the district, and their numbers may be reduced. So also sub-divisional charges: they may be reduced. Revenue Collectors may also be proportionately reduced. Then, there are a number of Assistant Collectors and I should think it is unnecessary to have one sub-divisional officer for every two talukas. So a large number of the deputy collectors may be done away with, because on account of the improvement in communications and the convenience of roads and other things, the Collectors of districts can tour easily and quickly, and, as they still have personal assistants, either these officers or some of the deputy collectors' posts may be done away with. In this way retrenchment to the extent of at least 30 lakhs should be made in the General Administration Department.

As regards the grievances due to the General Administration, I have to say a word about our Finance Committee. This committee is appointed by us in order to advise Government, but we do not know what this committee is doing; their report is not submitted along with the budget; and this committee appears to be a mysterious body whose proceedings we are not entitled to know. Every other committee that is appointed by this House submits its report to this House. The Finance Committee does not do that, and hence I say it is a mysterious committee. Wherever a Finance Committee is appointed, in all civilised countries, its report accompanies the budget.

The Honourable the PRESIDENT: The honourable member has said quite enough on the Finance Committee. I hope he will not enlarge upon it lest we should be wandering away from the vote now before the House.

Rao Sahab D. P. DESAI: Another point that I have to bring to the notice of the Honourable the Finance Member is that he is making the budget extremely difficult to understand. There is a lot of shuffling of figures and items are changed from one head to another year after year, and honourable members of Council find it rather difficult to arrange the figures and come to any conclusion.

The Honourable the PRESIDENT : The honourable member for Kaira has dealt with the question of the vote in a speech which on the whole has been admirably relevant, but I hope he will not travel beyond that question.

Rao Saheb D. P. DESAI : I would now refer to the Cotton Contract^s Act, a measure for which the Honourable the Leader of the House is responsible. I think he must have realised by now the mistake committed by him. The actual position brought about by that Act is that foreign yarn in spite of protective duties is in this country cheaper than even the cotton of this country. How can the mill industry prosper in that way ? That Act was passed on a representation by some merchants and the mill-owners, but it has worked for the benefit of Japanese and other foreigners, as was anticipated. At the present time the cultivators are getting far less for their cotton than they should get considering the prices prevailing in America. The parity of prices of cotton which existed between the cottons of this country and that of America has been once for all lost, and I do not know how long it will take to restore the normal difference between these prices. With these remarks, I move that the budget of General Administration be reduced by Rs. 30 lakhs.

The Honourable Sir IBRAHIM RAHIMTOOLA : Mr. President, I think the House will appreciate the compliment which you have paid to the honourable mover, the member for Kaira, for the complete relevancy of his speech to-day, but you will pardon me for saying that although I have tried my best, I have failed to discover what relevance this item has to the prices of cotton or cotton contracts.

The Honourable the PRESIDENT : I said that before he referred to the Cotton Contracts Act.

The Honourable Sir IBRAHIM RAHIMTOOLA : I take it, Sir, that the compliment is modified by subsequent events.

Now, as regards the main issue that has been put before the House I should like to invite the attention of honourable members to the object of this motion. It can only be on the same lines as the arrangement that was made last year by a cut of Rs. 60 lakhs. Perhaps, encouraged by that success, the honourable mover now wishes to have a cut of Rs. 10 lakhs. I must admit that he is modest.

As regards the rest of his speech, I should like to know what the honourable member who presides over the Retrenchment Committee has got to say about it. What the honourable mover said was that we have 117 Collectors and deputy collectors, and they must be reduced ; that we have so many mamlatdars and various other revenue officers some of whom should be done away with. Now, I ask whether that matter can be considered by the House as a whole. We have got a Retrenchment Committee, which is going into the details of each administrative unit, and submitting recommendations for economies consistent with efficiency. That committee, I understand, has submitted a report which is under the consideration of Government. All these points, instead of being brought before the Legislative Council, ought to have been, in the first instance, submitted to the Retrenchment Committee for such investigation as

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they might like to make, or, if any honourable member is dissatisfied with the manner in which the committee has done its duty and wishes to submit for the consideration of Government certain other directions in which suitable economies can be made, that honourable member can write in to Government. I have repeatedly assured honourable members that any suggestion that comes from them will be very carefully examined by Government. I think the honourable mover should be satisfied with that and withdraw his motion.

Mr. G. B. TRIVEDI (Thana District): Mr. President, with all due respect to the Honourable the Leader of the House, I must say that this House is not satisfied merely by the appointment of the Retrenchment Committee, but they expect Government in the meantime to find sources of economy and retrenchment by themselves.

The Honourable Sir IBRAHIM RAHIMTOOLA: They have done so.

Mr. G. B. TRIVEDI: If they have done it, is the result visible in our budget? That is the whole thing. If the land revenue of the province is Rs. 5 crores on an average, and if the cost of the administration, taking the Revenue Department and General Administration together, stands at Rs. 2,90,00,000, is it economy? Can you say that it is a business proposition to spend Rs. 3 crores to collect a revenue of Rs. 5 crores and to carry on the administration? That is the whole point, and if Government merely take shelter behind the appointment of the Retrenchment Committee and say "Oh, wait till we get the committee's report and we take action," it is only postponing the day of judgment. That the administration is costly is not denied by anybody. That has been the cry for the last 30 or 40 years. The reformed Government is in existence, a committee has been appointed, and its report is awaited, but the Government itself is not moving. That is our complaint, and if Government, who are in possession of more facts, are not going to have a cheap administrative machinery, we have no hope of any help from Government itself. Government say "We have given you efficiency, we have given you good and superior staff to look after the administration, but if the country wants less efficiency and less supervision, we will be prepared, if proposals are put forward, to accept them." Government themselves are not willing to lessen or reduce the expenses of the administration. If Government are not ready, then we will have to take matters in our own hands. The whole charge of the honourable mover of the motion is that Government themselves have done nothing, and we are now going to show how that can be done. Of course, we do not want to hamper the hands of the committee. We do not wish to criticise the committee, but we can show in what way reductions can be made.

Now, coming to the general way in which expenses can be reduced, it is an admitted proposition that, if the people are contended, the cost of the administration will be reduced. I ask Government what steps they have taken to change the spirit of administration? Under the reformed Government, people did expect that there should be a change of spirit in

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the administration. I do admit that there is some change, but the bureaucratic spirit has not disappeared. There are still Collectors who insult our Ministers in the way in which one did, and.....

The Honourable the PRESIDENT: I am afraid that is going beyond the limits of relevance to the vote under debate.

Mr. G. B. TRIVEDI: What I mean to say is that unless Government adopts the policy of changing the spirit of the administration, the cost will not come down. They will have to maintain huge establishments in order to keep up their prestige and to keep up the old spirit of the administration. If there is a change in the spirit of the administration, there will be a miracle. Now, in order to elucidate my point, I will first state the whole department's policy. The whole administration mostly depends on the policy or the spirit in which the department is carried on. Now, I put it to the Honourable the Home Member whether he honestly believes that he has satisfied this Council by the policy which he has adopted in the department which he has the honour to guide and to administer. Now, Sir.....

The Honourable the PRESIDENT: I must remind the honourable member that he has exhausted his five minutes' limit.

Mr. G. B. TRIVEDI: Is it only five minutes for the general discussion as to the policy of a department?

The Honourable the PRESIDENT: The honourable member remembers that after ascertaining the general sense of the House I prescribed on this supply debate ten minutes to the mover, the Member in charge, and the Leader and the Finance Member, and five minutes each to the other speakers.

Mr. G. B. TRIVEDI: If you give me a couple of minutes more, Sir, I will finish my argument. So, in summing up, I only say that unless the Home Department takes care to see, I mean, allows us to have an occasion of saying to the people that we have been able to influence the Government's policy in the Home Department, there will be no real contentment, and no real reduction in the cost of administration can be expected.

Rao Bahadur R. R. KALE (Satara District): Mr. President, I am one of those who have also given notice of motion for a general reduction from the total demand, the amount of reduction suggested by me being Rs. 2,49,000. But I take this opportunity of speaking on this motion which is for a reduction of a very large amount. It is stated that Government has not only already effected retrenchment to the extent of Rs. 60 lakhs as promised, but have effected retrenchment to the extent of Rs. 38 lakhs in addition. But if we glance at the Honourable the Finance Member's speech and also the Chief Secretary's memorandum, it will be found that it is expressly stated there that this cut is merely a temporary cut and that too for emergency. It is added that it would impair the efficiency of the several departments and it will hamper their activities in many directions if further retrenchments are to be made. If it is so,

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that is absolutely of no use. We therefore are entitled to have a cut in the recurring expenditure of the Government which will be a permanent cut and which will also not sacrifice any efficiency as a result of the present cut. It is from this point of view that a general reduction is sought to be made in this department by various honourable members of this Council. Now, it is difficult for members to suggest reductions in any particular item, but we leave it to the Government to consider whether it is not possible to effect a permanent retrenchment, and that, too, without impairing the efficiency.

The Honourable the PRESIDENT: The honourable member was not probably present when I stated the other day, quoting the very highest authority one could cite, that when there is a motion for reduction on the whole demand, the member speaking to that point ought to state the particular direction or directions in which the reduction ought to be made instead of drawing his bow, as it were, at a venture.

Rao Bahadur R. R. KALE: I am only suggesting the general directions in which retrenchment could be effected; for instance, in the Secretariat. It will be seen that during the last eight years the Secretariat grant has been doubled. That will be apparent from the figures. We shall find from the figures that there has been an increase in the Secretariat staff. Now, I put it to the Honourable Members of Government to consider if, as a matter of fact, it is not possible to effect a reduction in the Secretariat and that by means of reducing the number and also by replacing the costly agencies, because, if the posts of assistant secretaries or deputy secretaries are filled by employing a cheaper agency, it seems to me, Sir, it is perfectly possible to curtail the expenditure which has grown enormously during the last five or ten years.

Secondly, with respect to the Commissioners' establishments, it seems to me that there is reason to think a considerable retrenchment could be effected there. Now the number of the members of Government has been increased, we have got altogether four Councillors plus three Ministers, namely, seven members in all who constitute the Government. Formerly we had only two Members of Council, then we had three members of Government and now we are having seven. Having regard to this larger number of members, it seems to me the work that was formerly done in the Commissioners' offices must be reduced to a considerable extent and therefore there ought to be reduction in those offices. Most of the work should now be taken up from the heads of districts by Government direct instead of passing through the inconvenient and unnecessary agency of the Commissioner. I again think that seven members altogether constituting a body like our Government is a thing which certainly seems to me superfluous and a reduction in that behalf should have been effected. I know it is said it is not possible to send away members who are already there. But I think the policy should be laid down once for all; Government should make up its mind to chalk out a policy by which the Members of Government should be fixed at a certain reduced number, and, if that is done, effect can be given to it gradually as vacancies occur and as members of the services are transferred to the Government of

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India and to other governments. But unless and until the Council is made acquainted with the intentions of Government, the Council will not be satisfied with the way in which the retrenchments are carried out.

Lastly, it is said that the Retrenchment Committee is still at work and that they have not yet submitted their report. It is very unfortunate that the Retrenchment Committee's report should not have been available to us before the last budget of this Council was being disposed of. In other provinces a Retrenchment Committee was appointed even later than ours, but still its report was made available to the members of those Councils. Here, we are hampered in making our recommendations because everything is held up for the receipt of the Retrenchment Committee's report, and the next budget will not be reached by the members of this Council, there may be change in the personnel of the non-official members of the Council, and it will be very difficult for those who succeed us to know where exactly their predecessors had left. Therefore, I submit, if this Council carries a reduction of a reasonable amount, Government will find its way to give effect to it and then formulate a policy by which retrenchments of a permanent character can be effected.

The Honourable the PRESIDENT : There is just one difficulty which I want to point out. The honourable member, I understand, has supported this reduction upon the ground that the number of Executive Councillors might be diminished and that the members of the all-India services might be transferred to the Government of India. Is that within the competence of the Local Government ?

Rao Bahadur R. R. KALE : Government should make an effort.

The Honourable the PRESIDENT : The point of order is this. A demand is made and the demand is either granted or it is rejected by this Council so far as it is within its competence and so far as it is within the competence of the Provincial Government. If any matter is not within the competence of this Council and the local Government under the Government of India Act, then any reference to that would be out of order for the purposes of a motion whether for omission or reduction. But according to the ruling which I gave only a few days ago, I stated that I would allow reference to such matters only for the purpose of calling attention to it, but that there can be no debate upon it.

Rao Bahadur R. R. KALE : I am suggesting that the staff of the Secretariat be reduced. To that I anticipated an answer that the number of Members of Government is increased and.....

The Honourable the PRESIDENT : In order to enlarge the rights of this House I have gone beyond the limits prescribed in the House of Commons where, if an item is not votable, no reference by way of discussion is allowed to it. I have allowed the honourable member to call attention to the matter he is dealing with, but I cannot allow it to be debated, having regard to the Government of India Act and the rules made under it.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, I had no intention to speak on this matter, but it has been said that the Retrenchment Committee has not submitted its report earlier and capital is being made out of that. I therefore want to make some remarks, and in defence of the Retrenchment Committee I want to put in a word and it is this. In a matter of this kind it is better to clear the air which will dispel perhaps many of the misunderstandings and misconceptions in the minds of many of the members of this House. In order to effect that I may mention that Government thought it proper to ask the Retrenchment Committee for the services of its secretary and his office. Some of the members of the Retrenchment Committee were unwilling to part with the services of Mr. Maxwell who was doing very good work and giving the committee every assistance. However, at the express wish of Government Mr. Maxwell's services had to be put at the disposal of Government. It was very easy to state that a cut of 60 lakhs should be made, but in order to carry it into effect when time had arrived to effect that recommendation, naturally all that Government could do first was to allocate that cut in the several transferred and reserved departments, and for that some officer who was conversant with the working of all these departments was necessary to be put on duty to effect that. And as the Retrenchment Committee thought it was a point which was uppermost in the mind of Government which Government wanted to tackle on their own initiative, they thought it proper to place the services of that officer with his establishment at the disposal of Government, and for the time being the work of the Retrenchment Committee was suspended for four months, that is to say, from June up till the end of September, and during that period the committee could not carry on its work of investigation and could not make any recommendations. Then, as the House is aware, there was some delay owing to the regrettable death of the chairman of the committee, as unless the chairman was appointed, it was not possible to continue the work of the committee. That took some time and after that was done you will find that the Retrenchment Committee without losing time commenced its work early in December. Be it stated to the credit of the honourable members who served on that committee that, notwithstanding the pressure of work in this House, the committee used to sit in the morning for about three hours, and at a high pressure it completed its task between December and the 8th of February after, of course, investigating the work of all the departments of Government. Now, as a responsible body, the Retrenchment Committee has made its recommendations on certain cases not excluding the Secretariat establishment. That in itself took two to three weeks as everything must take its own time. The whole of this procedure of examination and investigation was completed from December to the end of January and the committee came to certain conclusions, and then the report was submitted. Now the submission of this report took as a matter of fact some time as the officer who was doing his best in his own way had to examine the different grades proposed in connection with every department. Now, of course, the report having been submitted to Government what conclusions Government may come to is another matter. But I must say that the recommendations will be useful not only for the present

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purpose, but even for the future. I thought it necessary to mention this here because I know when we come to the several recommendations as regards the several departments they will be pressed on Government. I need not dilate upon this point at any length, but I know that the report has gone through the press—I myself saw some of the printed copies, the office sent them to me—and I know that the report has left the press and is ready, and the committee is not therefore responsible for further delay, if it has occurred at all, and I take it that that report will be in the hands honourable members of this House by the end of this month. Under these circumstances, I hope honourable members of this House will excuse us for not being more prompt, but all that we could do has been done.

The Honourable the PRESIDENT: I allowed, I am afraid, a great deal of latitude as regards this debate upon the Retrenchment Committee.

Rao Bahadur G. K. CHITALE: That will save a lot of time and this explanation will clear the air.

The Honourable the PRESIDENT: Very well. I yield.

Rao Bahadur G. K. CHITALE: I know that this explanation will clear the air. The Retrenchment Committee has made certain recommendations as regards every department including the Secretariat and I know, when the report reaches the hands of the honourable members, they will be able to come to conclusions on that point.

Mr. P. J. MEAD: Mr. President, any motion for the reduction of grants must appeal to the Finance Department, which is always anxious to keep the establishment required down to the lowest minimum which is absolutely necessary, but I hardly think that my honourable friend from Kaira will expect me to entertain at all seriously, nor do I think the House would ask me to entertain at all seriously, the suggestion to reduce by one-third the grant for General Administration. In the course of the debate a reference has been made to such subjects as the Commissioners' establishments, which have already been fully discussed and which, on the decision of the House, are to stand as placed in the budget. Further, reference has been made to the number of talukas into which the area of this Presidency has been divided, and lastly, as my honourable friend from Nagar has told you, the Retrenchment Committee's full report, which covers the whole ground and which deals with every department and every form of Government activity, has now been sent to be printed and is expected very shortly. The House would certainly not demand that we should make drastic changes on our own motion without seeing the doubtless extremely interesting report of the Retrenchment Committee. It has been suggested—again I hardly think we can take it at all seriously—by the honourable member for Kaira that we should make our best endeavours to shunt off as much responsibility as we can on to the Central Government, a course of action which I may say I am in entire sympathy with, provided that I can see any chance of success. The Honourable the Finance Member has already told this House that in many directions our policy of claiming financial aid from the Central

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Government in support of our various activities has been in great measure successful, but we are bound to base our arguments on the Devolution Rules which govern these questions. All subjects are classified as either Central or Provincial and separate provision is made for agency duties performed by provincial establishments for the Central Government. All these questions have to be decided not under rules made by this Government, but, first of all, by discussion between the provincial Government and the Central Government, and finally, in case of disagreement, by reference to the Secretary of State in Council. It is clear, therefore, that there is no golden road whereby we can say, generally speaking, that part of our provincial activities are in the interests of the Central Government and that therefore their charges should fall on the latter. We have to deal with facts as we find them, and as regards any substantial reduction, we have to deal with facts as they are and not with a changed set of circumstances which we cannot bring about although it has been suggested that the cut proposed can be made by measures within the competence of this Government. I think it is perfectly clear to any honourable member that it will be impossible to agree to make any such drastic changes as are contemplated in the motion moved by the honourable member for Kaira.

Lastly, it has been suggested that vast economies could at once be effected by a change in the spirit of the administration. That again strikes me as too vague a suggestion to take into consideration for at least budget provisions and one which will hardly induce the Finance Department to make reductions at once of establishments and of services as a result of the view that a change in the spirit of administration as forecasted for 1923-24 may have the result that certain services and certain establishments will be no longer required.

The Honourable the PRESIDENT: I see none rises to address and that the whole ground has been covered. I therefore now call upon the mover for a reply, if any.

Rao Saheb D. P. DESAI (Kaira District): Sir, the Government benches have not replied to my main argument that the General Administration alone is responsible for an increase of about 60 lakhs. That argument still remains.

Again, last year a cut was made of about seven lakhs. In 1921-22 the expenditure was Rs. 1,22,000 and last year it was Rs. 1,15,000, but this year the item seems to have been quietly restored. This is an increase in the course of one year—in a year in which nothing extraordinary has happened to bring about such an increase, in a year when there has not been any increase in cost of commodities and so on. I therefore cannot understand why any increase should have been attempted.

The Honourable Mr. H. S. LAWRENCE: Sir, in the first instance I much regret that the endeavours of the Finance Department and the Finance Member in particular meet with such scant approval from the honourable member for Kaira. On the other hand, I am sure the honourable member's ingenuity and industry win the highest admiration of the House. I am always glad to receive any information or advice

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from the honourable member for Kaira which can result in any practical form of economy. The honourable member made a good point in his comparison of the present cost of the Revenue and General Administration with the expenditure five years ago. I am not going into the details. It may be presumed that he is correct in saying that there has been an increase of 90 lakhs. But, when it is remembered that the greater part of the expenditure on these two branches of administration relates to the pay of subordinate officers and men, and when it is remembered that this House has given its approval of 100 per cent. increase in the pay of the lowest officials and 60 per cent. increase in the pay of the clerks, it does not strain the mathematical ability of the House to see that the increase pointed out by the honourable member is the increase conditioned by the sanction given by the House and the wish of the House. As regards detailed economies in these two departments, we are anxious to consider the investigation made by the Retrenchment Committee. We have already acted in advance of that report and taken steps towards economy in the course of this year, some of which I have already explained to the House in my opening speech in presenting the budget. It is not necessary for me to go over that point again; our efforts in the direction of retrenchment may be seen in the financial situation of this year. The honourable member has selected the Secretariat as the special target of his assault. The results which we have achieved in the financial position of this Government are the envy, if not the admiration, of all the other provinces of India. They have been very largely obtained by the careful scrutiny of every branch of administration and the pivot of that scrutiny lies within the four walls of the Secretariat. The honourable member in his humorous moments accused the Finance Member of shuffling the figures of the budget in such a way that it could not be understood by the honourable members. Perhaps, that may be a legitimate device; but it is not a device which has been carried out by either the Finance Member or the Finance Department. If the changes have worried the honourable member, I can assure him that they have worried the Finance Department ten-fold; for they have had to get ready to answer all the ingenious conundrums of the honourable member. In fact, however, these shuffles have been arranged by the Auditor-General who is entirely free from the control of this Government.

As regards the spiritual character of the complaints of my honourable friend from Thana, he is always dissatisfied, whether with the taste of the alcoholic spirit supplied by the Excise Department or with the spirit of the administration, the taste of each is to him always a matter of grievance. I do submit with all respect to the House that the House may remain satisfied that the administration of the Presidency in these two departments—Land Revenue and General Administration—has been conducted with efficiency and economy. I trust the House will not make any reduction in the grant.

Question put and lost.

Question put :

“That the total demand of Rs. 92,62,000 be granted as amended in respect of 22, General Administration (reserved),”
and agreed to.

Demand under 24, Administration of Justice (Reserved),
Rs. 58,71,000.

The Honourable Mr. M. H. W. HAYWARD : Sir, I rise to move :

“ That the total demand of Rs. 58,71,000 under the head 24, Administration of Justice (Reserved) be granted.”

Khan Bahadur D. B. COOPER (Satara District) : I beg to move, Sir :

“ That the grant of Rs. 3,198 for the appointment of a City Magistrate at Bandra be omitted.”

I should like to know the reasons why this provision has been made.

Rao Bahadur R. R. KALE (Satara District) : Sir, in answer to a question regarding the separation of executive and judicial functions, the Honourable the Home Member said that the scheme was under consideration. My submission, Sir, is that pending the final settlement of the whole scheme a beginning should have been made as an experiment by making fresh appointments for such posts as resident magistrates. Also in places where the civil work of the subordinate judges was not sufficient to occupy their full time additional criminal work should have been given to them. Now, these are the two directions in which reform could have been initiated pending the settlement of the lines to be finally adopted. The Honourable the Home Member will, therefore, be pleased to give an explanation as to the reasons why an experiment in that direction is not possible at this stage. Instead of appointing a deputy collector in place of the mamlatdar resident magistrate, it should be possible to economise by employing persons recruited direct from LL.B.'s. On these grounds I support this motion.

Mr. C. M. GANDHI (Surat City) : Sir, I also support the reduction on the ground that the Honourable the Home Member has up to now done nothing to carry out the resolution of this Council, about separation of judicial and executive functions. The question of the separation of executive and judicial functions has been a very, very old question, and the resolution was carried by this Council which we understood Government were prepared to accept. Now, we are told, Sir, that the correspondence has been sent to the Commissioners, and when the correspondence will be replied to, God Almighty only knows. Of course the Honourable the Home Member does not know. When an opportunity has come to carry out the reform in the way the Honourable the Home Member himself suggested it was possible, namely, by recruiting for the post of resident magistrates from the cadre of the Subordinate Judicial Service, that opportunity is not availed of, but an attempt is made to create a new post in the cadre of deputy collectors, a cadre whose number we say should be considerably reduced, for we do not want so many deputy collectors as resident magistrates. Until the Council is satisfied that the resolution which they passed will be carried out and that on the lines which the Honourable the Home Member suggested, I think until that time the Council ought not to allow this item to be passed. I hope that the Council without any further discussion will agree to the cut proposed.

Mr. G. B. TRIVEDI (Thana District) : Sir, coming as I do from Bandra, I will speak on this question on its own intrinsic merits. Sir, in the note

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it is stated : " There has been a mamlatdar resident magistrate at Bandra since 1903." I find, Sir, that he is no resident magistrate ; that he stays at Thana ; and that he comes daily to Bandra and goes back daily to Thana, so that he attends his office very late and goes away very early. Thus, in fact, he is no resident magistrate at all, though he draws his house allowance. Secondly, Sir, it is stated : " The area over which his jurisdiction extends has since then largely developed and grown into importance." I find, Sir, that lately by a Government Resolution about 80 villages have been transferred from his jurisdiction to the taluka of Kalyan, and still we are told that his jurisdiction has extended. So, this is another misstatement. " It has grown into importance "—that is what is stated. It has grown into importance, because the district is now a Division and has a Commissioner for it. It has only grown in importance, without the work having grown into importance. Sir, there is another thing which I want to point out to the Council. It is stated in the Administration Report :

" There is no separate sub-judge for the district. The criminal work is in the hands of a prant officer as sub-divisional magistrate."

So there is already a sub-divisional resident magistrate, and in addition to this there are two honorary magistrates of first class rank. Sir, on enquiry I find that for the last few years there has been working a retired deputy collector as first class honorary magistrate, and I have it from him that he is willing to take more work. Still we are told that the work has increased. There is not only one first class magistrate, but two. Then, Sir, there are four officers of the mamlatdar's rank who help the Collector, and one of them is already working in the place of a first class magistrate who is now on leave. These people have not much work and they can do this sort of work. So that, we have two first class honorary magistrates of the deputy collector rank, and in addition you have four mamlatdars doing development work and who, whenever required, do the work of magistrates. With all these, we are told that the area has grown, whereas, as I have shown, the area has been lessened. I do admit that the suburban district has been raised to a Division to rank with the Central and Southern Divisions. On account of this, perhaps, the Collector thinks that his importance has grown and therefore he cannot have a magistrate of the mamlatdar rank, but he must have a deputy collector, as his resident magistrate. What I say is, if there is any congestion of work, that can be remedied by asking the present resident magistrate to reside in Bandra and not in Thana.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I should like first to deal with the statements made by my honourable friend the member for Thana. I would try to point out, in the first instance, that Bandra is a very special case. It is not at all like the ordinary mofussil town : it is really now part of Bombay. The honourable member stated that the area of the jurisdiction has not been increased. If he will read the note carefully, he will see that it has not been urged that the area has been increased. What is urged is that the area over which his jurisdiction extends has been largely developed. That is to say, it has been

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handed over to the tender mercies of the Development Department, and that necessarily means that the number of people living out there has very vastly increased. The Development Department is turning Bandra into a part of Bombay. That is what the note meant—that there has been development, increase of population, increase of work, and therefore it has been necessary to have an increase in the status and the efficiency of the magistrate provided for Bandra.

Mr. C. M. GANDHI : What is the number of cases ?

The Honourable Mr. M. H. W. HAYWARD : I have not got the figures; the Secretary of the Home Department will give the figures, but I should like to deal generally with the case. I should like to make this point that Bandra is a very special case and is really now part of Bombay.

It has been suggested that the work of the magistrate should be handed over to the various revenue officers now working under the Development Department. I should be very glad if that could be done, but I do not think that any proposal of that sort would meet with the slightest encouragement from my honourable colleague in charge of the Development Department. I may at once say that those other officers are exceedingly busy in developing this part of Salsette, and it would not be a practicable proposition to hand over to them the magisterial work of Bandra. I have said that Bandra is now practically part of Bombay, and that means that the cases which come before the court have to be decided much the same as cases which come before the Presidency Magistrates, and that for Bandra you want a magistrate, more of the status and experience of one of the Presidency Magistrates. Now, it is not possible to give them a Presidency Magistrate yet, without including Bandra and Salsette actually within the limits of Bombay. That cannot be done without legislation. I have myself very little doubt that, in a short time, as Salsette develops, Bandra and probably Andheri and other places will actually be included within the limits of Bombay, and that Bandra will have its Presidency Magistrate's court just as much as any other part of Bombay. It is therefore essential, it seems to me, that we should provide for the people of Bandra, who are mainly Bombay people, the same kind of magistrates, and the same kind of courts as we provide for Bombay, and the only way in which, it seems to me, that can be done is by taking an experienced magistrate from the Revenue Department and putting him in charge of the court at Bandra.

I should like to turn to the other question, which is very rightly raised by my honourable friends opposite, the member for Surat and the member for Satara. They enquired why this appointment was not given to a subordinate judge. The answer to that is that we have not any subordinate judge whom we can set free for this appointment. In our budget we have had to restrict the number of subordinate judges to the minimum required for the civil work, and there is no subordinate judge whom we can appoint to this post. The matter has not been lost sight of. I quite sympathise with honourable members who are anxious that this scheme for a separate cadre of resident magistrates should be brought into force

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as early as possible. I myself am anxious that that should take effect, but the difficulties are considerable. As I said, we have had to restrict the cadre of our subordinate judges, in order to make the budget balance, to the minimum required for civil work, and if we were to provide subordinate judges for the posts of resident magistrates, that would mean increasing the cadre of subordinate judges. The present minimum pay is Rs. 300 to Rs. 350, and if we were at once to increase the cadre of subordinate judges for magisterial work, we should be increasing throughout the pay of resident magistrates.

There is this other difficulty that we have had to reduce the resident magistrates very largely, so that now we have very few resident magistrates left whom we could bring into the cadre. In order to meet the retrenchments which have been ordered by the Council, we have had to reduce most of our resident magistrates, and there are now very few left which we could bring into the cadre. I hope that, as the financial position improves, we shall be able to get more money for this very necessary purpose out of the Finance Department. But at present the financial difficulties are very great to get much further with the scheme. At the same time, I have kept this thing in mind, and I have already in four cases utilised subordinate judges in the place of resident magistrates. The subordinate judge of Jacobabad, who is lightly worked, has been appointed also resident magistrate of Jacobabad, on the abolition of the separate post of resident magistrate for that place. The subordinate judge of Tando Adam is also lightly worked, and he has been put in charge of the resident magistrate's work at Matli, so that the subordinate judge of Tando Adam is now also the resident magistrate, in place of the resident magistrate's post which has been reduced in the retrenchment scheme. The subordinate judge of Hubli has also been made resident magistrate of Hubli in place of the resident magistrate reduced in the retrenchment operations, and the second class subordinate judge of Dharwar has been made resident magistrate of Dharwar in place of the resident magistrate's post there which has been retrenched. So, I can assure the House that I have not forgotten the resolution, that I have the matter in hand, and that I have even, wherever possible, endeavoured to give effect to the resolution on the lines indicated before to the House. But I submit that this particular appointment of Bandra is a special one which will eventually come into the scheme of the expansion of Presidency Magistrates. Therefore, I submit that this appointment, which is upon the figures which will shortly be given by the Home Secretary very necessary, is one which ought to be passed by the House.

Mr. A. MONTGOMERIE: Mr. President, I wish to give the figures for the work now done by this magistrate. He has at present under him the whole of the Bandra mahal including eight police stations with a crime register which has risen from 798 in 1910 to over 2,000 in 1922. The creation of the post of a resident magistrate at Coorla, which is the next item on the budget, will relieve him of several hundreds of these cases. But there will still be considerably more than a sufficient number of cases for two magistrates at Bandra and all the resources of the

[Mr. A. Montgomerie]

magisterial line which are at the disposal of Government in that area, which includes the whole of the Bandra mahal, which has recently been raised from a mahal to a taluka, are fully occupied.

With regard to the point which the honourable member for Thana made that the magistrate does not actually reside in Bandra, he does so for very good reason. He cannot get a house there and he is compelled, very much against his will, to travel backwards and forwards from Bandra as a consequence. But how that affects the efficiency of the department I do not know.

The Honourable the PRESIDENT: The point which the honourable member for Thana made was that the resident magistrate comes to office late and goes back early.

Mr. A. MONTGOMERIE: The difficulty, Sir, is that he does not get a house at Bandra.

Mr. C. M. GANDHI (Surat City): How is the magistrate to get a house at Bandra for a rent of Rs. 12 or so?

Mr. A. MONTGOMERIE: If the honourable House were to give the magistrate an aeroplane, I have no doubt he would be glad to use it and be early in the office and go late!

With regard to the establishment which is provided in this vote, it has remained permanent since 1910 when, as I say, there were only 798 cases and it is reported that at present the clerks have to deal with something like 2,000 cases. It is reported that it is impossible to dispose of the cases with the present staff as the property of people who have died and left their property undisposed of has been lying for months and months because the magistrate has not the time to look into the cases. I think, Sir, a full case has been made out for the retention of this item.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Mr. President, in spite of the statements made by the Honourable the Home Member as well as the Home Secretary, there is one point on which I do not feel satisfied, namely, as to why a first grade mamlatdar who is working as a magistrate should be able to cope with the work when his post is converted into a city magistrate of the rank of a deputy collector. If honourable members will turn to item No. 105, to which reference has been made by the Home Secretary, they will find that at present the resident magistrate at Bandra has Coorla under his jurisdiction and, as was stated by the Home Secretary, the Bandra magistrate would be relieved of the hundreds of cases on account of the creation of the stipendiary magistrate's post at Coorla. Now, in that case, the honourable member will find that a first grade mamlatdar is considered to be sufficient. The reason given by the Honourable the Home Member is that Bandra is different from the mofussil centres and it is part of Bombay, and therefore the officer at Bandra must be of the status of a deputy collector. If that is so, then Coorla also is on a par with Bandra, and if there a mamlatdar of the first grade would do as a resident magistrate, I do not see any reason why the present first grade mamlatdar who is acting as a resident magistrate at Bandra should not do with less work to do.

Rao Bahadur G. K. CHITALE (Ahmednagar District): I must say, Sir, that we have a right to raise this point inasmuch as this separation of judicial and executive functions will not be effected as early and as rapidly as we desire. On the other hand, I am not sure whether the creation of these two posts is not an attempt to add to the present cadre of mamlatdars. If that is so, may I know if all the deputy collectors and mamlatdars are fully worked at present and if there is such addition to the present cadre, how can it be justified? I say so, because it is within my knowledge. For instance, in Ahmednagar district we reduced the charges of one deputy collector, but we added two Assistant Collectors. That is the way in which our retrenchment has gone on. Instead of three, we have at present four—two deputy collectors and two Assistant Collectors—working in the district. Of course, it must be said in fairness to these officers that they are probationary deputy collectors, they are learning work, they are under training. I cannot see how the present cadre of deputy collectors cannot be sufficient for the purpose in question. Now, look at the ingenuity of the proposals. Though Coorla is also a fully developed area, there the bait is put forward that the creation of a magistrate's post there will relieve congestion at Bandra. Now, he gets a house rent of Rs. 50 and he gets a local allowance of Rs. 50. In all he gets Rs. 425. Now, look at the provision made for deputy collector resident magistrate here at Bandra. He gets as difference between average pay of first grade mamlatdar and that of second grade deputy collector Rs. 141. That is to say, a first grade mamlatdar usually gets Rs. 350, and Rs. 141 is the addition to that salary which he will get; so that, there is a provision of Rs. 491 for salary. You have to add to it Rs. 11½ local allowance. I believe that is a local allowance given to the sheristedar,—not to the mamlatdar. In the one case we give Rs. 425 for a resident magistrate of the grade of mamlatdar and I for one would prefer a subordinate judge for this post, and still the Honourable the Home Member gave in the concluding part of his argument a figure of from Rs. 300 to Rs. 350 as salary. Now, which is cheaper, looking at it from a financial point of view, arithmetically? If you want to say that these sub-judges are no good for this kind of work, say so frankly and boldly. I do not understand why a subterfuge should be allowed. Then, Sir, it was said that the separation of the executive and judicial functions is going on. Well, is it going on in the air? You might take it from me—I have been watching the administration of this Presidency for a long time—that our administration is usually most conservative. It wants experiments. Two sub-judges have been appointed in the Southern Division as an experiment. Other parts of the province will come in for experiment in their usual turn. So the experiment itself between the different divisions will take about five or six years. In the meanwhile vested interests will be created and there will be a very strong argument,—perhaps it will be acceptable to this House,—that as vested interests stand in the way, it is no use; having given hopes to these mamlatdars or deputy collectors we cannot displace them. Well, I am sorry to say, Sir, that the wishes of this House pronounced so emphatically and definitely have been disregarded altogether. I am sorry to use that phraseology, but I feel no doubt that the Honourable the Finance Member in his argument on the question of the separation of executive and

[Rao Bahadur G. K. Chitale]

judicial functions has used that phraseology, and said that a subordinate judge will cost more, and especially so, Sir, having regard to the argument of the Honourable the Home Member on the motion for the separation of executive and judicial functions when he himself suggested that it will be cheaper for Government and that Government want to see whether they could use more experienced subordinate judges as magistrates by adding to their cadre so that they might do civil work also that I use that phraseology. I remember that and taking that at its value I should think that there is no case made out for the entertainment of this post. It may be fully understood that, as far as this House is concerned, it has no objection to any deputy collector or a mamlatdar of the present cadre being used anywhere, but what we object to is an additional establishment, as I said, as the report of the Retrenchment Committee is to be considered shortly after by the Government, and I know there are retrenchments recommended there also in that direction. Under these circumstances, what shall we do? If the House considers that its wishes are to be disregarded in that manner which is not desirable, then there is one way and that is that if you think that rightly, reasonably and most conclusively that the wishes of this House are being disregarded, and that there is a lesser measure of retrenchment to be effected in that case, then there is no doubt we must cut out both these items.

Mr. KANJI DWARKADAS : I move a closure, Sir.

The Honourable the PRESIDENT : I accept the closure.

Khan Bahadur D. B. COOPER (Satara District) : Sir, there has been a resident magistrate at Bandra since a long time and the area under its control has since been greatly reduced as quoted by the honourable member from Thana from the administration report. There are already two first class honorary magistrates who are willing to attend to some of the extra work. In addition to that, a sub-divisional magistrate is recently added. The Honourable the Home Member has given us to understand that Bandra is likely to be added to the Presidency town of Bombay very shortly, and in view of these facts I do not see why Bandra should not wait till the whole scheme is considered.

The Honourable Mr. M. H. W. HAYWARD : Sir, I should like first to deal with the suggestion that a candidate subordinate judge should be sent to do the magisterial work.

Rao Bahadur G. K. CHITALE : What I said was that the strength of the subordinate judges may be added at the bottom and a senior subordinate judge should be used for this post.

The Honourable Mr. M. H. W. HAYWARD : I think the statement of the honourable member shows the impracticability of the proposition. What we require at Bandra is a really experienced magistrate. In the discussion that took place in connection with the separation of executive and judicial functions, it was pointed out that the subordinate judges doing civil work have not the experience of magisterial work which is required by such officers as Presidency Magistrates, and I do think in a matter of this sort, it would be a great mistake to disregard the needs of

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the city of Bombay. I submit, and I submit once more, that this is a matter which is really essential for the people of Bandra that they should be given a really experienced magistrate and there is all the difference in the world between a magistrate of the cadre of mamlatdars and a magistrate of the cadre of deputy collectors. I am quite sure that no member of the bar who has to plead cases before the court at Bandra would for a moment say that he would prefer a mamlatdar to a man of the status of a deputy collector. There is all the difference in the world between a mamlatdar and an officer of the status of a deputy collector who will be able to deal with cases and with the bar in the same way as the Presidency Magistrate. And I do submit that this ought not to be mixed up with the entirely different question of the formation of a separate cadre for resident magistrates for the mofussil which does not properly speaking include Salsette. It ought to be remembered that Bandra is really a part of Bombay. I am personally anxious to introduce into the mofussil this separate cadre of resident magistrates and I have taken steps towards that object, and I hope as soon as I get money to still further it. I must remind honourable members that when this matter was discussed in this Council, it was an entirely open debate in which every honourable member was permitted to say exactly what he personally thought and when I spoke I gave my own individual opinion. I did not then speak on behalf of Government. An entirely different view was taken by other Members of Government. I received considerable support,—but I think honourable members will do me the justice to remember that I gave my personal opinion in opposition to some of my honourable colleagues. I hope to persuade them in the course of the current year to provide the money to introduce this scheme. But I do appeal to honourable members not to mix up any failures of mine to persuade my colleagues to give up their opposition to that scheme with the requirements of this important grant for the good of Bombay and the development of Bombay.

I would only add this with regard to Kurla, that Kurla is not so much developed as Bandra. You have a different class of people at Kurla and we are asking for Kurla an appointment of a resident magistrate of the cadre of mamlatdars, while for Bandra we want to have a magistrate of the status of a deputy collector. With regard to Kurla, we think that at present we can go on with a magistrate of the status of a mamlatdar. With regard to the suggestion that the deputy collector will be no better off than a mamlatdar, I believe the present resident magistrate has already a house rent allowance and a local allowance. I cannot say what exactly they are, but I know that they are provided for, but they do not appear here, because only the extra cost is shown here. So it is not quite fair to compare the deputy collector proposed for Bandra with the resident magistrate proposed for Kurla drawing a house rent and a local allowance. It is a mistake which, of course, was very easily made, but that is the explanation. What we are trying to do is to give a magistrate of proper status for Bandra and to provide a magistrate not of quite the same status for Kurla. This is really in the interest of the development

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of Bombay, and I hope honourable members will trust me when I say that I am trying my best to introduce the scheme of special cadre of resident magistrates for the mofussil, and not to mix up that subject with this question which so nearly concerns Bombay.

Question put, House divided. Ayes 33. Noes 34. Motion lost.

Names of members who stood up for the Ayes.

Ayes.

ADHAV, Mr. P. N.
BATLIWALA, Dr. S. S.
BHATE, Mr. G. C.
CHITALE, Rao Bahadur G. K.
COOPER, Khan Bahadur D. B.
DADACHANJI, Dr. K. E.
DESAL, Rao Saheb HARILAL D.
DESAL, Rao Saheb DADABHAI P.
DUBHASHE, Mr. SHANKAR BALKRISHNA.
DWARAKADAS, Mr. KANJI.
GANDHI, Mr. C. M.
GHOLAP, Mr. D. D.
GODBOLE, Dewan Bahadur K. R.
GULAMHUSEN, Mr. SULTANALI SALE-
MANJI.
HAJI, Mr. IBRAHIM S.
HULKOTI, Mr. CHANNAPPA CHANVIRAPPA.

KALE, Rao Bahadur R. R.
KASSIM, Mr. G. H.
LALJI NABANJI, Mr.
MANSURI, Khan Saheb A. M.
MUTALIK, Sardar V. N.
NILKANTH, Rao Bahadur R. M.
PAHALAJANI, Mr. B. G.
PARULEKAR, Rao Saheb L. V.
PATEL, Mr. B. P.
PATEL, Mr. J. B.
PAWAR, SHRIMANT J. A.
PETIT, Mr. JEHANGIR B.
SAHERWALA, Khan Saheb L. A.
SALGAR, R. G.
SURVE, Mr. A. N.
TRIVEDI, Mr. G. B.
VICHARE, Rao Bahadur D. A.

Names of members who stood up for the Noes.

Noes.

ADDYMAN, Mr. J.
BHUTTO, Khan Bahadur S. N.
BULLOCKE, Mr. A. GREVILLE.
CADELL, Mr. P. R.
CLAYTON, Mr. F.
COCKE, Mr. H. G.
DALAL, Sardar Khan Bahadur ADARJI M.
DRAKHAN, WADERO MAHOMED PANAH.
GHULAM HUSSAIN, The Hon'ble Khan
Bahadur SHAIKH.
GODAD, Khan Saheb ABDULLA AVJAL.
HAJI KHAMISO GUL MAHOMED, Mr.
HAYWARD, The Hon'ble Mr. M. H. W.
ISBAN, Khan Saheb G. A.
JADHAV, Mr. B. V.
JENNINGS, Major General W. E.
KER, Mr. J. C.
LALBHAI AMBARAN, Mr.

LAWRENCE, The Hon'ble Mr. H. S.
LOBY, Mr. F. B. P.
MEAD, Mr. P. J.
MEHTA, The Hon'ble Mr. C. V.
MODI, Sardar DAVAR T. K.
MONTGOMERIE, Mr. A.
MURPHY, Mr. S. J.
PARANJPE, The Hon'ble Dr. R. P.
PRADHAN, Mr. M. W.
PROES, Mr. E. M.
RAHMTOOLA, The Hon'ble Sir IBRAHIM.
ROTHFELD, Mr. O.
SETALVAD, The Hon'ble Sir CHIMANLAL.
SHEPHERD, Mr. W. C.
SHIBBAS, Mr. G. FINDLAY.
THOMAS, Mr. G. A.
WOODS, Mr. E. E.

After recess.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Sir, I move:

"That item No. 104, page 166 of Blue Book, Appointment of a city magistrate of the rank of deputy collector in place of the resident magistrate of the mamlatdar's grade at Bandra, be reduced by Rs. 1,800."

I move this reduction on the ground of the advisability of the separation of the executive and judicial departments. To have a deputy collector would mean paying a salary of Rs. 400 to Rs. 450 and, therefore, in that case if we substitute a subordinate judge and depute

[Sardar V. N. Mutalik]

one man who is an experienced subordinate judge, he will be able to do the work, and at the same time Government will be giving some respect to the view of this House. I need not repeat all the arguments that have been used so ably by the honourable members from Surat, Nagar and Satara, but I leave this matter to the good sense of the House.

Rao Bahadur R. R. KALE (Satara District): Sir, I support the motion moved by the honourable member representing the Sardars in the Deccan and my reasons are the same which I have given on the vote for the last item.

The Honourable Mr. M. H. W. HAYWARD: Sir, I may point out to the House that reducing it by Rs. 1,800 means practically cutting out the item altogether. I think it is practically the same motion as the one that was before us just now, but in other words. If it is in order, I have got to advance the same arguments as I did in connection with the previous motion. I appeal to the honourable members not to confuse suburban areas with the mofussil. It is necessary to have a capable magistrate at Bandra. The difference in pay between the first grade mamlatdar and the second grade deputy collector is Rs. 141; and there is the extra establishment. By this reduction, the honourable member will cut down the salary of the magistrate and a little bit of the cost of the establishment also. In view of the discussion we have already had, I appeal to the House to allow us to have a really efficient magistrate for Bandra.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, the reduction is intended to give effect to the desire of not incurring any new expenditure. Supposing that we agree to the motion, even then it is not necessary that we should have a magistrate of a higher status. What we say is that it should be met from the present strength of cadre of deputy collectors. No purpose would be served by adding a new post to the cadre.

Mr. G. B. TRIVEDI (Thana District): Sir, I perfectly agree with the Honourable the Home Member that the conditions of Bandra are not the same as those of the mofussil. No doubt, we want a magistrate of an independent character. If all these Development cases are to be tried before a magistrate, he must be a man who is not under the control of the Revenue Department, because most of the cases that come before the magistrate are cases connected with buildings against people who do not pay assessment, people who do not pay notified area rates and so on. For all these things the prosecutor is a Development officer; and so the magistrate should not be under the control of the Revenue Department. We want an independent magistrate for Bandra in whose judgment the public will have confidence. I know in a number of cases injustice has been done and people have been harassed. If the Honourable the Home Member really wants that justice should be done, then we must have an independent man. Further, if we support this motion, the Home Member will have an opportunity of reconsidering the question.

Khan Saheb A. M. MANSURI (Surat and Ahmedabad Cities): Sir, I fully appreciate my honourable friend's desire to see that the executive

[Khan Saheb A. M. Mansuri]

is separated from the judiciary. I have got certain figures which I wish to furnish to the House for information. In 1910 the magistrate tried 800 cases: in 1922, 2,000 cases. After the separation of Kurla from Bandra there will be about 1,500 cases still left for the magistrate to try. Under these circumstances, I think it would be preferable to appoint a deputy collector in that place instead of a mamlatdar of the first grade, as I believe that a deputy collector will be a more independent officer and better qualified man than the mamlatdar.

As regards the staff, I think that the existing one is not adequate to cope with the work. The same staff that existed in 1910 to deal with 800 cases still continue to remain. As they have to deal with 2,000 cases at present, additional staff is absolutely necessary.

Mr. A. MONTGOMERIE: Sir, there is only one point which I wish to place before the Council. I dissent entirely from the previous speaker's view that a man from the ranks of the deputy collector if appointed for the post would not be able to do his work fairly and impartially. A deputy collector in the exercise of his magisterial duty is no more likely than a sub-judge to be subject to official pressure. The honourable member's remarks amount to an attack on the integrity and uprightness of an excellent body of officers. What is immediately wanted in Bandra is a man with considerable experience of criminal work. Now, no matter however desirable it is to transfer the criminal work gradually to the Judicial Department—and I believe it will be carried out in spite of the doubts expressed by my learned friends opposite—the fact remains that at present our sub-judges, even in the higher branches, have not had any experience so far of criminal work. What we want for Bandra just now is a man who has got experience of criminal work. Nothing less will satisfy Bandra. The curious thing is that within the last few days I have been dealing with an application from a Bar Association, with which perhaps the honourable member from Sukkur is acquainted—the Bar Association of Hyderabad—protesting vigorously against the suggestion that it should not have a resident magistrate of the status of district deputy collector.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): There is no question, Sir, of the necessity of a competent magistrate for Bandra. The only question is whether we should have a competent sub-judge to deal with criminal cases, or we should have a deputy collector. My view is that an experienced sub-judge will be as competent as an experienced deputy collector. It is only on principle that I have moved this amendment.

The Honourable Mr. M. H. W. HAYWARD: Mr. President, I think one remark of my honourable friend for Thana has clearly shown the necessity of having an officer of a higher grade than mamlatdar. He said that he had heard numerous cases in which injustice has been done. That, I think, shows the necessity of having a magistrate able to do justice. That is my proposal—to give him a better magistrate, to give him an experienced deputy collector.

[Mr. M. H. W. Hayward]

I must, however, take exception to his observation that the crime dealt with in the Bandra magistrate's Court is entirely crime against the rules of the Revenue Department, and that therefore the Deputy Collector would be bound to convict everybody who is ever put before him for having done anything against the rules of the Revenue Department. I submit, in the first instance, that he is not correct : the crimes of which we hear so much of late in Bandra are not mere offences against departmental rules. They are serious offences—robbery, dacoity, theft and things of that kind—for which we want really strong magistrates who shall give real justice to the people of Bandra. And I submit, Sir, that it is necessary to have this provision in the budget, because we cannot get a man elsewhere. It has been suggested that we might manage to get one elsewhere from the Revenue Department. I submit, Sir, that if we could I should be only too glad to have him but I am afraid I shall not succeed in persuading the Revenue Department. I may point out that he is to be an entirely judicial officer who will have no revenue work whatever, and therefore we cannot expect to get one from the Revenue Department. I submit, Sir, that this item ought to be left entirely as it is, in order to provide an essentially experienced magistrate for the people of Bandra in the suburban district of Bombay.

Question put and lost.

Mr. G. B. TRIVEDI (Thana District) : Sir, I beg to move :

"Omit item No. 105—Rs. 3,900—Appointment of a Resident Magistrate Kurla, under head 24, Administration of Justice (Reserved)."

In the note it is stated :

"It has been recommended by the local officers that a stipendiary resident magistrate should be appointed at Kurla to relieve the congestion in the court of the resident magistrate at Bandra. Government are satisfied that in view of the rapid development of the Bombay Suburban district the appointment is necessary."

Now, it is stated somewhere that at present the resident magistrate at Bandra is doing the magisterial work at Kurla by sitting there for two days in the week. Now, this Council has provided for Bandra a man of a deputy collector's rank who will be a real resident magistrate and not an absentee magistrate, and therefore there will be less congestion of work at Bandra. Now the work at Kurla is done by the magistrate by sitting only two days in the week and there is nothing to show that the work has grown so much as to require a separate full time resident magistrate at Kurla. Then, Sir, as I have already pointed out, there are development officers assisting the Collector and one of them is already working as a resident magistrate relieving a man on leave. Whenever the Collector as the District Magistrate requires these officers to help in the magisterial work, they are doing it. At present they are not overburdened officers as is sought to be made out. There is the *prant* officer who is a man of the deputy collector grade ; then there are two honorary magistrates ; and then—the mamlatdar now turned into a deputy collector—resident magistrate. With all this paraphernalia, why do you want a new post to be created at Kurla ? I cannot understand it. As regards the remark that the deputy Collector would be a more independent man and would do better work—I do not want to bring in that question at present....

[Mr. G. B. Trivedi]

The Honourable the PRESIDENT : The honourable member cannot go back to a debate which is concluded.

Mr. G. B. TRIVEDI : But these items are connected.

The Honourable the PRESIDENT : That makes my objection still stronger.

Mr. G. B. TRIVEDI : Then, I resume my seat.

Mr. LALBHAI AMBARAM (Surat District) : Mr. President, I support the motion. When a deputy collector is shortly to be appointed at Bandra as resident magistrate, he being an experienced man can be invested with summary powers and pressure of work will be lessened. Mr. President, I have had experience of the Bandra magistrate's office for a very long time. I was also an officer in the Revenue Department in Bandra, and I know for certain that most of the cases are very petty cases indeed. These can be disposed of very quickly if the magistrate is invested with summary powers. It has been shown by the previous speaker that Kurla is not a place where such a magistrate as is proposed is needed. Besides, the suburban district has been separated, and the original establishment has been extended by a separate Collector, a *prant* officer and a mamlatdar. I do not know what all these extra officers are to do when the district is the same and the work is the same. I fail to understand why the purpose of a resident magistrate at Kurla is not distinctly shown in the remarks column. If the work at Bandra has increased by leaps and bounds, the question is why such a state of things has occurred, and whether the present magistrate at Bandra is quite fit to do the work or not. I therefore beg to submit that this item should be omitted.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President, I wish to add only a few words on this question. I understand that there is a separate revenue district altogether. If that presumption is correct, then it must have its usual complement of revenue officers like deputy collector and mamlatdar. So, they must be doing also their magisterial duties. My point, therefore, should be appreciated that from the Thana district we have created a smaller district on account of development work, and this smaller district has its staff of revenue officers. Under these circumstances, whatever grounds there might be for Bandra having a separate deputy collector, there is no case for Kurla having a separate magistrate at all.

Mr. M. W. PRADHAN (Thana District) : Mr. President, I rise to oppose this motion, for the simple reason that my honourable friend from Surat narrated his experience of, I think, ages gone by. Since the development of Bombay, Kurla has grown into a very great town. Its population is over 20,000, and, as stated, the quality of the population is not as high as that of Bandra. That means that petty cases of assault, robbery and dacoity occur almost every day, and this appointment will free the people from the necessity of going to Bandra. As I have said, on account of the development of Bombay, the population of Kurla has increased to 20,000,

[Mr. M. W. Pradhan]

and a resident magistrate is indispensable there. It is no use judging from past experience of one's self, as to the state of affairs then. The question is, what is the state of affairs now? If honourable gentlemen will take the trouble of paying a visit to Kurla and passing a couple of hours there, they will be convinced as to the increase in the population and the quality of the population, and I am sure they will be convinced that such a resident magistrate is an absolute necessity. With these words, I strongly oppose this motion.

Mr. G. B. TRIVEDI : I have nothing more to add to what I have already said.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I should like to suggest to the House that this is also an item which ought to be allowed in the interests of suburban Bombay. I think it hardly necessary for me here to remind honourable members that Kurla is no longer a small mofussil village, but it has now a very large mill industrial population, and it has increased so rapidly and to such a large extent that the magisterial work from the population of Kurla has altogether outgrown the old revenue establishment which used to deal with it. With all due respect to my honourable friend opposite, it is not now a question of a very small number of petty criminal cases; it is a case of a great many cases, many of them serious, which do require the attention of a full time independent resident magistrate. I think that the case is strong for this distinction—this is indeed a separation between the executive and the judicial. Here we are proposing a separate magistrate in place of the old mamlatdar who has hitherto been doing both the magisterial and the revenue work. The work was not entirely done by the resident magistrate at Bandra as is supposed, but it was only partly done by the Bandra magistrate, and the balance of the work which the Bandra magistrate could not do had to be taken up by the revenue officers of the suburban district. Now, it is true that there is a separate suburban district, but it is not staffed to the extent of a regular, full district in the mofussil. It is only staffed to the extent necessary for the revenue work coupled with the very heavy work which is cast upon them by the rapid increase of the business of the Development Department. They are fully employed in their development work, and it has been this reason that has led those revenue officers, here described as local officers, to represent that they cannot properly perform their magisterial duties, and to request that they should be given, for the benefit of the people of Kurla, a full time regular resident magistrate. I submit also that there is considerable force in the argument that the people of the class that live in Kurla ought to have a magistrate on the spot, and not to require them to go off for their cases to Bandra. I should have been very glad if I could have persuaded my honourable colleagues to allow me a magistrate of the higher grade of deputy collector, but I did not feel that the time had come for that yet. No doubt, the time will come when, as I said, even at Kurla you will want your Presidency Magistrate. In the meantime, I think this small addition to the magisterial staff is an urgent necessity, and I do hope that it will be accepted by this Council.

Question put. House divided. Ayes 20; Noes 42. Motion lost.
Division No. 4.

Ayes.

ABDUL KADIR KHAN ABDUL AZIZ KHAN,
 Mr.
 ADHAV, Mr. P. N.
 BEATE, Mr. G. C.
 CHITALE, Rao Bahadur G. K.
 COOPER, Khan Bahadur D. B.
 DESAI, Rao Saheb HARILAL D.
 DESAI, Rao Saheb DADUBHAI P.
 GANDEI, Mr. C. M.
 GODBOLE, Dewan Bahadur K. R.
 KALE, Rao Bahadur R. R.

KASSIM, Mr. G. H.
 LALBHAI, AMBARAM, Mr.
 NILKANTH, Rao Bahadur R. M.
 OJHA, Mr. DIPCHAND T.
 PARALAJANI, Mr. B. G.
 PARULEKAR, Rao Saheb L. V.
 PATEL, Mr. B. P.
 PAWAR, Shrimant J. A.
 TRIVEDI, Mr. G. B.
 VICHARE, Rao Bahadur D. A.

Tellers for the Ayes : Mr. G. B. TRIVEDI and Khan Bahadur D. B. COOPER.

Noes.

BATLIWALA, Dr. S. S.
 BEDREKAR, Khan Bahadur I. M.
 BHUTTO, Khan Bahadur S. N.
 CADELL, Mr. P. R.
 CLAYTON, Mr. F.
 COOKE, Mr. H. G.
 DABHOLKAR, Mr. V. A.
 DADACHANJI, Dr. K. E.
 DALAL, Sardar Khan Bahadur ADARJI M.
 DUBBASHE, Mr. SHANKAR BALKRISHNA
 DWAREADAS, Mr. KANJI
 GHULAM HUSSAIN, The Honourable Khan
 Bahadur SHAIKH
 HAJI, Mr. IBRAHIM S.
 HAJI KHAMISO GUL MAHOMED, Mr.
 HAVELIVALA, Mr. M. A.
 HAYWARD, The Honourable Mr. M. H.
 W.
 HEPPER, Sir LAWLESS
 ISHAN, Khan Saheb G. A.
 JADHAV, Mr. B. V.
 JENNINGS, Major General W. E.
 KER, Mr. J. C.

LAWRENCE, The Honourable Mr. H. S.
 LOBY, Mr. F. B. P.
 MACNAGHTEN, Sir HENRY
 MANSURI, Khan Saheb A. M.
 MEAD, Mr. P. J.
 MEHTA, The Honourable Mr. C. V.
 MODI, Sardar Davar T. K.
 MOHOMED SALAHUDDIN K., Mr.
 MONTGOMERIE, Mr. A.
 MURPHY, Mr. S. J.
 NIMBALKAR, Mr. K. B.
 PARANJPYE, The Honourable Dr. R. P.
 PETT, Mr. JEHANGIR B.
 PRADHAN, Mr. M. W.
 PROES, Mr. E. M.
 RAHIMTOOLA, The Honourable Sir
 IBRAHIM.
 ROTHFELD, Mr. O.
 SETALVAD, The Honourable Sir
 CHIMANLAL.
 SHEPHERD, Mr. W. C.
 SHIRRAS, Mr. G. FINDLAY
 THOMAS, Mr. G. A.

Tellers for the Noes : Mr. A. MONTGOMERIE and Mr. M. W. PRADHAN.

Khan Bahadur D. B. COOPER (Satara District): Sir, my motion is :

"Omit item No. 107, establishment for extra temporary High Court Judge, Rs. 12,000."

The reason that is given for this item is that it is required in connection with an extra temporary Judge, High Court, whose appointment is to be created pending vesting jurisdiction in the subordinate court. Sir, it is not clearly understood as to what is the necessity for the creation of this post and, after hearing the Honourable the Home Member about this, I shall be in a better position to decide what attitude should be taken in regard to this item.

The Honourable Mr. M. H. W. HAYWARD: Mr. President, I understand the honourable member wants an explanation of the necessity of the extra High Court Judge. The item itself of an extra Judge is a non-votable item; so the only thing that is votable is the establishment required for him. I am glad of this opportunity, however, of explaining the need of a ninth High Court Judge. The Chief Justice has represented

[Mr. M. H. W. Hayward]

to us, indeed he has been representing to us for over a year or eighteen months past, the urgent necessity of increasing the staff of the Judges of the High Court. Arrears have been steadily increasing in spite of the great efforts that have been made by the Judges to reduce them and they have now risen to the awful number of some 5,000 suits, and it is impossible for any litigant to hope for his case to be brought forward within two years. That means, in a great many cases, there is practically a denial of justice. The Chief Justice has pressed us to give him two extra Judges, but with the money at our disposal we are asking him to carry on for the present with a ninth Judge only. We are doing this because we hope to bring forward a proposal later on for removing a certain number of petty cases, petty litigation, from the High Court to some subordinate court, either a city court or the small cause court by extending its powers. So at present we are merely asking for a ninth High Court Judge to relieve the great necessity of the litigating public of Bombay. This establishment, which is asked for, is the ordinary establishment required for a High Court Judge. It includes a deputy registrar, who is an officer of high standing, usually a barrister or an advocate, and the necessary clerks and peons. I may say the establishment of the High Court has been looked into and it is very difficult to reduce it. On the contrary, we have had representations from the Incorporated Law Society that for the ordinary work the establishment should be very much increased. We have so far resisted that demand. I do not think, however, we can resist this demand for the ordinary establishment of the extra ninth Judge.

Mr. C. M. GANDHI: If the appointment is temporary, why is the charge for the establishment shown as a recurring charge?

The Honourable Mr. M. H. W. HAYWARD: That is a misprint. It is at present a non-recurring charge. It will, however, in all probability have to be asked for again another year.

Mr. C. M. GANDHI: If it is now included as non-recurring, it may be corrected.

The Honourable Mr. M. H. W. HAYWARD: The necessary correction will be made, Sir.

Mr. C. M. GANDHI: I beg leave to withdraw the motion.

Question put and leave granted.

Rao Saheb D. P. DESAI (Kaira District): Sir, I move:

"That item No. 108, Grant of Karachi Local allowance to the establishment of Judicial Commissioner's Court in Sind, Rs. 7,635, be omitted."

Sir, I do not like the reasoning that is given in the remarks column. It is stated there that the Karachi local allowance is allowed to the establishment of the Small Causes Court, Karachi, and the Judicial Commissioner's establishment is denied this concession, and that consequently the Judicial Commissioner is finding difficulty in getting recruits. I think the local allowance to the Small Causes Court establishment should have been stopped on the very ground and the Small Causes Court should have been informed that as the Judicial Commissioner's

[Rao Saheb D. P. Desai]

establishment does not get it and there is a difficulty of getting recruits owing to this concession to the Small Causes Court the local allowance is discontinued. It is on this ground that I move for the omission of this item.

The Honourable Mr. M. H. W. HAYWARD: I should like to explain, Mr. President, that the Judicial Commissioner's establishment was revised before the question of these local allowances really was taken into consideration. They were revised strictly on the mofussil basis, so that they did not get the advantage of any allowance of extra cost in Karachi. The pay of the establishment of the Court of Small Causes was revised later on and the pay of other establishments also was considerably revised and they were all given the local allowances. So that, the position is that the only establishment which has not got this local allowance is the establishment of the Judicial Commissioner, while all other establishments in Karachi get the local allowances. The consequence is that when a clerk is appointed on the establishment of the Judicial Commissioner's Court he takes an early opportunity to leave that office and seeks for a post in the Small Causes Court, because he gets an additional allowance there. The result is that the Judicial Commissioner is practically unable to recruit clerks for his establishment and therefore it was thought necessary to put his clerks on the same footing with that of the other establishments in Karachi.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, the point that I wish to make is this that on page 89 it is suggested that the establishment of the Judicial Commissioner is paid a larger wage and does not correspond with that of the Small Causes Court as usual because the establishment of the Small Causes Court in Karachi cannot be expected to be on the same scale as the establishment of the High Court; so also the Judicial Commissioner's establishment must have been drawing higher salaries and the scale of their pay also must have been higher than that of the other establishments in Karachi. For instance, you will find at page 89 of the White Book the pay of the establishment of the Judicial Commissioner, namely, Deputy Registrars, Nazir, Deputy Nazir and clerks which amounts to Rs. 64,425. That would work out to Rs. 1,200 per head. On the other hand, turning to the establishment of the Small Causes Court it is much less. Therefore, the case of the local allowances of the Small Causes Court, they being lowly paid officials, I should think, is correct. They must not be on the same level as that of the Judicial Commissioner's Court. And, therefore, from that point of view they get a higher salary. If it is shown that they are equal and have the same educational qualifications or the same pay, then it is reasonable to give them the local allowance. But otherwise the case is dissimilar and they are certainly not entitled to local allowances simply because those class of officials who have to struggle on a less salary get the local allowances. I would like to get some more information on that point, as regards the pay which these clerks are given.

Mr. DIPCHAND T. OJHA (Karachi City): Sir, it is rather a mistake to think that the salaries of some of the staff in the Small Causes Court, Karachi, are very much lower than the salaries of the staff in the Judicial Commissioner's office. There are certain appointments on the Judicial Commissioner's establishment, the salaries of which are almost on a par with the salaries of a number of clerks in the Small Causes Court. The staff of the Small Causes Court get a local allowance and so they naturally get much more than the clerks in the Judicial Commissioner's office, and, as has been pointed out,—and rightly,—the Judicial Commissioner finds it very hard and difficult to get recruits to fill up the appointments in his office. But it must be remembered, Sir, the Honourable the Home Member will throw light on the matter and show that it has been intended to give the local allowances to only certain grades in the Judicial Commissioner's office. No doubt there are persons who are drawing salaries higher than those drawn by the staff of the Small Causes Court, but the holders of those posts are not going to get any local allowances. Local allowances are to be given only to those clerks who are not sufficiently well paid and not to others. But it must be remembered that this local allowance is not meant to be given wholesale to the Judicial Commissioner's establishment. Almost all the departments of Government in the province of Sind have been getting local allowances particularly in Karachi where living is very dear.

Rao Saheb D. P. DESAI: What about private emoluments?

Mr. DIPCHAND T. OJHA: Sir, so far as the question of private emoluments is concerned, it is possible that corruption may be going on, not only in the Court of the Judicial Commissioner, but in almost all the departments of Government, everywhere in the Presidency of Bombay (Laughter). But it is wrong to suppose that all members of the establishment are corrupt. Some may be and some may not be, and therefore there is no reason why for the sin of some others should suffer. Of course, corruption has to be put down, but, Sir, the mere assumption that corruption is going on should not be brought in against this demand for local allowance. When all the departments of Government, the Revenue, the Public Works and all other departments of the province are getting these local allowances, it is but proper that the Judicial Commissioner's establishment should also get the same. I therefore hope the motion for omission will be rejected by the House.

Mr. A. MONTGOMERIE: Mr. President, I can assure the honourable mover that all the offices in Karachi, including the Small Causes Court, get this Karachi local allowance although they are in the same grades as those of the clerks in the Judicial Commissioner's Court. The clerks in the Judicial Commissioner's Court are the only ones who do not get it. The note in the budget is unfortunately worded. This is what the Judicial Commissioner says in sending up his application for this allowance, that the starting pay in his office is only Rs. 40 and Rs. 30, whereas the starting pay in other offices including the Small Causes Court is Rs. 48 and Rs. 40, with the result that he is experiencing difficulty in getting recruits to join his office.

Rao Saheb D. P. DESAI : I beg leave to withdraw the motion.

Question put and leave granted.

Khan Bahadur D. B. COOPER (Satara District) : Sir, I beg to move :

"That item No. 109, page 168 of Blue Book, Establishment for extra Additional Judicial Commissioner in Sind, Rs. 3,280, be omitted."

I should like to know whether this expenditure is going to be a recurring one every year or whether it is going to be for the time being only.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I should like to explain that this is at present a non-recurring item. It is wrongly printed in this Blue Book, but I must warn the House that it is almost certainly going to be recurring in the future, but for the present it is non-recurring. I may say that the arrears in the Court of the Judicial Commissioner in Sind are perhaps even more awful than those in the High Court of Bombay. The extra Additional Judicial Commissioner comes under the non-voted head and this provision is merely for the ordinary establishment for an extra judge, namely, one sheristedar, four clerks, one naik and two peons. That is the ordinary establishment for a judge and at present it is down for six months only, but the Karachi Chamber of Commerce has been asking for a great deal more than this one extra judge and I must say we shall probably eventually have to let them have it.

(Mr. C. M. Gandhi made an observation which was inaudible.)

The Honourable Mr. M. H. W. HAYWARD: The need of this extra establishment is owing to the very large increase in the institution of suits, the details of which can probably be supplied to the honourable member for Surat by the honourable member for Karachi city.

Khan Bahadur D. B. COOPER : I beg leave to withdraw this motion.

Question put and leave granted.

Mr. G. C. BHATE (Kolaba District) : Sir, I beg to move :

"That item No. 110, page 168, Blue Book, Copying and Translation charges for the office of the Government Pleader, High Court, Bombay, Rs. 2,000, be omitted."

All the suits I know personally, are going to be compromised and therefore the hearing of the appeals will not be necessary. The matter is under consideration for months together but there are good signs that it will end in compromise. On page 87 of the White Book we find the total provided for copying and translation charges is Rs. 3,500 out of which for ordinary copying charges Rs. 1,500 has been put down and this sum of Rs. 2,000 is exclusively for khoti appeals, but, as the matter is under consideration and there is quite a likelihood that the suits will be compromised, I do not think that it is necessary that we should grant this sum at present. It is rather premature. In case no compromise is possible, then the charges can be defrayed from the reserve.

The Honourable Sir CHIMANLAL SETALVAD : I may explain, Sir, that the honourable member for Kolaba is asking the Council and Government to take a very great risk. He says that the appeals are likely to be compromised ; they may or may not be compromised, but Government

[Sir Chimanlal Setalvad]

have got to be ready for the hearing of the appeals. I believe they are all almost ready for hearing. Government cannot sit quiet and contemplate the possibility of a compromise which may or may not take place. The record is very voluminous, translations have got to be made of thousands of documents; some translations have already been made, and their copies have to be made ready for the hearing of the appeals. In fact a great proportion of this expenditure has already been incurred. I understand that some of the hearings are fixed for next month. You cannot possibly rely on the prospect of a compromise which may or may not materialise.

Mr. M. W. PRADHAN (Thana District): Mr. President, I beg to oppose this motion for the simple reason that translations in all appeals on board for hearing are generally got done through junior pleaders practising on the appellate side of the High Court, and, as a matter of fact, these translations are prepared some months before and they are distributed among these translators of the High Court. I fail to understand how such a motion could be brought here. Does the honourable member mean to say that the work which has been distributed among several translators should not be paid for, simply because the cases are going to be compromised at the eleventh hour or whatever the result of the cases may be? I do not understand the logic of such a motion and I hope the honourable House will not stultify itself by countenancing such a motion.

Mr. G. C. BHATE (Kolaba District): Mr. President, I would like to say that the last speaker knows very little about these appeals. The compromise is going on for months, I know. Last year we budgetted for Rs. 2,500 and not a pie is spent out of it because suits were going to be compromised in appeal. As, however, the probability is that a compromise will be effected, I think there is no need to sanction this amount. I know this personally because I was personally in the negotiations for the compromise. However, I do not press the point and I beg leave to withdraw my motion.

Question put and leave granted. --

Rao Bahadur R. M. NILKANTH (Ahmedabad District): Mr. President, I beg to move:

"That the provision for 1 Registrar to District Judges, Rs. 7,800, page 90, Civil Estimates, be omitted."

It was understood that Government had decided to discontinue the system of giving Registrars to District Judges.

In the last year's budget there was provision.....

The Honourable Mr. M. H. W. HAYWARD: It is a misprint, it has been printed in the wrong place, it is really the registrar to the court of Judicial Commissioner, but unfortunately it slipped down in here among the District Judges. I was surprised at it myself and had to make enquiries, and that is the explanation of the Secretariat.

Rao Bahadur R. M. NILKANTH: I beg leave to withdraw the motion.

Question put and leave granted.

[Rao Bahadur R. M. Nilkanth]

Question put :

"That the total demand of Rs. 58,71,000 under the head, 24, Administration of Justice be granted"

and agreed to

DEMAND UNDER 25, JAILS AND CONVICT SETTLEMENTS, Rs. 25,69,000.

The Honourable Mr. M. H. W. HAYWARD : Sir, I move for a grant of Rs. 25,69,000 under the head 25, Jails and Convict Settlements.

Rao Saheb HARILAL D. DESAI (Ahmedabad City) : Sir, I move :

"That the grant of Rs. 10,000 for the acquisition of land for the Criminal Settlement at Gadag and Hubli be omitted."

In the remarks column, Sir, it is stated that the land is required for latrines, playground and drains. I want to know whether, when land for the criminal tribes settlement was acquired, the necessity for providing latrines, playground and drains was not taken into consideration at all. Was there so much want of forethought as to forget these necessities? The further point is this. It is also stated in the remarks column that this extension is needed on account of the admission of Bellary Donga Dasars. These criminal tribes are from Madras, and the extension is necessary on account of their admission. I do not see why we should incur any expenditure on behalf of the Madras Government. It is the duty of the Madras Government to provide for it.

The Honourable Mr. M. H. W. HAYWARD : Sir, the honourable member will find it stated in the remarks column that there was a virulent outbreak of cholera in September last resulting in 60 attacks and 25 deaths in the Gadag Settlement. In the interest of the good sanitation of the settlement, the provision of additional latrines, drains and playground is necessary. The extension of the Hubli Settlement is due to the admission of 66 Bellary Donga Dasars. The Madras Government is going to pay us Rs. 25 per mensem in respect of the 66 Donga Dasars, so that we shall get back the money from the Madras Government.

Rao Saheb HARILAL D. DESAI : I ask for leave to withdraw my motion.

Question put and leave granted.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, I move :

"That item No. 112, grant of Rs. 1,320 per cent. in pay to non-I.M.S. officers in charge of central jails be omitted."

My object in moving this omission is this. This addition to the pay of these officers the Government will have to reconsider in the light of the Retrenchment Committee's report. Is it, therefore, wise and prudent either on the part of this House or the Government to sanction this increase at this stage? This may complicate matters in future and it may be difficult to adjust matters in future. At any rate, if the Government give this increase temporarily, I have no objection. If it is to be a permanent one, it is not right to sanction it at this stage.

The Honourable Mr. M. H. W. HAYWARD : The non-I.M.S. superintendents of jails have not had any improvement in their pay since

[Mr. M. H. W. Hayward]

1893, alone of officers in the Jail Department. The warders and jailors have had improvement in their salaries and so have all other officers in the department. I think, therefore, it is fair that this increase should be allowed. We ought to allow these men to get the increase as they have not had any increase, as I have already pointed out, since 1893. The proposals of the Retrenchment Committee will of course receive the careful consideration of the Government.

Rao Bahadur G. K. CHITALE : I shall not be satisfied unless I am assured that this increase will be temporary.

The Honourable Mr. M. H. W. HAYWARD : The column of remarks indicates the proposal is of a provisional nature.

Rao Bahadur G. K. CHITALE : I beg leave to withdraw the motion.
Question put and leave granted.

Rao Saheb HARILAL D. DESAI (Ahmedabad City) : Sir, I move :

“ That the grant of Rs. 1,24,000 for opening of Central Jail at Hindalgi be omitted.”

The note in the remarks column says that there is overcrowding in the jails of the Presidency and that it is necessary to relieve it. The case of overcrowding has to be proved. It is said that there were 12,000 prisoners in all the jails in 1921, whereas the accommodation was for 10,000 prisoners. May I inquire what was the total jail population in 1922 after several hundreds of prisoners were released under Government orders ? It is no use taking the numbers of unusual times as a basis for permanent increase in the jail accommodation.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I cannot give the exact figures of the numbers released, but I went recently into the question of the jail programme and I may mention for the honourable member's information that not only shall we require the central jail at Hindalgi, but we shall probably require another central jail in the Deccan. The average population, as has been stated in the note, has been over 12,000 prisoners, and though we hope to reduce this by continuing the scrutiny of sentences on the lines recommended in the Jails Committee's report, there seems no prospect of keeping the figure down to the existing accommodation in our prisons. But at present this accommodation is wholly insufficient and the new prison is very urgently needed. The jail is ready and the prisoners are also ready, and I think we ought not to keep them any longer out of their new home. I trust that this item will be passed by this Council.

Rao Saheb HARILAL D. DESAI : Sir, I beg to withdraw the motion.

Question put and leave granted.

The Honourable the PRESIDENT : We shall now proceed with the various motions for reduction of the total demand.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, the motion I beg to move is :

“ Reduce the total demand under head ‘ 25, Jails and Convict Settlements ’ (Rs. 25,69,000) by Rs. 25,000. ”

Sir, if the departments cannot reduce the demand even by Rs. 25,000, then it means that their calculations are perfect. I am sorry, Sir, that the report of the Visapur Jail Committee is not before us but I do say, Sir, that if the recommendations are divulged, they will show that a reduction is possible. Leaving that aside, I will now deal with one or two points which have come under my notice, and which the Honourable the Home Member may take cognizance of. Take the jail contracts. I find that in one Jail, namely, Visapur Jail, the same contractor has been supplying in one name or other for so many years. Although I do not say that there is anything in this, I do think that this is a matter which the Honourable the Home Member should take cognizance of. I do think that there is some scope for reducing jail expenditure in this respect and at the same time bettering the condition of the jail population in general.

Another thing that I want to bring to the notice of this House is that, our economy comes to this : that even though we are entitled to take hard labour from the prisoners, even in the hottest sun of Ahmednagar district in the open, we cannot allow them a towel to wipe off their sweat. I ask of the Honourable Member in charge, is it real economy, from the sanitary point of view, to refuse a man a towel when he is working in the hot sun ? This is economy running amuck. You must expect these people to sweat : in fact, Sir, I have myself seen them in perspiration. I hope that is a point which Members of the Government bench will appreciate.

Having regard to the criticisms, I hope the Government will agree to the cut of Rs. 25,000. I am sure that the Council would like to insist upon the reduction.

Mr. C. M. GANDHI (Surat City) : Sir, I support the motion. I only want to urge one point. Of course, I owe it to the courtesy of the Honourable the Home Member that I am now acting as a visitor in the sub jail at Surat. I speak from personal experience when I say that there is absolutely no reason for doing away with the old arrangement under which a clerk of Rs. 40 acted as a jail superintendent on an allowance of Rs. 10 per month, and for employing in that jail a substitute getting Rs. 100 or thereabouts. The total population of that jail never exceeds 20. They are merely under-trial prisoners. Of course, it was constructed on a more liberal scale and there is a set of about six rooms, and if the nazir of the civil court were given an allowance of Rs. 10 or Rs. 15 with free quarters to live in, he will be only too glad to do the duty which he is doing with regard to civil jail. As a matter of fact, for three years a clerk in the Revenue Department did that duty to the entire satisfaction of the public, so far as I am aware. There must be several sub-jails of that description, and it would be very easy to effect retrenchment without any loss of efficiency. I submit that if the Honourable the Home Member looks into all these matters, it would not be difficult to effect a retrenchment of Rs. 25,000.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Mr. President, with regard to the jail administration, I have to make certain observations. One of them is this, that the central jails are generally situated at great distances from the courts. In Ahmedabad the jail is at a distance of about four miles from the court, and the under-trial prisoners have to walk a distance of eight miles both ways in the sun in the hot season or in the rain. I had brought that point to the notice of Government by an interpellation, and later on by writing to the Honourable the Home Member, and a promise was made that means will be provided to avoid this hardship by providing a motor van when good times come. I think now we have really a good time; we have a surplus balance, and I think the Honourable the Home Member should have provided for such an item.

I have got a further grievance, and it is this, that the Mahomedan convicts are given animal diet once or twice a week, and this animal diet is cooked at the hands of low class Hindus. The very idea of taking mutton—that is our animal diet—at the hands of a Hindu is very repulsive to Mahomedans. In this connection, I would recount a personal experience. During war time, I had been to Simla with regard to certain contracts with the Munitions Board. I was staying in a Mahomedan hotel there, and since I did not find myself congenial to the animal diet, I went to a Hindu hotel. There, to my great surprise, I was served with a dish of animal food the very first thing, and the result was that I at once fell sick. I have been told, Sir, that Mahomedan convicts starve on the day they are served with this kind of food, and I hope that Government will instruct the jail authorities to cook this kind of food for Mahomedan convicts, at the hands of Mahomedan convicts themselves alone.

The third grievance, and it is an important one, is this. There are five times during the day when a Mahomedan is enjoined to offer up his prayers, whether he be well or sick, or travelling. It is a religious duty which a Mahomedan as a Moslem can never avoid. After due correspondence with Government, the Honourable the Home Member was kind enough to grant certain concessions to Mahomedan convicts, for which I am very thankful, and my Moslem brethren are also thankful to Government for the same. But, there is one great discrepancy, and it is this. Out of the prayers five times a day, the *zoharnamas* ought to be between half past one and half past three. Inspector General of Prisons has fixed the time of mid-day rest. I enquired of the superintendent of the jail at Ahmedabad what the time for mid-day rest was, and I was told that it was 12 o'clock. Sir, there is no such *namaz* at 12 o'clock in Islam and a *namaz* is *haram* if it is performed at 12 o'clock. Under the circumstances, I would like to see that these legitimate grievances are looked into at a very early date. With these remarks I resume my seat.

Mr. G. B. TRIVEDI (Thana District): Mr. President, the jail, it is said, should be a house of correction, and the jail administration should be run on such lines that when a man is sent to jail, by detention in the jail and by certain regular processes in the jail, he should return to society as a better man than when he entered jail. I am going to view

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the administration of jails from that point of view, with a view to proving that if the jail administration is run on those lines we shall have less expenditure on jails.

In the first place, the Inspector General of Prisons himself is not satisfied with the jail administration. He says that the superintendents, instead of taking advantage of the wholesome rule that they should talk to the prisoners and should explain to them that if they are of good behaviour while they are in jail, they will get certain remissions thus reducing their period of imprisonment, take to the other rule of punishing the prisoners for every little thing that they are guilty of. The most inhuman of these punishments is that of flogging. We thought, Sir, that in these civilised days flogging was confined only to absolutely irreconcilable prisoners, or persons who were beyond any possibility of being reclaimed, but we hear that educated people are being flogged—people who go to jail for holding certain opinions, who go to jail not for committing any robbery or pilfering or crimes of that sort, but in order to establish certain principles for which they are fighting and which they believe will not receive the attention of Government unless they seek imprisonment. I do not question their claim to go to jail and the Government's right to send them to jail. What I mean is that if these people are talked to in the way in which the Inspector General of Prisons says superintendents of jails ought to, they will find out their mistake, and may not seek imprisonment next time. Instead of that, for every little breach of jail rules they are flogged, and.....

The Honourable Mr. M. H. W. HAYWARD: No, no.

Mr. G. B. TRIVEDI: As my statement is challenged, I will give an instance. Recently, the secretary of the Mulshi Satyagraha Association has published a statement, and Government does not contradict that statement, that certain prisoners in Yeravda jail were flogged not because they refused to do the work that was given to them but because they could not finish it. If it is a wrong statement, why have not Government repudiated it, and so long as it is not repudiated it stands. Instead of improving the prisoners, as the Inspector General of Prisons says, the superintendents are turning out hardened people, who will be hardened against the jail administration. That will create more expenses for Government, and from that point of view as also from the humanitarian point of view, I plead that this may be put a stop to. Let us, for the moment, lay aside our political sentiments. As human beings, are we not interested in seeing that this inhuman punishment of flogging is administered only in very extreme cases, and not at least to people who go to jail for the first time? That is one thing. And to prove my point, the last Jail Report itself says that out of 30,000 criminals there were 20,000 cases of punishment for breaking the jail rules. Is that creditable to an administration which claims to be run on civilised lines?

The Honourable the PRESIDENT: The honourable member has had six minutes.

Mr. G. B. TRIVEDI: All right; then I resume my seat.

The Honourable Mr. M. H. W. HAYWARD: Mr. President, I should like first to refer to the complaint of my honourable friend from Ahmedabad that the prisoners had to walk in the sun from the Sabarmati jail to the courts. I fully realise that inconvenience to them and have been fortunate only the other day in obtaining a sum of money from the Finance Department in order to buy a motor van to take prisoners to and from the courts. These gentlemen will now have the luxury of travelling in a motor car from the prison to the court. I sympathise with him in his difficulties about kitchen arrangements. I assure him that, so far as possible, all such inconveniences are remedied in the jails. It is usual to have a separate kitchen for Mahomedans and a separate kitchen for Hindus and for other communities which require separate kitchens. So far as possible, every consideration is given to these prejudices of the different communities. If there are any instances in which this has not been done, I shall be much obliged to any honourable member of this House if he will bring them to my notice, so that they may be referred to the Inspector General of Prisons for enquiry and report. Similarly, everything is done which possibly can be done to meet the religious prejudices of the prisoners and I shall be grateful to members of this House, whether visitors of jails or not, if they bring to my notice any instances in which those scruples have not rigorously been respected by the superintendents of prisons or others, so that they may be brought to the notice of the Inspector General of Prisons and necessary action taken.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): What about the Johar mosque prayer for the Mahomedan prisoners? Will Government arrange to give them facility for saying that prayer?

The Honourable Mr. M. H. W. HAYWARD: I shall be very glad if the honourable member will write to me and state exactly the hour at which the prayer is to be said and the nature of the prayer. Then, I shall be glad to see what can be done in the matter. He will realise that without a clear statement it is difficult for me to realise or appreciate the particular difficulty of the Mahomedan prisoners in the matter.

I should like to refer next to the suggestion of the honourable member for Surat that subsidiary jails might be run at less expenditure. I should be very glad if that could be done and should be glad if he would let me have any proposals by which we could reduce that expenditure. At the same time, it is very important that subsidiary jails should be under proper supervision. I have seen the subsidiary jail at Surat—which I think the honourable member referred to—and I have also seen the subsidiary jail at Broach. My recollection is that the Surat subsidiary jail was well managed. On the other hand, the Broach subsidiary jail was in a very bad condition and I remember when inspecting the Broach jail it occurred to me that what was really required was a separate officer in charge. I found that the officer whose duty it was to look after the jail had other duties and he very seldom went there himself to see whether everything was in order.

Mr. C. M. GANDHI (Surat City): Does the Honourable the Home Member know that the Surat subsidiary jail was looked after by a revenue clerk?

The Honourable Mr. M. H. W. HAYWARD: I do not recollect when that was. That may have been so once. I am merely pointing out that the Broach subsidiary jail under a part-time officer was not well looked after, while the Surat subsidiary jail management under a full-time officer was at the time of my visit well done. I should be very glad if the expenditure could be reduced. I simply give honourable members a warning in the matter because it may not be feasible without deterioration in the management.

I should like, next, to refer to the criticism of the honourable member for Thana. I entirely agree with him that correction is the object to be aimed at in the administration of our prisons. But I cannot, I am afraid, agree with him that that can be done without expenditure of money. I wish that it could. We have before us several recommendations of the Jails Committee in that connection which include the building of special jails for those that have improved in conduct and the releasing of prisoners on probation under probationary officers and so on. Of course, that means extra buildings and extra officers. I do not see at present how we can carry out those recommendations of the Jails Committee without coming for more money to the Finance Department and this House. I may say, however, that the Jails Committee's recommendations are at present under consideration and, wherever possible, they will be given effect to at the earliest possible moment.

I should now like to refer to the honourable member's reference to the punishment of flogging in jails. I may say at once that that is the last and the ultimate punishment which is not inflicted save in the last resort and where it is absolutely essential for the maintenance of discipline in the prison. There were cases in the Yeravda jail where it was necessary recently to inflict it. But if the honourable member believes that that was merely because the daily tasks were not done, he is mistaken. It was because the non-violent behaviour of those prisoners was of so violent a nature that it endangered the discipline of the rest of the jail. If you have one or two prisoners who won't do their work, it does not very much matter. But if you have a combination of a large number of prisoners who refuse absolutely to obey any of the jail rules and who let it be well known in loud tones by the mass of other prisoners, it is almost impossible to maintain the discipline of the prison. Their shouts will be heard by other prisoners of bad character, who are only too ready to take advantage of any opportunity of creating trouble, and if you allow that sort of thing to go on, it means you will never be able to maintain the jail discipline, and when you have a prison including some 1,500 or 1,700 prisoners, many of them of the worst characters, men convicted of dacoities and murders, it is not safe to allow the discipline of the prison to be destroyed in this manner. If you do, the result will be an outbreak among the prisoners, the use of firearms and serious loss of life. So I want to assure honourable members it is only in the last resort, when no other means are open to the officers in charge of the prisons to maintain discipline, that they are forced much to their regret to have recourse to this last resort, this last and final punishment.

Mr. G. B. TRIVEDI (Thana District): May I know what other resorts...

The Honourable the PRESIDENT : Does the honourable member desire to interrupt the Home Member for the purpose of an explanation ?

Mr. G. B. TRIVEDI : Yes, Sir.

The Honourable the PRESIDENT : Very well ; that depends upon whether the Home Member would like to give way to the honourable member.

The Honourable Mr. M. H. W. HAYWARD : I have already given the explanation, Sir, but I would certainly like to give way to the honourable member.

Mr. G. B. TRIVEDI : The Honourable the Home Member stated that it was in the last resort in this case that flogging was resorted to. May I know what other resorts were adopted before this punishment was given ?

The Honourable Mr. M. H. W. HAYWARD : I may say that in the particular cases of these prisoners every single one of the various other punishments permitted by the rules had been inflicted by the superintendent of the prison.

I should now like to refer to the criticisms of a valuable nature by my honourable friend, the honourable member for Ahmednagar, and I desire to apologise to the House for the delay in the publication of the report of the committee that was appointed in the matter of Visapur. I have had a printed copy of that report in my hands for some time, and I was under the impression that it had been laid on the table of this House, and it is very much regretted that that has not been done. I understand there has been some mistake in the Secretariat, and I hope it will be as early as possible in the hands of honourable members. I gathered from him that we ought to be able to find some Rs. 25,000 by extra economy and he has said he supposes our calculations are not so perfect as not to permit us to find Rs. 25,000. My only fear, Sir, is that our calculations are imperfect on the other side and that it may be found that so far from being able to find another Rs. 25,000 we may have to come to this House at a later date to meet a deficiency of Rs. 25,000 in our calculations. I hope that won't be the case ; and I should much regret having to admit so serious an error. He himself indeed suggested that our economies and demands were rather too rigorous in the matter of towels. I do not think we are going to save another Rs. 25,000 by such economies. But there are, jesting apart, many valuable suggestions which will be looked into. I won't go here into the details of the report of the committee which is to be on the table beyond saying this that we are looking into the various suggestions made by the committee and are already issuing orders to carry out most of the suggestions which the committee has made to us such as reducing the number of prisoners to 1,200 in the Visapur gang, restricting them to those only who can properly be put to that sort of labour and stopping its use as a clearing house for prisoners from the neighbouring districts. We are also giving our anxious consideration to the recommendations with regard to the use of the bel-chain. The question is very largely one of expense. The prison has been there for about 30 years and it will only be there for another couple of years or so. The question is whether we can properly spend the

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necessary money to convert it into a safe prison. That would mean probably an extra recurring cost of some Rs. 50,000 on extra guards and an extra cost of Rs. 70,000 for building a regular compound wall. At present there is only a cactus hedge. I wish to point out that so far from saving Rs. 25,000 it will land us in considerable extra expenditure if we carry out all the recommendations made in that report. On the other hand, we are quite prepared, if necessary, to seek sanction for that extra expenditure from this House.

I submit, under all these circumstances it will be well if we were allowed even this extra Rs. 25,000 for the administration of the jails of this Presidency.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Mr. President, as this is a motion for reducing the total demand for jails and convict settlements, I desire, Sir, to take this opportunity of drawing the attention of Government to the rules recently published by them on the subject of the treatment of prisoners in jails. So far as they go, Sir, they are certainly an advance on the existing conditions; and, if I may be permitted to say so, have largely taken into account the feelings expressed in this House on this subject on a previous occasion. But, Mr. President, it will be observed by all those who have read these rules, that a distinction is sought to be made therein only between prisoners sentenced to simple imprisonment and prisoners sentenced to rigorous imprisonment, and that they do not make a distinction between ordinary and political prisoners, as was the intention and desire of the Council as expressed in so many words embodied in a resolution to the effect, passed at a previous session of this Council. It must be remembered by Government, Sir, that there is a very strong feeling prevalent throughout the Presidency on this question and that it is held very emphatically that political offenders ought to be treated in a manner different from the treatment extended to other prisoners whose offences indicate moral obliquity. It is a principle which has been accepted even by the Secretary of State and has already been given effect to by more than one provincial Government. I do not believe that this House will accept as final the imaginary grounds placed before it on a previous occasion by the Government as to the alleged impossibility of differentiating between political and other prisoners. The House know that if an honest and straightforward attempt is made to make a distinction such as the House wishes Government to make, it will be possible to do so. I do not, however, think it necessary for me to remind the Government at the present moment of the fact, that the Irish Government, for instance, has found out a method by which a difference is being made between political and other prisoners; and that it should not, therefore, be difficult for the Bombay Government to do likewise. A concrete suggestion to that effect has also been embodied in a well-reasoned representation that was sent to the Government, I believe, in July last, by the Deccan Sabha on this subject. All that this House wishes at the present moment is that those views, which are also the views of the whole Presidency, should be given effect to by the Government at a very early date. Their failure or unwill-

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ingness to do so, will cause very great dissatisfaction. The rules as they are at the present moment, as I have said already, go far enough for ordinary cases; but, political prisoners being condemned in a majority of cases in this country to rigorous imprisonment, the object which the people have in view is not being given effect to. In England, the position, as we are all aware, is very different; because political prisoners, as a rule, are sentenced only to simple imprisonment and therefore the rules that apply to prisoners of simple imprisonment apply to them. In this country, however, conditions are different; and it is the deliberate wish of the people that political prisoners whose offences do not imply any moral obliquity, should, first of all, be ordinarily sentenced to simple imprisonment only, and also placed on a different footing and treated accordingly. I beg to take this opportunity of drawing the most serious attention of Government to this point of view.

Then, Sir, another point to which I would like to draw the attention of Government, is that political prisoners under the existing rules are unnecessarily isolated from the rest of the prisoners,—a state under which it has been pointed out a very harmful effect is being produced upon their health and mental condition. If steps can be immediately taken to see that they are not isolated unnecessarily without impairing the discipline of the prisons, I do hope that the Honourable the Home Member will consider the advisability of removing what appears to me to be a very legitimate grievance.

About the question of flogging, I would like the Honourable the Home Member to tell the House whether flogging is a form of punishment which is still being ordinarily resorted to in other parts of the civilized world also; and, if so, under what circumstances, as there seems to be a feeling in the country that this mode of punishment is degrading in the extreme and exists only in this country. If it is not so, I think it will be in the interest of Government themselves and of the discipline of jail administration that a declaration to this effect should be made. If, however, this obsolete form of punishment does not exist in any other part of the civilised world, there is no reason why it should exist in India, and the sooner it is abolished, the better will it be for all concerned.

Mr. B. G. PAHALAJANI (Western Sind): Mr. President, I have before me a recent resolution of the Bombay Government in connection with the resolution passed by this Council on the 29th of July last in Poona. I really cannot understand why the Government took nearly ten months to make up their mind on a matter.....

The Honourable the PRESIDENT: I think I have already ruled that there is a distinction between a question of a general or large policy for which Government in its executive capacity is differentiated from its subordinate officers, such as these officers of the Jail Department. When questions of a large or general Government policy are to be raised, for which Government are responsible and for which Government can be hit through the Honourable Member in charge (in the present case, the Honourable the Home Member), you cannot raise a debate upon it unless the salary of the Member in charge is a votable item. That salary,

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in the present instance, is not upon the vote. Therefore, there can be no debate, but the treatment of the prisoners inside a jail is internal administration for which the officers of the jail are responsible and is therefore a matter on which a debate can be raised. But the question of how political prisoners ought to be treated is a question of general Government policy and therefore only attention may be called and that has already been done here during this debate. If there is something in addition to that to which the honourable member for Sukkur desires to call attention, that may be allowed. I cannot allow this discussion to drift into a debate upon that question.

Mr. B. G. PAHALAJANI: I shall respect your ruling, Sir, and will confine my remarks to the whole demand.

The Honourable the PRESIDENT: The debate is on the reduction of the total demand.

Mr. B. G. PAHALAJANI: The debate is only on the reduction, Sir.

The Honourable the PRESIDENT: The debate is upon the reduction of the total demand and not upon the reduction of a particular item. If it is a question of a larger and general policy such as the points referred to by the honourable member for Bombay, then only attention can be called, but no debate can be allowed.

Mr. B. G. PAHALAJANI: I take this opportunity of bringing to the notice of the Honourable the Home Member the grievances that still exist in the public mind, but I have no intention of in any way commenting upon any particular officer.....

The Honourable the PRESIDENT: The honourable member for Sukkur has every right to comment on the conduct of any of the officers subordinate to the Home Member who are connected with the organisation and administration of the jails. That certainly is within his right and in connection with a debate on a specific grievance or grievances of that kind he would be perfectly entitled to ask for a reduction of the salary of that particular officer.

Mr. B. G. PAHALAJANI: What I wish to bring to the notice of the Honourable the Home Member and the Council is that the resolution of this Council passed on the 29th of July last was a resolution which recommended to the Government (which resolution was passed by 31 for and 30 against, which 30 included 20 officials who had one mind so far as Government were concerned) that prisoners convicted for offences not involving violence or abetment of violence should be treated as political prisoners are treated, namely, as first class prisoners. But the present resolution of the Home Department dated 26th February 1923 altogether ignores exactly in the same way and exactly in the same direction the very existence of political prisoners. I really believe that the Government are trying.....

The Honourable the PRESIDENT: I am afraid now it is going into a debate instead of merely calling attention to the conduct of Government in issuing the resolution. The honourable member is not without his

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remedy if he will pursue the proper and constitutional course open to him. For instance, there is already a Government resolution on this subject. If the honourable member thinks that the resolution in question has not gone far enough and if he thinks that the Standing Orders prevent any member of this Council from bringing forward any other resolution upon the same subject for a year, then the proper course for him would be this, if he will take my advice. If he finds that any political prisoner has been treated badly, it will be open to him to use the remedy by way of an adjournment motion as a definite matter of urgent public importance. This is a supply debate on votable demands only.

Mr. B. G. PAHALAJANI: I am merely making a request to the Honourable the Home Member to change the resolution that has been printed in the *Bombay Government Gazette*. What I want to bring to the notice of the Honourable the Home Member is this, that we want him to recognise the existence of the words "political prisoners". We want the Honourable the Home Member to arrange that political prisoners are treated as first class simple imprisonment prisoners....

The Honourable the PRESIDENT: That you can do by moving an adjournment motion on an appropriate occasion under the Standing Orders.

Mr. B. G. PAHALAJANI: The prisoners convicted.....

The Honourable the PRESIDENT: It is within the competence of the Government, under the Criminal Procedure Code, to soften the imprisonment by changing rigorous imprisonment into simple.

Mr. B. G. PAHALAJANI: I do not follow, Sir.

The Honourable the PRESIDENT: The honourable member by raising this question of Government policy is raising a debate now upon a point which is out of order as it can arise only on the question of the Home Member's salary, which, however, is non-votable. He can raise it only by a substantive motion in the way I have pointed out under our Rules and Standing Orders.

Mr. KANJI DWARKADAS: Sir, I take this opportunity of drawing the attention of the Government to a serious statement by the Inspector General of Prisons in his last Administration Report. After saying that the number of juveniles admitted into the jails had increased, the Inspector General proceeds to say: "I must protest here against the sentences imposed by magistrates on young boys and girls. He gives instances of young boys and girls of 11, 12, 13, or 14 at the most who were sentenced to rigorous imprisonment for 15 days and more. The Inspector General then gives a few instances, e.g.,

Girls

| Age. | | | Sentence. |
|------|----|----|----------------------------------|
| 11 | .. | .. | 15 days' R. I. |
| 12 | .. | .. | Fine of Rs. 50 or 14 days, S. I. |
| 13 | .. | .. | 7 days' R. I. |
| 12 | .. | .. | 1 month's R. I., etc. |

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| Age. | Boys. | | Sentence. |
|------|-------|----|---------------------------------------|
| 14 | .. | .. | 10 days' R. I. |
| 12 | .. | .. | Fine of Rs. 15 or 7 days' R. I. |
| 11 | .. | .. | 7 days' R. I. |
| 10 | .. | .. | Fine of Rs. 15 or 7 days' S. I., etc. |

Continues the Inspector General :

"It will be seen that the ages were 14 and under. In only four were there any previous convictions and then only one in each case.

I have only picked out those under one month as being the most glaring cases.

If magistrates are compelled by law to give these sentences it is a strong argument that the law should be amended without delay."

I want to bring this to the notice of the Government so that they may take immediate action on this most important question.

Dewan Bahadur K. R. GODBOLE (Poona District): Sir, I have got a suggestion to make with regard to criminal settlements. These settlements are for the reclamation of the criminal population of the Presidency. The suggestion I want to throw out is that wherever there are public bodies that are likely to come forward to take up such reclamation work in their hands—bodies like the Seva Sadan, Servants of India Society, and Social Service League.....

The Honourable the PRESIDENT: Have not we gone through the item of criminal tribes settlement?

The Honourable Mr. M. H. W. HAYWARD: The motion that we discussed was in connection with the Hubli and Gadag criminal settlements.

Dewan Bahadur K. R. GODBOLE: Wherever there are public bodies existing in the Presidency that are willing to do social work of this description, the Honourable the Home Member would do well to allow them to do this work of reclamation, subsidies being paid to them in proportion to the number of criminal families reclaimed.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, I am sorry I cannot find my way to request the House to allow me to withdraw the motion. According to the statistics supplied, there should be an easy reduction of Rs. 25,000 in a total expenditure of Rs. 27,49,000. This could be saved by reducing in dietary charges. The prices of grain have considerably fallen and the proposed reduction is not in proportion to the fall of prices unless contracts are given in advance for a number of years. Even if Government say that they are bound by contracts, surely the rates must have been reduced and there should be a saving of not only Rs. 25,000 but at least one lakh of rupees. I throw out a suggestion. The price of staple food supplied in jails has fallen and in consequence the total demand could be easily reduced. This is a clear case of saving of Rs. 25,000.

Another point which has come out in this discussion is this. I find at present we are having a dearer agency for our jails.

The Honourable the PRESIDENT: The honourable member is supplying additional matter.

Rao Bahadur G. K. CHITALE : I am replying to arguments already used.

The Honourable the PRESIDENT : I beg the honourable member's pardon then.

Rao Bahadur G. K. CHITALE : That agency is now being supplanted by a reserve of deputy jailors who are paid a higher salary ranging from Rs. 60 to Rs. 100. I know that in my own district we used to have clerks on Rs. 40 and Rs. 50 to act, and mamlatdars used to be superintendents. Under these circumstances, Sir, the House will see that a reduction of Rs. 25,000 is perfectly feasible.

I am certainly obliged to the Honourable the Home Member for the reforms initiated during the last six months on the lines of the Jails Committee's report.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, now that the matter has been fully debated, with the indulgence of the House I should like to refer first to the suggestion made by the honourable member for Poona district with regard to the criminal tribes settlements. I may say at once that we shall always welcome help from any private bodies in this matter of reformation of criminal tribes. I may say that we have already accepted help from several of these bodies. The Salvation Army, for instance, is now running a reformatory school for boys in Byculla. They also have a released prisoners' home at Byculla. The reformatory school at Matunga is also a privately managed institution known by the name of its founder the David Sassoon Reformatory. A small criminal tribes settlement has recently been undertaken entirely at their own expense by a mill at Kurla to provide for some of the criminal tribes of Bombay. We have also been approached by the Depressed Classes Association of Poona, and we shall be very glad if we secure their help and get them to take up some of this very valuable work. We have also received valuable help from a retired officer who is working personally in Bijapur and we have received help for many years from the missions in Sholapur. So that, we have already received very valuable help both from private associations and private individuals, and we shall very much welcome any further help of this nature on behalf of the criminal tribes of the Presidency. --

I should like next to refer to the question of juvenile prisoners brought to notice by the honourable nominated member for Labour. I may mention for his information that the matter has already attracted our attention and steps are being taken to bring it to the magistrate's notice through the High Court.

I will next deal with the question of diet, raised by the honourable member for Nagar. A special officer, Lt-Col. Stewart of the Indian Medical Service, was put on special duty to enquire into the matter of diet and report whether we could not save money on diet. He has submitted a very valuable report and given us valuable suggestions, and we hope to carry them out and reduce the cost of diet of prisoners. I may mention that the contracts now are not given out for the whole year : we have given them out only for three months in the hope of realising better rates later on. A further report has been called on the

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whole matter from the Inspector General. I should like here to refer honourable members to page 95 of the Civil Estimates, from which they will see that the dietary charges in 1921-22 came to Rs. 13,17,000; in 1922-23 they were reduced to Rs. 11,50,000; and that the budget estimate for 1923-24 is only Rs. 10,35,000. I submit, Sir, that this is a very valuable decrease coming to more than 3½ lakhs of rupees. I submit that in view of that decrease honourable members should be satisfied that we are doing our very best to reduce the dietary charges. And I do not think, on the other hand, that it would be safe to cut the grant by another Rs. 25,000.

I should like to acknowledge the remarks of my honourable friend, the member for the Millowners' Association, with regard to the new rules for the special treatment of prisoners under simple imprisonment. The rules, as everybody reading them will see, are a very great advance on the previous rules on the subject. It is true that they do not include a definition of political prisoners. I won't discuss that debatable and difficult point any further, but I submit that the difficulty has been fairly and satisfactorily overcome by describing the prisoners eligible for special treatment as prisoners to be selected according to their status, their education and the nature of the offence. That would probably include any respectable person intended under the term "political prisoner." It is really a much wider definition.

Mr. C. M. GANDHI : What about rigorous imprisonment ?

The Honourable Mr. M. H. W. HAYWARD : With regard to rigorous imprisonment, I point out this : that after a person is sentenced to rigorous imprisonment, it is always open to the local Government to commute his sentence to simple imprisonment, and that will always be done in proper cases, and, if necessary, to bring him under the class entitled to treatment in a separate division. So, there is the power with the local Government. If anybody is sentenced to rigorous imprisonment, it will be open to us to commute his sentence in proper cases to simple imprisonment and select him for treatment in a separate division.

Mr. C. M. GANDHI : May I point out to the Honourable the Home Member, that the rule says "Any Court sentencing an offender to simple imprisonment is at liberty to recommend..... ?"

The Honourable Mr. M. H. W. HAYWARD : The honourable member will see further on that recommendations can also be made by District Magistrates, superintendents of jails, and the Inspector General of Prisons. However, it is obvious that Government can do that, and that they will do it in proper cases. There is one further point about this, and that is that the rules have been published in consultation with and under the orders of the Government of India, so that it is not entirely open to us to choose the exact phraseology of our rules. We are to a certain extent bound by the Government of India who have powers of control with regard to our rules under the Prisons Act, and the Government of

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India in this particular case have exercised their powers in order to secure uniformity of treatment in the different provinces of India.

Question put and lost.

Question put :

" That the total demand for Rs. 25,69,000 under 25, Jails and Convict Settlements be granted."

and agreed to.

The Honourable the PRESIDENT: Before the House adjourns, I have to announce that the committee on the amendment of Standing Orders will meet at 1 o'clock to-morrow.

The Honourable Mr. H. S. LAWRENCE: To-morrow the supplementary estimates may be taken at the opening, before taking up the budget.

The Honourable the PRESIDENT: Government announce that, in virtue of the power they have under the Standing Orders of arranging their own business, to-morrow the first business will be supplementary estimates.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): May I submit that if the supplementary estimates can be taken up within the twelve days allotted for demands for grants, that is rather lessening the period for demands for grants? The supplementary estimates can be taken at the end. To take them up to-morrow is rather encroaching upon the rights of non-official members.

The Honourable the PRESIDENT: The programme of business of which notice was sent by Government says "Demands for grants" which includes supplementary grants.

Rao Saheb HARILAL D. DESAI: They are covered by separate rules.

The Honourable the PRESIDENT: That is only for purposes of discussion. When a supplementary grant is discussed, the general policy cannot be gone into. As far as the connotation of the term goes, both of them come from the same source.

Mr. C. M. GANDHI: May I point out that when His Excellency, under his prerogative, fixed the number of days for demands for grants, supplementary grants were not in contemplation?

Rao Bahadur R. R. KALE: Supplementary grants relate to the current year, but the ordinary demands for grants relate to the next year.

The Honourable the PRESIDENT: That has nothing to do with the question as to whether supplementary estimates can be taken during the time allotted for demands for grants. Government, under the Standing Orders, can arrange their business in any way they like, and it is not within my power to interfere.

Mr. B. G. PAHALAJANI: His Excellency has fixed twelve days for the demands for grants. There are two sets of rules, one for ordinary demand for grants and the other for supplementary grants. His Excellency has fixed the time for the ordinary demands for grants, and the time for the supplementary grants will have to be fixed separately.

Mr. JEHANGIR B. PETIT : You yourself ruled that a supplementary grant can only be a grant which was not under contemplation when the budget was framed.

The Honourable the PRESIDENT : That does not touch the question.

Mr. JEHANGIR B. PETIT : The time now fixed is for ordinary demands for grants.

The Honourable the PRESIDENT : The agenda submitted to His Excellency for the purpose of allotting the days for demands for grants, under the Rules, distinctly mentioned as separate items : the Demands for Grants and the Supplementary Estimates. He made no distinction, however, between the two kinds of grants. Twelve days were allotted for demands for grants in general. "Demands for grants" is the main head covering both as sub-heads, namely, the main demands and the supplementary grants. That is the correct interpretation. Although that is the case, and I have no power to interfere, I leave it to the Government to take the sense of the House into consideration in regard to this.

The Honourable Sir IBRAHIM RAHIMTOOLA : If the only objection that honourable members have to discussing the supplementary grants to-morrow is that it will encroach upon the time allowed for the discussion of the budget, then there is a simple remedy. The Council can meet earlier on one of these days and thus make up for the time.

The Honourable the PRESIDENT : I think that may be done.

Sir HENRY MACNAGHTEN : May we not have an all-night sitting, Sir ?

The Honourable Sir IBRAHIM RAHIMTOOLA : May I suggest that the supplementary items be taken to-morrow the first thing ? We will then know how much time has been taken up and then we will try to make it up by meeting earlier the next day.

The Honourable the PRESIDENT : I think we may arrange it that way. As for all night sittings, India is not England.

The Council is adjourned to 2 p.m. to-morrow, Wednesday the 7th March 1923.

Wednesday, the 7th March 1923.

The Council re-assembled at the Town Hall, Bombay, on Wednesday the 7th March 1923, at 2 p.m., the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

Present :

ABDUL KADIR KHAN ABDUL AZIZ KHAN, Mr.
 ADDYMAN, Mr. J.
 ADHAV, Mr. P. N.
 BATLIWALA, Dr. S. S.
 BEDREKAR, Khan Bahadur I. M.
 BHATE, Mr. G. C.
 BHUTTO, Khan Bahadur S. N.
 BOLE, Mr. S. K.
 BULLOCKE, Mr. A. GREVILLE
 CADELL, Mr. P. R.
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. F.
 COCKE, Mr. H. G.
 DABHOLKAR, Mr. V. A.
 DADACHANJI, Dr. K. E.
 DALAL, Sardar Khan Bahadur ADARJI M.
 DALAL, Mr. D. B.
 DESAI, Rao Saheb HARILAL D.
 DESAI, Rao Saheb DADUBHAI P.
 DRAKHAN, WADERO MAHOMED PANAH
 DUBHASHE, Mr. SHANKAR BALKRISHNA
 DUMASIA, Mr. NAOROJI M.
 DWARKADAS, Mr. KANJI
 FERNANDES, Major C.
 FERREIRA, Mr. D. J.
 GANDHI, Mr. C. M.
 GAYASUDDIN JAUDDIN, Mr.
 GHOLAP, Mr. D. D.
 GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH
 GODAD, Khan Saheb ABDULLA AVJAL
 GODBOLE, Dewan Bahadur K. R.

GULAMHUSEN, Mr. SULTANALI SALEMANJI
 GUPTA, Mr. V. R.
 HAJI, Mr. IBRAHIM S.
 HAJI KHAMISO GUL MAHOMED, Mr.
 HALKATI, Rao Saheb PHAKIRAPPA GURUBASAPPA
 HAVELIVALA, Mr. M. A.
 HAYWARD, The Hon'ble Mr. M. H. W.
 HEPPER, Sir LAWLESS
 HULKOTI, Mr. CHANNAPPA CHANVIRAPPA
 ISRAN, Khan Saheb G. A.
 JADHAV, Mr. B. V.
 JENNINGS, Major-General W. E.
 KALE, Rao Bahadur R. R.
 KASSIM, Mr. G. H.
 KER, Mr. J. C.
 LALBHAI AMBARAM, Mr.
 LALJI NARANJI, Mr.
 LAWRENCE, The Hon'ble Mr. H. S.
 LIGADE, Mr. S. P.
 LORY, Mr. F. B. P.
 MACNAGHTEN, Sir HENRY
 MANSURI, Khan Saheb A. M.
 MEAD, Mr. P. J.
 MEHTA, The Hon'ble Mr. C. V.
 MODI, Sardar Davar T. K.
 MOHOMED SALAHUDDIN K., Mr.
 MONTGOMERIE, Mr. A.
 MURPHY, Mr. S. J.
 MUTALIK, Sardar V. N.
 NILKANTH, Rao Bahadur R. M.
 NIMBALKAR, Mr. K. B.
 OJHA, Mr. DIPCHAND T.
 PAHALAJANI, Mr. B. G.
 PARANJPYE, The Hon'ble Dr. R. P.
 PARULEKAR, Rao Saheb L. V.
 PATEL, Mr. B. P.
 PATEL, Mr. J. B.
 PAWAR, Shrimant J. A.
 PETIT, Mr. JEHANGIR B.

PRADHAN, Mr. M. W.

PROES, Mr. E. M.

RAHIMTOOLA, The Hon'ble Sir IBRAHIM

ROTHFELD, Mr. O.

SAHERWALA, Khan Saheb I. A.

SETALVAD, The Hon'ble Sir CHIMANLAL

SHEPHERD, Mr. W. C.

SHIRRAS, Mr. G. FINDLAY

THOMAS, Mr. G. A.

VICHARE, Rao Bahadur D. A.

WOODS, Mr. E. E.

The Honourable the PRESIDENT: Order, order. Supplementary grants.

SUPPLEMENTARY ESTIMATES.

Refund of the grant-in-aid of Rs. 1,50,000 from the Indian Research Fund Association and Rs. 50,000 from the Government of India for the establishment of the proposed School of Tropical Medicine in Bombay.

The Honourable Dr. R. P. PARANJPYE: Sir, I move

“That a grant of Rs. 2,00,000 be made under head 32, Medical.”

The Indian Research Fund Association had given a grant-in-aid of Rs. 1,50,000, and the Government of India had given Rs. 50,000 for the proposed school of tropical medicine at Bombay. As the proposal has now been given up, the amount has to be refunded.

Dr. S. S. BATLIWALA (Bombay City, North): Sir, it is a matter for regret that the proposal for the establishment of school of tropical medicine at Bombay has been abandoned. It will be worth while knowing how far our representation made to the Imperial Government about it has fructified. Bombay is the gateway of India, therefore a school of tropical medicine could be appropriately located in Bombay; we have here a big laboratory, a huge building specially constructed for that purpose at immense cost. If you remember, Sir, I had moved a resolution on this subject in the past; and the Government, I understand, made some representation to the Government of India. We are not aware of the result of that representation. I hope the Honourable Minister will enlighten us on the point.

The Honourable Dr. R. P. PARANJPYE: Representation was made to the Government of India but they refused to grant our request.

Dr. S. S. BATLIWALA: Have they assigned any reasons for it?

The Honourable Dr. R. P. PARANJPYE: They have not assigned any reason for it. Perhaps they might have thought that they themselves find it difficult to start a school at Delhi.....

Dr. S. S. BATLIWALA: Has any new building been constructed?

The Honourable Dr. R. P. PARANJPYE : No.

Question put and agreed to.

Supplementary grant of Rs. 3,92,135, for conversion of the Sangam Bridge into a public road bridge.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir, I move

“ That a supplementary grant of Rs. 3,92,135 be made under 41, Civil Works. ”

Rao Saheb HARILAL D. DESAI (Ahmedabad City) : Sir, it would appear from the note that it was proposed to construct a new railway bridge in place of the old Sangam bridge and to convert the Sangam bridge into a public road bridge. This, however, was not accepted by Government.

The Honourable the PRESIDENT : May I point out to the honourable member that if he is discussing the policy of the original vote, which has already been determined in the main budget, he cannot go into the question. He can only discuss the question of necessity for this supplementary grant on the principle and basis of the policy accepted by the Council on the main estimate, to which this is supplementary.

Rao Saheb HARILAL D. DESAI : On the main budget nothing has been accepted. It is a new demand altogether.

The Honourable Sir IBRAHIM RAHIMTOOLA : That is a new demand, Sir.

The Honourable the PRESIDENT : Then the honourable member is in order in discussing the general policy of the demand.

Rao Saheb HARILAL D. DESAI : After the Government refused to accept the proposal, the company was allowed to construct the bridge upstream. A committee was then appointed and the Government consented to the recommendation of the committee that the Railway Company should give up their existing bridge for road traffic, that they should stop work on the new bridge upstream, and build a new bridge down the stream and the Government consented to bear the cost of the construction of the downstream work. I am inclined to enquire who that expert was that advised Government to allow the upstream bridge in the first instance and afterwards to reject it and to recommend one down the stream so that the construction of the bridge upstream had to be paid for by Government. I want to have a full explanation on the matter.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir, even before 1918 the proposal was made to take over the old bridge as a public road bridge. But Government did not agree to that. Then came the Poona town planning scheme and the Consulting Surveyor said that the bridge upstream, if built, would interfere with public traffic and recommended the conversion of the old bridge and the shifting of the new bridge on the downstream side. A committee was appointed by Government and that committee advised that it was in the interests of public traffic that the bridge should be built on the downstream side. The bridge belonged to the railway, and they would not give up their scheme unless Government compensated them. That is why the railway

[Khan Bahadur Shaikh Ghulam Hussain]

company has to be paid for the old bridge and also the cost of reproducing the new bridge on the downstream side.

Question put and agreed to.

Supplementary grant of Rs. 3,000 for purchase of a portrait of His Royal Highness the Duke of Connaught for Government House, Bombay.

The Honourable Mr. H. S. LAWRENCE : Mr. President, I rise to ask that a sum of Rs. 3,000 be transferred from 47, Miscellaneous to 22, General Administration, for the purpose stated in the note, that is, the purchase of a portrait of His Royal Highness the Duke of Connaught. When His Royal Highness was in India he expressed a wish that in memory of his connection with this Presidency, his portrait should be put up in the Government House. The cost of the portrait is Rs. 3,000.

Question put and agreed to.

Supplementary grant of Rs. 9,000 to meet increased cost for section work, lighting charges, etc., in the High Court.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I propose a re-appropriation of Rs. 9,000 to meet the increased charge for electric lights and section work in the High Court.

Question put and agreed to.

Supplementary grant of Rs. 16,000 for fees in civil cases in the mofussil.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I rise to move for a re-appropriation of Rs. 16,000 for fees in civil cases in the mofussil.

Question put and agreed to.

Supplementary grant of Rs. 12,000 to meet salary of Professor Fairley Hamilton deputed on special duty to carry out research work.

The Honourable Dr. R. P. PARANJPYE : Sir, I beg to move for a grant of Rs. 12,000 for the object mentioned in the note. As honourable members know, Dr. Fairley Hamilton was appointed Professor of Clinical Medicine at the proposed school of tropical medicine ; but when he came here the scheme was given up and Dr. Fairley Hamilton was stranded. Therefore he has been kept on for doing special work in the Bacteriological Laboratory. This is for the purpose of meeting his salary.

Dr. S. S. BATLIWALA (Bombay City, North) : Sir, Professor Fairley Hamilton was brought down under the terms of an agreement made between him and the Secretary of State, that the professor should serve here as a clinical professor in the School of Tropical Medicine, for a period of three or five years. It so happened, Sir, that the scheme of starting a school of tropical medicine in Bombay was given up, on account of the Government of India not sanctioning grants. Professor Fairley Hamilton, I am informed, when he was served by the Government of Bombay with three months' notice, insisted on his being paid for as many years as the contract had to run, because he had come down to India on an express understanding that his services would be retained for three or five years. In answer to a question put by me during the session previous to the last, we were told that the Government of Bombay were not legally bound to

[Dr. S. S. Batliwala]

retain the services of Professor Fairley Hamilton for three years, but it was felt at the same time, that some blunder had been made by the agent of the Government of Bombay, that is, the Secretary of State by not advertising in England for the post in the form required by the Government of Bombay. If that is what the Bombay Government have to urge, I should like to know whether they have asked the Secretary of State to credit the Bombay Government with the amount of the salary of Professor Hamilton whom the Government are forced to retain as a Civil Surgeon for the period of his agreement. Surely, Sir, if the Bombay Government had expressly asked the Secretary of State to advertise for a professor to serve on certain conditions and whilst advertising, the Secretary of State did not care to put in those conditions in the advertisement, namely, that the incumbent of the post will be liable to be dismissed after three months' notice, I think the Government of Bombay is not liable to pay the money. I do not for a moment say that Professor Fairley Hamilton ought not to be classed as a Civil Surgeon. I verily believe that he has a very strong case on his side, because on the understanding that the Government of Bombay wanted his services, he sold off all his goods, he resigned his service and came down to Bombay to take the job. If that be so, I do not blame him for claiming his salary for three years as per his agreement. But what I would like to know is whether the Bombay Government could not get the amount from the Secretary of State, because the mistake was on his side and not on that of the Government of Bombay. I would like to have an explanation on this subject.

The Honourable Dr. R. P. PARANJPYE: Mr. President, it is quite true that when the Bombay Government asked the Secretary of State to recruit the services of a professor they expressly mentioned in their letter that the appointment was to be terminable at six months' notice; but when the advertisement was given, in that advertisement this condition was omitted. And we have written to the Government of India to find out whose responsibility it really is, and we have not yet heard from the Government of India on the matter. We hope the Government of India will accept the responsibility for this, but during the time this responsibility is being fixed we cannot keep Professor Fairley Hamilton without paying him. We must pay him, and therefore we are asking for this grant. It is certainly a mistake, but so far as we can see, our case is quite clear that finally we cannot be expected to be responsible for paying this, and the Government of India should finally accept their responsibility. But still, as things stand at present, this case is a very hard case indeed. Professor Fairley Hamilton did not sell his kith and kin as slavery is not prevalent in Australia, but he sold all his lands in Australia and gave up all his prospects there in order to come over here. Therefore it is a very hard case and the Government of Bombay think that it is necessary for them to pay him until at any rate another suitable job is found for him. The Government of Bombay is trying their best to find out another job in India for Professor Fairley Hamilton and we hope our attempts will prove successful. But I cannot say anything at present.

Dr. S. S. BATLIWALA : It was a slip of my tongue, Sir, when I said 'kith and kin'.

Question put and agreed to.

Supplementary grant of Rs. 3,000 for subsidy to District Local Board, Thar Parkar, on account of a Chief Officer.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Mr. President, I ask for a supplementary grant of Rs. 3,000 by way of re-appropriation from 33, Public Health, to 47, Miscellaneous. This is meant to give the district local board of Thar Parkar a subsidy on account of the appointment of a Chief Officer.

Question put and agreed to.

Supplementary grant of Rs. 19,500 for cash allowances to district and village officers in connection with land revenue.

The Honourable Sir IBRAHIM RAHIMTOOLA : Mr. President, I rise to ask for a re-appropriation grant of Rs. 19,500. This is due to the additional grant to meet charges on account of cash allowances debitable to "5, Land Revenue—Land Records—Allowances to District and Village Officers" for the year 1922-23. Full explanation as to the reasons why the demand is made is given in the papers.

Question put and agreed to.

Supplementary grant of Rs. 25,000 for a second lift in the Small Cause Court building, Bombay.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I ask for a grant of Rs. 25,000, by way of re-appropriation, which is absolutely necessary for a second lift for the Court of Small Causes, Bombay.

Question put and agreed to.

Supplementary grant of Rs. 1,700 for entertainment of establishment for administration of Bombay Entertainments Duty Act.

The Honourable Sir IBRAHIM RAHIMTOOLA : Mr. President, I rise to ask for a supplementary grant of Rs. 1,700. The amount is required for the entertainment of establishment for the administration of the Bombay Entertainments Duty Act.

Question put and agreed to.

Supplementary grant of Rs. 22,990 for water storage tank for the dock police lines, for making additions and alterations at Girgaum cattle pound, and for construction of certain miscellaneous conveniences at a police station.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I ask for a grant of Rs. 22,990 by way of re-appropriation for water-supply to the dock police lines, Bombay, and certain other purposes mentioned in the papers.

Question put and agreed to.

Supplementary grant of Rs. 7,804 for establishment and other charges of the office of the Provincial Secretary, Bombay Boy Scouts' Council.

The Honourable Dr. R. P. PARANJPYE : Mr. President, I ask for a grant of Rs. 7,804 by re-appropriation. This is only a mere formal motion for the transfer of this amount from the non-voted portion to the

[Dr. R. P. Paranjpye]

voted portion of the grant under 31, Education. It is due to a mistake or oversight in the Accountant General's office.

Question put and agreed to.

Supplementary grant of Rs. 12,583 for additional grant-in-aid to the Medical School, Hyderabad.

The Honourable Dr. R. P. PARANJPYE: Mr. President, I ask for a grant of Rs. 12,583 for the purpose of an additional grant-in-aid to the medical school at Hyderabad. The medical school at Hyderabad, Mr. President, is really in a very bad way. It is not entirely a Government school; it was built and is being conducted partly out of a certain private donation. But that donation is not at all enough and the whole management is practically in the hands of Government. In fact, we have gone into the financial position of this school very carefully and it appears we have either to end it or mend it, but we cannot go on in that manner. It is, therefore, considered necessary to give this additional grant-in-aid this year.

Question put and agreed to.

Supplementary grant of Rs. 30,000 for improvement of the breeds of cattle in Sind.

The Honourable Mr. C. V. MEHTA: Mr. President, I ask for a grant of Rs. 30,000 by re-appropriation from 47, Miscellaneous, to 34, Agriculture. This sum of money is required for the purpose of improving the breeds of cattle in Sind, by the expansion of the cattle breeding farm at Karchi. Different amounts have been sanctioned as shown in the printed statement and these amounts have been arrived at on the recommendation of an expert committee which considered this matter in all its details. I therefore ask for this grant.

Mr. IBRAHIM S. HAJI (Bombay City): Mr. President, I rise to move for a reduction of this grant of Rs. 30,000 by Rs. 6,000. This amount refers to the Cattle Breeding Farm called the Willingdon Cattle Breeding Farm. Formerly this Farm was under the Civil Veterinary Department. Now it is proposed to transfer it to the Agricultural Department.

The Honourable the PRESIDENT: Is this a new matter, new service or item?

Mr. IBRAHIM S. HAJI: This is for the first time being transferred to the Agricultural Department.

The Honourable the PRESIDENT: Is this an old estimate for which a supplementary amount is required or is it a new service?

The Honourable Mr. C. V. MEHTA: It is not a new matter altogether, Sir. The Willingdon Cattle Farm has been in existence for some years and money was provided for it under the head "Agriculture." This money is required for the extension of that farm.....

The Honourable the PRESIDENT: But the honourable member says that it is transferred. What is transferred?

The Honourable Mr. C. V. MEHTA: What is transferred is this, the Willingdon Cattle Farm was run by the Civil Veterinary Department of

[Mr. C. V. Mehta]

Government which formed part of the main head of Agriculture. It is now proposed that this farm like other farms in the Presidency, should be run by the Agricultural Department. That is the only transfer, but the farm was in existence for some years and the amount was voted by the Council in.....

The Honourable the PRESIDENT: The question is only one of that particular transfer.

The Honourable Mr. C. V. MEHTA: That transfer is an administrative matter.

The Honourable the PRESIDENT: The honourable member from Bombay can speak so far as the point of transfer is concerned.

Mr. IBRAHIM S. HAJI (Bombay City): Mr. President, the grant now asked for is for the purpose of fencing and purchasing red cows for the Willingdon Cattle Farm. This farm up till now was under the Veterinary Department in Sind. The officials who were in charge of the farm had the personal knowledge of the red Sind cow the breed of which had to be maintained by the establishment of the Willingdon Cattle Farm. I am informed that a committee had met and discussed the whole question of the transfer of the Willingdon Cattle Farm to the Department of Agriculture and the committee in recommending the transfer strongly favoured the suggestion of transferring the Veterinary Officer in charge of the farm to the Agricultural Department. Now it appears the Government have transferred the Willingdon Cattle Farm without taking the services of the Veterinary Officer to the Agricultural Department. If this is the policy of transfer, I think it should be discouraged as the results expected will not be achieved.

The Honourable the PRESIDENT: Then, I understand that the honourable member has moved this reduction only to bring that point to the Minister's attention. It is not necessary to move a reduction for the purpose of getting an answer (Hansard III Series: Volume 348: Column 781).

Mr. IBRAHIM S. HAJI: After the reply of the Honourable Minister, it will be open to me to withdraw.

Mr. C. M. GANDHI (Surat City): Sir, on the question of the Willingdon Cattle Farm, may I point out to the Honourable Minister that the farm is not doing really any work at all and it was suggested.....

The Honourable the PRESIDENT: May I make a suggestion? If the honourable member for Surat is addressing himself to another question on the demand, other than that raised by this motion for reduction, he had better wait till the whole demand is again before the House.

Mr. G. B. TRIVEDI (Thana District): Sir, from the note it seems this is a new item, because it is stated in the note that on account of financial stringency it was not possible to expand this farm to the required capacity, and it is also stated that a committee was appointed and the proposals of the committee have been carefully considered by Government and sanction has been accorded to the grants under discussion.

The Honourable the PRESIDENT: Does the honourable member for Thana speak upon the motion for reduction, namely, the point raised by the honourable member from Bombay? The point made by the honourable member from Thana may be a very good one, for aught I know, but it seems to bear upon the whole demand and not upon the motion for reduction. If there is no debate upon this particular motion, I will call upon the Honourable Minister for explanation.

The Honourable Mr. C. V. MEHTA: The explanation required is about the point which I understood the honourable member from Bombay to make as to the transfer of the work from the Veterinary Department to the Agricultural Department. As the note explains, the Willingdon Cattle Farm was up to now run by the Veterinary Department in Sind. Partly on account of the fact that sufficient funds were not available and partly on account of the fact that it was under the Veterinary Department, the Willingdon Cattle Farm has not been able to do the work that it was expected to do. All over the Presidency the cattle farms are in charge of the Agricultural Department and under the supervision of the Deputy Director of Agriculture for Animal Breeding. It was reported that work would be better done in Sind if the Willingdon Cattle Farm in Sind was also brought under the Agricultural Department and under the supervision of the Deputy Director for Animal Breeding. That report has been confirmed by the special committee which considered this matter and which consisted of the expert adviser of the Government of India and the Commissioner in Sind. I consider, Sir, that in the interests of efficiency and in order to get the full results of cattle-breeding in connection with the red Sindhi milch cow, it is very desirable that the work should be concentrated in the hands of one department, especially a department in which Government employ an expert officer. I do not know what other information my honourable friend from Bombay wants.

Mr. IBRAHIM S. HAJI: Sir, the point which I referred to was that the Agricultural Department will have the whole control over the Willingdon Cattle Farm and, as it is proposed not to transfer the veterinary officer to the Agricultural Department, the result would be that as the Agricultural Department, have had no experience of the Sind red milch cow, the transfer as suggested by the Honourable Minister will not be successful in keeping Sind cow breed without deterioration.

The Honourable Mr. C. V. MEHTA: If necessary, I shall mention all the facts in connection with it. If the honourable member wants them, I shall give them. If the explanation given by me is sufficient or satisfactory to him then I need not go further into the matter. I understand that the honourable member from Bombay does not want any further explanation.

Mr. DIPCHAND T. OJHA (Karachi City): Are we not entitled to have an explanation on certain points raised by the honourable member from Bombay? The points have been raised by him and the Honourable Minister is willing to give a further explanation and therefore we want to know what the explanations are going to be like.

Mr. IBRAHIM S. HAJI: I beg leave to withdraw the motion.

Question put and leave granted.

Mr. C. M. GANDHI (Surat City): Sir, I would like the Honourable Minister to tell us whether this amount has already been spent.

The Honourable Mr. C. V. MEHTA: I do not think the whole amount has been spent.

Mr. C. M. GANDHI: How much has been spent?

The Honourable Mr. C. V. MEHTA: I cannot give the exact figure.

Mr. C. M. GANDHI: On this question what I want to point out to the House is that there was some difference of opinion whether it should be kept as a going concern as a veterinary institution or whether it would be more economical and more prudent to amalgamate it with the Landhi farm, and the expert opinion on that question was in favour of amalgamation. It would therefore be unwise to spend such a large sum as Rs. 30,000 as a supplementary grant. In the note it is stated that the question of additional staff is under consideration. I think there should be no hurry about spending all that money on a matter like this when there is a conflict of opinion whether the Willingdon cattle breeding farm should be maintained as such or whether it should be amalgamated with another farm that is in the neighbourhood. Therefore, unless the whole amount was spent and the Honourable Minister was helpless in the matter, I would certainly ask the House to refuse to vote for this amount, but wait till the matter is discussed in the ordinary course when the budget provision is sanctioned. There is no hurry about it, because the money could be paid in 1923-24 instead of in 1922-23 unless, as I said, the amount was already spent, in which case, I would not like to come in the way of the Minister. But if it has not been paid—and I am told the Minister is not in a position to say whether any large portion of it has been spent—then I say the Council will not be well advised in voting for this amount at this stage, but wait till we come to the head of Agriculture in the ordinary course of the discussion of the budget.

Mr. DIPCHAND T. OJHA (Karachi City): May I inquire who the head of the Veterinary Department in Sind is, and what his opinion is about the transfer of this farm? I want to know this before I make my speech.

The Honourable the PRESIDENT: The honourable member has already exhausted his right. He can speak a second time only by the indulgence of the House.

The Honourable Mr. C. V. MEHTA: Mr. Jerome is the superintendent of the Civil Veterinary Department in Sind, and my information is that he is agreeable to the transfer of the farm to the Agricultural Department.

Mr. DIPCHAND T. OJHA: What about Dr. Haji?

The Honourable Mr. C. V. MEHTA: He is deputy superintendent.

(Mr. Dipchand T. Ojha made an observation which was inaudible.)

The Honourable the PRESIDENT: His opinion has already been stated by the Minister as being favourable to the transfer.

Mr. G. B. TRIVEDI (Thana District): Mr. President, from the note it is quite clear that this seems to be a new item, because in the note it is stated:

"On account of financial stringency it was not possible to expand this farm to the required capacity. Government had recently under consideration the development of this farm and an expert committee consisting of the Imperial Dairy Expert, the Deputy Director of Animal Breeding, Bombay Presidency, and the Commissioner in Sind was asked to put forth suggestion. The proposals of the committee have been carefully considered by Government and sanction has been accorded to the following grants for the expansion of the farm."

So, it seems that nothing has been spent. Government have only sanctioned this expenditure, and I do not know why it should not come in the ordinary way in the budget instead of as a supplementary grant. Therefore, I think we should object to this grant.

Rao Bahadur R. R. KALE (Satara District): Sir, I find that provision is made during the ensuing year on this account. The supplementary grant now asked for is to be spent during the current year. I do not know why provision for this purpose should be made both during the current and the ensuing year, and shall be glad to have some explanation with regard to it from the Honourable Minister.

The Honourable Mr. C. V. MEHTA: Mr. President, this is a non-recurring item of expenditure. This has to be spent on capital expenditure in connection with the Willingdon Cattle Farm. The amount of recurring expenditure is provided under the head of Agriculture as it used to be done in the past.

It is quite a mistake to suppose that this expenditure could be avoided if the Landhi Farm which is an agricultural farm and not a cattle-breeding farm could be made available for purposes of cattle-breeding. The present amount is to be spent, as stated in the note, as follows:—

| | Rs. |
|---|--------|
| For fencing and gates for the land including erection charges | 15,000 |
| Erection of buildings | 9,000 |
| Purchase of live stock including Rs. 2,000 for purchasing some animals of the Thar-Parkar breed | 6,000 |
| Total .. | 30,000 |

The fact that the Landhi farm, which is an agricultural farm, might be worked in conjunction with the Willingdon Farm has not been lost sight of by Government, and the matter is yet under consideration. Nevertheless, whatever the decision may be on that point, the amount of Rs. 30,000 will be required for the Willingdon Cattle Farm. It is a mistake to suppose that the Willingdon Cattle Farm can be done away with even if the Landhi Farm can be made use of. It was suggested that the present farm near Landhi should be retained and all the cows in milk from the Willingdon Cattle Farm should be kept there but the dry animals of which there is a large number must be kept at the Willingdon Farm

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where we have fodder and water. Nothing will be saved on the capital expenditure on the Willingdon Cattle Farm by making use of the agricultural farm at Landhi. I trust that this explanation is enough for honourable members. If there is any particular point which they wish to be further elucidated, I should be glad to give more information. The question is one wholly of administrative convenience. You must build this fence for this farm, whether you use the farm at Landhi or not, and you must have some buildings and you must also have Rs. 6,000 provided for the purchase of live stock including animals of the Thar-Parkar breed.

Rao Saheb D. P. DESAI (Kaira District): Mr. President, the whole difficulty arises from having two sister departments under two different Ministers. If these allied departments were placed under one Minister that would conduce to harmony and efficiency. Again, Sir, this fact of having these two departments under two different Ministers leads to more expenditure. For example, there is a farm at Chharodi and there are some other breeding farms also which are under the Agricultural Department for which I suppose separate veterinary arrangements are made, the veterinary department being under a different Minister. If therefore the Veterinary Department were transferred to the Minister of Agriculture, not only a good deal of economy would be effected in the staff of these farms but would lead to better efficiency by supplying each other's drawbacks. I therefore support this motion for reduction.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Sir, I do not really understand whether it is proposed to amalgamate the two farms or it is proposed to keep the two farms separate and amalgamate them only administratively. If the two farms are to be amalgamated in one place, I cannot understand the propriety of spending so much amount, as it will ultimately be useless, because the Willingdon farm will be kept where it is. If it is proposed to keep these two farms separately in two places, then the amalgamation is something which is absurd. Therefore, I think, some explanation is necessary on this point and unless this explanation is forthcoming I cannot see how the Council can come to any decision at all.

Mr. IBRAHIM S. HAJI (Bombay City): Sir, it is regrettable that members have mixed up the Willingdon Cattle Farm with the Landhi Agricultural Farm. The former was organised by a private individual, a Hindu philanthropist, who had contributed about Rs. 30,000 for maintaining an institution to preserve the red Sind milch cow. Thus, after some time the spot was selected near Malir by the Commissioner of Sind and the Veterinary officials in Sind and the intention of the donor was to call the farm after the name of Lord Willingdon. This is the first time the Government have come forward to enclose the spot they selected for the Willingdon Cattle Farm and the first time they are spending this large amount of Rs. 6,000 for the purchase of the red cow—the special Sind breed. The Landhi farm is an Agricultural Farm. The proposal for amalgamation will not be acceptable as it would be against the

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wishes of the original donor of the Willingdon Cattle Farm. The two farms have two distinct purposes and in my opinion they both should be kept apart.

Sardar DAVAR T. K. MODI (Surat District): Mr. President, I think it extremely undesirable to vote for this grant, not because I think that the farms should be amalgamated but because to-day is the 7th March and on the 31st March the official year will end, and even if the grant is voted to-day it will lapse on the 31st March so far as I can see.

Now, Government want to execute works upto the extent of Rs. 30,000 in these few days, and if the work is executed in these few days, will it be worth anything? It will be pure waste of money if the work is executed in this hurried manner, and therefore I do not think this grant should be voted.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, it has been suggested that the two departments, namely, the Department of Agriculture and the Civil Veterinary Department, should be put under one Minister. We would welcome the suggestion but the distribution of work is entirely in the hands of His Excellency the Governor. The honourable member for Bombay has, however, explained that the Landhi farm is an agricultural farm, quite distinct from the Willingdon Farm which is a cattle breeding farm. The honourable member from Surat made a point that we are now approaching the 31st of March and that it is absolutely unnecessary to make this grant because the whole amount will be expended within a month. But he fails to realize that most of the grant has been already spent. I think, Sir, this amount is absolutely necessary for the purposes mentioned, namely, fencing and gates for the land, the construction of buildings and the purchase of live stock, and I hope this Council will sanction this grant.

Mr. DIPCHAND T. OJHA (Karachi City): Sir, it appears to me that there is some kind of misunderstanding amongst some of the honourable members with regard to this matter. The greater misfortune, Sir, is that most of the honourable members who spoke against this proposition do not belong to Sind. In fact there is no question of amalgamation. The Honourable Minister in charge has told us that there are to be two separate farms, one to be transferred from Malir to Landi and that he did not know what the distance was. The honourable members may now be told by me that there is a distance of about four miles from Malir to Landi and it is proposed to transfer this farm to Landi to be under the supervision of the Agricultural Department; this transfer will be more convenient and feasible.

Of course the honourable member for Bombay has told us that several donations were given and that the present site was selected by the donors for the benefit of the cattle farm; of course I do not know how the fencing and other things are going to be done, but I may inform the House that when the donations were collected for the cattle breeding farm the Landi farm was not in such a flourishing condition then and that the cattle breeding farm was placed under the supervision of the superintendent of the Veterinary Department to which the father of the honourable

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member for Bombay belonged, and it was he who gave his time and attention to this affair. Consequently it has been suggested that this department should not be transferred to Landhi, where the agricultural farm is. So far as the wishes of the donors are concerned, I do not think that they would object to this transfer, because they must be knowing that the location of the cattle breeding farm will be more convenient at Landhi now. I submit therefore that there should be no objection to the transfer of the cattle breeding farm to Landhi to be under the supervision of the Director of Agriculture. I remember, Sir, Lord Willingdon took a great deal of interest in cattle breeding and when he visited Sind he pointed out that it was necessary that there should be a cattle farm somewhere near Karachi. The agricultural farm at Landhi is under the direct supervision of the Agricultural Department, and it is only fair that this farm also should be located along with it and be under the supervision of the department. Landhi is the appropriate place for its location as the agricultural farm at Landhi may at times supply grass and fodder to the cattle of the breeding farm.

Sardar Khan Bahadur A. M. DALAL: I move the closure.

The Honourable the PRESIDENT: I accept the closure. I call upon the Honourable Minister in charge for his reply, if any.

The Honourable Mr. C. V. MEHTA: Sir, I hope the honourable member for Karachi has given all the information, which these members, who do not know the site, wanted. There is no question of moving from one site to the other. Whatever you do, the Willingdon Farm will be required. I should like to remind the House that this matter was placed in detail before the Finance Committee, and I got the permission of the Finance Committee to go ahead with the scheme. I am sure therefore the honourable member for Surat will not have the least fear of the money being wasted. All the preparations were made in view of the decision of the Finance Committee and in view of the decision of the Government. The officers have been informed that the money will have to be spent this year and as economically as possible. The amount is small compared with the benefit that will be derived from the best cattle breed in India.

Mr. C. M. GANDHI: When did the Finance Committee consider the question?

The Honourable Mr. C. V. MEHTA: I am not sure whether the honourable member was present at that meeting. It was decided at the meeting held in Poona last year. The whole question was fully gone into and the Finance Committee decided unanimously that the work should be proceeded with.

Question put and agreed to.

"Supplementary grant of Rs. 14,988 for additional refrigerating plant for the Belgaum Vaccine Institute."

The Honourable Dr. R. P. PARANJPYE: Sir, I move for a re-appropriation grant of Rs. 14,988 by transfer from 41, Civil Works to 33, Public Health.

Question put and agreed to.

"Supplementary grant of Rs. 11,00,000 to local boards for public works."

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir, I move for the transfer of Rs. 11,00,000 from 41, Civil Works to 47, Miscellaneous, in view of the decision of the Government of India that under the new system of classification of Public Works Accounts the minor head "Public Works in charge of Civil Officers" should be abolished. It is a formal transfer.

Question put and agreed to.

"Supplementary grant of Rs. 2,940 to municipalities towards the cost of lethal chambers."

The Honourable Mr. M. H. W. HAYWARD : Sir, I move for a grant of Rs. 2,940 by way of transfer from 41, Civil Works to 47, Miscellaneous.

Question put and agreed to.

"Supplementary grant of Rs. 23,221 for clothing for the peons of the Revenue and Judicial Departments."

The Honourable Mr. H. S. LAWRENCE : Sir, I move for a grant of Rs. 23,221 by way of transfer from 5, Land Revenue and 24, Administration of Justice to 46, Stationery and Printing. This is purely a formal transfer.

Question put and agreed to.

"Supplementary grant of Rs. 13,000 for discount allowed to stamp vendors."

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I move for a grant of Rs. 13,000 by way of transfer from 47, Miscellaneous (from reserve at the disposal of the Finance Department) to 7, Stamps.

Rao Bahadur R. R. KALE (Satara District) : Sir, I wish to know whether this increase is due to the increased rate of discount allowed to stamp vendors. Another point is, on page 57 of the Civil Estimates you will see that the budget estimate was Rs. 22,000 and in the revised estimate for 1922-23 it was Rs. 30,000. There is already an increase of Rs. 8,000. Over and above this, here is another addition of Rs. 13,000 which shows the enormous increase in the discount.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, the answer to the question put is that having regard to the fact that the sale of stamps has increased, the discount has also increased *pro rata*. The answer to the second question is that the revised estimate shows an increase of Rs. 8,000. This sum is included in the total grant asked for. The balance of Rs. 5,000 is needed to meet the full estimated cost.

Rao Bahadur R. R. KALE : Is the rate the same ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Yes. Because higher fees are charged, a larger discount is allowed.

Question put and agreed to.

"Supplementary grant of Rs. 400 as discretionary grant of the Inspector General of Registration."

The Honourable Mr. H. S. LAWRENCE : Sir, I ask for a formal transfer of Rs. 400 from the head "9, Registration" to "22, General Administration."

Question put and agreed to.

"Supplementary grant of Rs. 2,249 for current repairs to Begaum Tank at Bijapur and Water Works at Ratnagiri."

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir, I move for a grant of Rs. 2,249 for current repairs to Begaum Tank at Bijapur and Water Works at Ratnagiri. It is merely a formal transfer from one head to another.

Question put and agreed to.

"Supplementary grant of Rs. 3,000 for payment of compensation to the Sangli State for abolition of toll bars on roads within its limits for the years 1920-21 and 1921-22"

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir, I move for a grant of Rs. 3,000 by re-appropriation, as explained in the note, for payment of compensation to the Sangli State.

Question put and agreed to.

"Supplementary grant of Rs. 1,50,000 for excess expenditure on diet and other contingencies in certain Bombay and mofussil hospitals and other medical institutions."

The Honourable Dr. R. P. PARANJPYE : Sir, I move for a grant of Rs. 1,50,000 from 47, Miscellaneous (reserve at the disposal of the Finance Department) to the head "32, Medical". This is mainly due to the extra cost involved in the working of our hospitals. The main portion of this will be required for bearing the extra cost required for payment to the J. J. Hospital. When it was reported to us about August last that the sanctioned grants were not enough to carry on the hospital at the strength sanctioned according to the arrangement with the Bombay Corporation, Government gave definite orders to go on maintaining the usual strength and promised to find the money later. It was not possible to obtain the money by reappropriation from the funds at the disposal of the Medical Department. But money has been found from the reserve at the disposal of the Finance Department. I hope the House will agree.

Question put and agreed to.

"Supplementary grant of Rs. 2,86,000 for famine grass storage."

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I rise to ask for a supplementary grant of Rs. 2,86,000 for famine grass storage by transfer from "43, Famine Relief" to "8, Forests." A full statement of the facts has been printed and supplied to honourable members and I need not take up the time of the Council any further.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President, this is a matter which ought to be considered very seriously by this House. I believe the note of the Finance Secretary is in the hands of the honourable members. The history is this : that after the famine of 1918-19 Government thought it necessary to concert measures to store fodder against a failure of pasturage and depletion of fodder stocks. With this end in view they drew up a programme as follows :

275 lakhs lbs. to be stored in West Khandesh,

300 lakhs lbs. in Panch Mahals.

That has to do with the Northern Division, with which I have nothing to do. I have nothing to do with that part of the country. But coming to the Deccan, I must say, Sir, there is a very serious breach of the promise made as long back as 1918. Government undertook to store 300 lakhs lbs. of grass at Manmad in the Nasik district, which was the nearest place to Ahmednagar. I was reminded the other day by the Honourable the

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Leader of the House that Ahmednagar was a famine-stricken place. Famine-stricken we are. Is it a ground for not storing fodder there? In this district, I must say that Government has committed a great blunder. For reasons, which I am prepared to admit as plausible, they did not store any grass there for some time, and when they did store, the military took it away and it served the purpose of supplying the needs of the military rather than the famine-stricken. Afterwards, it was thought that it was no use incurring expenditure at Manmad because Manmad did not produce any grass. Well, that was the arrangement. But my point is, Government failed to keep their promise to store 300 lakhs lbs. of grass at the nearest place. Then, we find Government undertook to keep 50 lakhs lbs. at Kopargaon in the Ahmednagar district. May I ask how much we have there, how much we ever had? What was the maximum quantity kept there ever since the arrangement was made? This is melancholy reading indeed. Government have not kept its promise at all, and notwithstanding that Government has also not made a good bargain on what little fodder they store. They have already spent Rs. 2,50,000. We had to undergo three successive bad seasons since 1918 and even now I challenge the Honourable the Finance Member or the Honourable the Leader of the House or any other official member to say whether he has got now even one-tenth of the grass stored. The idea was—I am sorry we have not got here now the Honourable Mr. Purshotamdas Thakurdas, who had made a close study of this subject—that grass had to be stored by Government and given out. That was not done, and we had to beg from the Presidency Famine Fund for their help on several occasions; especially so because the quality of grass obtained from Nawapur and stored by Government themselves was found to be useless. The grass was so bad that it could not be of any use. I do not quarrel with the view that Government should store a very large quantity of grass, but I really quarrel with the view that it was not intended to store bad quality of grass. I think that was the reason why Government undertook to store grass. This Kopargaon farm is situated several miles away from the railway station with a river between it and the railway station so that the traffic is stopped, and the hire charges have gone up so much that the transport charge alone is enormous. You will find that in the next famine year there will be considerable difficulty because of this. Therefore, people do not want fodder there even if it is stored. The next point of affected famine areas in the district is about 40 miles away. Now, in the area which has been irrigated there has been much rise in transport charges. Here, even I would have been satisfied if Government had put up a good quantity and quality of grass. They have not done so and I say that at the most, including this season's crop, there might be at the most five or six lakhs pounds of kadbi. I do not know, Sir, why in such a cheap year when kadbi could be had within the price which Government is paying at Nawapur, why Government should not move now and store kadbi this year. I do not see why Government should not make up lost ground. But Government have been saying: "We have got large schemes and we are doing our best." This is an

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instance, Sir, in which Government have been doing nothing absolutely. Cattle has been famishing as a result. I must say, Sir, thanks to the manner in which the Presidency Famine Fund gave an advance and came to our rescue—the situation was somewhat saved. The Presidency Famine Fund lent us about a couple of lakhs of rupees on my own security and on the security of the Collector. We stood security and took away the money. We used the best of our ability to secure it and use it properly. Government knew the plight in which this district was placed from the year 1913 and if they had taken suitable steps, we would have been spared all this difficulty. I say, Sir, here we have got a good case and unless and until Government agrees to put up all the necessary quantity and quality of grass this year, I think this demand should not be granted for storing the worst kind of grass and putting up a shed costing about Rs. 25,000 and odd at Nawapur. I therefore take exception to that and I hope the Honourable the Finance Member or the Chief Secretary or the Government Member in charge or the Revenue Secretary will give a candid reply. I wish that reply is satisfactory and, if so, I will vote for the demand.

Mr. P. J. MEAD : Mr. President, I share to a certain extent the feeling of resentment of my honourable friend from Ahmednagar at the manner in which our district of Nagar has been treated in the matter of a scheme for fodder storage throughout the Presidency. But I should like to assure him, after further examination of the papers—which I have not had anything to do with for some years—that the omission to make the storage at Kopargaon was due to an oversight. The orders of 1920, I see, refer to the existing plans of the Agricultural Department to grow kadbi and then to store about 50 lakh lbs. of kadbi a year at Kopargaon, and the orders distinctly say that that arrangement ought to continue. Why it was not continued is a matter for the Agricultural Department to say. All that I can say is that there is no financial reason that I know of why the arrangement should not have been continued. It appears for some reason or another to have been lost sight of. But the honourable member must realise that the Kopargaon scheme never contemplated the purchasing of kadbi. The idea of purchasing kadbi was a new idea to be put into practice where kadbi was available in very large quantities and at very low prices. The proposals of 1920 contemplated that if the Karaigi experiment proved successful, that scheme might be applied to other parts of the Presidency. The suggestion for the Nagar district and for the Deccan generally was that in addition to this kadbi at Kopargaon, we should have storage of grass. This grass was to be obtained from the Central Provinces and stored at Manmad as the best strategic centre. It is not the case that this storage was in the first instance undertaken and that thereafter the Military Department took the grass away. The honourable member from Ahmednagar made a slight mistake in thinking so. The arrangement was that a Central Provinces contractor was to provide 300 lakhs lbs. of grass to be stored at Manmad, but that idea had to be given up owing to the extremely high price which was asked for it. The Military Department grass stored at Manmad was a separate matter.

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As regards the future, I have nothing further to say at present, but if any demand is made for funds with a view to the purchase of kadbi. Government would, I think, be perfectly prepared to consider that scheme and if my honourable friend from Ahmednagar can put forward suggestions either for purchase of kadbi in the immediate present or for purchase in the near future, I think Government would give any scheme which may be put forward by so experienced and practical a famine administrator as my honourable friend, their careful consideration.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : I believe, Mr. President, I have no right of reply.

The Honourable the PRESIDENT : I am afraid, not.

Rao Bahadur G. K. CHITALE : If the House will allow me to give an explanation, I will reply.

The Honourable the PRESIDENT : An explanation means only a personal explanation, not an explanation on the merits of the debate. I am afraid the honourable member has no right of reply.

The rule is a member except the mover of a motion is entitled to only one speech, but if the honourable member appeals to the House for the indulgence of a second speech, I shall not come in his way. Does the House give the honourable member from Nagar the indulgence of a second speech ?

Honourable MEMBERS : Yes, we give him the indulgence.

Rao Bahadur G. K. CHITALE : I do not wish to abuse the indulgence by inflicting another speech on the House, but I must say that I have sat on so many committees since 1914 in connection with several departments (where I have done my level best) that I have grown utterly hopeless and quite disappointed. My main object in rising to speak is to see that Government is brought to take a reasonable view of things.

Another matter is this that not only myself but the Collector of Ahmednagar (which is the worst affected district) did our level best but all our efforts have gone to nothing. What could poor people do ? Even the Collector had to come over here and had to join with me in my efforts but all that went in vain.

There is a lesson here which could be digested by the members of this House. Under those circumstances, I know this will take time. In the meanwhile perhaps the prices of this kadbi might go up. What I am anxious about is that owing to the financial stringency of the Bombay Government the present proposal will not be a sound proposal. I know exactly where I stand now. I know that I could buy or the Collector of Ahmednagar could buy forthwith 50 lakhs of pounds of kadbi of this year at Rs. 15 per 1,000 lbs. the rate which we are paying here for the worst kind of grass at Nawapur.

Only one more point for the honourable member, the Chief Secretary to note and digest. In the famine of 1918-19, Government for supply of fodder lost fifteen lakhs of rupees ; in the famine of 1920-21 I know that Government had to bear about nine rupees per 1,000 lbs. on about two crores which must have been put to the loss of Government.

[Rao Bahadur G. K. Chitale]

I say that the arrangement is financially unsound. I hope the Government will accept the very reasonable proposal which I have made.

Rao Saheb D. P. DESAI (Kaira District): Sir, I quite agree with my honourable friend from Nagar and venture to suggest that in areas where fodder crops are grown the fodder should be collected in that district in normal years when it is cheap for distribution in a famine year. My district is also as subject to famine as the district from which my honourable friend comes. I also come from a district which is as subject to famines as Ahmednagar and I once suggested to one of our revenue officers that instead of hauling such a large quantity of grass from perhaps hundreds of miles away, it would be far better if the local fodder such as bajri and jowari kadbi, paddy, etc., could be purchased in fair seasons out of the same money which would have to be spent for the purchase and transportation charges of grass and distributed as tagavi fodder so that the local cultivators in times of famine and scarcity could get it at a very cheap rate. Coming to the quality and nutritious nature of respective fodders, I beg to state an animal needs about from fifteen to twenty pounds of grass per day, but the cultivators cannot, on account of the high prices of the imported inferior grass, afford to give their animals more than ten pounds grass per day; in fact if my memory is correct, that is the quantity allowed under the Famine Code by Government. Fifteen to twenty pounds per day is the lowest quantity that is necessary for an animal if that animal is to be in a fit condition for work during the monsoon. That is the reason why so many animals that are fed from the tagavi grass die immediately after the monsoon sets in and put the cultivators in a rather awkward situation at the very time when those animals are mostly needed. Kadbi and other local fodder being more nutritious will not so weaken the animals. So a substantial modification of the policy of purchasing grass should be undertaken by the Government. At the same time I do believe that everywhere and anywhere you cannot depend upon local grass exclusively and you cannot rest satisfied with purchasing local grass during the fair season. If Government go on purchasing local grass exclusively in the fair season, the consequence will be that prices of that grass will be put up by the local merchants and Government will have to pay a very high price, which in turn would fall heavily on the cultivators to whom such grass has to be given in famine times. But whenever it is possible to purchase local fodder without appreciably raising the price, it should be done. In my opinion however Government should try to have this famine reserve and at the same time purchase for use during famine times local grass and distribute it in summer time. The kadbi being cheaper, the combined cost of outside grass and kadbi would stand at a very low figure and consequently will be comparatively cheap to the cultivators. Kadbi when it is cheap enough costs about 10 rupees per 1,000 lbs. and this would save them at least Rs. 8 per 1,000 lbs. and kadbi being at the same time very nutritious and more substantial than local grass would keep the animals in perfect order for the next monsoon as it will be given in summer months. Of the imported fodders, the grass

[Rao Saheb D. P. Desai]

that comes from Palghar is good grass, but that which comes from Nawapur was bitterly complained against by the cultivators themselves. It was not good grass. On the contrary they say that if the animals feed on that grass, they die. I do not agree to this extreme view but I think it is not.....

The Honourable the PRESIDENT : May I interrupt the honourable member ? I have not interfered, but allowed the discussion to go on, because I was not quite sure whether this point was one which could be more appropriately debated upon the main estimates when the item of famine relief comes on. It raises a question of policy. Having listened to the speeches of the honourable member for Ahmednagar and of the Chief Secretary, I came to the conclusion that it is a matter which does not arise upon a supplementary demand. As, however, the honourable member for Ahmednagar and the Chief Secretary were allowed to speak, I did not come in the way of the honourable member for Kaira. I cannot allow the point to be pursued further on a supplementary demand for a supplementary grant.

The Honourable Sir IBRAHIM RAHIMTOOLA : Mr. President, if you would allow me, I should like to say a few words on the main debate that has taken place. I think honourable members of this House will share the indignation of the honourable member from Ahmednagar, and will sympathise in his efforts to serve his district. I am sorry, however, that he introduced a point in this discussion which goes entirely against an important principle. I hope he is not pressing for the special consideration of a famine-stricken district on the ground of keeping balance sheets for different parts of the province. Sir, my whole point is that when we all belong to one province, each part of it should try to help and co-operate in the service for the whole province, and that we should not distinguish one part from the other and demand balance sheets for different districts. The honourable member for Ahmednagar will remember that even in regard to securing reasonable water supply in the Ahmednagar district during famine years, Government have made substantial grants. Therefore, if he now.....

Rao Bahadur Chitale made an observation which was inaudible.

The Honourable Sir IBRAHIM RAHIMTOOLA : Exactly what I have been repeatedly saying, minus the remark of the honourable member that favouritism was shown to Bombay city. The whole point is this : I have held the view, and I have tried to work on that principle, that we all belong to one province, and that we should try to represent the province as a whole.

Now, as regards the question that has been raised, the honourable member for Ahmednagar brought forward two grievances : one was that the provision for 3 lakhs of pounds of grass to be stored at Manmad has not been made, and that the scheme for storing 50 lakhs of pounds of grass at Kopergaon has not been carried out. Now, I would invite his attention to the explanation which is given immediately below these items. It is stated that the grass to be stored at Manmad was intended to be obtained from the Central Provinces, but that as the price asked for

[Sir Ibrahim Rahimtoola]

was prohibitive, the idea had to be given up. The policy was decided upon in the first instance, and the strategical positions most suitable for the purpose of storing grass were fixed. It was subsequently discovered that the cost of importing grass from the Central Provinces was prohibitive, and therefore the measure was not carried out. Surely, honourable members do not desire that after the strategical positions were decided upon, the grass should be stored in any case and under any circumstances. That would hardly be a business-like proposition to make. Then, as regards the 50 lakhs of pounds of grass to be stored at Kopergaon, the Chief Secretary has given what I regard as a very sympathetic reply, and the matter will be enquired into. But I should like honourable members to consider this aspect of the question. Government desire to spend a part of the famine grant on these measures, and they come to the Council for a supplementary grant. Now, if that grant is rejected, what happens? Surely, there will not be the remotest chance of any further grass being stored anywhere. I can quite understand the feeling that may exist in regard to this measure, but as you, Sir, have pointed out, the grant for famine relief is coming before the House, and that would be a very appropriate occasion when honourable members can discuss the whole policy in regard to famine relief, and fodder storage forms part of famine relief. If that is done, Government will take note of the feeling in the House, and will try to meet it as far as possible. I do not wish to dilate further upon that point. Certain other points have been raised, which require to be dealt with. For instance, the honourable member for Kaira suggested that we should buy during good years a large quantity of grass locally, and store it for the future. I should like honourable members to consider what effect such large purchases by Government will have on the current market prices of grass and how the agriculturists will be affected who require it for feeding their cattle. If Government buy largely, then prices must rise, and the cost of feeding the cattle will increase. This point will have to be borne in mind in order not to penalise the agriculturists for the present in order to secure relief for the future. I hope the Council will not misunderstand me. Future relief must be provided for but it ought to be done in a business-like manner, so that there is no undue penalty on the agriculturists during years of good crops. These are all points for consideration, and Government will welcome the expression of views by honourable members who have direct knowledge of district life, in order to improve the administration, and to afford the greatest possible relief to famine-stricken people in the Presidency.

Question put and agreed to.

Supplementary grant of Rs. 58,200, for grant-in-aid to the Sukkur Municipality for improvements to Sukkur water works.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :
Sir, I move for a grant of Rs. 58,200 by reappropriation from the reserve at the disposal of the Finance Department for grant-in-aid to the Sukkur municipality for improvements to the Sukkur water works.

Question put and agreed to.

"Supplementary grant of Rs. 1,62,642, for advance increments and arrears of pay to subordinate judicial clerical establishments in the Presidency proper."

The Honourable Mr. M. H. W. HAYWARD : Sir, I move for a grant of Rs. 1,62,642, by reappropriation from the reserve at the disposal of the Finance Department for advance increments and arrears of pay to subordinate judicial clerical establishments in the Presidency proper.

Question put and agreed to.

Supplementary grant of Rs. 82,886 for the purposes mentioned below :—

| | Rs. |
|--|--------|
| (1) Grant-in-aid to the Aden Nursing Association which has taken over charge of the nursing arrangements at the European General Hospital, Aden, for the years 1921-22 and 1922-23 | 16,687 |
| (2) Building grant to the Zenana Mission Hospital, Nasik, for the construction of new buildings in place of the existing ones which have been condemned as dangerous | 30,000 |
| (3) Additional contract grant to the Central Mental Hospital at Yeravda for purchasing bedding and table linen required for the additional blocks as well as for replacing the old stocks which are not workable | 8,000 |
| (4) Additional grant-in-aid to the St. George's Hospital Nursing Association for the services rendered to the Infectious and General Wards of the hospital staff of the Association during 1921-22 as the sanctioned staff was unable to cope with the increased demands for nursing aid | 14,217 |
| (5) Grant-in-aid to the Lady Dufferin Fund Hospital at Sholapur for additions to and alterations in the hospital buildings and quarters for the hospital staff and equipment | 7,150 |
| (6) Purchase of cots for the Civil Hospital, Satara | 2,280 |
| (7) Excess contract grant for the Surgeon General's Office | 2,643 |
| (8) Additional grant-in-aid to the Hiranand Leper Asylum, Karachi | 1,909 |
| | 82,886 |

The Honourable Dr. R. P. PARANJPYE : Mr. President, I beg to move for a grant of Rs. 82,886 by reappropriation from the reserve at the disposal of the Finance Department, to be transferred to the Medical Department for the purposes mentioned there. I do not think it requires any detailed explanation. These purposes have been sanctioned by Government and have been held over on account of want of funds. Now it is possible to obtain money from that reserve which has not been spent and therefore it is proposed to spend the money before the expiry of this year.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, I would only like to add a few words in opposing this grant and it is that a further grant for hospitals and dispensaries of the local boards and municipalities is rather urgently needed, and it is regrettable that the Honourable Minister has asked for this grant for the various purposes mentioned and is starving the local boards and municipalities. For instance the building grant to the Zenana Mission Hospital at Nasik could have very well waited.

The Honourable Dr. R. P. PARANJPYE : The Executive Engineer has entirely condemned the buildings and the hospital will have to be stopped. The people from Nasik have represented that the hospital has been doing very great work and therefore it is necessary to commence the work of the new building.

Rao Bahadur G. K. CHITALE : The fact, Sir, is that the grants-in-aid to the local board dispensaries have been placed on the basis of 1915

[Rao Bahadur G. K. Chitale]

scale and the local boards have been asked to contribute three times the expenditure. Government has not been giving anything for the last two years and they have issued a resolution that on account of financial stringency they cannot give any more grant. Now, when they have got Rs. 82,886, it was necessary I should think that instead of spending this amount on the big schemes mentioned in this grant it should have been placed at the disposal of the local boards. Nothing could have been lost if this amount had been given to the local boards who for the last two or three years have not got anything towards that end. Now the work of the buildings of this Nasik Zenana Hospital has not yet been commenced and still you sanction towards those buildings Rs. 30,000 and that is the way you give blank cheques. My complaint is that for the last one or two years Government has not been spending anything towards the grant-in-aid for local board dispensaries, because as I said they have issued a resolution to the effect that these grants-in-aid will remain the same, and I should think honourable members of this House ought to remember that notwithstanding this they are now asked to sanction an expenditure of Rs. 82,886 towards the various medical purposes mentioned in this grant. To quote an example of my own district, the Accountant General has at a stroke taken away Rs. 60,000 from my balance. Government then said that for the next two years no more grants-in-aid to the dispensaries will be given. But now we find the Honourable Minister wants to spend Rs. 82,886 on purposes which cannot be said to be so very urgent, and which cannot be said to be requiring early attention.

Sardar Khan Bahadur A. M. DALAL (Broach District): Sir, the local boards have been entirely neglected so far as the grants-in-aid to dispensaries are concerned and it is high time that Government should look after the needs of local boards and municipalities, for these grants have been suspended for some time, and I submit that the medical relief for these local board dispensaries ought to be taken into consideration first. I do not think that this Rs. 82,886 should be spent on the purposes for which it is now meant to be spent.

Mr. J. C. KER: Sir, these grants which are now proposed to be given are non-recurring grants for this year only, while the grants for hospitals and dispensaries of the local boards referred to by the honourable member for Ahmednagar are recurring grants, and therefore there is no force at all in what the honourable member has said. What we want for the hospitals and dispensaries of the local boards and municipalities is recurring grants. While this is an additional grant for one year only, which is placed at the disposal of the Medical Department.

After Recess.

Mr. G. B. Trivedi (Thana District): Sir, I submit it is always ungraceful to say anything about grants to medical institutions. At the end of the year when supplementary grants are asked for, it should be the principle of Government to look into the urgent needs of the several institutions that ask for help, and when

[Mr. G. B. Trivedi]

they have a prosperous budget they should help those institutions. There are eight institutions getting their grants, because they are in urban areas and supported by influential persons; whereas there is not a single rural area included in the list. That shows that there are no representatives of the rural areas round about the department to press their needs upon the department. Whenever Government find money, they should be equally charitable to all who have applied for help.

The Honourable Dr. R. P. PARANJPYE: Sir, I may mention to the House that the recurring grants placed at our disposal at the last budget were allocated already. It happened just three weeks ago; the Finance Department saw that, although all the amount placed at the disposal of the transferred subjects was exhausted long ago, all the amount of twenty lakhs reserve was not exhausted. They kindly—I am thankful for it to the Finance Department—asked all the departments for the commitments they have already made of a non-recurring nature which can be immediately paid before the year ended. Just at this time the petition from the Nasik people came for the building grant of the Zenana Mission Hospital, as the existing building has been condemned as dangerous by the Executive Engineer. This hospital is highly beneficial not only to the people of the locality but to the people of the surrounding parts of the Nasik district also. This item we had to meet somehow or other.

The grant-in-aid to the Aden Nursing Association was due to them in virtue of a contract entered into with them. As more nurses had to be employed, an additional grant had to be made. As regards the Mental Hospital, a certain amount has been put in the next budget and if this motion is passed there will be Rs. 8,000 more for spending next year.

As regards the grant-in-aid to the St. George's Hospital Nursing Association, it is also of the same nature as that at Aden.

As regards Lady Dufferin Fund Hospital at Sholapur, that hospital is complete but certain furniture is required for the hospital before it can be used, and the amount was asked for by the head of the department.

Cots had to be purchased for the civil hospital at Satara. Excess contract grant to the Surgeon-General's office was due to some extra charges especially on account of the increase in postal charges.

The last is the additional grant-in-aid to the Hiranand Leper Asylum, Karachi, which asked for a recurring grant. We distinctly told them that we will not pay recurring grant; but as they have been carrying on the hospital for several years at their own expense, Government thought that it was a very deserving object for this small grant.

This is the situation; we have asked for the grant to get rid of some of the commitments. If more money had been available, we would have been able to meet some more of our commitments. Before making any recurring commitments as mentioned by some of my honourable friends we have to pay off all our standing liabilities. I quite admit that grant paid to local bodies for conducting dispensaries is inadequate. Grants were fixed more than five years ago on the scales which then existed. We have not been able to increase it, on account of financial stringency. I shall keep it in mind and ask the department to keep a list of the hospitals

[Dr. R. P. Paranjpye]

which need immediate help, so that, if recurring grants are found impossible, at least temporary doles might be given to them. I hope the Council will not refuse the grant.

I am also trying to see what I can give for educational institutions. We took sufficient care to examine the question and found that we could not take any recurring liabilities, because the budget for each department, in the present state of our finance, is fixed. Therefore, we have to cut our coat according to our cloth. If no cloth becomes available in a recurring manner, we cannot make any recurring commitments of this nature. I hope with this explanation the Council will pass the grant.

Question put and agreed to.

"Supplementary grant of Rs. 4,000 to meet charges on account of the construction of Dhadgaon-Shahada Road."

The Honourable Mr. C. V. MEHTA : I move for a grant of Rs. 4,000 by way of transfer from 41, Civil works, to 8, Forests.

Question put and agreed to.

"Supplementary grant of Rs. 1,28,000 for grant of Karachi local allowance to non-gazetted establishments in superior service in Karachi city."

The Honourable Mr. H. S. LAWRENCE : Mr. President, I rise to ask for a transfer from 47, Miscellaneous to a number of heads, Land Revenue, Stamps, etc., as printed in the statement supplied to the House totalling Rs. 1,28,000 for grant of Karachi local allowance to non-gazetted establishments in superior service in Karachi city.

Question put and agreed to.

The Honourable the PRESIDENT : So we have discussed all the supplementary grants ?

The Honourable Mr. H. S. LAWRENCE : All up to date, Sir.

The Honourable the PRESIDENT : We have spent two hours and a quarter upon these supplementary demands and we have to make up that time for the main estimates. The Council will therefore meet tomorrow at one o'clock ; at one o'clock the day after ; and at half-past one on Saturday.

BUDGET DEMANDS, 26, POLICE (RESERVED).

Grant of Rs. 1,73,93,000 under the head 26, Police (Reserved).

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I rise to move :

That a demand of Rs. 1,73,93,000 be granted under the head "26, Police (Reserved)."

Rao Saheb D. P. DESAI (Kaira District) : Sir, I move :

That item 117, Rs. 50,000 for increase in the strength of Police Stations Investigating Staff, etc., in the Bombay City, be omitted.

Sir, with the increase in the strength of the Police in Bombay City I should think that the number of investigating officers required should be less, because the police will be able to prevent crime. There are already 23 investigating officers and it is proposed to add 24 officers and about 36 constables are to be engaged for this duty. Not only are the officers increased from 23 to 47, but it is proposed to give them additional

[Rao Saheb D. P. Desai]

staff. The 23 officers are at present working without subordinate staff, without any constables and I cannot understand why constables are given to them.

With these remarks, I move that item No. 117 be omitted.

Mr. C. M. GANDHI (Surat City) : Sir, in reply to a question from the honourable member for Bombay, the Honourable the Home Member gave us to understand that there were about 243 vacancies in the police strength of the city of Bombay, and these could not be filled up because of want of house accommodation. In answer to a supplementary question put by me the Honourable the Home Member told us that the difficulty of recruiting the investigating staff, for which he is asking a grant now, would be met by increasing the house accommodation for them. It would certainly take a lot of time before the necessary house accommodation is provided and therefore he would not be able to fill up the necessary strength of the investigating staff. There are, as I said, 243 vacancies and all the allotment necessary to meet the salaries of these police officials is a, the disposal of the department, and I really fail to understand, Sir, why before the necessary shortage is made up any further allotment should be required to run that department. We are told, Sir, that the average work possible for an investigating officer has been estimated at 150 cases a year under the Indian Penal Code. It is stated :

“So the standard strength would be sufficient for not more than 450 or with a third sub-inspector 600 cases a year under the Indian Penal Code. But none of the stations has more than 3 sub-inspectors and Princess Street Police Station has 1,200 cases under the Indian Penal Code, Nagpada has 1,173,” etc.

I want to know, Sir, what is the number of cases each police station has been attending to up to now, whether any of the cases were not attended to properly or whether any of their investigation was found to be defective on that account, and whether the trying magistrates had any occasion to complain of defective investigation. It is no use laying down an arbitrary standard, when as a matter of fact, with trained subordinates, a man can certainly attend to more cases than 150, the average standard laid down for efficient work. In the mofussil these investigating officers have to do a lot of clerical work before sending up the cases ; and yet they are able to do much more than 150 cases, which is stated to be the standard for efficiency. In Bombay where so much clerical work has not to be done, where no statements have to be recorded, the man ought certainly to be able to do more work. Therefore unless and until the Honourable the Home Member is able to tell us that the trying magistrates have found the investigation to be defective and made any remarks on that account, or that any cases really failed for want of proper investigation, I think the Council will be justified in not voting for this grant. The department will have at any rate about Rs. 70,000 to Rs. 80,000 at its disposal due to the non-recruitment for the 243 vacancies which are still not filled up. If that is done and if the department afterwards finds that there is room for further recruitment and further recruitment is possible, then the department can very well come before the House for a supplementary grant.

Mr. NAOROJI M. DUMASIA (Bombay City, South): Mr. President, I rise to support this grant in view of the urgent requirements of the Bombay city police force. The present strength of investigation officers was fixed some years ago. Bombay has grown apace since then, cases are increasing and we have not to wait until a magistrate draws our attention to the matter. The note clearly explains why we require an increased staff. If we look at it, we find that the number of cases which an investigation officer has to deal with has greatly increased and it is impossible to cope with the work. We must not wait until the whole machinery breaks down but we must sanction this grant without grudging. The honourable members from the mofussil may not see the necessity of increasing the police force in Bombay, but we who live in Bombay and who have to come face to face with the dangers recognise and see the necessity of increasing the police force for the safety of the public and the despatch of work to the satisfaction of the public. With these remarks, I support the grant.

The Honourable Mr. M. H. W. HAYWARD: Mr. President, I do not propose to say very much upon this subject because a very full note has been prepared showing the urgent necessity of this increase in the investigation staff of the city police of Bombay. I only wish to state this, that I took the matter into my own hands and personally inspected each of the police stations during this cold weather in company with the Commissioner of Police and have examined myself the crimes report registers. I may say at once that the work in all the police stations not only these specified six police stations, but in almost all the other police stations, the work has enormously increased. Reference has been made to the Penal Code cases only as a test of the work which an investigating officer can do, because that is the most important work which has to be investigated. But that is by no means all the work which has to be performed, and I found that in most of these police stations, in all these specified six police stations, the number of cases which they call "local cases" was extraordinarily large, running into thousands. Where you might have, say, 1,200 Indian Penal Code cases, you might find that you ran into 3,000, 4,000, 5,000 or 6,000 "local" cases (An Honourable Member: Sometimes even 8,000); I am told even as far as 8,000. All that means an enormous amount of writing and other work. So that, in addition to the work specified here in the note there is an enormous amount of other work which I hope will satisfy the honourable members from the mofussil that this increase in the investigation staff is really necessary. The local cases work is quite out of proportion to anything you find in the mofussil. I myself was astonished to find how much there is of this particular work. I only hope that the prophesies of my honourable friend here will be true and that crime will be rapidly decreasing. But I do think if that happy result is to be effected, it will be safer to maintain our police and to give them a proper investigating staff.

With regard to the vacancies, it is said that there are 243 vacancies and therefore what is the good of increasing your sanctioned strength? Well, we are optimistic enough to hope that we shall be able to recruit men for some of these vacancies during the year; anyway we are hoping

[Mr. M. H. W. Hayward]

to build our police lines rapidly in the coming year. Our Matunga police station is, I believe, actually ready. The contractor was hopeful, when I made the enquiry last month, of getting it done within a fortnight. That provides accommodation for 120 or so and we have other schemes which I hope will be completed during the year; so that, I do not think it will be fair to say that, as you have 243 vacancies, therefore it is not necessary to increase your sanctioned strength.

It was also suggested that the present investigating staff do without any police constables to help them. That is not the case. As a matter of fact, they have all to have police constables put at their disposal. But these police constables were not mentioned in table A because they are already drawn from the staff of the various police stations for the present investigating staff. They were mentioned in connection with the proposed additional investigating staff as extra men have to be employed for the purpose at each of these police stations. I can assure honourable members that I have been very carefully into this matter with the Commissioner of Police on the spot, and that this is the very minimum that it is possible to ask for. I may say that I am told that, as compared with the strength employed in Calcutta, the proposals are extraordinarily modest and I hope that, with this increase in the strength of the investigation staff, complaints will be rare, particularly as regards the Princess Street police station, as regards delays and as regards the manner of work and that it will give greater satisfaction both to the public and to the magistrates. With these words, I submit this grant to the House.

Rao Saheb L. V. PARULEKAR (Ratnagiri District): Mr. President, I would like to make a few remarks about this grant. While doing so, I am aware of the fact that there is a great cry in Bombay of there being a deficiency in the executive police for the last few years. There is also a cry about there being a great increase in the burglaries, dacoities and so on. But at the same time I want to ask the honourable House to note that out of the total of five lakhs and odd more than two lakhs are asked for, for the Bombay city alone (*vide* Blue Book, Schedule D, p. 183), so every item for the Bombay city out of the demands will have to be very carefully scrutinized. This item amounts to Rs. 50,000 demanded for the increase in the strength of police station investigating staff etc. in the Bombay city on the ground that there is an increase in the investigation work in six police stations in the city. It is further stated that a police officer is able to investigate 150 cases a year under Indian Penal Code. I think this is not a correct estimate. All cases under the Penal Code are not heavy and complicated. Many of them in this City are simple, such as hurt, assault, etc. and ought not to require much time for investigation. So the investigation of twelve to thirteen cases per month cannot be considered to be a heavy task. Besides the area for the investigation is not very large. Therefore I consider that this average is not a proper ground for the increase of establishment.

Secondly, the increase in the cases for investigation has been given in the remark column. But it does not appear whether it is an average

[Rao Saheb L. V. Parulekar]

increase or only of one year. But assuming that the figures are correct and assuming further that the estimate of 150 cases per year for investigation is correct, I do not see the feasibility of employing two deputy inspectors as is proposed to be done in the schedule (*vide* Blue Book, p. 175). In connection with this my idea is that the higher officers are not so useful in investigation work as the sub-inspectors.....

The Honourable the PRESIDENT : That is going beyond the particular item now before the House. Will the honourable member confine himself to that ? It seems as if he is speaking on the whole demand.

Rao Saheb L. V. PARULEKAR : The item is the same, Sir ; only the figures I quoted have been printed on page 175 which is the statement in continuation of the item No. 117 on page 173.

The Honourable the PRESIDENT : In that case, the honourable member is in order.

Rao Saheb L. V. PARULEKAR : My submission is that instead of having two deputy-inspectors, it would be far better to have two more sub-inspectors, as from my experience I find that the officers in the higher grades are not so capable for investigation work as officers in the sub-inspectors' grades. There will thus be a saving of money as well as a better kind of work. Some time ago the Council has had experience of the case of Dr. Kapadia, in which although the sub-inspector was of the opinion that the case would not stand, the Superintendent (Mr. Carter) in spite of 25 years' experience went against the sub-inspector's opinion with what result we all know. I therefore think that the Council will be well advised in omitting this altogether.

Dr. S. S. BATLIWALA (Bombay City, North) : I am afraid, Sir, that my honourable friends from the mofussil do not recognise that the standard strength of the investigating staff of each and every police station was fixed years ago, *viz.*, one inspector, one deputy inspector and two sub-inspectors. It was a small staff of four officers only. This strength was provided for every police station without any regard to the extra work which any particular police station may have as compared with other police stations. There are several police stations in Bombay ; some are overworked, whereas others are fairly worked. The staff given to all of them was the minimum one which could be allowed to any small police station. Now, I appeal to my honourable friends here whether it would be fair that when we find from the records that the work of particular police stations is heavier by four or five times than the work at other police stations which are provided by minimum staff, is it not right and fair on our part to give increased staff to the particular police stations which are over-worked ? I will give you a concrete instance. I have taken some trouble to get the latest figures. They are for Princess Street police station. There were 1,300 Indian Penal Code cases, 12,000 local Acts and 5,000 cognisable cases at that station during the year. May I ask whether one inspector, one deputy inspector and two sub-inspectors would be quite competent to deal with these thousands of cases ? I believe, Sir,

[Dr. S. S. Batliwala]

it is impossible. It would lead to miscarriage of justice, it would encourage neglect and to say the least, it would cause trouble and nuisance to the litigating public. People do not get their cases attended to in time, they have to wait hours and hours before the officers find time to attend to their complaints. Sometimes they are insulted and are made to wait for hours and hours for trifling and petty offences. I say, Sir, it is not fair on the part of this Council to expect the existing strength of police officers attached to these overworked police stations to cope with their work without loss of time and without inconvenience to the public concerned. This naturally leads to considerable disaffection in the town and there is a feeling permeating amongst the masses that it is impossible to get the police officers to attend to cases with promptitude and despatch which is expected of them.

We have it stated, that on an average, work done by an officer amounts to about 150 cases per year. Let it be 200 or 300. Compare that with the Princess Street Police Station. Compare that with Nagpada police station and Maharbavdi police station. These police stations are overworked. Compare the amount of work they turn out with say Gamdevi police station which also has the minimum force attached to it. Whereas Gamdevi has not one-third or even one-fourth the number of cases to attend to, the staff attached to it is the minimum which is the same that is allowed to the Princess Street, Nagpada and Maharbavdi police stations.

If we take these factors into consideration, how can we expect all the overworked stations to discharge their duties as faithfully or as well or as efficiently as we expect? It would be totally unfair on our part to say that we should not give them increased staff as required.

Then again, Sir, as has been mentioned by the Honourable the Home Member, in the Blue Book, what do we find at Calcutta? Every Calcutta police station has four sub-inspectors and four assistant sub-inspectors, besides the superior staff and the number of cases never exceed 800 under the Indian Penal Code. You will therefore see there are in all eight sub-inspectors; whereas in Bombay we are provided with only two or three and these two or three are made to manage cases by thousands, whereas in Calcutta eight are managing cases by hundreds. This in itself is a good comparison. It is not that Bombay wants to get unnecessarily large funds sanctioned for having more police, but it is in the interest of justice and fairness that I think, this extra amount which has been demanded must be given.

Then, a point was made that in Bombay there are vacancies in the ranks of constables. The fact is that they are not available for want of housing accommodation. It has been well said by the Honourable the Home Member that for the housing accommodation sanction of a large sum by lakhs of rupees will be needed. I trust that in order to remove this long-standing grievance and the long-standing feeling of insecurity in Bombay, honourable members will be good enough to see that the police staff and police constables are better housed. I do hope that honourable members will see their way to give this much needed sanction.

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I feel that these police constables and officers have not been treated as well as they should be. It is under very discouraging circumstances that these men have been serving us, and in order to remove that feeling of dissatisfaction, it is necessary that they should be properly looked after. I would say, Sir, that if our policemen are not well looked after and their legitimate wants not attended to, there will not only be discontentment but temptation for corruption and this in turn will lead to dissatisfaction and it will form a vicious circle. From the above point of view, I think this much needed Rs. 50,000 for increasing the police staff in Bombay should be sanctioned by this Council.

Rao Bahadur R. R. KALE (Satara District): Mr. President, it is said by members from Bombay that we from the mofussil are jealous.....

Dr. S. S. BATLIWALA: We do not say that.

Rao Bahadur R. R. KALE: The question is about the need of protection and that need exists in the mofussil as much as it exists in the city of Bombay. The only point is that there should be a *pro rata* distribution, *pro rata* increase, or *pro rata* decrease, according to the condition of the finances. If the same complaint about the increase of crime and the need for greater protection exists in the mofussil, and if, as the honourable member for Ratnagiri pointed out, out of the total cost a very large proportion is spent in one area, then certainly we are entitled to ask whether it is not possible to see that the same work which is proposed to be obtained by an increase in the strength cannot be obtained by some readjustment or some overhauling of the present arrangements. For instance, the honourable member from Bombay pointed out that in some police stations there is little work although the strength of the police remains the same. My point is, is it not possible to reduce the strength at those stations?

Dr. S. S. BATLIWALA: It is the minimum.

Rao Bahadur R. R. KALE: I know what is meant by the minimum strength. These police officers are required for investigating purposes. If that is so, I do not see why there should be an increase in the number of constables. It is a well known fact that constables have been reduced in the whole of the Presidency in the last retrenchment. My submission is that if you want an investigating officer you may add a sub-inspector or an inspector, but we find that as soon as an inspector or sub-inspector is added, a corresponding increase takes place in the number of head constables and constables also. My submission is that for investigation purposes it may be quite enough to appoint a competent inspector, and there may be the necessity for the addition of such a supervising agency. But, as was pointed out by the honourable member from Surat, unless it has been shown that the investigations have been characterised as improper by any courts,—and no statistics of that kind have been made available to us, I do not think it stands to reason to say that proper investigation requires an all-round increase in the police strength. It is from that point of view that I object to this grant.

Khan Sahab A. M. MANSURI (Ahmedabad and Surat Cities): Mr. President, I oppose the motion for the omission of this item moved by my honourable friend from Kaira. My honourable friend from Bombay has stated that these sub-inspectors have to deal with as many as 5,000 cognisable cases, 1,300 cases under the Indian Penal Code and a large number of other cases under the Local Acts, and considering these figures I think the Council will be well advised to see that the item is not deleted from the budget. I know from personal experience that these police officers are overworked. If you take a complaint before them, and they wish to oblige you, or leaving aside the question of obliging, they want to discharge their duty conscientiously they are not able to do so. I will give one concrete instance within my personal experience. I was cheated of Rs. 14,000 for the 500 tolas of gold that I purchased from a so-called big merchant. I gave him my cheque for Rs. 14,000, and the man asked me to come the next day for the gold. Next day, when I went to him, he told me that he had not the gold. Then I approached the police and told them how I was being cheated. The inspector was an Indian and not the type of officer whose conduct we discussed just at the beginning of this session, and although he had a lot of other duties to attend to, and thought he wanted to help me, yet he told me "You have given him credit for Rs. 14,000, you had better go to the civil court." So, that was the position which arose. I also know that people who go to the police stations have to wait for long hours before they are heard, and there is the complaint that the police are not attending to their duties properly, that they do not attend to the public and all this is due to press of work. So, when the Honourable the Home Member comes with a demand for money to meet with all these defects and deficiencies, and when certain honourable members stand up and say that it should be cut down, I think we must raise our voices and say that this grant must be given. It does not seem to be fair in any way not to sanction this grant, and I appeal to the House to consider this item favourably.

Mr. V. A. DABHOLKAR: Mr. President, I rise to oppose the motion. The honourable member from Ratnagiri has stated that instead of having two deputy inspectors, it would be much better to add two to the number of sub-inspectors; that is to say, he wants that there should be twelve sub-inspectors and no deputy inspectors. The House has already been told that the present staff of deputy inspectors is extremely small, and that they are not able to cope with the work. So, if you remove them and add two more to the number of sub-inspectors, as suggested by the honourable member from Ratnagiri, may I know who is going to supervise the work of these twelve sub-inspectors, unless two more deputy inspectors are appointed over them? At the same time I would like to point out to my honourable friends from the mofussil who say that the lion's share of the four lakhs is to be spent for Bombay and as such they do not get anything substantial out of that amount, and in fact nothing remains for the mofussil I may tell them that Bombay does not consist, Sir, of the Bombay people alone but that many of the people of Bombay come from the mofussil. Take for instance the mill-hands. So far as they are concerned, the mill labour in Bombay is one-tenth of

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the population, about 1,45,000 and the majority we get is from the Ratnagiri district, and so all this money is not going to be thrown on Bombay but it goes to the people of Ratnagiri also. Then as regards other labour like the docks and railway workshops which comes to about twenty-five thousand it is from up-country and therefore I hope honourable members from the mofussil will see their way to support the demand which is made.

Then, Sir, the honourable members compare the state of things in Bombay with that of the other provinces when it suits their convenience. Only the day before yesterday we have had some discussion as regards the state of things in other provinces. But if we were to apply the same comparison to the matter under discussion honourable members will find that Calcutta police stations have four sub-inspectors and four assistants, besides the superior staff and the number of cases is something like 800, while the number of cases treated here as has been shown by honourable member for Bombay (North), is 1,300. So if honourable members compare the state of things in Bombay with that of the other provinces as they did the day before yesterday, it would be much better if they take such comparison into consideration when the state of Bombay is concerned. With these remarks, I support the demand.

Mr. KANJI DWARKADAS : I move for a closure.

The Honourable MEMBERS : Closure, closure.

The Honourable the PRESIDENT : I accept the closure.

Rao Saheb D. P. DESAI (Kaira District) : I am rather sorry, Sir, that distinction should have been made between Bombay and mofussil members. I speak as much as a Bombay member and I am proud of Bombay because it is the capital of the Bombay Presidency, and I would like to see to its security and to its safety but I don't believe it can only be attained by the increase of the police force ; what I fear is that it would exactly happen as my honourable friend from Ahmedabad said that we would find ourselves in the clutches of both the police and the dacoits. So any increase in the number of police and especially in the police of this city, I would rather look upon as a danger to the citizens and to the city itself. The honourable the nominated member for Bombay has compared our city with Calcutta, but in such matters comparisons are always risky as conditions may differ. Calcutta is a very big place where there may be about eight investigating officers per station while our Presidency being the poorest Presidency, we cannot afford to sanction any increased expenditure especially as we could get on till now. However, I do not know anything about Calcutta. The only way in which the safety of the citizens of Bombay could be insured is that they should look after themselves by arranging amongst themselves for their own security and that they should be alive to their own sense of responsibility. But on the contrary we find that they are too much enamoured of police. So much so that if there were no police in Bombay I do not know whether the Bombay people would remain in Bombay. They depend so much upon their police for their security. The place where I am actually living for a

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great part of the year I do not see any face of the police and still I get on all right.

The Honourable the PRESIDENT : I hope the honourable member will not carry his sense of humour too far.

Rao Saheb D. P. DESAI : With these remarks, I support this motion.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, the honourable member for Kaira has his own peculiar ideas about the police. But I do not think that is entirely the sentiment of the people of Bombay. I do not think it is necessary for me to add to what has already been said. Facts and figures are before the House. I observe this however that we are asking for two deputy inspectors because we have practically got double police stations at Princess Street and Nagpada. They are each practically doing the work of two police stations. Therefore we have to provide two extra deputy inspectors, for these two police stations. Then with regard to the actual figures I might point out further that the Indian Penal Code cases are cognizable cases and not non-cognizable cases as one of the honourable members supposed. I hope honourable members for Mofussil will recognize that money is not only being requested for Bombay and that there are other items coming forward which will more nearly interest the honourable members from Mofussil, I am sorry not to have had the opportunity of hearing the remarks of my honourable friend from Ahmednagar who, I believe, would have supported this demand for police in Bombay City.

Question put and negatived.

The Honourable the PRESIDENT : Now about reduction.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, I move :

"That item No. 117, grant for Rs. 50,000 be reduced by Rs. 25,000."

In moving the reduction I am accepting the necessity to a certain extent. In the first place we must take into account the fact that the Bombay City Police have got another branch, the C. I. D. for investigation work. They have to do a lot of investigation work. On most occasions the C. I. D. police has to help the common police in intricate cases. Looking from that point of view I am not satisfied that the present strength of the investigation staff is not sufficient. The Retrenchment Committee has accepted to a certain extent the advisability of strengthening the police.

I may strongly put it to the House whether my honourable friends from Bombay are fully satisfied that this whole amount will be required for the purpose. Giving due weight to the recommendation of the Police Commissioner we thought that his recommendation should be accepted to a certain extent. It is why I wanted to reduce it by Rs. 25,000. I do not want to go into the details. No case has been made out for the whole amount that has been asked for.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, the Commissioner of Police asked for more than what is actually put down

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here for this year. He pressed me to ask the Council for larger staffs. I looked into the figures myself in the police stations to make sure that they were not accidental increases of a particular year. After looking into the figures of all the police stations I satisfied myself that the increases were of a permanent nature, and therefore this staff was permanently required. I submit that it is the very minimum which is necessary for the proper conduct of the work of these police stations. With regard to the C. I. D. referred to by the honourable member for Ahmednagar, I may mention that they have to divide their attention between all the police stations in Bombay. They are not reserved only for these six police stations; there are a great many other police stations and the relief that can be given by the C. I. D. is very little to these police stations. I submit that it would be unsafe if any reduction were made in this grant by the House.

Question put and lost.

Rao Bahadur R. R. KALE (Satara District): Sir, I move

"That the grant of Rs. 8,068 for increase in the scale of rent of officers not provided with free quarters in the Bombay City be omitted."

The reason for this increase given is that the house rent in Bombay has risen and that quarters for the police officers are not available at the existing sanctioned scale of house-rent. In the first instance I wish to know whether this refers to any recent increase in the house-rent or to the rise that has already been existing. The life of the Rent Acts was about to expire, and a further extension has been given to those Acts. I do not know what is meant by increased rate in rent. This rise in rent is not of recent years. I do not see any reason how this increase is justified.

Then I want to know whether the rent is paid direct to the police officers or to the landlords direct, for it will make some difference if it is paid direct to the landlords. If it is paid to the police officers, then it is not likely that the amount will be spent for the purpose for which it is intended. Then again it is put down as a permanent expenditure. So, we must scrutinise this item before we sanction it. Increase on account of high prices has already been given. Therefore it stands to reason that in these days when expenditure on the police is also reduced elsewhere the Government would do well to see that the police officers are treated more or less equally with the officials of the other department.

Dr. S. S. BATLIWALA (Bombay City, North): Sir, my honourable friend who has just now spoken wants to know whether this rise in house-rent has taken place recently or whether it has been in existence for a long time. Sir, perhaps my honourable friend will remember that only very recently we have passed the Rent Act No. III, which permits the landlord to increase the house rents from 5 to 23½ per cent. I am quite sure that he is also aware that the Rent Act has come into force since 3rd February 1923. If that be so these officers who are paying as rent on an average more than Rs. 50, have to pay 10 per cent. extra according to Rent Act No. III. My honourable friend cannot therefore say that the increase now sought to be given is unnecessary. This increase

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directly comes from our own action. I do not think anybody can grudge this 10 per cent. increase in rent to police officers.

Then the next point raised by my honourable friend was whether this rent is paid by Government to the police officers or direct to the landlords. Perhaps my honourable friend is under the impression that the police officer gets as his house rent much more than what he pays to the landlord. Sir, I can say from what little I know that Government pays the rent direct to the landlords and not to the police officer. If the landlord wants a police officer to vacate, the notice for the same is sent to the Government and not to the officer. If I am wrong I shall stand corrected. But I believe, Sir, that not a single pie goes to the police officer from the rent that is paid to the landlord. Then, Sir, the third point raised by my honourable friend was that if you once give an increase, it will become permanent. May I ask, if on account of the Rent Act the landlords demand ten per cent. more rent, why should he grudge that increase even if it be permanent? If the rents have gone down and the Rent Act is abolished, then we would be justified in not sanctioning the increase asked for. But what do we find? Though the rents have gone down in certain localities, it has not affected those people who have been living in houses governed by the Rent Act. These people have been paying the minimum rent till now, and their rents have increased under the Rent Act by at least ten per cent. Unless we agree to give them this ten per cent. more, they will not get as good accommodation as they have now. I hope, therefore, my honourable friend will see his way to sanction this small sum of Rs. 8,068, representing a ten per cent. increase on the rents of these officers.

The Honourable Mr. M. H. W. HAYWARD: Mr. President, I should like merely to state the facts. This item refers solely to those officers who are not housed in Government quarters. Where Government quarters are not provided, we have to provide other quarters for these officers. A scale has been laid down on the basis of the average at which it has been thought possible to get suitable quarters for the different classes of officers, and the Commissioner of Police is allotted a sum on that scale to provide the necessary quarters. He has to find the houses and he has to pay the rents; and it is simply a question of actual experience whether he could do it on the scale fixed. I have been into this question, at the same time with other questions, when going round to the police stations; and I have been through the figures; and the result has shown conclusively that he cannot do it. It is true that in some of these stations he is able to find quarters at lower rents than the scale fixed; but in most of them it is found impossible to get them except at a very great increase. The consequence is that when the bill has to be paid at the end of the year he has not the money to pay for the quarters of these officers. And it is calculated that a ten per cent. increase on the present scale will work out within Rs. 100 of the sum that has actually to be paid by the Commissioner of Police. Not a penny of it goes into the pockets of the officers. If there is any saving, it will be a saving to Government.

Mr. C. M. GANDHI: Will be extended to all Government servants whose rent Government pays?

The Honourable Mr. M. H. W. HAYWARD: I am only speaking about the city police, and the police are in a peculiar position.

The Honourable the PRESIDENT: I must call the honourable member for Surat city to order. The question he asks is not pertinent to this vote because we are dealing with the police grant. The police stand on a different footing from other Government servants.

Rao Bahadur R. R. KALE: Sir, the argument was that if we propose to increase the rents given to the police we will have to extend the concession to other departments, and there will be further increase in expenditure.

The Honourable Mr. M. H. W. HAYWARD: Sir, I will only say this: the principle is that we have to house all the police.

Question put and lost.

Rao Saheb D. P. DESAI (Kaira District): Sir, I beg to move:

Omit item No. 119, Rs. 52,641 provided under 26, Police (Reserved), for increase in the strength of the armed Police of the Bombay City (second instalment).

Sir, when the grant was allowed by the House last year the Council's decision was influenced by the circumstances that had arisen during the year. The circumstances have now changed, and I should think that we should be satisfied with the existing force. Again, Sir, I should like to know whether a proportionate reduction has been made in the unarmed police in order to counteract the increase in the armed police. If there was no decrease made in the unarmed police on this account, then I think that any increase in the armed police should not be allowed.

Dr. S. S. BATLIWALA (Bombay City, North): Mr. President, my honourable friend has said that as there is normal condition prevailing now in Bombay where is the necessity for the second instalment of armed police? May I only refer him to an instance which occurred only two or three weeks ago, of dacoities at Naigaum and other places? And the latest proof of this, is that the corporation has submitted a representation through the Municipal Commissioner to the Commissioner of Police asking him to make an immediate provision for better police arrangements for the safety of the people in the north of the island. The police and the people have come to the conclusion that the unarmed police cannot cope with these dacoities and burglaries and therefore more armed police is absolutely necessary. It may be true that on account of the present slightly increased strength of the armed police in the north of the island these dacoities and burglaries have slightly decreased in number, but to say that these dacoities and burglaries have been absolutely reduced or stopped, is not in accordance with the facts.

Then, Sir, another point was made that the unarmed police should be reduced in proportion to the increase of the armed police. Let me remind my honourable friend that it was only recently that I put a question to Government whether they had got the sanctioned

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strength of the unarmed police. The answer was, no. And the reason advanced was—difficulty of recruiting. Sir, we are short by several officers and hundreds of constables from the sanctioned strength. Not only that; but the increase in the strength of the cadre was sanctioned a few years ago and not in accordance with our present requirements. Under the circumstances, may I ask, who is going to protect the life and property of the citizens of Bombay? Citizens of Bombay who consist not only of pure Bombaites, but thousands of people from the mofussil. If dacoities are committed in Bombay, they are committed in a large number of cases by people who come from the mofussil. I may tell you an instance which occurred only a few days ago, as it was reported in the papers that the Commissioner of Police with the aid of several of his officers was successful in rounding up about 400 or 500 Pathans in the city, a few of whom were detained for enquiry and the others were let off. It is men like these who come from mofussil and commit dacoities and burglaries. I am told by my honourable friend Dr. Dadachanji that they are mostly from Ahmednagar. I do not know whether that is a fact, but this is a fact that the Bombay people on an average are not known to commit dacoities, or robberies or burglaries. It is the outsiders that visit Bombay who commit them. Therefore, Sir, if the provision asked for the second instalment of armed police is for Bombay, let me tell my honourable friends from the mofussil that it is really meant more for the benefit of the people from the mofussil who visit Bombay and it is necessary in addition to the existing number of unarmed police which is very much less than the sanctioned strength. With these words I oppose the proposition for reduction and support the grant.

Mr. S. K. BOLE (Bombay City, North): Mr. President, I may inform my honourable friend from Kaira that the demand for armed police comes from the people themselves. He does not know what is the state of affairs in the northern part of the island of Bombay. Sir, we who reside in the northern part of the city of Bombay, have to pass sleepless nights on account of the Pathan terror and even the police, as they are unarmed, are helpless before the Pathans. They cannot do anything and under these circumstances the demand is made by the people themselves for this armed strength and I think my honourable friend from Bombay City (North) was perfectly right when he said that the dacoities wherever committed are not committed by the residents of Bombay, but by people who come from the mofussil, who come here to earn their livelihood. Sir, many persons belonging to the criminal tribes, belonging to the frontier tribes, and so on, are to be seen in the north of the island where the Development and Improvement Trust works are being carried on. Replying to the interruption by my honourable friend from Belgaum I may say that we are in the hands of our friends for regularising the coming of these persons in the city of Bombay. If that is done, then I think the people's anxiety will be relieved. With these words I support the grant.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Mr. President, I would, first of all, like to know from my honourable friend from

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Bombay City (North) whether his remarks about the people from the mofussil were seriously meant.

Dr. S. S. BATLIWALA : Not at all.

Rao Bahadur G. K. CHITALE : If they are seriously meant, I must say that.....

The Honourable the PRESIDENT : After the assurance that they were not seriously meant, the honourable member for Ahmednagar need not trouble further about them..

Rao Bahadur G. K. CHITALE : But, Sir, I wish to say that the principle which has been accepted both by Government and the Retrenchment Committee is a very important principle, namely, that in cases where a reduction of police is considered proper, you might increase the armed police and decrease the unarmed police in proportion to it. You might reduce a certain number of that unarmed police and go on increasing the armed strength. You may accept that principle, or you may not accept that principle. But that is a principle accepted both by Government and by the Retrenchment Committee. You have then committed yourselves to this thing that there should be a corresponding reduction. In any case, that is a point which requires serious consideration. From the figures that we have got, the present strength of the Bombay police is somewhere near..... There are several duties to be performed and one of the duties which the armed police are asked to do is to guard banks, guard houses and others, and it was necessary, therefore, to give a corresponding relief to the armed strength by way of addition which was done last year. No doubt, there have been dacoities. If this strength is only to be added temporarily, I say that is a wise and prudent course to take. But if irrespective of all those considerations you once accept that principle that, yes, we go on adding to our armed strength and unarmed strength, that is an argument which will be moving in a vicious circle. That point of view was explained by the Commissioner of Police and if my memory serves me correctly, he has accepted that as a principle. How far that has been put into practice by him is a matter for the regular administration to say. But to give a permanent character to this strength, to my mind, is rather a doubtful factor on the facts as they are put before us. There is another point, and it is this : in case of the armed strength you require more money, it is more costly. In assenting to that proposition you will also have to consider that phase of the question. As I say, I am prepared to leave it to the Honourable the Home Member to consider. But if he has accepted the recommendations of the Police Commissioner irrespective of the fact whether he has made up his mind to keep the present strength or not, I do not know, the House may decide on that principle. I am not quarrelling with the fact that the armed strength should be added.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I do not think it is necessary to go into the exact details of the suggestion made by the honourable member for Ahmednagar, as this is merely the second instalment of what was promised last year and the need has, I understand, already been accepted by this House. I should like to say

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that I have considered the question of what would be the minimum that we require and I certainly think that this will be required permanently. I do not see in a city like Bombay which is rapidly developing in all quarters that it will be possible to increase your armed police at the cost of the unarmed police. It is impossible to treat the city of Bombay with its vast developments in progress on the same principles which have been applied to the mofussil. I do not believe that the same development is now in progress in the district of Ahmednagar. I was there not long ago and it seemed to me to be very much the same city as when I was there for the first time some 35 years ago as Assistant Collector. I do not think that these principles therefore necessarily apply to the city of Bombay. I think therefore that this grant ought to be allowed by the House.

Rao Saheb D. P. DESAI (Kaira District): Sir, I wish to just touch upon one point. The honourable member from Bombay says that there was a decrease in dacoities in the north of Bombay owing to the existence of or the introduction of armed police in the Bombay police force.....

Dr. S. S. BATLIWALA (Bombay City, North): I said "partial decrease".

Rao Saheb D. P. DESAI: What we have to consider is this, how rapidly this partial decrease has come about in Bombay and that the present strength of armed police has succeeded in such a very short time in coping with and suppressing dacoities which are really very hard to suppress. Dacoities are very difficult to suppress for years and years together as can be seen in my own district where there have been dacoities for the last four or five years and still they are there. Anywhere in the mofussil wherever there are dacoities, the police is powerless to suppress them within so short a time. So it has to be admitted that since last year when the armed police was strengthened in Bombay, there has been a suppression of dacoities. I therefore think that without any additional increase the existing strength will be sufficient to suppress dacoities in Bombay. If as we are told by the honourable member from Bombay there has been a partial decrease in dacoities in the north of Bombay since the increase in the armed strength in four months let us say that it will take six or seven months more to suppress the dacoities entirely, and that is I think the normal period in which dacoities must be suppressed.

One point more, namely, that it was asserted by the Honourable the Home Member that Bombay city was rapidly developing. I think that that statement cannot be accepted by this House because the development of Bombay depends upon the development or progress of the mofussil. Bombay depends for its buying and selling on the mofussil areas. If these mofussil areas are prosperous, Bombay is prosperous; otherwise if these mofussil areas are starving, you cannot expect any prosperity in Bombay. Of course the prosperity which is brought about by Government by spending crores of rupees is not a permanent or real prosperity, that is only a temporary prosperity. If the mofussil

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is not prosperous, you will have a slump in the Bombay market. With these remarks, I move that this item be omitted.

The Honourable Mr. M. H. W. HAYWARD : Sir, I have nothing to add. Question put and lost.

Rao Bahadur R. R. KALE (Satara District) : I move

That item 120, page 177 of Blue Book, Rent of 120 rooms to be rented from the Development Department for the Bombay City Police, Rs. 21,600, be omitted.

The object of incurring this expenditure is both to find better accommodation for police constables and to secure tenants for the chawls built by the Development Department. The Development Department's tenements seem to me to be going abegging. A note has been placed in our hands from which we see that the Infant Welfare Society has been given a grant-in-aid of Rs. 1,680 to enable it to secure ten rooms in the Development Department's tenements. That shows that Government has been building through the Development Department these chawls and because they do not find any other suitable tenants elsewhere, they are trying to find tenants for their own buildings for which the rent is to be paid by themselves. On the merits also this appears to me rather unsound. It is stated that the house-rent allowed to policemen will be proportionately reduced when these rooms are occupied by police constables and that the economic rent of Rs. 15 has been fixed for these tenements, that this has been fixed for the present only and is subject to revision as from the date of allotment when actual cost of construction is known later on. You will see, Sir, that Rs. 15 is now proposed to be charged as only a temporary measure and it is no wonder that next year we may be asked again to increase this rent. I submit that the payment of Rs. 15 certainly looks to me to be a very exorbitant amount for these rooms. I suppose the question of increasing your armed or unarmed police strength does not arise, but it is a question which should be decided on its own merits and I submit that the item should be omitted.

Mr. C. M. GANDHI (Surat City) : Sir, I beg to support the motion, for I fail to understand how, when these rooms will be occupied by the police, there will be a corresponding decrease in the grant of house-rent. So far as I am aware, policemen in Bombay are given Rs. 28 pay plus Rs. 7 house-rent. Now, we are going to give him a room which will cost us Rs. 15 per month. Surely, there cannot be a corresponding decrease in house-rent. We shall have to pay per constable Rs. 8 more than what we pay now.

My second point is that, with all the activities of the Development Department which the other day was lauded to the skies as a department which was rearing up so many chawls in so short a time (one chawl in five days), that department has not been able to tell us, even after three months, what is going to be the exact economic rent for a room in those chawls. Surely, the Director of Development must now be in a position, after we met at the Worli Road three months ago, to tell us what is going to be the exact economic rent for one room out of those rooms which are going to be built for the policemen. It may be, and I have reasons to

[Mr. C. M. Gandhi]

suspect, that the economic rent is going to be more than Rs. 15. I see the Home Secretary shakes his head, and I shall be very pleased if the Director of Development is able to tell us now what is going to be the exact economic rent for each room. At any rate, no reason is given to show why we should provide these happy constables with a room and give them more than what the others are entitled to. I therefore submit that this grant should be omitted.

Sir LAWLESS HEPPER: Mr. President, I should just like to explain that the average economic rent of the rooms in the chawls has recently been fixed by Government at Rs. 14-8-0. It has been ruled that the department is to be run as a commercial concern, and that if we let any chawls to people other than the working classes we must charge the economic rent. In the case of the working classes the minimum rent has been fixed at Rs. 10 because there is special provision in the cotton cess for covering the loss. There is no provision for covering the loss in any other case, and therefore the full economic rent has to be charged.

Mr. KANJI DWARKADAS: Mr. President, this item has to be considered from two points of view. I will put before the House the first point of view—the proper housing of the police constables. Government are doing just the right thing in trying to get their police properly housed. I may refer honourable members here to a statement by the Inspector General of Police (Mr. Griffith) in his report. He says: "As pointed out in the last report, efficiency, discipline, the preparedness of the police to deal with certain emergencies are seriously impaired by the necessity of housing the men often in highly insanitary surroundings, in scattered private quarters." This short sentence means a great deal, indeed very much more than it means to the ordinary man in the street. We at least ought to realise the seriousness of the situation. The police have always got to do a very thankless task. For one policeman who does something wrong, the whole police force has sometimes to suffer in reputation, very wrongly indeed. Therefore, I think this honourable House ought not to take the point of view of the ordinary man in the street, but must go into the situation very seriously. The police officers and constables whom Government now wish to house by having this grant are poor people, poor people who get wages quite as low as anybody else in Bombay—Rs. 28 a month. Also, they are not actually Bombay men. They come from Ratnagiri. They have to be properly housed, if good work is expected of them. They cannot do good work unless they are in good health, and they cannot have good health unless they are properly housed. They have got special difficulties in getting housing accommodation, and that is why I referred to their being mofussilites. Therefore, I hope this Council will allow Government to make proper housing arrangements for the constables.

Coming to the second point, the statement made by the Director of Development makes things a little more cheerful than what we were given to understand so far. Government have now, it seems, decided to take less rent than the economic rent. Therefore, I think this House should pass this item.

Mr. V. A. DABHOLKAR: Mr. President, I should like to answer one point made by the honourable member from Satara. He stated that Government is begging for tenants to fill in the chawls of the Development Department, where he is not correct. These chawls have been taken over by Government for housing the police, for these reasons, DeLisle Road comes in the midst of the mills, and as such public bodies like the Improvement Trust or the Municipality have not any land there of their own. Government have already provided quarters for police constables in the north of the island at Matunga and Naigaum on the Improvement Trust estates and Government has got these chawls from the Development Department to house the police, as there is no scheme of the Improvement Trust in this area where they could get land, and if Government were to purchase the land for housing these policemen in the midst of the mill area, that is DeLisle Road, it will be a very costly thing. Therefore, they intend to take these rooms from the Development Department.

The question was raised as regards the house-allowance of the constables. They receive a house rent of seven rupees a month, and they have to share a room with others in any part of the island, and, as the honourable member for labour pointed out, from the report of the Inspector General of Police says that this leads to the loss of efficiency and discipline. As long as the constables are not properly housed next to their doors of duty, it is rather difficult to manage any trouble which may arise. If the House sanctions this grant, it will be very beneficial because when there are labour troubles in the mill districts the head-quarters of the police are at Jacob Circle, and if these police constables, about 120 in number, are housed in DeLisle Road, quite close to the Jacob Circle then in the days of strikes, they will be at the beck and call and so extremely useful.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Mr. President I do not grudge housing accommodation to the police. They are hard worked, and they do deserve it. But it appears that in 1921-22 the expenditure on rents, rates and taxes was Rs. 1,12,566, the budget estimate for the current year is Rs. 5,41,817, and for the ensuing year we have budgetted for Rs. 4,65,825. In 1921-22 we spent Rs. 1,12,566. Last year we budgetted for Rs. 5,41,817, and the present amount that is asked for rents, rates and taxes is Rs. 4,65,825. That is to say this one item in the last three years has gone up about four times. Now I want an explanation as to how in 1921-23 the rents were so low that the expenditure on that account was so low and how in the last three years they have gone up by about 400 per cent. I want an explanation of that fact. Now the fact which I would like to be made clear is if we go on increasing the rent bill on this scale, I do not know where it is going to stop. Government will have to consider this and the facts are there. I remember, honourable members of this House do remember, that when these chawls were built they cost about a lakh of rupees and over. Now these costs have gone down to about 80 thousand, and instead of Government occupying these chawls which have been built on a dearer scale, I will put to the Honourable the Home Member whether it would not

[Rao Bahadur G. K. Chitale]

serve his purpose to accept the chawls which could be had at cheaper rates so that economic rents may be lowered. For 80 thousand rupees, speaking broadly there will be a reduction of two and a half per cent., because the cost of material and other things have gone down.

My only point, Sir, is this that when in such financial matters responsibility is being taken, it is the duty of the Honourable the Finance Member and the Chief Secretary to look into this matter rather than spend any amount out of our resources. And I address my argument to the Honourable the Finance Member and the Chief Secretary from this point of view. As a matter of fact I am prepared to say that we are prepared to house our policemen on seven rupees per month. Surely during the last three years their pay has been increased, that is to say any amount which would be less than that pay would be necessarily increased. But any expenditure which goes over that, I think the expenditure of about 50 per cent., will not be sanctioned because it is an avoidable expenditure which if the Honourable the Finance Member sits tight, it can be avoided. Here we are going to occupy Development Department chawls of Rs. 15 rent. So the Development Department is not going to give you any reduction just as in the case of labour. I do not know why it should not because after all if the property is the Development Department property and if it is to be properly looked after the chances are that the Development Department will consider the general interest and that their chawls will be available on still easier terms. Not only that but I am quite sure whether there does or does not exist a clause as we have in the Improvement Trust Act that if an opportunity arises the Development Department is also bound to provide for such police schemes. If there is no clause like that in the Development Act I do not know. But even though there may not be such a clause, I think Government has a very good case to ask why in the case of the location of their city police they should not locate them on the same provision as that of ordinary labourers and that we have been always saying that one department of Government should help the other and here the Development Department is not of a different kind. I am quite sure also that this rental which is now asked for appears to me to be exorbitant. The point, I wish to make, therefore, is this: if the police are going to be located only until we can locate them in the new chawls as in Nagpada and this should be done as soon as possible, and I know that there are in the vicinity chawls which are now available for a lesser rent as the cost has come down to 50 per cent. I do not know, why Government holds themselves responsible for the rent by occupying the Development chawls, and I should think, Sir, if Government holds out that responsibility, it would have to make a strong case for sanctioning for the policemen the present rate of rent, and I do not know, why they should not go in for other chawls where the rent is Rs. 10 on an average. I hope the Honourable the Home Member will look into this and I am sure he will find that there will not be so much expense as is sought to be made out. Taking all these facts into consideration, therefore, I hope the House will appreciate this part of my argument and vote accordingly.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I do not think that in respect of this small item of rental of 120 rooms in the DeLisle Road, we ought to digress into a debate on the whole principle of the Development Department. I wish, therefore, to restrict myself to this particular item, rental for 120 rooms in the DeLisle Road. There is at present a police station in a blind alley off the DeLisle Road but it provides no quarters for a single constable. The consequence is that the constables have to find houses wherever they can. It is almost impossible to find houses near the DeLisle Road police station and some of them have to live as much as three to four miles away from the place of their duty, and the consequence is that in the time of trouble it is impossible to get the necessary number of policemen at the police station. We have been, therefore, exceedingly, fortunate in coming to an arrangement whereby we have rented some of these chawls of the Development Department. They are situated as near as possible to the DeLisle Road. It is a particularly favourable position, and a position in which it would be impossible for us to build police lines at anything like the moderate rents charged by the Development Department. It is, I think the House will recognize, a very advantageous arrangement for the Police Department.

I may mention that the rent at which many of the police constables have to find their own quarters is seven rupees and it is wholly inadequate. And the way that the police constable manages it is this : he searches for a room at some distance from the police station, hires it for sixteen rupees and gets two or three other families to share the room with him. Thus four families crowd into that room and each pays four rupees as his share of rent for extremely uncomfortable and distant quarters. That leaves the constable three rupees. Now part of that three rupees he has to spend on tramway fares but he sometimes saves twelve annas or a rupee a month and is glad to make that little amount of money for himself, but it is very bad from the point of view of discipline and efficiency of the police. It is essential for us to house our men upon the spot, this particular spot, where they are required, namely, the DeLisle Road. The seven rupees that is now given is wholly inadequate now-a-days to find suitable accommodation for policemen. We have been enabled by an arrangement with the Development Department to get these 120 rooms upon the average economic rent of all their chawls. The average economic rent has just been stated to be Rs. 14-8-0. That is the average economic rent of the chawls built by the Development Department in the various localities. The average economic rent of the chawls built at the DeLisle Road is a little more on account of the extra cost of acquisition of lands in that locality. The actual economic rent of the chawls built in the DeLisle Road is Rs. 16-4-0.

Dewan Bahadur K. R. GODBOLE : I want some information from the Director of the Development Department.

The Honourable the PRESIDENT : When the Honourable the Home Member is in possession of the House that cannot be allowed.

Dewan Bahadur K. R. GODBOLE : I want to know on what basis the average economic rent is calculated, whether on the basis of the cost of one lakh of rupees or of Rs. 80,000 per block of 80 rooms.

The Honourable Mr. M. H. W. HAYWARD : I am not enough of an expert to follow the question of the honourable member and will not endeavour to give him a reply. The facts stated to me are that the average economic rent of the chawls built at the DeLisle Road is Rs. 16-4-0 and that of the chawls built by the department in other places is Rs. 14-8-0. But I cannot give you the figures of the calculation. I have however myself a great admiration and faith in the accuracy of the figures of the Development Department.

Dewan Bahadur K. R. GODBOLE : I shall get the information from the Director.

The Honourable Mr. M. H. W. HAYWARD : This I think is a very good bargain to get 120 rooms on a rent of Rs. 15 per room. This is much less than the rent of the chawls built by private capitalists, because the Development Department is a large department having very large resources. They are able to construct chawls much cheaper than any other body in Bombay.

I should like to refer to the figures mentioned by my honourable friend from Ahmednagar. He referred me to page 106 of the Civil Estimates and said that there was a considerable rise in house-rent allowance. The figures quoted by the honourable member under the item Rents, Rates and Taxes are not the figures for the house-rent allowance. House-rent allowance appears higher up. Budget estimate for house-rent allowance for 1922-23 was Rs. 85,000 and the budget estimate for 1923-24 is Rs. 83,000. So, there is a reduction.....

Rao Bahadur G. K. CHITALE : (Inaudible).

The Honourable Mr. M. H. W. HAYWARD : I think I may assure the honourable member that I am right in this matter. I have studied the budget very carefully. The item Rents, Rates and Taxes is quite different from House-rent Allowance. The item Rents, Rates and Taxes includes the sums that we have now to pay to the Improvement Trust on account of the sinking fund and interest charges on the schemes which have been handed over to us recently. That is why a sudden rise appears under that item.

This grant ought to be sanctioned in view of the exceptionally cheap arrangement for the police which absolves us from the necessity of building chawls ourselves. The cost is quite modest, apart from the general scheme of housing the police which will be fully discussed when we come to the estimates. There we have a loan demand, which, I may say, has been rigorously scrutinised not only by the Chief Secretary of the Finance Department, but by the Honourable Member in charge of the Finance Department.

Rao Bahadur R. R. KALE (Satara District) : Sir, we feel that at this time when we are making retrenchment in every possible direction we should not look to the comforts of police officers in a manner that what we saved by retrenchment will be spent in this direction. It has been

[Rao Bahadur R. R. Kale]

argued that they are able servants, they must be properly looked after, and that they must live where their duty lies. Curiously enough, this discovery synchronised with the construction of chawls by the Development Department. The police has been in existence for a long time ; when our coffers were full this idea did not occur to the Honourable the Home Member to provide residential quarters to the police. For the first time this discovery has come into existence. My submission is that there is no special need now for the police. Then it was stated by the Honourable the Home Member that seven rupees is too small. Here again what I say is whether the house-rent even if it be small should be increased now, at a time when there is financial stringency. That is the whole point. The House will have to consider the expenditure on the police for the last several years. All these arguments on behalf of the grants must wait. If we yield to the arguments of the Honourable the Home Member, we will have to go in for additional taxation. For these reasons I submit that the House will certainly not pass this item.

The Honourable Mr. M. H. W. HAYWARD : I have nothing more to say. It makes very great difference to the health of the policemen and their efficiency, if we pay them well and keep them working in comfort. I may however observe that this scheme of housing the police has been gradually carried out ever since 1898, the passing of the Improvement Trust Act. I hope this item will be passed by this House.

Question put and lost.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : I beg to move :

" Reduce item No. 123, Rs. 28,000, provision made under 26, Police (Reserved), for re-organisation of the staff of the Northcote Police Hospital, by Rs. 10,000."

I understand, Sir, that this is not in accordance with the present necessities. The average attendance is about 89 ; and there is provision at present for 80 beds. I understand that it is proposed to make provision for 120 beds. Having regard to the fact that there is at present an average attendance of only 89, I should think if we provide for 100 beds, it should be quite sufficient. I submit that in these days of financial stringency we need not go ahead of the requirements so much. I therefore think that the demand should be reduced by Rs. 10,000.

Mr. KANJI DWARKADAS : I am afraid I cannot agree with my honourable friend for Ahmednagar, because the arrangements at present prevailing in the Northcote Hospital are very unsatisfactory. I have seen the hospital myself and I may assure honourable members that immediate improvement is absolutely necessary. I may inform my honourable friends that at present there is no adequate staff in the hospital, and that the hospital which is situated in quite a good building suffers because there is no proper arrangement with regard to nurses and other staff. The present mal-arrangements also lead to lack of efficiency, so far as the police force is concerned. One of the police constables falls ill ; there are no nurses and he therefore gets another police constable to look after him. So, for one constable who falls ill, you have two constables not doing the work. In this way the city also suffers. Then,

[Mr. Kanji Dwarkadas]

Sir, there is no arrangement at present for the accommodation of the staff, who are now accommodated on the top floor. It is proposed to build quarters for the accommodation of the staff, and when that is done, I hope it will be possible to provide additional accommodation. I may also inform my honourable friend from Ahmednagar that the present sanitary arrangements are also not satisfactory. In a hospital everything should be clean and neat and everything should be put on a most sanitary basis. At present this is not the condition in the hospital and I therefore suggest that this item should be granted.

Rao Bahadur G. K. CHITALE : If the facts were as stated, I would very heartily vote for the item.

The Honourable the PRESIDENT : The honourable member is out of order. He is making another speech.

Dr. S. S. BATLIWALA (Bombay City, North) : I am sorry, Sir, that my honourable friend from Ahmednagar does not believe what my honourable friend from Bombay has stated. From my own personal knowledge I would like to say that the staff is absolutely inadequate. There are about 80 patients to be attended to on an average, and the staff for this consists of one ward boy for every 20 or 25 patients and two sub-assistant surgeons who are supposed to do night and day duty living on the top floor of the Hospital. I ask, would you allow yourselves to be treated in this shabby manner if you were ill? It is our duty, Sir, to look after the comforts of the poor. These poor distressed people who have no homes to go to are laid up and they are not attended by a legitimate staff—by legitimate staff I mean nurses and ward-boys in sufficient number. There must be at least a larger number of ward boys than one only for 20 or 25 patients and there ought to be some nurses and ayahs. This defect pointed out by me is a fact which I can vouch for from my personal knowledge.

Secondly a great point was made about the small number of patients in the hospital. The fact of the matter is that the accommodation available for the patients has been occupied by the sub-assistant surgeons, who are required to live on the spot and thus rooms, which are meant for the patients, are occupied by the resident doctors. Therefore you will see, Sir, that the reason, why the hospital has a small number of patients, is not on account of not getting enough number of patients but it is on account of having no accommodation to locate them.

Whenever there are larger number of patients seeking admission they are trotted away to J. J. Hospital because there is no room in the police hospital. A police hospital is intended to provide for all constables who are ill. It causes very great discontentment among the policemen when they are sent to other hospitals, because they believe that they are not sent to their own hospital where they would be amongst their own men and officers, but they are sent to other hospitals where they are at the mercy of officers who are not known to them. I can challenge anybody to say that there are not enough patients to go to the police hospital. As I said above there is not enough accommodation for them. I am

[Dr. S. S. Batliwala]

informed, and I hope it is true, that it is proposed to erect temporary quarters for the staff in a place just opposite to the present hospital, where these sub-assistant surgeons and the nurses will be accommodated; and the rooms which will be vacated by them in the main hospital building will be available for a larger number of patients.

I hope after this explanation my honourable friend for Ahmednagar will see his way to vote, as he said he would vote wholeheartedly, if proper explanation is forthcoming.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, my honourable friends, I think, may take it for granted that I have visited the hospital. I have not only visited it, but I have visited it with various motives. I would draw the attention of my honourable friends who spoke about the facts, to page 275 of the budget where there is a very large grant of Rs. 2,50,000 asked for, "for additions and alterations to the Northcote Police Hospital at Nagpada". That is to say, there is provision made separately for quarters for sub-assistant surgeons and everything else. They may therefore set their minds absolutely at ease on that score.

The Honourable the PRESIDENT: This whole question can be solved, and the point now raised ruled out of order if the Honourable Member in charge states that that particular item which is anticipated has nothing to do with the reorganisation of the staff.

The Honourable Mr. M. H. W. HAYWARD: That item has nothing to do with the reorganisation of the staff: it has to do only with the housing of the staff.

Rao Bahadur G. K. CHITALE: Sir, it was stated that the top floor is going to be vacated and additional accommodation would be made available, and that this item of Rs. 28,000 was connected with that arrangement. My argument is that this item is only meant to strengthen the staff. It is stated in the note.

"It has been brought to the notice of Government that the condition of the Northcote Police Hospital in Bombay is unsatisfactory with special reference to the utterly inadequate staff, the insufficient number of beds, the want of accommodation on the premises for the staff of the hospital, etc."

It was assumed from this that this item was meant to provide for accommodation. I drew attention to the fact that there was another provision made later on for accommodation.

The Honourable the PRESIDENT: If what the Honourable the Home Member said is correct, that this item is limited to the reorganisation of the staff, then I admit that there is some room for the comments which the honourable member for Ahmednagar has made. His argument seems to be that there is another item which includes provision for accommodation.

Rao Bahadur G. K. CHITALE: So I say that the re-organization must be in proportion to the men that are likely to want accommodation and the Honourable the Home Member has not denied that provision for 100 would be sufficient on the financial basis. I therefore think that that could be done by making a provision for 100 men. I note this

[Rao Bahadur G. K. Chitale]

provision is made on the basis of 120 policemen. If the Honourable the Home Member denies that, as a matter of fact, my only contention is that if the present provision is only for 89—the present average number is 89—if we make a reasonable accommodation for 100, that would be quite a suitable and sufficient accommodation and it is not necessary to make larger accommodation.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I should like to point out that though the average has been only some 89, as mentioned by my honourable friend from Ahmednagar, the reason is that there has not been accommodation for more. If you have got only accommodation for 89, you cannot expect that the average would be more than 89. That is the reason why the average has not been more than 89; there has been accommodation only for 89 and not for more than 89. As a matter of fact, accommodation is required for more. A number of men have been turned away simply because there was no accommodation in the hospital. I have inspected the hospital myself and I have gone into the figures and the facts, and I also took the precaution of getting the opinion of the Surgeon General, who has also personally inspected the hospital, and talked the matter over with the Police Surgeon, Dr. Nunan. I am advised that accommodation for 150 by bringing into use the upper storey, which is now utilised for sub-assistant surgeons, is very urgently wanted in order to provide more hospital accommodation for police. I may say here proper hospital accommodation for police is really economical because it means that your policemen are properly attended to and therefore they return earlier to duty. I think the accommodation is all required and, as regards the staff, I have no doubt in the matter whatever. Everybody that I have spoken to says that the present state of things is scandalous and it is very far below the staff provided for any of our civil hospitals. The present intention is to make permanent the temporary sub-assistant surgeon to provide the necessary number of compounders, dressers, nurses, ward boys and sweepers, and I submit that this staff is really essential in order to relieve this very long felt want,—a want which has been specially pressed upon us by the constables themselves—for the proper reform of the Northcote Police Hospital.

The Honourable the PRESIDENT : I will put the question in such way as to remove all misapprehension.

The Honourable Mr. M. H. W. HAYWARD : I may say, Sir, that the word " etc." merely includes minor apparatus required in the hospital.

The Honourable the PRESIDENT : I do not think it is very important in this case. I will put the question in this way :

" Reduce item No. 123, Reorganization of the staff of the Northcote Police Hospital, Rs. 28,000. "

Question put and lost.

The Honourable the PRESIDENT : The Council is adjourned till 1 p.m. to-morrow, Thursday the 8th March 1923.

Thursday, the 8th March 1923.

The Council reassembled at the Town Hall, Bombay, on Thursday, the 8th March 1923, at 1 p.m., the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

Present :

ABDUL KADIR KHAN ABDUL AZIZ KHAN, Mr.
 ADDYMAN, Mr. J.
 ADHAV, Mr. P. N.
 BATLIWALA, Dr. S. S.
 BEDREKAR, Khan Bahadur I. M.
 BHATE, Mr. G. C.
 BHUTTO, Khan Bahadur S. N.
 BIJARANI, Khan Saheb S. K.
 BOLE, Mr. S. K.
 BOZDAR, WADERO Khan Saheb K. G.
 CADELL, Mr. P. R.
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. F.
 COCKE, Mr. H. G.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Mr. V. A.
 DADACHANJI, Dr. K. E.
 DALAL, Sardar Khan Bahadur ADARJI M.
 DALAL, Mr. D. B.
 DESAI, Rao Saheb HARILAL D.
 DESAI, Rao Saheb DADUBHAI P.
 DRAKHAN, WADERO MAHOMED PANAH
 DUBHASHE, Mr. SHANKAR BALKRISHNA
 DUMASIA, Mr. NAOROJI M.
 DWARKADAS, Mr. KANJI
 FERNANDES, Major C.
 GANDHI, Mr. C. M.
 GAYASUDDIN JAUDDIN, Mr.
 GHOLAP, Mr. D. D.
 GHULAM HUSSAIN, The Honourable Khan Bahadur SHAIKH
 GODAD, Khan Saheb ABDULLA AVJAL
 GODBOLE, Dewan Bahadur K. R.
 GULAMHUSEN, Mr. SULTANALI SALEMANJI
 HAJI, Mr. IBRAHIM S.
 HAJI KHAMISO GUL MAHOMED, Mr.
 HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA
 HAYWARD, The Honourable Mr. M. H. W.
 HEPPER, Sir LAWLESS
 HULKOTI, Mr. CHANNAPPA CHANVIRAPPA
 ISRAN, Khan Saheb G. A.
 JADHAV, Mr. B. V.

JENNINGS, Major-General W. E.
 KALE, Rao Bahadur R. R.
 KER, Mr. J. C.
 LALBHAI AMBARAM, Mr.
 LALJI NARANJI, Mr.
 LAWRENCE, The Honourable Mr. H. S.
 LIGADE, Mr. S. P.
 LOBY, Mr. F. B. P.
 MANSURI, Khan Saheb A. M.
 MEAD, Mr. P. J.
 MEHTA, The Honourable Mr. C. V.
 MODI, Sardar Davar T. K.
 MOHOMED SALAHUDDIN K., Mr.
 MONTGOMERIE, Mr. A.
 MURPHY, Mr. S. J.
 MUTALIK, Sardar V. N.
 NILKANTH, Rao Bahadur R. M.
 NIMBALKAR, Mr. K. B.
 OJHA, Mr. DIPCHAND T.
 PAHALAJANI, Mr. B. G.
 PARANJPYE, The Honourable Dr. R. P.
 PARULEKAR, Rao Saheb L. V.
 PATEL, Mr. B. P.
 PATEL, Mr. J. B.
 PAWAR, Shrimant J. A.
 PETIT, Mr. JEHANGIR B.
 PRADHAN, Mr. M. W.
 PROES, Mr. E. M.
 RAHIMTOOLA, The Honourable Sir IBRAHIM
 ROTHFELD, Mr. O.
 SAHERWALA, Khan Saheb I. A.
 SALGAR, Mr. R. G.
 SETALVAD, The Honourable Sir CHIMANLAL
 SHEPHERD, Mr. W. C.
 SHIRRAS, Mr. G. FINDLAY
 THOMAS, Mr. G. A.
 TRIVEDI, Mr. G. B.
 VICHARE, Rao Bahadur D. A.
 WOODS, Mr. E. E.

The Honourable the PRESIDENT : Order, order. Questions.

BUDGET ESTIMATES OF THE WHARFAGE COMMITTEE.

Mr. G. C. BHATE (Kolaba District) : Will the Government be pleased to place on the Council Table the budget estimates of the Wharfage Committee for the year 1922-23 and its accounts for the year 1921-22 ?

The Honourable Mr. H. S. LAWRENCE : A copy* of each of the budget estimates of the Landing and Wharfage Fees Fund for the year 1922-23 and of the accounts for the year 1921-22 is placed on the Council Table.

POWER HOUSE AT BHIRA.

Mr. G. C. BHATE (Kolaba District): Will the Government be pleased to state what provision has been made in the agreement with the Tata Power Company regarding the tail race water coming from the power-house to be constructed at Bhira in the Kolaba district?

The Honourable Sir IBRAHIM RAHIMTOOLA: It has been provided in the agreement that the tail water is to be the exclusive property of Government and under their absolute control.

Mr. G. C. BHATE: Is there any plan to show how Government is going to use that water?

The Honourable Sir IBRAHIM RAHIMTOOLA: Nothing has been definitely decided yet.

CASE OF K. N. BANAJI.

Mr. S. K. BOLE (Bombay City, North): In the face of the voluminous evidence for prosecution which resulted in the conviction of Kushru N. Banaji in the Criminal Sessions of the High Court, will the Government be pleased to state why the Public Prosecutor and the police applied for the withdrawal of the case in the learned Third Presidency Magistrate's Court who, refusing to comply with the request, committed the accused for trial at the High Court Sessions?

The Honourable Sir CHIMANLAL SETALVAD: The application to the Presidency Magistrate to withdraw the prosecution against K. N. Banaji was made by the Public Prosecutor on the motion of the police and after consulting the Advocate General, as it was thought at the time that there was not enough evidence against K. N. Banaji to make a conviction probable. On the attention of Government being drawn to the proceedings in the Presidency Magistrate's Court they ordered the Public Prosecutor to proceed with the prosecution and to engage Counsel to prosecute.

Mr. C. M. GANDHI (Surat City): May I know if any further evidence was collected after the Advocate General was consulted?

The Honourable Sir CHIMANLAL SETALVAD: I want notice of the question before I can answer it.

ALLOTMENTS OF ROAD GRANTS.

Sardar Khan Bahadur ADARJI M. DALAL (Broach District):
(a) Will Government be pleased to place on the Council Table the statement of allotments of road grants made by the Commissioner, Northern Division, to each of the district local boards of the Northern Division in the current year?

(b) Will Government be pleased to state whether any principle is followed in distributing the provincial road grants among the districts? If so, what are these principles?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :

| District Local Boards. | | | | Allotment. |
|------------------------|----|----|----|------------|
| (a) | | | | Rs. |
| Ahmedabad | .. | .. | .. | 50,000 |
| Kaira | .. | .. | .. | 66,000 |
| Panch Mahals | .. | .. | .. | 9,000 |
| Broach | .. | .. | .. | 37,000 |
| Surat | .. | .. | .. | 56,000 |
| Thana | .. | .. | .. | 57,000 |
| Total .. | | | | 2,75,000 |

(b) The distribution of road grants to the districts is made by the Commissioners from the amounts allotted to them. The principles followed by the Commissioner, Northern Division, are explained in his circular No. L. F.—34, dated the 2nd December 1920, a copy* of which is laid on the table. The allotment to the Northern Division in 1922-23 was Rs. 2,75,000, and it was distributed as shown above.

Sardar Khan Bahadur ADARJI M. DALAL asked a supplementary question which was inaudible.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Government are not aware of that.

Sardar Khan Bahadur ADARJI M. DALAL asked a supplementary question which was inaudible.

The Honourable the PRESIDENT : That is asking the Minister to take a particular action. That is out of order.

Rao Saheb D. P. DESAI'S supplementary question and the Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN'S reply were both inaudible.

LONI SCHOOL OF AGRICULTURE.

Rao Saheb D. P. DESAI (Kaira District): (a) Will Government be pleased to state whether it is a fact that the Loni School of Agriculture is located in unhealthy surroundings and that the soil is full of kunker and salt ?

(b) How much expenditure is incurred for manuring this soil every year and what is the area over which this manure is spread ?

The Honourable Mr. C. V. MEHTA : (a) The site of the school was unhealthy, but has been improved by drainage and there is practically no malaria now.

The soil had been out of cultivation since 1880 and was consequently poor and contained salt. Levelling and tillage operations since the starting of the school have improved the major portion of it so much that it will grow fine even crops. There is not much kunker in the soil.

(b) The annual expenditure for manuring twenty acres of the land is Rs. 700.

Rao Saheb D. P. DESAI : Would it not be better for Government to move this school to a better locality ?

The Honourable Mr. C. V. MEHTA : I would like to have notice of that question.

Mr. C. M. GANDHI (Surat City) : May I also ask whether it would not be better for Government to shift this school to more suitable areas for location of agricultural schools ?

The Honourable Mr. C. V. MEHTA : So much money has been sunk on this school already that I can only say that I do not understand the question.

SURVEY SETTLEMENT.

Rao Saheb D. P. DESAI (Kaira District) : (a) Will Government be pleased to state whether the settlement policy outlined in Government of India's Resolution, dated the 16th January 1902, is still in force ?

(b) If the reply to the above question be in the affirmative, will Government be pleased to state how many years' assets are taken into consideration by their settlement officers to strike the average of 'actual assets' mentioned in paragraph 21 of the Government of India's Resolution of 16th January 1902 ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) Yes.

(b) Usually five years.

INSPECTION IN EUROPE OF ARTICLES REQUIRED BY THE DEVELOPMENT DEPARTMENT.

1. Rao Saheb HARILAL D. DESAI (Ahmedabad City) : (a) Will Government be pleased to state whether the stores and machinery imported from Europe for the Development Department are not inspected through the High Commissioner ? If so, the value of the said articles hitherto imported which were not inspected through the High Commissioner and the value of those inspected by others ?

(b) Will Government be pleased to state whether the Development Department pays any fees to anyone in Europe for the inspection of stores and machinery indented for the department ? If so, the names of such persons or firms to whom such fees were paid and the respective amounts paid hitherto ?

The Honourable Sir CHIMANLAL SETALVAD : (a) All the stores and machinery imported from Europe for the Development Department, except those imported in connection with the Back Bay Reclamation Scheme, are inspected through the High Commissioner. The stores and machinery imported in connection with the Back Bay Reclamation Scheme are inspected by Messrs. C. S. Meik and Buchanan, the Engineers for the Scheme, and by Sir J. Biles, the Consulting Naval Architect to the Secretary of State. The values of the stores and machinery hitherto imported from Europe which were inspected through the High Commissioner and through Messrs. Meik and Buchanan and Sir J. Biles are Rs. 14,67,149 and Rs. 1,40,14,856, respectively.

(b) No inspection fees as such are paid in respect of stores inspected through the High Commissioner. Messrs. Meik and Buchanan are paid, under their agreement with the Secretary of State, remuneration at the rate of 2 per cent. on the cost of the Back Bay Reclamation, and this includes inspection charges on stores and machinery. In the case of the dredging plant only, the 2 per cent. payable is divided between Messrs. Meik and Buchanan and Sir John Biles, Consulting Naval Architect to the Secretary of State, who receive 1 per cent. each, which covers the design, supervision and inspection of the plant. The amounts paid to Messrs. Meik and Buchanan and Sir John Biles up to date in respect of the plant for the Back Bay Reclamation are Rs. 1,48,725 and Rs. 85,942, respectively.

AHMEDABAD WATER WORKS.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to state—

(a) the average of the gallons of water the Ahmedabad water works yielded per day in 1911 ?

(b) the average yield per day anticipated by the comprehensive water works project ?

(c) the maximum average quantity of water which was available per day in 1921 after the completion of the said comprehensive project ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The information is being obtained.

AHMEDABAD WATER WORKS.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to state—

(a) the capacity of engine D of the Ahmedabad water works to draw water per day ?

(b) the lakhs of gallons of water available per day from the said water works in 1922 ?

(c) the capacity of the new engine to draw water in gallons per day ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The information is being obtained.

AHMEDABAD WATER WORKS.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to state—

(a) the average coal consumption of all the existing engines at the Ahmedabad water works per day ?

(b) the average coal consumption per day of the new engine ordered out by Government for the municipality ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The information is being obtained.

AHMEDABAD WATER WORKS.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to state whether the new engine ordered for the Ahmedabad water works would annually cost at best about Rs. 30,000 more than the annual cost of working the existing engines for the existing water supply ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :
The information is being obtained.

CONSTRUCTION OF CHAWLS BY DEVELOPMENT DEPARTMENT

Mr. KANJI DWARKADAS : Will the Government be pleased to put on the table statement showing—

(i) the number of chawls erected at (a) Worli, (b) Naigaum, (c) Parel by the Development Department for the working classes of Bombay which are ready for immediate use ?

(ii) Will they be pleased to state the economic rent to be charged to the working classes ?

(iii) Will they be pleased to state whether any of these chawls and, if so, how many, are already occupied and by what class of people, and at what rents and for what period ?

(iv) Will they be pleased to state if these chawls were primarily built for the working classes ?

The Honourable Sir CHIMANLAL SETALVAD : (i) Eight chawls at Worli and Naigaum each, and four chawls at DeLisle Road.

(ii) The member is referred to the answer given to clause (a) of question put by Mr. A. N. Surve, at this session of the Council.

(iii) So far one chawl has been fully and eight chawls partially occupied mainly by lower middle class people on a monthly tenancy at rents varying from Rs. 13 to Rs. 16 per month, with an extra Re. 1 for each corner room.

(iv) The chawls are intended for the housing of the industrial classes.

Mr. KANJI DWARKADAS : Will Government be pleased to state why these chawls which were primarily built for industrial classes have been rented to others ?

The Honourable Sir CHIMANLAL SETALVAD : Government surely cannot keep the chawls vacant. They want to fill up the chawls and earn rent.

Mr. KANJI DWARKADAS : Then where should the working classes go and live ?

The Honourable Sir CHIMANLAL SETALVAD : These chawls are still available for working classes if they will only take them ; if they ask for them, they will get preference.

RENT OF NEW CHAWLS BUILT BY DEVELOPMENT DEPARTMENT.

Mr. KANJI DWARKADAS : Will the Government be pleased to state—

(i) If it has been decided to charge Rs. 13 or Rs. 14 a room for the new chawls built by the Development Department as compared with average rents for one-room chawls from Rs. 3-12-0 to Rs. 5-8-0 according to the *Labour Gazette*.

(ii) In view of the big difference between the normal rents for one room-chawls and those proposed to be charged by the Development Department, is it the intention of the Government to consider a reduction in the rents, and, if so, how much ?

The Honourable Sir CHIMANLAL SETALVAD : (i) and (ii) The rents asked at present are provisional. The member is referred to the answer given to clause (a) of question put by Mr. A. N. Surve at this session of the Council.

LEASING OF NEW CHAWLS BUILT BY DEVELOPMENT DEPARTMENT.

Mr. KANJI DWARKADAS : (a) Will the Government be pleased to state if the Bombay Millowners' Association or any millowner in his individual capacity have approached the Government to take on lease the chawls built by the Development Department ?

(b) If so, what are the terms offered by them and what reply Government have given them or intend to give ?

The Honourable Sir CHIMANLAL SETALVAD : (a) and (b) The Bombay Millowners' Association have not approached Government in the matter. So far four mills have desired to be informed of the terms on which the rooms will be allotted to them for the housing of their operatives. The question as to the terms on which the rooms should be allotted to millowners for their employes is at present under consideration. No reply has yet been given to the mills referred to.

Mr. KANJI DWARKADAS : Will Government be pleased to inform the public before they come to a final decision with regard to this matter ?

The Honourable the PRESIDENT : That is asking for a particular action.

Mr. KANJI DWARKADAS : Will Government kindly give necessary information to the public before they make up their mind on this subject ?

The Honourable the PRESIDENT : That is the same.

Mr. S. K. Bole (Bombay City, North) : Will Government be pleased to inform industrial classes when the rents of these chawls are reduced to say Rs. 10 per room ?

The Honourable Sir CHIMANLAL SETALVAD : The orders of Government in the matter will be published in due course.

MATERNITY BENEFITS.

Mr. KANJI DWARKADAS : (a) Will the Government be pleased to state what action they have taken on the report of the Lady Doctor on the question of maternity benefits which appeared in the *Labour Gazette* of September 1922 ?

(b) And will they be pleased to state if they have asked for the permission of the Government of India to introduce legislation on the lines of the Washington Convention on maternity benefits of 1919 ?

The Honourable Sir IBRAHIM RAHIMTOOLA : So far no action has been taken by Government on the report for want of funds, but the report was published in the *Labour Gazette* with the object that the employers of labour might of their own accord give effect to as many suggestions of Dr. Mrs. Barnes as possible.

(b) No such permission has been asked for because after a mature consideration of the question both the Government of India and this Government have come to the conclusion that legislation on the lines of the Washington Convention is unnecessary at present.

Mr. KANJI DWARKADAS: Are Government aware that the representative of India who went to Geneva on behalf of labour has raised a protest against the action of Government?

The Honourable the PRESIDENT: That is giving information and not asking for it.

Mr. KANJI DWARKADAS: Are Government aware that all the civilised countries who are members.....

The Honourable the PRESIDENT: Such a question can be allowed only if it is preliminary to some other question for information on a matter of fact.

Mr. KANJI DWARKADAS: It is preliminary.

The Honourable the PRESIDENT: Preliminary to what?

Mr. KANJI DWARKADAS: I will put this question first and after I get an answer to it, I will ask another question. Is it not a fact that all the civilised countries in the world who are independent members of the League of Nations and the International Labour Conference have legislation on maternity benefits and are they also aware that India is the only country that has not got it?

The Honourable the PRESIDENT: The honourable member is giving information.

Mr. KANJI DWARKADAS: Will Government be pleased to state if it is not a fact that if they do not have any legislation on maternity benefits that will lower India in the eyes of the whole world?

The Honourable the PRESIDENT: That is a matter of opinion.

Mr. KANJI DWARKADAS: Are Government aware of the heavy infant mortality in the city of Bombay and other places which is due to the fact that there is no legislation for maternity benefit?

The Honourable the PRESIDENT: That is a debating catch. The proper way to ask is, as Government have made up their mind not to legislate upon this question, how do they propose to remedy the evil?

Mr. KANJI DWARKADAS: As the Government do not propose to have legislation on maternity benefit, will they be pleased to state how they propose to remedy the evil of heavy infant mortality in Bombay and other places?

The Honourable Sir IBRAHIM RAHIMTOOLA: Government have decided not to proceed with it, but honourable members need not be reminded that they have the right of bringing private legislation.

Mr. KANJI DWARKADAS: On these points private members cannot move resolutions?

The Honourable the PRESIDENT: It is open to any private member, as the Leader of the House has stated, to bring in a bill after taking the necessary steps.

BOILER INSPECTORS.

Rao Bahadur S. D. GARUD (West Khandesh District): Will Government be pleased to state (a) the total number of boiler inspectors; (b) their castes; (c) age; (d) pay and the maximum and minimum pay of the service, and allowances?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a), (b), (c) and (d) There is at present no separate boiler inspection staff. A statement* giving the required particulars regarding the combined factory and boiler inspection staff is laid on the table.

AGRICULTURAL DEPARTMENT'S BULLETINS.

Rao Bahadur S. D. GARUD (West Khandesh District): Will Government be pleased to state—

(a) How many bulletins have been published in English by the Agricultural Department and how many of them have been translated into the vernaculars of the Presidency?

(b) Whether arrangements have been made to translate all of them into the vernaculars and, if so,

(c) Within what time they will be published in the several vernaculars of the Presidency?

The Honourable Mr. C. V. MEHTA: (a) The results of experiments made by the Agricultural Department are published in their original form in the shape of "Bulletins". These, however, are not meant for direct consumption by cultivators, for whose use the important practical conclusions drawn from the experiments are issued as "Leaflets", which are always translated into the vernaculars.

The department has up to now published 110 bulletins and 120 leaflets in addition to 27 special leaflets for Sind. Of these, two bulletins have been translated into Marathi and Kanarese and two are being translated into Marathi and one into Gujarati. The numbers of leaflets translated are shown below:—

| | | | | |
|----------|----|----|----|-----|
| Marathi | .. | .. | .. | 102 |
| Kanarese | .. | .. | .. | 65 |
| Gujarati | .. | .. | .. | 61 |
| Sindhi | .. | .. | .. | 27 |

(b) and (c).—Only such bulletins as are directly of use to the cultivators are translated, and these translations as well as those of all leaflets are issued almost at the same time as the English versions.

REVISION OF PAY OF HEAD ACCOUNTANTS.

Mr. G. B. TRIVEDI on behalf of Mr. V. R. GUPTE (Poona City): (a) Will the Government be pleased to state if the excess of pay over the permissible cost in the case of head accountants in Revenue Department was Rs. 202 per head while it was Rs. 394 in the case of mamlatdars?

(b) Will the Government be pleased to state why retrospective revision of pay for the revenue head accountants was sanctioned from April 1921 and for the mamlatdars from April 1920 ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) The excess over permissible cost in the case of head accountants was Rs. 202 per head.

(b) Revisions of pay of establishments were generally sanctioned from 1st March 1920 (payable in April). But in the case of head accountants retrospective effect was not given to the revision, because Government had decided that retrospective effect to revision of pay should be given only in cases where the pay was revised within *permissible cost* or practically so. As in the case of the revision of pay of the head accountants the permissible cost (calculated according to paragraph 6 of Finance Department Circular No. 438 dated 25th June 1920) was exceeded by Rs. 3,639 per annum, Government did not consider it necessary to sanction any retrospective effect to the revision, because under the revision the officers concerned got an increase in pay which was larger than what they would have got, had the revision been restricted to the permissible cost.

CIVIL DAIRY AT KIRKEE.

Mr. G. B. TRIVEDI on behalf of Mr. V. R. GUPTE (Poona City): Will Government be pleased to state the monthly expenses and income of the civil dairy at Kirkee ?

The Honourable Mr. C. V. MEHTA : The accompanying statement* gives the figures of expenditure and income for the last nine months of 1922.

PRINTING OF VERNACULAR TEXT BOOKS.

Mr. G. B. TRIVEDI on behalf of Mr. V. R. GUPTE (Poona City): Will Government be pleased to state the name of the firm to whom the contract for printing vernacular text books was given, the reasons for selecting that firm, and the conditions under which the contract is to be fulfilled ? Were there any Indian pressowners that had given lower quotations ? If so, will they mention their names ?

The Honourable Dr. R. P. PARANJPYE : The contract for the publication of the Marathi, Gujarati, and Sindhi Series of the Vernacular Readers for boys has been given to the Times of India Press, and the contract for the Kanarese series to Mr. R. N. Datar of Poona. These firms were selected because their tenders were among the lowest received, and they were considered the most likely to carry out the contracts satisfactorily. Slightly lower tenders were received for the Gujarati and the Kanarese series from the Chitrashala Press, Poona, and for the Sindhi series from the Tata Publicity Corporation, Bombay, who, however, stated that their quotation was dependent on their tenders for all the four series being accepted. The conditions of all the contracts are stated in the tender form for the Marathi series, a copy† of which is laid on the table.

* Vide Appendix J.

† Vide Appendix K.

TRAVELLING ALLOWANCE DRAWN BY CERTAIN POLICE OFFICERS
IN CENTRAL DIVISION.

Rao Bahadur R. R. KALE (Satara District): Will Government separately give the figures of travelling allowances drawn in the Police Department in the Central Division by—

- (a) the District Superintendent of Police,
- (b) the Assistant Superintendent of Police,
- (c) the Deputy Superintendent of Police,
- (d) the Inspectors, and
- (e) the Sub-Inspectors during the last two years ?

The Honourable Mr. M. H. W. HAYWARD: A statement* is laid on the table. The information regarding inspectors and sub-inspectors, for 1921-1922 is not obtainable without references to the various districts.

AMENDMENT OF COURT-FEES ACT.

Rao Bahadur R. R. KALE (Satara District): Will Government be pleased to state if they are ready with their proposals for amending the Court-fees Act so as to effect the institution court-fees in the High Court and the Small Cause Court in Bombay? If yes, when will the bill be introduced for the purpose? If not, will Government be pleased to give reasons?

The Honourable Mr. M. H. W. HAYWARD: The Court-fees Act already governs the institution fees in the Appellate Side of the High Court. It does not however govern the institution fees on the Original Side of the High Court. The latter fees are fixed under the Government of India Act, 1915, and they were revised in 1921 by the High Court. Sanction has already been given to the revision of the process fees both on the Appellate Side and of the Sheriff's Office on the Original Side of the High Court as well as of the process fees in the mofussil Courts.

The Court-fees Act does not govern the institution fees in the Small Cause Court, Bombay. These fees have however been revised under the Presidency Small Cause Courts Act. It is under consideration whether miscellaneous applications and vakalatnamas ought not also to be subjected to fees by amendment of the Presidency Small Cause Courts Act. The process fees have already been revised in the Small Cause Court, Bombay, under the Presidency Small Cause Courts Act.

Rao Bahadur R. R. KALE: Have the institution fees been raised by the High Court on the original side?

The Honourable Mr. M. H. W. HAYWARD: The revision in 1921 was this: plaints where were originally charged Rs. 8 are now charged Rs. 20 and written statements which were originally charged Rs. 7 are now charged Rs. 15.

Rao Bahadur R. R. KALE: Was the opinion of the law officers of Government obtained as to the applicability of both these Acts on the original side?

* Vide Appendix L.

The Honourable Mr. M. H. W. HAYWARD : Government did not think it necessary to obtain legal opinion, because the point seems so clear.

CRIMINAL CASES INSTITUTED BY CO-OPERATIVE DEPARTMENT.

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to give a list of criminal cases instituted by the Co-operative Department, or by the police on behalf of the co-operative societies, for criminal offences committed in respect of funds of co-operative societies during the last three years, and state what amount has been spent on each case by Government for paying pleaders' fees, etc., and give information in the form of a statement showing—

- (a) the name of the accused person,
- (b) the name of the Society,
- (c) the section of the Indian Penal Code under which the accused was charged,
- (d) the result of the case, whether he was convicted or acquitted, and
- (e) the total expenses incurred by the Government in each case ?

The Honourable Mr. C. V. MEHTA : A statement* is laid on the Council table.

The information regarding the total expenses incurred by Government in each case cannot be collected without disproportionate expenditure of time and trouble.

COMPLAINT AGAINST VILLAGE OFFICERS.

*Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : (a) Are Government aware that there are constant and standing complaints, and that there is a great deal of dissatisfaction amongst the inamdars of alienated villages, about the negligent and careless work of the village officers in their villages, with respect to revenue collections, keeping of accounts, submitting them at the close of the year, and showing them to the inamdars for inspection and audit, and also about the overbearing conduct of the village officers ?

(b) If so, will Government be pleased to state what steps have been taken to redress the grievances of inamdars ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) The inquiries that have been made by Government show that complaints are not general except in one or two districts. It is reported that the trouble really lies in the fact that inamdars do not take sufficient interest in their own villages.

(b) Any specific grievances will be dealt with on their merits by departmental action.

RESUMPTION OF WATAN OF DESAI OF KALLAPUR, DHARWAR DISTRICT.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : (a) Will Government be pleased to state the reasons why the pargana watan of Mr. Narsingrao Shrinivasrao of Kallapur in Dharwar district was forfeited ?

* Vide Appendix M.

* This question was asked at the meeting held in September 1922, when an *interim* reply was given.

(b) Will Government be pleased to state the officer or person and his grade or status who reported against him in the first instance? And will Government be pleased to place on the Council table a copy of the report?

(c) Will Government be pleased to state what sort of inquiry was held and before what officer, and whether the Desai was given an opportunity to cross-examine the witnesses against him, through a pleader? And whether it is a fact that a pleader was not allowed to appear for him at any stage of the proceedings? And whether it is a fact that copies of the statements and reports against him were refused to him when he asked them for giving his explanation?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) The levy of full assessment instead of judi was ordered on account of breach of the condition of loyalty on which he held the watan.

(b) Confidential reports, cannot, in the public interests, be placed on the Council Table.

(c) A notice was served on Mr. Narsingrao by the Collector of Dharwar calling upon him to show cause why his share in the pargana watan should not be forfeited on account of his anti-Government activities which were specified in the notice. The result was reported for the orders of Government.

Sardar V. N. MUTALIK: There is no reply given to part (c) of my question, and I repeat that part of the question.

The Honourable Mr. M. H. W. HAYWARD: I cannot say without further notice.

Sardar V. N. MUTALIK: The question is there.

The Honourable Mr. M. H. W. HAYWARD: I am speaking for the Leader of the House.

The Honourable the PRESIDENT: When the Leader of the House comes in, the honourable member may repeat the question.

PENSION CONTRIBUTION FROM MUNICIPALITIES ON ACCOUNT OF PRIMARY SCHOOL TEACHERS.

Rao Bahadur R. M. NILKANTH (Ahmedabad District): Will Government be pleased to state—

(a) Whether it is a fact that the pension contribution levied by Government from municipalities on account of teachers of primary schools leaves every year a profit to Government after paying pensions to retired teachers?

(b) Is pension contribution treated as a source of revenue?

The Honourable Dr. R. P. PARANJPYE: (a) Attention is invited to the reply given in September 1921 to a question on the subject put by Rao Saheb Dadubhai Desai. The information asked for cannot be supplied without a special enquiry which would involve an amount of labour quite incommensurate with its usefulness.

(b) All payments to Government are necessarily treated as revenue.

DHOLKA-DHANDHUKA RAILWAY.

Rao Bahadur R. M. NILKANTH (Ahmedabad District): Will Government be pleased to state how far the construction of the sanctioned

railway line between Dholka and Dhandhuka in the Ahmedabad district has progressed and what has delayed its completion ?

The Honourable Sir IBRAHIM RAHIMTOOLA : A copy of a letter* from the Agent, B. B. & C. I. Railway Company, No. W-28—3651, dated 7th February 1923, is laid on the table.

Sardar Khan Bahadur A. M. DALAL (Broach District) : Will the Government be pleased to tell this Council when the B. B. & C. I. Railway Company will undertake the extension of the Broach-Jambusar Railway, for which a survey has already been made ?

The Honourable the PRESIDENT : The original question related to the construction of the Dholka-Dhandhuka line. The honourable member is upon that asking now a supplementary question in respect of another line altogether. That is opening up another subject of which a separate notice on paper is necessary.

Sardar V. N. MUTALIK : I want to repeat part (c) of my question on the resumption of Watan of Desai of Kallapur. Will Government be pleased to state what sort of enquiry was held and before what officer, and whether the Desai was given an opportunity to cross-examine the witnesses against him, through a pleader ? And whether it is a fact that a pleader was not allowed to appear for him at any stage of the proceedings ? And whether it is a fact that copies of the statements and reports against him were refused to him when he asked them for giving his explanation ? No answer has been given to that.

The Honourable Sir IBRAHIM RAHIMTOOLA : I want to be clear as to what the honourable member desires to know. The action taken by Government was in their executive capacity, and in cases where Government act executively, it is not a court where pleaders can be allowed to appear. Government have in all these cases taken the precaution of addressing each person concerned. They have given each of them notice to state the reasons why action should not be taken against them. In the notice the points which require an answer are specifically mentioned. I have seen those letters, and I know that the person concerned is informed that certain charges have been brought against him and they would like to know whether he has anything to say in the matter. In most cases they send replies themselves while in some they engage pleaders to do so. These replies are considered by Government in their executive capacity before any action is taken.

CONSTITUTION OF THE LANDING AND WHARFAGE FEES FUND COMMITTEE.

Rao Sahab L. V. PARULEKAR (Ratnagiri District) : Will the Government be pleased to state—

(a) Who are the members of the Committee of the Landing and Wharfage Fees Fund ?

(b) How many of them are from Salt and Excise Departments and of other departments connected with Salt Departments ?

* Vide Appendix N.

- (c) Who makes the appointments of the members ?
 (d) What is the duration of their office ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) The Commissioner of Customs, Salt and Excise is the chairman of the committee and the following are its members :—

1. The Deputy Commissioner of Salt and Excise, C. D.
2. The Deputy Commissioner of Salt and Excise, S. D.
3. The Superintendent of Lights.
4. The Collector of Ratnagiri.
5. The Collector of Kolaba.
6. A representative of the Bombay Steam Navigation Company.
7. A representative of the Indian Co-operative Navigation and Trading Company.
8. A non-official member representing the District Local Board, Ratnagiri.
9. A non-official member representing the District Local Board, Kolaba.

(b) Four (including the chairman) are from the Salt and Excise Department and two are Collectors of districts (Revenue Department).

(c) Government.

(d) The member is referred to the reply to clause (a) of his subsequent question.

ARRANGEMENTS FOR SAFE AND CONVENIENT LANDING AT THE RATNAGIRI HARBOUR.

Rao Saheb L. V. PARULEKAR (Ratnagiri District) : What does Government intend to do for making provision for safe and convenient landing in the harbour of Ratnagiri and when ?

The Honourable Sir IBRAHIM RAHIMTOOLA : The question of constructing a pier for safe and convenient landing at Ratnagiri has already been investigated by the Landing and Wharfage Fees Fund Committee. It has, however, been found difficult to find a suitable site for the purpose, the coast being stormy, with its natural inlets facing windward. The question is being re-investigated at the instance of Government.

LANDING AND WHARFAGE FEES FUND COMMITTEE.

Rao Saheb L. V. PARULEKAR (Ratnagiri District) : (a) Are there any rules made in connection with the appointment, duration of tenure, conduct of the business and fixing of the days and places of the meetings of the Landing and Wharfage Fees Fund Committee ? And if so, will the Government be pleased to place them on the table of the Council ?

(b) How many meetings were held up to now and on what dates and who were present ? And how many days' previous notices were given for each meeting ?

(c) Was a meeting of the committee held on the 17th of July 1922, and if so, was it in contravention of any rule or resolution previously passed to the effect that meetings should not be held during the monsoon ? If so, what was the reason to call that meeting ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) No. Appointments of members are made by Government. The duration of the tenure of membership does not require to be fixed, the appointments being by designations. Regarding the conduct of business and fixing of the days and places of the meetings of the committee, a resolution was passed at its first meeting held at Bombay on the 6th December 1918 that there should be two meetings at approximately six months' interval, one for the consideration of the budget, the meetings to be held in Bombay in the fair season.

(b) A statement* giving the required particulars is appended.

(c) A meeting of the committee was held on the 17th July 1922 in compliance with the express desire of two members, one official and the other non-official, in the special circumstances stated below :—

In March 1922, the committee engaged an Engineer. He visited all the coast ports at which it was proposed to construct jetties, and submitted his report on the 27th May 1922 to the Chairman of the committee. In order that the construction of jetties might be commenced on the opening of the fair season for 1922-23, it was necessary to settle definitely the places at which and the order in which piers should be constructed, to invite tenders for works which the committee might finally approve, and to scrutinize the tenders received. All these preliminaries had to be undergone before the 1st November 1922, when it was intended to start the works. Accordingly the chairman circulated copies of the engineer's report to all members of the committee for an expression of their views, as it was too late to convene a meeting owing to the approach of the monsoon. Six out of the nine members furnished the chairman with their written views. One, the representative of the Indian Co-operative Navigation and Trading Company did not reply, and two members, the Collector of Kolaba and the representative of the Bombay Steam Navigation Company, desired the chairman to convene a meeting to enable them to question the funds' engineer on certain points. The meeting of the 17th July 1922 was thus held at the express desire of two members with the specific object of eliciting certain information which they wanted.

SOUTHERN GROUP PORTS OF THE PRESIDENCY.

Rao Saheb L. V. PARULEKAR (Ratnagiri District) : (a) What is the annual income of each port from Bombay down to Bhatkhol ?

(b) Is it a fact that the Landing and Wharfage Fees Fund Committee has resolved to expend Rs. 33,615 for piers at Karwar and at Tadri ?

(c) Was there any opposition to this expenditure on the ground that such expenditure is not justifiable, being altogether out of proportion to the income derivable from these ports ?

(d) If the committee has resolved to expend, what are the grounds for the resolution ?

(e) What is the agency through which these works have been carried out or are contemplated to be carried out ?

Were any estimates of such works prepared ?

If so, who prepared and passed them ?

(f) Are any experts employed to supervise the construction of these works ?

(g) Is there any special provision made for supervising and controlling or auditing the accounts in connection with the expenditure on these works ?

(h) What are the safeguards provided to prevent waste on these and other works undertaken or to be undertaken by the committee ?

(i) Is any sanction of the Government taken before the expenditure is incurred for any work undertaken by this committee ?

If so, for what works ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) A statement* showing the receipts at each port during the year 1921-22 is appended.

(b) No. The Landing and Wharfage Fees Fund Committee resolved :—

(i) to spend Rs. 36,110-4-0 for repairs to the pier at Karwar, and

(ii) to entrust the construction of a new pier at Tadri to Messrs. Mackenzies, Limited, Bombay, who will charge to the Fund actual cost of the work plus a commission of 15 per cent. (The estimated cost of the pier is Rs. 50,000).

(c) Yes ; from one member out of six present.

(d) The Executive Engineer, Kanara District, reported that the screw-pile pier at Karwar was in a dangerous condition and that it was necessary to overhaul it completely. Mr. P. G. Messent, C.I.E., late Engineer, Bombay Port Trust, who was engaged by the committee in 1920-21 to report on improvements to landing places in the Konkan, framed an estimate for thoroughly overhauling the Karwar pier. The committee accepted his recommendation.

Tadri is the port where a large number of pilgrims land *en route* to the well-known holy shrines of Gokarn in the Kanara district. The number of passengers landed and embarked in the fair season of 1919-20 was 12,135. The cargo steamers anchor about half a mile from the shore and the passengers are landed by boats in an exposed place at the mouth of the river. In the absence of a landing pier, passengers experience great hardship, to remove which the committee decided to construct the pier.

(e) By contractors having knowledge of marine construction.

Yes.

Mr. F. G. Messent, C.I.E., late Engineer, Bombay Port Trust, who was specially engaged for the purpose, prepared the estimates, which were accepted by the committee.

(f) Yes. The committee has engaged an Anglo-Indian engineer who has had training in the United Kingdom and is :—

(i) a Member of the Institute of Structural Engineering ; and

(ii) a Member of the Society of Engineers (England).

He has also considerable experience of the construction of jetties, shipways, pontoons, concrete wharves, etc. This engineer supervises the contractors' works.

(g) The Examiner of Local Fund Accounts audits the expenditure of the funds in the same manner as other local fund accounts are audited by him.

(h) Works carried out by the district local boards and the Public Works Department on behalf of the funds are supervised by the presidents of taluka and district local boards and the supervising establishment of the Public Works Department respectively. Minor works carried out by the subordinate officers of the Salt Department are supervised by the Superintendents and Deputy Commissioners of Salt and Excise under the general control of the Commissioner of Customs, Salt and Excise. As regards major works entrusted to Messrs. Mackenzies, Limited, all matters such as labour rates and rates of materials are discussed and checked by the funds engineer. This also applies to any petty labour contracts arranged with the local people for the supply of materials at site. Furthermore, the contractors have agreed to furnish copies of the pay-rolls for check with all vouchers for materials. Thus adequate precautions have been taken to guard against waste. It may be added that no other tenders were put in for these works, and that enquiries were made regarding the manner in which the tenderers had carried out other similar contracts.

(i) No.

The other question does not arise.

DUTIES OF PATELS AND KULKARNIS.

Mr. R. G. SALGAR (Sholapur City): Will Government be pleased to say—

(a) Is the collection of takavi, income-tax and sales under judicial decrees and execution of the orders and decrees of the mamlatdar in madat suits under section 86 of the Land Revenue Code one of the duties of the patels and kulkarnis ?

(b) If so, do they get any extra allowance for this work ?

(c) If they do not get any allowance for the above-said work, why not ?

(d) Is the collection of the irrigation revenue one of the duties of the patels and kulkarnis ?

(e) Do they get any extra allowance for this work ?

(f) If they do get, is this item considered as a separate item or as pertaining to the land revenue for purposes of the scale of the pay ?

(g) Are the patels and kulkarnis getting a lump sum for their pay with respect to this piece of work ?

(h) If so, why ?

The Honourable Sir IBRAHIM RAHIMTOOLA :

(a) Yes.

(b) No.

(c) Village officers are not separately remunerated for all the miscellaneous duties performed by them.

(d) Yes.

(e) Yes.

(f) It is considered as a separate item.

- (g) No. They get a fixed percentage.
 (h) The question does not arise.

HOTEL LICENSE OF FOREIGN LIQUOR AT SHOLAPUR.

Mr. R. G. SALGAR (Sholapur City): Will the Government be pleased to state—

- (a) whether any applications from Sholapur city are received by the Government for hotel license of foreign liquor?
 (b) How many licenses of this nature have been granted till now in Sholapur?

The Honourable Mr. C. V. MEHTA: (a) No.

(b) One.

TAMBERA DISEASE TO CROPS.

Mr. R. G. SALGAR (Sholapur City): (a) Are any steps taken as per annual report of Agricultural Department for 1920-21, page 2, paragraph 6, in the matter of Tambera disease to crop in Sholapur district and with what results?

(b) As per same report, page 4, paragraph 15, are any milk animals provided for Sholapur?

(c) As per same report, page 4, paragraph 16, is any improvement undertaken by the department in Sholapur district?

The Honourable Mr. C. V. MEHTA: (a) Potatoes to which the paragraph quoted refers are not generally grown in the Sholapur district. Some work in connection with Tambera disease occurring in chilly crops is however being done in that district.

(b) Good bulls of the indogenous Khillari breed are being purchased and put out into the villages on a premium system. Other measures are under consideration.

(c) The department is trying to demonstrate at Mohol the use of the hoe in preserving the moisture available in the soil. This is being appreciated by the cultivators and arrangements have been made to supply single wheel hand hoes on requisition.

BACK BAY RECLAMATION SCHEME.

Mr. R. G. SALGAR (Sholapur City): (a) Will Government be pleased to state—

(i) the exact dates when the Back Bay Reclamation Scheme was sanctioned?

(ii) the exact dates when the machinery necessary for the scheme was sanctioned?

(iii) the exact date when the actual order for the machinery was given by the department and how much advance was given to the companies for the machinery and when the machinery was received by the department?

(b) Will the Government be pleased to lay on the Council Table all the communications which took place between the department and the different companies from whom the machinery for the Back Bay Reclamation Scheme was ordered as for the prices of the machinery and advances, etc.

The Honourable Sir CHIMANLAL SETALVAD: (a) (i) The Development Scheme as a whole, which included the Back Bay Reclamation Scheme, was sanctioned by the Secretary of State on the 8th June 1920.

(ii) and (iii) The chief plant required for the scheme, namely the dredging plant, was sanctioned by the Secretary of State on the 15th April 1920 and he placed a contract for this plant with one of the firms in England on or about the same date. The dredging plant arrived in Bombay in two instalments on the 31st March 1922 and the 21st April 1922. Payment was made in instalments as work progressed on the dredging plant, but apart from these payments no advances were made. The proposal to purchase another smaller dredger for the scheme, which was available locally at a low price, was sanctioned by the Government of India on 7th February 1920, and the dredger was taken over on 5th July 1920. The additional pipes required for this dredger were ordered on the 6th September 1920.

In accordance with the arrangement approved by the Secretary of State, orders for the other plant required for the scheme were placed from time to time, as and when required, by the engineers for the scheme through the Director General of Stores. Government are therefore not in a position to furnish the other information desired by the member.

(b) Government are not prepared to place all these communications on the table.

QUARTERS FOR SURVEYORS AND ENGINEERS, DEVELOPMENT DEPARTMENT.

Mr. R. G. SALGAR (Sholapur City): (a) Will the Government be pleased to state whether quarters have been provided by the Government for the surveyors and the engineers at Badlapur and Ambarnath under the Development Scheme?

(b) Who are the contractors, with their names, building these quarters?

(c) What is the rate given to Mr. Billimoria and other contractors to build these quarters?

(d) If there is any difference in the rates, what are the reasons for the same?

The Honourable Sir CHIMANLAL-SETALVAD: (a) Yes.

(b) The names of the contractors are—

(1) Mr. R. C. Braga,

(2) Mr. Mannoolal Goculdas and

(3) Mr. E. M. Billimoria.

(c) and (d) There is no difference in rates, except in the case of two items out of 28, with regard to which a higher rate was allowed to Mr. Billimoria owing to the better quality of the materials to be used and for longer lead.

HEALTH OF MILL-HANDS.

Dr. K. E. Dadachanji on behalf of Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state what arrangement exists to detect if the atmosphere in the mills of Bombay is not rendered so humid as to be injurious to the health of the persons employed therein?

The Honourable Sir IBRAHIM RAHIMTOOLA : The air inside the mills of Bombay city is not at present tested in a systematic way nor has any standard of humidification been fixed. The problem was under investigation before the war and systematic humidification records were taken in 15 mills in Bombay City in 1914. The enquiry was then dropped on account of shortage of staff. It was resumed in 1921 by a humidification expert appointed by the Government of India. The matter will receive further consideration after the receipt of this officer's report.

IRON PIPES IN MILLS FOR HEATING PURPOSES.

Dr. K. E. Dadachanji on behalf of Mr. A. N. SURVE (Bombay City, North) : Will Government state the result of the suggestions made to the mills (*vide* Annual Factory Report, 1920, page 4, paragraph 8) to substitute smaller wrought iron pipes for heating purposes in place of the large diameter cast iron pipes at present in use ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Only a small percentage of mills are equipped with large cast iron heating pipes. One mill has partially complied with the suggestion made in the Annual Factory Report, 1920 (page 4, paragraph 8).

PLOUGH AND DAIRY CATTLE IN BOMBAY PRESIDENCY.

Dr. K. E. Dadachanji on behalf of Mr. A. N. SURVE (Bombay City, North) : Will Government lay on the table the following figures :—

(a) the number of plough and dairy cattle in the Bombay Presidency ;

(b) the area of land reserved for them for grazing—

(i) in and near villages ;

(ii) in the forest areas ;

(iii) how much of it is available free and how much on payment, of fees ;

(iv) the amount of fees charged and the conditions, if any, imposed ;

(v) the area of land available per head of cattle for grazing ;

(c) the number of cattle per hundred of population in the Presidency, with similar numbers in sister Presidencies and in other countries, if available ;

(d) the number of plough cattle and the acreage of land under cultivation in the Presidency, together with the number of acres of land that a pair of cattle is required to till in a season ;

(e) the number of cattle (1) slaughtered and (2) succumbed to infectious diseases during the last three years in the Presidency ?

The Honourable Mr. C. V. MEHTA : (a) The Honourable Member is referred to the Season and Crop Report of the Bombay Presidency for the year 1919-20.

(b) (i) (ii) The areas available for grazing under the Revenue and Forest Departments are given in forms 51C and 60 appended to the Forest Administration Report of the Bombay Presidency.

(b) (iii) The information is not available.

(b) (iv) The fees and conditions vary in different localities. Attention is invited to articles 423—441 of the Bombay Forest Manual, Volume II.

(b) (v) The area of land available for grazing is given in the Forest Administration Report and the number of cattle in the Season and Crop Report.

(c) The number of cattle per hundred of population in the several presidencies is given below :—

| | | | | |
|------------------------------|----|----|----|----|
| Bombay | .. | .. | .. | 51 |
| Bengal | .. | .. | .. | 53 |
| Madras | .. | .. | .. | 53 |
| United Provinces | .. | .. | .. | 66 |
| Bihar and Orissa | .. | .. | .. | 59 |
| Punjab | .. | .. | .. | 70 |
| Burma | .. | .. | .. | 44 |
| Central Provinces | .. | .. | .. | 84 |
| Assam | .. | .. | .. | 72 |
| North-West Frontier Province | .. | .. | .. | 50 |

Similar information for other countries is not available.

(d) The number of plough cattle and the acreage of land under cultivation are given in the Season and Crop Report.

(e) (1) The information is not available.

(e) (2) Attention is invited to Table II appended to the annual report of the Civil Veterinary Department.

RENT OF NEW CHAWLS BUILT BY DEVELOPMENT DEPARTMENT.

Dr. K. E. DADACHANJI on behalf of Mr A. N. SURVE (Bombay City, North): Will Government state (a) the rents charged in the chawls built by the Development Department for the working classes?

(b) the amount spent on each chawl?

(c) the return the rent is expected to pay on the money spent?

(d) the rate of interest paid on the Development loan?

(e) the return which the Improvement Trust receives on the old Nagpada blocks built by them?

(f) the rate of interest paid by the Improvement Trust on the loan raised to build these blocks?

(g) the rent charged by the Improvement Trust in these chawls?

(h) the floor space available in each tenement in these chawls and the floor space available in the chawls of the Development Department?

The Honourable Sir CHIMANLAL SETALVAD: (a) Government have now fixed, pending further orders, Rs. 10 as the minimum average rent per month per room in the Development Department chawls. The loss resulting from the rooms (the economic rent for which is Rs. 14-8-0 per month) being let at this rent will be met from the proceeds of the cotton cess.

(b) The average amount spent on each of the chawls so far constructed is approximately Rs. 1 lakh, exclusive of the cost of land, water-supply mains, storm water drains, sewers, roads, etc. It is, however, anticipated that there will be some reduction in the cost of chawls constructed hereafter.

(c) The percentage return has not yet been calculated, but, as already stated in the answer to the first part of this question, the difference between the rents charged for the present and the economic rent will be met from the proceeds of the cotton cess.

(d) Six and a half per cent. income tax free, equivalent approximately to seven per cent. in all.

(e) Two blocks built in 1903 give a return of 5.05 per cent. on the capital outlay, while one large block built in 1904 gives a return of 4.42 per cent. on the capital outlay.

(f) 4 per cent.

(g) Rs. 4-6-0 per month per room.

(h) The floor space available in each tenement in the Trust chawls, referred to by the member, is 148 square feet, including the verandah. The floor space available in each tenement in the Development Department chawls is 165 square feet, except in the case of corner rooms in which the floor space is 182 square feet.

COMPOSITION OF THE LANDING AND WHARFAGE FEES FUND COMMITTEE.

Dr. K. E. DADACHANJI on behalf of Mr. A. N. SURVE (Bombay City, North): Will Government state the composition of the Committee to whom the administration of the Landing and Wharfage Act and the fund collected under it is entrusted?

The Honourable Sir IBRAHIM RAHIMTOOLA: The M.L.C. is referred to the reply to clauses (a) and (b) of question No. 1 by Rao Saheb L. V. Parulekar.

DACOITIES AND RAIDS IN SALSETTE.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state—

(a) What was the police force stationed at different places in Salsette in 1920, 1921 and 1922?

(b) How many dacoities and raids leading to loss of property and life took place in these areas in those years?

(c) What steps do Government propose to take to meet this menace to life and property in these areas?

The Honourable Mr. M. H. W. HAYWARD: (a) Andheri, Bandra, Borivli, Ghatkopar and Kurla have been police stations since 1920 and Ville Parle was added in 1921. Sub-Inspectors have been in charge of each police station with 17, 95, 14, 15, 28 and 34 head constables and constables respectively. There have also been police posts at Chembur and Malad of 4 and 5 men respectively.

(b) There was one dacoity in 1921 in which property worth Rs. 4-12-0 was stolen and one man was killed and another in 1922 in which property worth Rs. 5,450 was stolen and one man killed.

(c) The question of the strength of the police force is under the consideration of Government.

HOUSING OF LABOURERS.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state—

(a) What steps they had taken to induce employers of labour in Bombay to provide housing accommodation for their labour before the Development Department started their scheme of industrial housing ?

(b) Is it not a fact that some mill-owners were ready to undertake the work ?

(c) What steps do they propose to take to enable mill-hands to pay high rents of the new chawls now ready at Worli and other places ?

The Honourable Sir CHIMANLAL SETALVAD : (a) and (b) In 1913 the City of Bombay Improvement Act, 1898, was amended by the insertion therein of sections 32B to 32I with a view to empower the Board of Trustees to co-operate with mill-owners for the provision of accommodation for the poorer classes of their employes and it was hoped that the facilities thus provided would be widely utilised by millowners and other employers of labour. This, however, did not prove to be the case, in spite of repeated efforts on the part of Government to induce millowners to improve the housing of their operatives in this or other ways. In 1920 section 32G (1) of the Act was amended with a view to further encourage employers who wished to provide accommodation for their work-people by allowing them to repay the sums expended by the Improvement Trust within a period ranging from 28 to 50 years, instead of in 28 years. So far, owners of only three mills have applied to the Board of Trustees for the framing of poorer classes accommodation schemes for their mills. It is still open to employers of labour, who desire that the chawls constructed for their work-people should ultimately become their own property, to take advantage of the provisions of the Act referred to above, which are independent of the industrial housing scheme undertaken by Government. Before the industrial housing scheme was undertaken by Government, a scheme for industrial housing was drawn up which had received support from certain mill-owners in Bombay, and which, it was believed, would be adopted voluntarily by them. As the scheme involved a subsidy from State funds and local funds to a particular class of employers, and made them the owners after a comparatively short period of lands acquired and buildings erected with the aid of such funds, and as there were other important points in regard to which difficulties might arise or to which objection might be taken, Government did not consider it advisable to adopt the scheme.

(c) The member is referred to the answer given to clause (a) of question 4 put by Mr. A. N. Surve, M.L.C., at this Session of the Council. The steps to be taken to enable mill-hands to pay the rents are for their employers to consider.

PROVINCIAL EXECUTIVE COUNCILLORS.

Mr. G. B. TRIVEDI (Thana District) : (a) Is it not a fact that the Government of India have consulted the Government on the subject of the reduction of the strength of the Provincial Executive Councillors ?

(b) If so, will Government be pleased to place the whole correspondence on the table ?

The Honourable Sir CHIMANLAL SETALVAD : (a) Yes.

(b) No.

BRICKS CONTRACT OF THE DEVELOPMENT DEPARTMENT.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state—

(a) On what terms the Development Department has given contract for supplying bricks to Mr. Vishvambharnath Kapur ?

(b) Did Government acquire any land for the purpose ?

(c) If so, at what rate ?

(d) How much portion of it was given to Mr. Kapur and on what terms ?

(e) At what price were bricks being sold loaded in wagons at Kalyan by merchants and contractors in December 1922 ?

The Honourable Sir CHIMANLAL SETALVAD : (a) The terms are those of the tenders advertised in the issues of the "Times of India" dated 11th August 1921 and 16th August 1921, and of the "Advocate of India" dated 10th August 1921 and 15th August 1921.

(b) Yes.

(c) At the average rate of Rs. 758 per acre.

(d) The whole of the land was given to Mr. Kapur on the terms specified in the tender.

(e) No information is available on this point, but it is understood that owing to forced sales the price was a low one.

BRICK EXPERT OF THE DEVELOPMENT DEPARTMENT.

Mr. G. B. TRIVEDI (Thana District): (a) Have the Development Department engaged Mr. Kanhiyalal, an assistant engineer, as brick expert ?

(b) What is his pay and what work is he doing ?

(c) Why is the manufacturing of bricks not done departmentally when they have a brick expert on the staff ?

The Honourable Sir CHIMANLAL SETALVAD : (a) No.

(b) His pay is Rs. 650 per mensem and he works as an Assistant Engineer, Materials District, in the 4th Project Division of the Development Directorate.

(c) Mr. Kanhiyalal is not a brick expert.

DEVELOPMENT DEPARTMENT ESTABLISHMENT AT KHANDIVLI AND WASIND.

Mr. G. B. TRIVEDI (Thana District): (a) Has the Development Department any establishment at Khandivli and Wasind on G. I. P. Railway ?

(b) If not, for whose benefit is a medical man posted there ?

The Honourable Sir CHIMANLAL SETALVAD : (a) Yes.

(b) The medical men in question are for the benefit of the labourers working there.

**MATERIALS REQUIRED FOR THE DISTRICT MATUNGA OF THE
DEVELOPMENT DEPARTMENT.**

Mr. G. B. TRIVEDI (Thana District): (a) What was the estimate of the material required by the Material District, Matunga, of the Development Department, in the year 1921-22 ?

(b) What was the total amount of order placed ?

(c) How many of the contractors failed to supply the orders ?

(d) What was the previous experience and occupation of these suppliers for the work given to them ?

The Honourable Sir CHIMANLAL SETALVAD: (a) Estimates are made and sanctioned by works and not by districts or years. Hence no estimate was made of the material required by the Material District, Matunga, of the Development Department, in the year 1921-22.

(b) The total value of the materials purchased amounted to Rs. 19,44,642.

(c) Thirty.

(d) No information is available on these points.

**DUTY ON MEDICINAL PREPARATIONS OF THE BENGAL MEDICAL
STORE, BOMBAY.**

Mr. G. B. TRIVEDI (Thana District): (a) Did the Bengal Medical Store, Princess Street, Bombay, import after last March three consignments of spirituous preparations from Bengal ?

(b) Did they inform the Superintendent of Excise that they expected a consignment despatched from Calcutta ?

(c) Did the Inspector of Excise, Kalbadevi Division, take a statement from the proprietor of the store on 14th August 1922 ?

(d) Was he called upon in writing to pay any duty ?

(e) If not, why were his goods attached on the 24th August 1922 ?

(f) Was the attachment removed on his signing an undertaking to pay duty at full foreign rate ?

(g) Was he called upon at first to pay Rs. 72-15-6 ?

(h) Was this amount increased to Rs. 324-7-11 afterwards ? If so, for what reason ?

(i) Did he apply to the Commissioner of Customs against these actions of the department on 6th October 1922 ?

(j) When was the reply forwarded to him ?

(k) Were his goods again attached? If so, on what date and what hours ?

(l) Did he pay the amount late at night in the Superintendent's office under protest ?

(m) What was the reason of insisting on payment when his representation to the Commissioner was awaiting reply ?

(n) Do Government propose to refund him anything when their arrangements with Bengal Government are completed, and, if so, how much ?

The Honourable Mr. C. V. MEHTA : (a) Yes. The three consignments of spirituous medicinal preparations were received on 27th April 1922, 18th August 1922 and 21st August 1922.

(b) Yes, in regard to the consignment received on 27th April 1922 only.

(c) Yes.

(d) He was informed in writing that the import of spirituous medicinal preparations was liable to duty at full tariff rates. The exact amount of duty to be paid on these particular consignments was duly communicated to him as soon as the strengths of the preparations imported were ascertained by the Chemical Analyser.

(e) His goods were attached because he could not be allowed to sell dutiable articles without the recovery of duty thereon.

(f) Yes.

(g) Yes.

(h) Yes. The Chief Account Officer of Customs, Salt and Opium had through oversight assessed duty at the concession rate of Rs. 5 which is not applicable to such imports from Calcutta. The duty was therefore recalculated at the rate of Rs. 21-14-0 per proof gallon and the firm was called upon to pay duty amounting to Rs. 324-7-11.

(i) Yes.

(j) On 14th November 1922.

(k) Orders were issued to attach them because the proprietor declined to pay the full duty leviable under the Abkari Act, but the order was not actually executed because he subsequently consented to pay.

(l) The amount was paid under protest by cheque at 6-30 p. m. in the Superintendent's office.

(m) The reason was that duty was leviable on import. If the Commissioner decided to remit or reduce it, the necessary refund could be subsequently granted.

(n) No.

PURCHASE OF STORES BY DEVELOPMENT DEPARTMENT.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to lay on the Council table a statement showing the price, quantity and country of origin of stores purchased by the Development Department in 1922 either directly or through the High Commissioner in London ?

The Honourable Sir CHIMANLAL SETALVAD : Government consider that the labour involved in compiling the statement asked for is altogether disproportionate to the benefit to be obtained. Information, however, is being compiled with regard to such parts of the question, if any, as can be answered without unreasonable labour and research.

ENHANCEMENT OF COURT FEES IN HIGH COURT.

Mr. G. B. TRIVEDI (Thana District): Has the Honourable the General Member now been able to consult the Honourable the High Court of Judicature at Bombay as regards the enhancement of Court fees levied there ? If so, will he be pleased to place the correspondence on the Council table ?

The Honourable Mr. M. H. W. HAYWARD : The member from the Thana district is referred to the answer given to the question asked by the member from the Satara district.

CIVIL DAIRY AT KIRKEE.

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state the monthly expenses and receipts of the Civil Dairy at Kirkee?

The Honourable Mr. C. V. MEHTA: Attention is invited to the reply to question No. 2 put by Mr. V. R. Gupte.

PRINTING OF VERNACULAR TEXT-BOOKS.

Mr. G. B. TRIVEDI (Thana District): (a) Will Government be pleased to state whether it is not a fact that the contract for the printing of vernacular text-books has gone to a European firm?

(b) If so, what is the name of the firm and the conditions of contract?

(c) Also, how many Indian-owned presses had sent in their tenders giving lower quotations than the European firm above referred to?

The Honourable Dr. R. P. PARANJPYE: Attention is invited to the reply given to a similar question on the subject put by Mr. V. R. Gupte at the present session.

ARREST OF KHAN SAHEB SHER MAHOMED KHAN BIJARANI.

The Honourable Mr. M. H. W. HAYWARD: Sir, I desire to make a further statement as regards the trial of Khan Saheb Sher Mahomed Khan Bijarani. The Commissioner in Sind has sent the following telegram:

"I have to-day confirmed the District Magistrate's order requiring security. The only modification made is that the imprisonment in default of security should be simple instead of rigorous. Although two sureties have been accepted the accused has not yet executed his own bond for good behaviour. My present order is that he should be served with a notice to execute the bond within 7 days, failing which his bail bond will be cancelled. A copy of my present order together with the entire record of proceedings in the District Magistrate Court are being sent to you."

Mr. C. M. GANDHI: Will the Honourable Member be pleased to place a copy of the order on the table?

The Honourable Mr. M. H. W. HAYWARD: Copy of the order will be made available as soon as it is received.

SUPPLY: DEMANDS FOR GRANTS.

Rao Saheb L. V. PARULEKAR (Ratnagiri District): I have given notice of the following motion:

"Omit item No. 127, Rent for 2 plots in Dadar-Matunga estate for quarters for Railway Police Inspectors and Sergeants serving in Bombay, Rs. 2,853."

Sir, I wish to know with regard to this item, No. 127, grant for rent payable to the Bombay Improvement Trust, whether it is an old arrangement or a new item altogether?

The Honourable Mr. M. H. W. HAYWARD: These two plots have been rented from the Improvement Trust for building quarters for Railway police inspectors and sergeants. The provision for the buildings appears in the budget under Civil Works from loans.

Rao Saheb L. V. PARULEKAR : In that case I do not move it.

Mr. G. B. TRIVEDI (Thana District) : Sir, I move :

" That Item No. 129, grant of Rs. 20,000 for entertainment of temporary Deputy Superintendents of Police be omitted. "

It is stated in the remarks column :

The retirement of a number of officers of the Imperial Police Service on proportionate pension has caused a serious shortage in the cadre of Imperial Police Officers, and it is necessary to create temporary appointments of Deputy Superintendents of Police to meet the shortage. A lump provision of Rs. 20,000 has been made to meet the expenditure involved in the creation of temporary appointments of Deputy Superintendents of Police. The provision is made for 5 temporary appointments.

Now, Sir, at the time of the budget discussion last year the Honourable the Finance Member made a statement in this House that in view of the financial stringency there will be no fresh recruitment from outside. Now he admits that we are in financial stringency still, and in spite of the surplus budget he has not spared much money for deserving departments. Even in these circumstances we find, Sir, that the Police Department is not able to make arrangements by which men serving on lower pay may be promoted so as to avoid importing men from outside. Now, Sir, with reference to this I wish to draw the attention of the House to a resolution of Government saying that the Secretary of State has made three appointments of Assistant Superintendents for this Presidency. (At this stage the honourable member was found searching for the reference).

The Honourable the PRESIDENT : The honourable member had better finish his speech ; he can look up the reference later on and cite it in the course of his reply.

Mr. G. B. TRIVEDI : Sir, if we are really intent on economy, then here is an opportunity. I am one with my honourable friends from Bombay city in thinking that safety must be provided for, but we want safety by having more armed and unarmed police constables. If you go on adding at the top to the already top-heavy department, instead of taking advantage of the vacancies created, then when shall come the time for economy and retrenchment ? It has been pointed out by Lord Meston that in Bombay we are spending in police charges double of what they are spending in Madras and Bengal. With this evidence before us, will not this House see the necessity of telling the Government that although we do not want to lessen any security of the people, at the same time we must be content with giving a lift to people who are already in the department, who have served in the ranks, instead of recruiting specially from outside.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I admit I do not understand the argument of my honourable friend from Thana. The entertainment of temporary deputy superintendents is to take the place of Imperial Police Service officers who have resigned their service because they have not enough pay to live on. There is nobody else to put in their places and so we have to take deputy superintendents to do their work.

Mr. C. M. GANDHI : How many have resigned ?

The Honourable Mr. M. H. W. HAYWARD : It was 12 ; it is now 13. We have to provide temporary deputy superintendents to carry on their work until we have recruited and trained men to take their place. So really far from being an extra cost it is an economy to provide deputy superintendents in the place of Imperial Police officers. It is really necessary to carry on the work of the Police Department.

Mr. B. G. PAHALAJANI (Western Sind) : At page 115, we find that last year only 23 Superintendents were provided for, but we have in this budget money provided for 28 Superintendents. Again last year we had provision for 20 Assistant Superintendents ; this year we have provision for 27 Assistant Superintendents. So, Sir, there is an increase of 5 Superintendents and 7 Assistant Superintendents over last year's budget figures. In the case of deputy superintendents there is an increase of one, from 31 to 32. I should, therefore, like the Honourable the Home Member to explain this increase. On the expenditure side, we provided Rs. 3,79,000 last year for Superintendents ; but this year the estimate is Rs. 4,31,000. I would like to ask, why, with an increase of 12, Superintendents and Assistant Superintendents combined provided for in the Imperial Service, another increase of 5 is necessary in the ranks of deputy superintendents. I think that there is no necessity for it.

The Honourable Mr. M. H. W. HAYWARD : Sir, may I enlighten the honourable member as to the calculations ?

The Honourable the PRESIDENT : Yes : by leave of the House.

The Honourable Mr. M. H. W. HAYWARD : If the honourable member will look at page 115 he will observe that under " Pay of Officers " there was a provision for 3 Superintendents in 1922-23, and he will see that there is no provision for these Superintendents in 1923-24. They are lumped together under the 28 Superintendents in the line below. Adding 3 to 23 we get 26, against the 28. The two extra Superintendents are required, one for the Suburban district of Bombay and the other for Karachi necessitated by the division of Karachi city from district. If he will again look at that page, he will see that there are 27 Assistant Superintendents provided for as against 20 ; but he will see from the line below that in 1922-23 there were 5 other Assistant Superintendents provided for, who have been omitted in 1923-24. If you add 5 and 20, you get 25, so that we have only to account for two extra Assistant Superintendents. I think one of them is wanted on account of the division of the Karachi and city districts. I cannot for the moment say exactly which the other is, but I will look up the papers and see. So that we have had no increase. Although we have had resignations, we have still budgetted for the whole cadre, and therefore there will be a real saving in the Imperial Police against these deputy superintendents who will be doing their work. The probable savings estimated by the Finance Department is Rs. 85,000 as shown on the same page of the budget.

The Honourable Mr. H. S. LAWRENCE : I apply for a closure, Sir.

The Honourable the PRESIDENT : I accept the closure.

Mr. G. B. TRIVEDI (Thana District): Sir, this is the resolution which I referred to when moving the motion:

"His Majesty's Secretary of State for India has been pleased to appoint the following gentlemen to the Indian Police Service and to allot them to the Bombay Presidency. The Governor of Bombay is pleased to appoint the abovementioned officers to be Assistant Superintendents of Police on probation."

Then, Sir, with reference to what has fallen from the Honourable the Home Member, what I mean to say is here is an opportunity for economy and retrenchment, and if Government do not want.....

The Honourable the PRESIDENT: In the reply no honourable member should repeat his first speech. A reply means a reply to the arguments advanced in reply to his first speech.

Mr. G. B. TRIVEDI: What I mean to say is, here is an opportunity for economy and retrenchment, and if Government did not avail themselves of it.....

The Honourable the PRESIDENT: That is an argument which was used in the honourable member's first speech.

Mr. G. B. TRIVEDI: If they did not avail themselves of the opportunity by introducing or amalgamating some district and thus reducing the number of posts that are reserved for the higher officers, then the opportunity will never come. Therefore, I press for my motion.

The Honourable Mr. M. H. W. HAYWARD: I have only to add, Sir, that the honourable member referred in his first speech to deputy superintendents of police appointed by the Secretary of State. He has now read out something which relates to Superintendents of police, which is a different matter altogether.

Question put and lost.

Khan Bahadur D. B. COOPER (Satara District): Mr. President, I beg to move:

"That item No. 133, grant of local allowance to inspectors and sub-inspectors on railways in Bombay and Salsette, Rs. 17,820, be omitted."

In this item a provision has been made for giving extra pay to inspectors and sub-inspectors who are working on the borders of Bombay city. Sir, due to the present development, we find that the boundaries of Bombay have extended as far as Kalyan, Budlapur, and so on....

The Honourable Mr. M. H. W. HAYWARD: Not Kalyan.

Khan Bahadur D. B. COOPER: If provision is made now and then for men working in the Development Department, there will be no end to such provisions coming forward for being granted by this Council. I do not think there is any good reason why such an allowance should be given.

The Honourable Mr. M. H. W. HAYWARD: Mr. President, this allowance is limited to Bombay and Salsette, and it is common knowledge that it is quite as expensive for anybody to live for instance in Thana, in the northern part of Salsette, as it is in Bombay.

Mr. G. B. TRIVEDI (Thana District): Mr. President, I only want to point out that in the matter of police, the same pay and allowance is given to the Salsette police as in the case of the Bombay city police.

[Mr. G. B. Trivedi]

It is right, as I admit the living is dearer in both places. But in the case of the other services the same rule is not applied.....

The Honourable the PRESIDENT: That is a different matter, not relevant here.

The Honourable Mr. H. S. LAWRENCE: I move the closure, Sir.

The Honourable the PRESIDENT: I accept it.

Question put and lost.

Rao Bahadur R. R. KALE (Satara District): Mr. President, I merely move:

"That item No. 134, Rental of Railway Saloons used by Railway Superintendents of Police, Rs. 5,000, be omitted."

I do not wish to make any speech in moving it. If necessary, I will do so in my reply.

The Honourable Mr. M. H. W. HAYWARD: Mr. President, I only want to say that it really works out to be an economy. It is more economical to have a saloon regularly than to have hired carriages whenever wanted.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Do they not get travelling allowance in addition?

The Honourable Mr. M. H. W. HAYWARD: I think, Sir, when a carriage is provided, you do not get travelling allowance.

Mr. P. R. CHIKODI (Belgaum District): Sir, I think they get a duty allowance. In that case special saloons are a luxury, and when the Honourable the Home Member says that there will be a saving if saloons are provided, I think he should place before the House the figures to show how he arrives at that conclusion. Then, the House will have the means to judge of this proposal. Unless that is done, I do not think the House will be well advised in voting this item.

Mr. A. MONTGOMERIE: May I intervene, Sir, in this debate for a few minutes? In the first place, some saloon must be provided, because the Railway Superintendent of Police spends at least half of the month on the railway and unless the Railway Superintendent of Police is to sleep in waiting rooms or refreshment rooms at railway stations, he has to have some place to live in. There are places where there are no waiting rooms or no refreshment rooms, and even at places where there are refreshment rooms, he can hardly be expected to sleep in them for the night, especially if he had his family with him. Without a saloon, if you only allow an ordinary carriage, it will be quite impossible for him to take his family along with him on the line. Unless you lay down the proposition that he must not have his family with him, you have got to provide a saloon for him.

Then, these saloons are permanently stationed at Bombay and Madras only, and it would be most difficult to have a saloon from Bombay to Poona every time it was required there and delays and disappointments would be numerous. Besides this, 48 hours notice has usually to be given to the railway before a saloon can be provided, and when it is a case of the Railway Superintendent of Police going out

[Mr. A. Montgomerie]

to investigate into an offence at a moment's notice, you can hardly expect him to wait for 48 hours. The arrangement made by the Government with the railway company is for them to provide a saloon free of haulage for the Superintendent of Police, and it is very doubtful if the railway company would agree to do this if a saloon was not permanently reserved. They would charge so much for haulage every time that the Superintendent of Police went out (An Honourable Member: What is the charge for a carriage?) A charge is made to the public for a carriage for six first class fares, and this does not include anything for haulage charge.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Are these first class saloons?

Mr. A. MONTGOMERIE: They are first class saloons with a cooking compartment attached, so that the Railway Superintendent of Police can live in it. He is out half of the month on an average and has to live without any sort of accommodation whatever, and he has to have a saloon in which he can get his food—I mean in which he can live for half the month. If he has not got that, he has got to live in a waiting room or somewhere, because, as I pointed out, it takes 48 hours to get a saloon, and the only saloon which he can get is kept at Bombay and Madras. They charge six first class fares every time a carriage is supplied, and in the case of a permanently reserved saloon they do not charge for haulage charges as they do at present in the case of a carriage supplied as required. That means we have to pay six first class fares every day for half of the month, besides interfering seriously with the arrangement for food, etc., for the Railway Superintendent of Police. Formerly, the railways supplied accommodation to the Railway Police Superintendent. Now, under the new arrangement, the railway companies do not supply it. Now the local Government has to supply his accommodation and it is much cheaper to have a saloon permanently at the disposal of the Railway Police Superintendent, so that he can have it any time it is required, and to have the saloon under our control rather than leave it to him to have a chance of obtaining it or not obtaining it.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Mr. President, I wish to know exactly what sort of accommodation was being supplied to the Railway Superintendents of Police up to now and how they managed to travel and to carry on their investigations without special reserved saloons.

Mr. A. MONTGOMERIE: The railway company supplied them.

Mr. JEHANGIR B. PETIT: I now see from the remarks column that this matter is not going to stop here, and that this sum of Rs. 5,000 is only an earnest of what is going to come in the future. It is clear that in course of time we shall be called upon to sanction another non-recurring charge of Rs. 76,000; and that we shall also have to bear additional expenditure, of and incidental to the management and maintenance of these saloons, which is bound to be in the nature of an annual recurring grant. But there is an important question of principle involved in this

[Mr. J. B. Petit]

matter, Sir, to which I wish to call the attention of this House. I wish to know whether these Superintendents of Police now get any special allowance from the Government for hotel and other accommodation; and if not, whether the salaries and other charges that are at present given to them are inclusive of such expenditure, or whether at present the Government bear the cost of accommodating them at the different places where they have to carry on their investigations. I understand that the answer to all these questions is in the negative. Considering everything, I fail to understand why this new item of expenditure has been found necessary. In any case it appears to me that neither the administration of justice nor the work of the investigation of crime, is likely to suffer in the slightest degree by the refusal of this Council to sanction this additional grant; and I am therefore of opinion that there are good grounds for rejecting it particularly at a time of such financial stringency as the one through which we are now passing. I am afraid a case has not been made out for making the departure indicated by the item under consideration and the House will be well advised in not accepting it.

Mr. KANJI DWARKADAS : Sir, I move the closure.

The Honourable the PRESIDENT : I accept the closure.

Rao Bahadur R. R. KALE (Satara District) : Sir, I am aware that investigation of crime is hardly made by Superintendents of Police. So far as I am aware it is done by the subordinate officers such as inspectors and sub-inspectors, and I am not satisfied therefore as to the necessity of this item.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I submit that it is a really necessary charge for the proper performance of the duties of the Superintendents of Police in charge railways. The Superintendents of Police in charge railways like other Superintendents of Police in charge of districts have to be out on tour to examine police stations, police posts, just as the District Superintendents of Police have to examine their police stations and police posts. Though it is a railway, still we have police stations and posts on the railways just as you have them in the districts, and just as a district officer has to go out in the district and live in tents—tents which are provided by Government—for the purpose of inspection, so the Superintendent of Police in charge railways has to go out on inspection and he has to travel by railway. While on tour he requires some place to live in, and just as other district officers have tents, the Superintendents of Police in charge railways have the saloons. No doubt tents are more comfortable. I do not envy the District Superintendents of Police in charge railways who have to live in saloons. It is extremely uncomfortable to live in a saloon in hot weather. Of course the carrying of tents would be very expensive. It has been the practice ever since we have had Railway Superintendents of Police to have these saloons for them. These saloons have always been provided by the railway companies, and when we had not got a Central Government and a Provincial Government, the Central Government looked after these things and made the railway companies

[Mr. M. H. W. Hayward]

provide these saloons free of cost. But since there has been the Central Government and the Provincial Government, the Central Government has been looking round to see whether they could not make a saving here as everywhere, and this is one of the ways in which they have got one at the expense of the Provincial Government. They said "You must pay for these saloons. You must either pay rent and get the existing saloons reserved for the Railway Superintendents of Police or you must put down the amount to build new saloons". At present it has been thought to be more economical to pay the rent and to ask this much grant than to have our own saloons. Therefore we are only asking for the rent and not for the money to build the saloons. The Superintendents of Railway Police have to travel, as honourable members are aware, over long distances. We have one for the B. B. and C. I. Railway who has to travel from Bombay to Ahmedabad and also over other railways within his charge which are branch lines, and the other who is in charge of the G. I. P. and the M. S. M. Railways has also to travel over both these railways, and although I do not know the exact mileage, he has to go a long way and it is quite impossible for him to do his inspection by daily visits without travelling far away over the main lines. If there is no inspection administration suffers very seriously. The Railway Superintendent of Police has not only to inspect the police stations and posts under his charge but in every case of a serious crime it is his duty to go himself and make sure that the investigation is carried on properly by the subordinate officers, and it is a very important part of his duty to direct them through their investigations over all parts of the railways, and it will be a very serious interference with the administration of the police if he is not given facilities not only to visit the police stations and posts but to direct the investigation of crime. Now recently on the G. I. P. Railway we had very extensive thefts between Bombay and Bhusawal. Property worth lakhs of rupees was being stolen, and in order to deal with organized crime like that it was essential that the superior officers of the railway police should be able to be on the spot for long periods to investigate the crime and to direct the investigation by the subordinate officers. The result in this particular matter I am glad to say has been a great diminution of these serious thefts—railway thefts—through which the mercantile communities have been suffering enormous losses on goods sent to and from Bombay.

Then as regards the cost, as has been pointed out by the Home Secretary, if you have your own saloon, all you have to pay is rent, but you do not pay extra haulage. If you engage a separate saloon like any ordinary private passenger you have got to pay six first class fares and then if the saloon stops anywhere you have to pay demurrage, and again haulage for your halting station right back to terminus at Bombay or Madras. It is therefore also a more economic way of providing for the inspection of the Railway Superintendent of Police, and I hope that this item will be passed by this House.

Rao Bahadur G. K. CHITALE : They get an allowance !

The Honourable Mr. M. H. W. HAYWARD : I think they get daily allowance but not a permanent travelling allowance.

Question put. House divided. Ayes 22 ; Noes 31. Motion lost.

Division No. 5.

Ayes.

ADHAV, Mr. P. N.
BHATE, Mr. G. C.
CHIKODI, Mr. P. R.
COOPER, Khan Bahadur D. B.
DESAI, Rao Saheb HARILAL D.
DESAI, Rao Saheb DADUBHAI P.
DUMASIA, Mr. NAOROJI M
DWARKADAS, Mr. KANJI
GANDHI, Mr. C. M.
HALKATTI, Rao Saheb PHAKIRAPPA
GUBUBASAPPA
KALE, Rao Bahadur R. R.

LALBHAI AMBARAM, Mr.
MANSURI, Khan Saheb A. M.
NIMBALKAR, Mr. K. B.
PAHALAJANI, Mr. B. G.
PARULEKAR, Rao Saheb L. V.
PATEL, Mr. B. P.
PAWAR, Shrimant J. A.
PETIT, Mr. JEHANGIR B.
SALGAR, Mr. R. G.
TRIVEDI, Mr. G. B.
VICHARE, Rao Bahadur D. A.

Tellers for the Ayes : MR. JEHANGIR B. PETIT and MR. KANJI DWARKADAS.

Noes.

ABDUL KADIR KHAN ABDUL AZIZ
KHAN, Mr.
BATLIWALA, Dr. S. S.
BHUTTO, Khan Bahadur S. N.
DABHOLKAR, Mr. V. A.
DADACHANJI, Dr. K. E.
DALAL, Sardar Khan Bahadur ADARJI
M.
GHULAM HUSSAIN, The Hon'ble Khan
Bahadur SHAIKH
GODAD, Khan Saheb ABDULLA AVJAL
HAJI KHAMISO GUL MAHOMED, MR.
HAVELIVALA, Mr. M. A.
HAYWARD, The Hon'ble Mr. M. H. W.
HEPPER, Sir LAWLESS
JENNINGS, Major General W. E.
KER, Mr. J. C.

LAWRENCE, The Hon'ble Mr. H. S.
LORY, Mr. F. B. P.
MEAD, Mr. P. J.
MEHTA, The Hon'ble Mr. C. V.
MODI, Sardar Davar T. K.
MOHOMED SALAHUDDIN K., Mr.
MONTGOMERIE, Mr. A.
MURPHY, Mr. S. J.
NILKANTH, Rao Bahadur R. M.
OJHA, Mr. DIPCHAND T.
PARANJFYE, The Hon'ble Dr. R. P.
PRADHAN, Mr. M. W.
PROES, Mr. E. M.
RAHIMTOOLA, The Hon'ble Sir IBRAHIM
SETALVAD, The Hon'ble Sir CHIMANLAL
SHIRRAS, Mr. G. FINDLAY.
THOMAS, Mr. G. A.

Tellers for the Noes : MR. A. MONTGOMERIE and MR. M. W. PRADHAN.

Mr. LALBHAI AMBARAM (Surat District) : Mr. President, I move

That item 135, page 181 of Blue Book, Improvement in the scale of pay of sub-inspectors in the Presidency proper, Rs. 38,000—and Rs. 13,000—for improvement in the scale of sub-inspectors of police in Sind, be omitted.

From the remarks column I find that the reason given for this improvement in salaries of police sub-inspectors is the reduction sanctioned in the number of posts of inspectors and sub-inspectors under the Police Reorganisation (Retrenchment) Schemes ; I cannot agree to call that "retrenchment", it is no retrenchment at all when the money that is to be saved by cutting down some posts altogether is going to be spent in giving increases in salaries to others.

Further, Sir, is it not time that the pay of all Government servants which was revised owing to war conditions, should now be reduced, as prices are going down all round ?

I therefore strongly oppose this grant and move that it be deleted altogether.

Rao Bahadur R. R. KALE (Satara District) : Sir, as we are now awaiting the report of the Retrenchment Committee, all proposals to increase salaries ought to be postponed. On that ground alone I object to this grant.

Mr. B. G. PAHALAJANI (Western Sind) : Mr. President as my honourable friend from Ahmednagar, has informed the House, so far as the retrenchment committee is concerned, their report on the police department has been submitted 18 months ago to the Government; the Government has given effect to a very small portion of it—to a recommendation made by that Committee—in consultation with the Inspector-General of Police. The Government made a slight reduction last year in the number of inspectors and sub-inspectors. But we are sorry to see that whatever retrenchment is made on one side, is being taken away on the other. Last year we had 116 inspectors, now they are reduced by 10 to 106; last year we had 705 sub-inspectors, and this year we have 653. The difference in their pay by way of reduction is only Rs. 8,000, for the estimate last year was Rs. 8,94,680, and this time it is Rs. 8,86,000. So far as the head constables are concerned, there is a slight difference, but so far as the inspectors are concerned the provision last year was Rs. 3,26,000, this time the provision is Rs. 3,10,000. So that, the total net saving by retrenchment last year is Rs. 8,24,000 by the readjustment of inspectors and sub-inspectors and lengthening of their charges. Now, having satisfied the conscience of the Council last time by giving them a saving of Rs. 24,000 on inspectors and sub-inspectors by lengthening their charges, this year the figure that has been budgetted is far in excess of the retrenched amount. On the one side, there is a retrenchment of Rs. 24,000 but on the other side there is an increase of Rs. 51,000 (Rs. 38,000 plus Rs. 13,000). I may inform the House that the readjustment of the pay, or the fixing of the enhanced pay of the sub-inspectors took place only so recently as 1920-21. While then the sub-inspectors drew Rs. 35, it has now been raised to Rs. 60. Their maximum was Rs. 100 before, and it has now been raised to Rs. 160. So far as the inspectors are concerned, their maximum pay was Rs. 160 before, but now their selection grade is Rs. 300. In 1920 a revision of their pay took place; next year comes a short year, and a readjustment is made. This was not done by the Retrenchment Committee, but the Inspector-General of Police himself went through some of the districts as sample districts, and it was in accordance with his opinion that these curtailments in the Presidency were made. So far as Sind is concerned the Deputy Inspector-General of Police was consulted, and suggested the elimination of certain posts, and his recommendations were accepted. Now, although something has been taken away on one side, over twice that amount is given on the other. Is that economy? Is the Council prepared to accept this step?

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I cannot exactly follow the figures of my honourable friend opposite. The net result, you will find on page 115 of the White Book, is a saving of Rs. 6 lakhs. The total for next year is Rs. 75,45,000, and during the current year it is Rs. 81,48,000.

This is really a very small matter of improvement in the scale of the pay of the sub-inspectors, and it has been recognised that your sub-inspector is really the mainstay of the police force. It has been recognised ever since the Police Commission of 1902-03 that if you want your police

[Mr. M. H. W. Hayward]

work done properly, you must have efficient sub-inspectors of the right class, and you must pay them sufficient wages. Their pay was recently revised, and the scale which was fixed was a time scale rising from Rs. 75 by triennial increments of Rs. 10 to Rs. 145. It is now proposed to make a very small alteration, and that is to give them increments a little quicker, that is, to give them Rs. 75 rising annually by Rs. 5, to Rs. 145. Instead of giving them Rs. 10 every three years, it is now proposed to give them Rs. 5 every year. There are several advantages in this arrangement, in that it gives them just a little more money, it gives them more encouragement, and it gives superior officers means of controlling them, because if their work is not satisfactory, it is quite easy to withhold their increments. If you have an annual increment, it is easy to withhold the increments for unsatisfactory work. With a triennial increment, you cannot do that so effectively. You can say that three years hence you will consider whether the increment should be given or not, but it will not have any immediate effect. From the administrative point of view, therefore, it is a very great improvement, and from the point of view of the officers, it is some slight improvement in their pay. Against this improvement, it has to be remembered that we have reduced the numbers of our sub-inspectors and of our inspectors. The exact figures of reduction are a net reduction of 64 sub-inspectors and a reduction of 16 inspectors under the retrenchment scheme, that is to say, the prospects of promotion have been reduced by 16 inspectors. In the figures I have, there is a net reduction of 16. I will try and work out the exact figures in the civil estimates. I have tried to follow the figures of my honourable friend opposite. I see them in the White Book, but I think there must be some other inspectors in some other part of the book; I have not yet traced them. Any way, whether it is 10 or 16, I will not quarrel over that. There has been a reduction in the numbers of inspectors and the prospects of promotion have been reduced, and therefore, both on administrative grounds and in fairness to the sub-inspectors this small improvement in their pay is proposed, in order to keep them contented, and to encourage men of the right stamp to join the grade of sub-inspectors and maintain the proper working of our district police force. I hope that members of this House will therefore allow their sub-inspectors this small increase. I may say that Government have been receiving proposals for this increase for some considerable time past, but they have been put off from time to time. Eventually, when it was pointed out that the sub-inspectors were suffering from this reduction in prospects of promotion, we came to the conclusion that on administrative grounds and on grounds of fairness to the sub-inspectors themselves, this amount ought to be granted to them by Government. I hope, therefore, the House will allow this amount, and endorse the conclusion arrived at by Government.

Mr. LALBHAI AMBARAM (Surat District): Mr. President, the honourable the member for Sind has thrown greater light on the question, the honourable the Home Member could not disprove his

[Mr. Lalbhai Ambaram]

statement and therefore I am not disposed to change my opinion—so far as I am concerned I do not think that it will be a better administrative arrangement if increase is given so rapidly. In that case when a man reaches the maximum as it is at present proposed, he will become disappointed as there will be no further prospects and he will not have the willingness to work. For the sake of good administration my motion should be accepted.

The Honourable Mr. M. H. W. HAYWARD : The present scheme is one which has been strongly put forward by sub-inspectors themselves. I think it is an advantage to get Rs. 5 every year instead of waiting for three years to get Rs. 10. According to the calculation of the Finance Department, a time scale of this nature is rather more expensive than the old time scale. The money asked for is simply the calculated difference between the two scales.

Question put and lost.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : Sir, I move

“ That the grant of Rs. 70,000 for revision of pay of Provincial Police Officers be omitted.”

In the case of these officers, their salaries have already been revised only a few days ago. A further addition to their salary is unnecessary at present, and this can be postponed for better times. You have got to consider the financial position of the Presidency. I do not think any case has been made out in the note for the increase that has been proposed to these officers. I feel that the matter can be postponed for some time till the financial position improves.

Mr. LALBHAI AMBARAM (Surat District) : Mr. President, it is stated at the commencement of the remarks column that these officers are not satisfied with the revision. I wish to know the benefit of any revision of salary that does not give satisfaction to the officers. The revision of salary should be made on two considerations, *viz.*, whether the present pay is inadequate to maintain the officer's position, and whether competent men are not forthcoming for the post with that pay. I see nothing of the kind has been mentioned here. I know as a matter of fact that more competent men will be available for the post on the present scale. This class of officers in my opinion are not very useful to the department. When I was a magistrate, on account of the interference of one of this class of officers I was miserably disappointed.

The Honourable the PRESIDENT : When did this occur ?

Mr. LALBHAI AMBARAM : During my tenure of office as magistrate.

The Honourable the PRESIDENT : We are dealing with the present, not years gone by, upon these demands.

Mr. LALBHAI AMBARAM : Still I have to give my opinion on the matter.

The Honourable the PRESIDENT : The House listens with respect to the honourable member on account of his experience and the office he held in his time years ago. What I wish to point out is that the instance

[The President]

should be relevant to the question before the House, and it is relevant if it deals with the existing situation.

Mr. LALBHAI AMBARAM: I do not wish to say anything more on the point.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir, I rise to support the motion for the omission of this item. Sir, these deputy superintendents of police are in no way better than head clerks and they simply act as post boxes. Their present scale is quite adequate to the manner in which they live and the class from which they come. I am at one with my honourable friend for Surat district when he says that they act as a hindrance rather than as a help in investigation and detection of crime. It is like too many cooks spoiling the broth. My honourable friend has said so from his experience and I lay it before the House as a practical man of the world. I hope the Honourable the Home Member will withdraw the grant. As I said in the beginning they are mere post boxes and no better than head clerks. They have practically no executive work to do and they act more as clerks for the District Superintendents rather than as assistants for executive work.

Rao Saheb D. P. DESAI (Kaira District): Sir, I support the motion for the omission of this item. This class was first constituted with a view to provide a number of officers for a service from which Police Superintendents could be recruited and they were to be trained in the duties of Police Superintendents. I am doubtful whether this original intention is kept in view as only few are taken up as District Superintendents. At the same time their pay was not to be more than the pay of Superintendents of the last grade. The Superintendents of the last grade get Rs. 600 per month, and now it is proposed to give selection grades for deputy superintendents up to Rs. 750 and Rs. 800, that is, far exceeding the pay of the last grade Superintendents. I endorse what has been said of these officers by previous speakers. Their posts it will thus appear do not lead to any efficiency of the department as they were only recently brought into existence. Between the Superintendents and the investigating officers, i.e. the sub-inspectors, you have inspectors to look after and supervise the work, so I cannot understand why there should be an officer of the rank of deputy superintendent between the inspectors and the Superintendent. They do not contribute to the efficiency of the department. With these remarks I support the motion.

Mr. C. M. GANDHI (Surat City): I also support the motion, Sir. I would like the Honourable the Home Member to tell us if the administration is going to be topsy-turved if this increment is not granted at once. The Retrenchment Committee has considered the question of the pay and prospects of all public services, and their report is or will shortly be before Government. Where is the hurry for giving an additional increase to these police officers, when as a matter of fact their scale was revised only on 30th October 1919? We are told, Sir, that that revision has not given general satisfaction. Is a revision ever likely to give general satisfaction when it is done piecemeal in the manner in which

[Mr. C. M. Gandhi]

Government is doing with regard to the services? If the same mischievous policy is followed in this case, namely, giving increase in the scale of these officers, and if Government is prepared to accept the recommendation of the Retrenchment Committee for fixing a uniform scale for all services similarly situated, what will be the situation? Well, all the other services will be dissatisfied. The only consistent policy which Government can follow will be to give increase for all the services. Therefore, unless and until the Honourable the Home Member makes it clear to this House that if the increase in the scale of pay is not given to this body of servants just now something is going to happen which will imperil the efficiency of the administration, the House, I think, would be well advised in waiting till the report of the Retrenchment Committee is before them.

We are told, Sir, that the pay has been up to a maximum of Rs. 600 till now, and it is proposed to give them a selection grade at Rs. 750 and another at Rs. 800. Now, look at the qualification of the men who are in that service. There are in all 36 men; there is only one vacancy. There are only a few university men, only two or three. As has been very rightly pointed out they are merely glorified clerks in the District Superintendent's office. The only reason for which a high salary was given to them was: it was expected that they would take executive charge and relieve the District Superintendent of Police, who will then be able to take larger districts. It was expected by training Indians in the executive administration of the Police Department and giving them the smaller charges that cost would be lessened. That expectation has not been realised; and the object of giving them executive charges has not been carried out. They are merely clerks inspecting diaries. If that is the work which they now do, where is the hurry in giving them an increase in scale, when the report of the Retrenchment Committee is not yet considered by Government, and when proposals have been made in that committee's report that a uniform scale of pay and promotion should be fixed for all services similarly situated. I think it is time that the House should assert itself and see that they are not hustled from one end to another in a manner which will make their position rather difficult. The House would be well advised to turn down this item.

Mr. B. G. PAHALAJANI (Western Sind): When we first met here in 1921, Sir, the then Leader of the House, the Honourable Sir George Curtis, told us that these increases to salary were necessary on account of the rise in prices. Now, Sir, according to the index of prices which the Director of the Labour Bureau has been placing before us, there is a decided decrease in prices. We who live in the districts know also that there too prices have fallen. Sir, we know that Government servants always put before their officers figures to show that cost of living has risen and their superior officers endorse them and send it to Government. Government at once sees the reasonableness of their prayer and they are granted what they ask. The last revision took place only in 1919, and yet the deputy superintendents are said to cry for an increase. They know how to cry. Within two years, we are asked to grant them Rs. 70,000 more. As

[Mr. B. G. Pahalajani]

my honourable friend from Surat said, they were holding subordinate rank before they became deputy superintendents. You will find that 75 per cent. of the deputy superintendents are men who have been sub-inspectors, inspectors and then deputy superintendents. It is a gradual promotion to them. They have lived a poor life, they have not lived a richer life, their expenses were not formerly higher than Rs. 300. They have risen from salary to salary, from post to post. Therefore, the tone of that service is the tone of the lower service still. If they are entitled to more pay, promotion according to their seniority, I submit to the House the present Rs. 700 even is too high. If the promise of Government that they would reduce salaries and allowances if prices went down has any meaning, then, Sir, this is the time when the salaries of Rs. 600 and Rs. 700 ought to go down and not go higher. On the one side, you have got, Sir, a definite proposal, a definite statement, a definite regular report of the Retrenchment Committee, with facts and figures, proposing a cut of Rs. 24,00,000 in the police before some of the police are done away with. The cry has gone on in the rural areas that more constables are wanted, more police is wanted, the Council is blamed for not giving more money, and when you come here in the Council, you find that more salaries are asked for higher posts. Now, is it fair, when the Retrenchment Committee's report is before the Government for the last eighteen months? The recommendation is there; it is not being acted up to. In the place of that, these promotions are being advocated, and I submit that this House must assert its dignity and see that unnecessary expenditure is not sanctioned.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association) : I must confess, Sir, that there is very considerable force in the remarks made by my honourable friend from Surat and those who have supported him. Judging by the long note in the remarks column, which I take it, is an indication of the opinion of the Home Member thereon, I cannot help saying that he has failed to make out a case for the acceptance, by this House, of this item. I should like the Honourable the Home Member, in the course of his reply, to tell the House exactly what urgency there is in this matter and whether a terrible calamity is going to ensue if this increase is not sanctioned by the House. We see, Sir, from the remarks-column that an increase was given so late as the 30th October 1919,—a little more than three years ago;—and I fail to see, Sir, what new facts have since come into existence to justify another increase in such a short time, excepting the memorial to which reference has been made in the remarks-column. It must be remembered, Sir, that the whole question of the retrenchment and economy to be effected in the administration has been before the Retrenchment Committee for some time; and that its report is now nearly ready, and will be before the House for its consideration, possibly before the next session of the Council in July next. It stands to reason, Sir, that we should therefore postpone for the present all questions which unduly increase expenditure, as the demand before us does, unless a case for emergency is made out, which I submit has not been done in the present instance.

[Mr. Jehangir B. Petit]

You will remember, Sir, that in the course of the debate on the various items of the budget, arguments were invariably advanced by the different Members of the Government to the effect that it was neither right nor fair to the Government that important items of expenditure should be struck off at random without the House being given an opportunity of considering the whole question of economy and retrenchment in a comprehensive manner, in the light of the report of the Retrenchment Committee which the House would have an opportunity of considering before long. As the Government are aware that argument has weighed with the Council in many respects. I wish, therefore, to know, Sir, why that same consideration has not weighed with the Government in the present instance. I want the Government to tell the Council what will be lost if this item is postponed at least for a few months, by which time we hope the Retrenchment Committee's report will be before us for our consideration? I submit, Sir, that there is absolutely no urgency in the matter. Since it has waited so long, I think it can easily wait for a few months longer, so that we may be able to consider it along with the report of the Retrenchment Committee. The Government have told us that they have brought this item before us upon the memorial of the gentlemen concerned and that the House would be well advised in not rejecting it. I submit however that the Government have totally failed to make out a case for urgency and ought to bring the matter before the House at some future date. I think, therefore, that the House will be well advised in rejecting it.

The Honourable Mr. M. H. W. HAYWARD: Mr. President, I am not anticipating any calamity if this item is not passed by the House, and I leave it entirely to the sense of fairness and justice of honourable members of this House—sense of fairness and justice to a small body of 32 officers working now as deputy superintendents of police in the Presidency and in Sind. It has been said that these deputy superintendents are made to work as clerks. That statement may have been partially true three or four years ago but it is not true now. The deputy superintendents as a class are now used as investigating police officers. We are making the best use we can of these officers of superior class for the investigation of crime in the districts of the Presidency and Sind. We have, honourable members are probably aware, already commenced reducing the number of inspectors who were the immediate supervising officers over sub-inspectors. I do not think any argument is required to satisfy honourable members of this Council that it is desirable that the work of sub-inspectors should be under supervision. I do not think any honourable member of this Council will deny that it is much better that it should be under supervision not merely of promoted sub-inspectors like inspectors but of a superior class of officers altogether as we hope to get as deputy superintendents of police. We have the intention of bringing the sub-inspectors everywhere under the direct supervision of our deputy superintendents, and it is therefore most important that we should leave no stone unturned to secure the best material for our deputy superintendents of police.

[Mr. M. H. W. Hayward]

The scale of pay which was fixed with effect from the 30th of October 1919 is given in the column of remarks at page 182 of the Blue Book. It was at the time hoped that that would produce the necessary result of getting men of a right stamp and keeping them satisfied in their service. But it has become evident that that scale is not sufficient, that it will not give men of the right stamp satisfaction in their service. Unless you get the right stamp of men so as to be able to keep them contented you will not get proper and effective service out of them, and it would be a great mistake to refuse a small increase in the prospects offered to these officers if we deny to maintain them on a satisfactory basis. The scale of pay fixed with effect from October 1919 was not that which we recommended. We were not then in a position to actually fix the salary which was then considered to be necessary for deputy superintendents of police. That was before the revision scheme came into effect and we had as a matter of fact in 1920 recommended a higher scale to the Government of India. The question has since been further discussed and the scale of pay has been found to be inadequate, and we have come to the conclusion that we were right in 1920 when we recommended the present scale which is now proposed to be introduced.

Mr. C. M. GANDHI : Do they get more pay in Madras and Bengal ?

The Honourable Mr. M. H. W. HAYWARD : The scales now recommended compare, I think, reasonably with those in the other Presidencies. So we recommended in 1920 the very scale which it is now proposed to introduce. This scale is identically the same as that recommended in 1920 to the Government of India.

The deputy superintendents are not only a very important body of officers for the actual work which they have to perform, but they also form in part the recruiting ground for Indian Superintendents of Police, and if you reduce the quality of your deputy superintendents of police, you make it difficult to obtain satisfactory recruits for the Imperial Police Service. The deputy superintendents of police are now recruited direct with the object of attracting really good men for the service who would have prospects of promotion to the Imperial Police Service, and a definite proportion is being laid down of men to be so recruited for the Imperial Police Service. I may say that we already have very excellent Superintendents of Police who have been recruited in this manner from the deputy superintendents of police. I think, therefore, speaking in all seriousness, that this House would really make a very great mistake if they were to curtail the prospects of emoluments of these very important though small body of deputy superintendents of police. I do not think it is fair to them to compare the present men and the men we have to recruit in the future, with those that were recruited in the first instance—it may be—some ten years ago. I think, the House ought to look forward, and we ought to fix a scale of salary which will really attract the best men for this service, so that we could get not only good deputy superintendents of police but competent men who could do the important work of Assistant Superintendents of Police, and who would be fitted in due time to be promoted to the Imperial Police Service.

[Mr. M. H. W. Hayward]

It has been suggested that the scale goes above that of the last grade of Superintendents. The object in fixing a satisfactory scale is to attract good material—young men who would really prove efficient police men, and to select from the young men of superior merit who will be given an opportunity of rising to the higher grade of Imperial Police Service. At the same time those that would be not so fortunate as to be selected for that service will have the opportunities of rising to a reasonable scale of pay in the ordinary line of deputy superintendents.

So I strongly recommend this moderate proposal which has been under consideration since 1920, but which was only not introduced before owing to the financial stringency—a proposal which ought now, I think, to be taken up when we have succeeded in balancing our budget.

With regard to the proposals of the Retrenchment Committee, I may remind honourable members of this House that throughout in reorganizing our police we have followed very closely the suggestions of the Retrenchment Committee. They have given us very valuable suggestions which we have almost entirely carried out, and which have resulted in this very large saving in the expenses of the Police Department. I do not think, therefore, that it is necessary to withhold justice to these 32 deputy superintendents of police in view of the importance of their work as sub-divisional officers and as recruiting ground for Indians for the Imperial Police Service, and in view of the fact that a balanced budget has been presented to us by the Finance Department.

Mr. B. G. PAHALAJANI: Sir, I move a closure.

The Honourable the PRESIDENT: I accept the closure.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Sir, the claim which the Honourable the Home Member made before this House for these men is that they are to form a recruiting ground for the Imperial Police Service. I take that suggestion in all seriousness and hope Government are serious about it and submit that if that is the case, there is absolutely no necessity of increasing the pay of these men. They have got higher prospects before them. If a right recruit is likely to come, he will be attracted, not by the pay that he would get as a deputy superintendent of police, but by the pay and prospects of being a member of the Imperial Police Service. I think that argument of the Honourable the Home Member need not weigh with this House. Then it is stated that recruitment to this department is not satisfactory. May I put it to the Honourable the Home Member to say whether any attempt has been made seriously to secure the recruitment of right stamp of men or whether among other considerations the question of efficiency and qualifications of the men is given only secondary consideration?

I hold that in the recruitment particularly for this department many considerations do crop up and right sort of recruitment is certainly discouraged instead of being encouraged in this department. It is stated that this scheme of increase of pay was under the consideration of Government in 1920. Certainly the police officers appear to be very shrewd and wily because the information seems to have leaked out and these men have

[Sardar V. N. Mutalik]

grasped the opportunity of sending in a memorial to this Government. In the note on this item there is nothing to show that the matter was under Government's consideration so long ago as 1920 beyond a remark that the deputy superintendents were not satisfied with the revision given them and that therefore Government saw the unfairness of the revision and decided to grant them a further increase. I do not think the present members of the cadre have got any special or real grievances at this particular time and I think the House will do well in throwing out this whole item.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I will only add this, that a committee has been appointed to select members from time to time for the better class of deputy superintendents and every effort is made to encourage the better class men to join and to make better sub-divisional officers and better Superintendents of Police. I may say that even now we already have several excellent Superintendents of Police who have been promoted from the deputy superintendentships. Very real effort is being made to attract the right stamp of men for promotion as Superintendents of Police. Certainly it is not going to help recruitment if you refuse this grant for giving a reasonable scale of pay to the class of men we want and the scale now proposed is by no means extravagant. As I stated, it has been settled on a comparison with the figures in other Presidencies and it is practically the same. I have the figures before me now. Except with regard to the United Provinces and Burma (in both which provinces the figures are higher), we are only fixing a reasonable scale not higher than any of the other scales in India, and considering that the expenses of living on this advanced side of India are greater than in any other.....

Mr. C. M. GANDHI (Surat City) : What is the maximum in Madras ?

The Honourable Mr. M. H. W. HAYWARD : I have not got the figures for Madras here. I think it is 7 per cent. on Rs. 800 (selection grade), in the United Provinces 7 per cent. on Rs. 750—850 and in Burma 7 per cent. on Rs. 850. So the scale we are asking for is similar to that in other Presidencies except in two other provinces where the figures are higher. I think looking to the advanced position and the greater expense of living on this side of India, I do not think these proposals err on the side of liberality for the deputy superintendents in the Bombay Presidency. I therefore strongly recommend this proposal to this House.

Question put : House divided : Ayes 36, Noes 32 ; motion carried.

Division No. 6.

Ayes.

BHATE, Mr. G. C.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Saheb S. K.
BOZDAR, WADERO Khan Saheb K. G.
CHIKODI, Mr. P. R.
CHITALE, Rao Bahadur G. K.
COOPER, Khan Bahadur D. B.
DALAL, Mr. D. B.
DESAL, Rao Saheb HARILAL D.

DESAL, Rao Saheb DADUBHAI P.
DRAKHAN, WADERO MAHOMED PANAH
DUBHASHE, Mr. SHANKAR BALKRISHNA
DWARAKADAS, Mr. KANJI.
GANDHI, Mr. C. M.
GODAD, Khan Saheb ABDULLA AVJAL
HAJI, Mr. IBBRAHIM S.
HAJI KHAMISO GUL MAHOMED, Mr.

Ayes—contd.

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|------------------------------------|-----------------------------|
| HALKATTI, Rao Saheb PHAKIRAPPA | OJHA, Mr. DIPCHAND T. |
| GURUBASAPPA | PAHALAJANI, Mr. B. G. |
| HULKOTI, Mr. CHANNAPPA CHANVIRAPPA | PARULEKAR, Rao Saheb L. V. |
| INSAN, Khan Saheb G. A. | PATEL, Mr. B. P. |
| KALE, Rao Bahadur R. R. | PATEL, Mr. J. B. |
| LALJI NARANJI, Mr. | PETIT, Mr. JEHANGIR B. |
| MANSURI, Khan Saheb A. M. | SAHERWALA, Khan Saheb I. A. |
| MODI, Sardar Davar T. K. | SALGAR, Mr. R. G. |
| MUTALIK, Sardar V. N. | TRIVEDI, Mr. G. B. |
| NILKANTH, Rao Bahadur R. M. | VICHARE, Rao Bahadur D. A. |

Tellers for the Ayes: MR. LALBHAI AMBARAM AND MR. B. G. PAHALAJANI

Noes.

| | |
|---|-------------------------------------|
| ABDUL KADIR KHAN ABDUL AZIZ KHAN, Mr. | LORY, Mr. F. B. P. |
| ADDYMAN, Mr. J. | MACNAGHTEN, Sir Henry |
| BEDREKAR, Khan Bahadur I. M. | MEAD, Mr. P. J. |
| CADELL, Mr. P. R. | MEHTA, The Hon'ble Mr. C. V. |
| CLAYTON, Mr. F. | MOHOMED SALAHUDDIN K., Mr. |
| COCKE, Mr. H. G. | MONTGOMERIE, Mr. A. |
| DABHOLKAR, Mr. V. A. | MURPHY, Mr. S. J. |
| DADACHANJI, Dr. K. E. | PARANJPYE, The Hon'ble Dr. R. P. |
| DALAL, Sardar Khan Bahadur ADAEJIM. | PRADHAN, Mr. M. W. |
| GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH | PROES, Mr. E. M. |
| HAYWARD, The Hon'ble Mr. M. H. W. | RAHIMTOOLA, The Hon'ble Sir ISBAHIM |
| HEPPER, Sir LAWLESS | ROTHFELD, Mr. O. |
| JENNINGS, Major General W. E. | SETALVAD, The Hon'ble Sir CHIMANLAL |
| KER, Mr. J. C. | SHEPHERD, Mr. W. C. |
| LAWRENCE, The Hon'ble Mr. H. S. | SHIRRAS, Mr. G. FINDLAY |
| | THOMAS, Mr. G. A. |
| | WOODS, Mr. E. E. |

Tellers for the Noes: MR. E. M. PROES AND MR. J. C. KER.

Rao Saheb D. P. DESAI (Kaira District): Mr. President, I beg to move:

"That item No. 137, house rent allowance for sub-inspectors in Sind, Rs. 9,850 be omitted."

Sir, this is an increment to be given to the sub-inspectors in Sind. I do not understand why further increases should be given to them, since these people were given increases in their pay only recently, that is, in 1921-22 and also before. That is, they were given increases twice, and I rather fail to understand why further increases should now be given to them in the shape of house rent.

The Honourable Mr. M. H. W. HAYWARD: Sir, I would like to explain that it is not at all an increase in pay. It is merely increasing the rate allowed for securing houses for them. The Superintendents of Police have to find houses for these people, and it is found that the present rate is insufficient to get houses for them. It is not a fact that a penny of this goes into their pockets. It is merely the maximum rate to enable Superintendents of Police to find quarters for the sub-inspectors. Quarters are provided for the sub-inspectors everywhere else in the Presidency, and this is simply to provide the sub-inspectors with houses in Sind.

Mr. B. G. PAHALAJANI (Western Sind): Sir, this was the item proposed last year and refused to be sanctioned by the House, because

[Mr B. G. Pahalajani]

it was felt that it was not right to give the sub-inspectors a house rent in addition to their pay in places where they usually live. I think the fact that this item was neglected last year should have been brought to the notice of the Council. I only bring to the notice of the Council that this item was refused last year by a large number of votes. Therefore, I think the Honourable the Home Member should tell this House that this is the same item that was ruled out last year by a substantial majority, and I therefore request the Honourable the Home Member, through the respect due to the House, that he should withdraw this item.

Mr. DIPCHAND T. OJHA (Karachi City): Mr. President, may I enquire whether sub-inspectors are provided with houses in the rest of the Presidency?

Rao Saheb D. P. DESAI (Kaira District): Sir, the sub-inspectors all over the Presidency are not getting this house rent, except Bombay city.

The Honourable Mr. M. H. W. HAYWARD: They are getting it.

Rao Saheb D. P. DESAI: I have nothing to add to what I have said in moving the motion.

The Honourable Mr. M. H. W. HAYWARD: Mr. President, this is the same item which was refused last year by the House under, I think, the misapprehension that it was an increase in the pay of the sub-inspectors. It has nothing to do with their pay. It is simply an amount which we place at the disposal of the Superintendents of Police in order to enable them to get houses for the sub-inspectors to live in, and not a penny of it goes into the pockets of the sub-inspectors: if there is any saving, it goes into the pockets of Government. I have had a very careful investigation made of the suggestions which were made at the last discussion as to what actually could be done in the way of finding houses. Enquiries were made in every district and a full report has been sent to me from Sind showing what are the actual rates which have to be paid for getting houses in different places and it is on that report that these figures have been recommended to the Council. It was shown that some of these sub-inspectors were actually paying large sums out of their own pockets, and when everywhere else sub-inspectors are provided with either official quarters or quarters which are hired for them by the Superintendents, it seems to me very unfair that we should not do the same for the sub-inspectors in Sind. The actual figures have been reported for each district. For instance, in Karachi town, one sub-inspector pays an actual rent of Rs. 50 against the sanctioned house rent of Rs. 20; the result is that he is out of pocket to the extent of Rs. 30. That is only one of many instances. A great many of these officers are paying something from their own pocket, the thing being that the men have to go to a place where they can really live in. Reports from other districts are more or less the same. In Hyderabad, there is no sub-inspector paying less than Rs. 30. Rs. 20 is only sufficient for a house which is most insanitary. The former sub-inspector who lived there was compelled to leave it as his children had fallen ill. The same is the case throughout the various districts. I do

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not think I need trouble the House by reading the whole report ; it is a long one dealing very much in detail with the conditions obtaining in Sukkur, Mirpurkhas, Larkana, Jacobabad, and so on, and the result is that these figures are the least which can reasonably be fixed in order to enable the Superintendents of Police to secure quarters for their sub-inspectors. Therefore, I trust that this item will be allowed by the House.

Question put and lost.

The Honourable the PRESIDENT : With regard to Rao Saheb D. P. Desai's notice of amendment I should like to know whether it will not trench upon any of the items we have already passed.

Rao Saheb D. P. DESAI : This item appears in the Civil Estimate.

The Honourable Mr. M. H. W. HAYWARD : This is a lump item for the Presidency Police.

The Honourable the PRESIDENT : If it touches any of the items we have passed, I hope some honourable member will draw my attention to it.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I move

"That the provision of Rs. 29,78,200 for Presidency Police be reduced by 6 lakhs."

The Presidency police is every year being increased by 2 to 3 lakhs of rupees. In the year 1921-22 the total expenditure on the Presidency police was Rs. 23,26,885 and from that it has been raised for the ensuing year to Rs. 29,78,200. If we go a few years back the expenditure was Rs. 12,26,000. So within a period of 5 years the provision has been increased by more than 12 lakhs. If we go on increasing the expenditure at this rate with regard to police administration, then we do not know where we will end.

The Honourable the PRESIDENT : Where are the various items of this ?

The Honourable Mr. M. H. W. HAYWARD : On page 103 of the Civil Estimate. The summary appears at the top and following that the details are given.

Rao Saheb D. P. DESAI : Last year 30 lakhs were provided for the Presidency police ; but on account of the cut insisted upon by the Council it was reduced to 27 lakhs. But as it is usual with this Government if you cut down their expenditure in one direction they invariably turn up in another with a complete adjustment of their affairs, they have been trying to bring the expenditure to 30 lakhs in spite of the cut. From 27 lakhs which appear in the revised estimate it has been proposed to increase it to Rs. 29,78,200 for the ensuing year, regardless of the sentiment of this House. Again, Sir, various kinds of arguments are advanced for increasing the police budget. Last year it was given out that riots had made it incumbent on them to increase the expenditure on police. This year dacoities are shown as the reason for the increase. Increasing development of Bombay is also shown as a reason for further increase in the expenditure of police. I think the development has not kept pace with the increased expenditure on police. The police

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supervision goes far ahead of the development of Bombay. The police provision has more than doubled; the population is almost stationary for some years. This increase should not take place with regard to the Presidency police. Again coming to minor items, I may state that when we entered the Council it was Rs. 3,65,000 for contingencies and the expenses under that head alone have increased to Rs. 6,71,000, an increase of 3 lakhs or so.

The Honourable Mr. M. H. W. HAYWARD: On a point of order, Sir. The honourable member is asking for reduction in the provision for the Presidency police, which is part of the grant for the whole police. I do not know whether you will allow the honourable member to move for the reduction at this stage under one sub-head of the total grant for police. This head if divided into various sub-heads as Presidency, District.....

The Honourable the PRESIDENT: I had some doubt whether this was the proper stage at which I could allow the honourable member to move for the reduction. I must first of all put the specific items; and this motion will be more proper on the motion for the total demand. The honourable member may be allowed to withdraw his motion for the present, in order that it may be renewed later on.

The motion was by leave withdrawn for the present.

Mr. C. M. GANDHI (Surat City): Sir, I move

“That the grant of Rs. 53,100, provision for 7 Superintendents of Police, be reduced by Rs. 300.”

This motion was given with the definite object of cutting down the increment of Superintendent Carter. I am told that the annual increment is Rs. 50 per mensem for Superintendents of Police and I propose a reduction of Rs. 600—i.e., cutting out his increment for 6 months in the coming year. This will show that this motion has not been made with any other idea except merely to show our mark of displeasure on the way in which he behaved about which we had a lot of discussion last time. I do not want to take the time of the House.....

The Honourable the PRESIDENT: Where is that item of Rs. 300?

Mr. C. M. GANDHI: At page 105 of the Civil Estimates there is an item of Rs. 53,100 for seven superintendents of the Bombay City Police.

The Council having expressed its opinion very strongly, and as it is a matter of recent history, I do not wish to take up the time of the Council. I move that this grant be cut down so that Superintendent Carter may not get an increment for six months.

Rao Bahadur R. R. KALE (Satara District): Mr. President, while appreciating the.....

Sir HENRY MACNAGHTEN: May I ask, Mr. President, whether it is in order for the House to discuss the pay of a particular officer?

The Honourable the PRESIDENT: Certainly. If the pay of any officer is brought upon the vote, both his official conduct and the

[The President]

question of the amount can be discussed by the Council with regard to that item.

Rao Bahadur R. R. KALE : Mr. President, while appreciating the point of view from which this motion has been brought by my honourable friend to my right (Mr. Gandhi), I must say that the time that has lapsed between the passing of the resolution by this Council and now is so short that it would be expedient to wait and see what action Government is going to take on that resolution. Before we proceed to use this weapon, I think it is but fair to Government to give them an opportunity to consider the resolution which we passed by a large majority, demanding that adequate punishment should be accorded to Superintendent Carter. In these circumstances this motion should not be pressed, and I think the honourable the mover would do well to withdraw it at this stage, and use his weapon, if necessary, hereafter.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association) : Mr. President, I entirely agree with my honourable friend who has just spoken. Now that the Council has passed a resolution on the subject and otherwise expressed itself in such emphatic terms as was evidenced by the recent debate in the House, I think it is but fair that the Government should be given time to take such action as they may think proper in the matter, having regard to the wording and spirit of that resolution. I feel that the House ought not to rush the Government or even to indicate the exact form in which the verdict of the House should be translated into action, but should wait and see the effect of the resolution that was recently passed. The wording of this motion should not be misunderstood by the Government. It must be made clear that the notice of this reduction was given by the honourable member for Surat before the decision of the House on the matter had been known to him. Having regard to the definite wording of that resolution and the views of the House to which expression was given during the debate, I am sure the Government will realise the necessity of acting more rigorously and in a more exemplary manner than the wording of this motion would seem to imply. In any case, the time when the Government have taken action would be the proper occasion for the House to move in the matter—and it will know how to do so—according to its opinion as to the adequacy or otherwise of the punishment inflicted upon Superintendent Carter. I accordingly hope that my honourable friend from Surat will withdraw his resolution in the meanwhile.

Mr. C. M. GANDHI : Sir, in view of the expression of opinion from my honourable friend to the left I beg leave to withdraw the motion.

Question put and leave granted.

Mr. G. B. TRIVEDI (Thana District) : Sir, I beg to move

“ Omit provision of Rs. 8,84,250 made under head 26, Police, for Agency Police, Gujarat.”

Sir, my object is to draw the attention of Government to the fact that this really speaking ought not to be a charge on the provincial revenue.

The Honourable the PRESIDENT: I may remind the honourable member for Thana that he may call the attention of the Government without formally moving for reduction of the grant, if his object is merely to get an answer.

Mr. G. B. TRIVEDI: Sir, I want a reply from Government. I want to know from them why they have been charging the provincial revenues with the cost of the police employed in the Agency areas. It is a legitimate charge on the Imperial revenues or on the Agency funds. This Presidency ought not to be charged with expenditure incurred for law and order in Agency areas.

The Honourable Mr. M. H. W. HAYWARD: Mr. President, I entirely agree with every word that fell from the honourable member for Thana. I entirely agree that this is a charge that ought not to be borne by the provincial revenues. And it is one of the many questions outstanding between the Provincial Government and the Government of India. Meanwhile we want to keep peace not only within our borders but outside our borders, and I would deprecate any attempt to omit from the budget any item intended to enable the police to carry war into quarters where we have robber gangs and dacoits. I think that explanation applies to the other Agency police mentioned in the next motion, Mahi Kantha and Kathiawar. All these are matters under correspondence between the Provincial Government and the Government of India.

Rao Saheb D. P. DESAI (Kaira District): Sir, the Honourable the Home Member has assured us that it is a matter under correspondence between the Indian Government and this Government. But I understand, Sir, that the point was raised about three years ago, and still the correspondence is going on, and for the last three years this Presidency has been bearing this charge. In fact it has hitherto incurred an expenditure of 24 lakhs of rupees if not more.

So I want to be assured whether the India Government will bear, when the decision is arrived at, the arrears of that 4 lakhs of rupees.

The Honourable the PRESIDENT: That question now is raising another field for debate.

Rao Saheb D. P. DESAI: My point, Sir, is whether this Government is trying to secure the arrears also. I rather think that our Government is rather hard on this Council and very yielding and mild with the India Government, and they do not represent the view of this Council to the India Government as they should have done. That is why we are forced to bring before them the advisability of pressing this point. Unfortunately, we have no representative sitting there on the India Government to guard our interests and hence this injustice. This also requires to be corrected. With these remarks I resume my seat.

Mr. G. B. TRIVEDI (Thana District): I beg permission to withdraw my motion.

Question put and leave granted.

Mr. G. B. TRIVEDI (Thana District): I move, Sir,

"That provision for railway police, Rs. 10,53,000, on page 124 of the Civil Estimate, be reduced to Rs. 5,00,000."

The Honourable the PRESIDENT : The honourable member wants the total demand to be reduced to Rs. 5,00,000 ?

The Honourable Mr. M. H. W. HAYWARD : I do not know what the ruling is. I can only give the facts. The demand is for the whole police. This is included in it.

Rao Bahadur G. K. CHITALE : The vote is for the total demand.

The Honourable the PRESIDENT : Yes. First, the items and afterwards comes the whole demand.

Sardar V. N. MUTALIK : These are not ordinary items ; these are new items.

The Honourable the PRESIDENT : " Ordinary " means recurring ?

Sardar V. N. MUTALIK : Yes, recurring, which are already existing in the former budgets.

The Honourable Mr. M. H. W. HAYWARD : In the Blue Book, in that list, Sir, there are all new items, but the White Book contains all items, the new and the old.

The Honourable the PRESIDENT : The items may be discussed together. I only want to group them under some head.

Mr. C. M. GANDHI : Suppose an honourable member is not allowed to move a reduction of part of a grant and if he is only allowed to move a reduction of the whole demand, then some members may be embarrassed. They may not like to vote when a reduction is asked out of the total demand, though on particular reductions they may like to vote.

The Honourable the PRESIDENT : That enables honourable members to specify why a total demand ought to be reduced. Now, are these amounts within the whole demand or not ?

An Honourable MEMBER : Yes, they are.

The Honourable the PRESIDENT : Then, we can proceed. There is no prejudice. I am only asking this for the purpose of finding out which is the highest total reduction to be moved first.

Sardar V. N. MUTALIK : In this case the difficulty would be, if we move a reduction on the total demand, it will not be binding on Government to reduce any particular item. They may reduce from the total ; they may cut anything.

The Honourable the PRESIDENT : That depends on the grounds on which the reduction is moved. I have pointed out more than once the objection to proposing a reduction of a whole demand without objecting to any items. I have compared it, on the authority of Mr. Gladstone in the House of Commons, to drawing your bow at a venture, and moving the reduction of a vote without pointing out in detail the mode by which the reduction is to be effected : *Hansard*, 3rd Series : Volume 203 : Column 679.

The honourable member whose motion is for the highest reduction will now have the priority. " Reduce by 6 lakhs—Presidency Police—Rs. 29,78,200. Rao Sahab D. P. Desai. " That is the highest reduction

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to be moved. That is the original motion which the honourable member withdrew a short while ago for the purpose of renewing it at the proper time. He may now move.

Rao Saheb D. P. DESAI (Kaira District) : Mr. President, I move :

"That the provision for Presidency Police, Rs. 29,78,200, be reduced by Rs. 6,00,000."

Sir, the expenditure on police as given in 1917-18 was one crore seven lakhs, and for the ensuing year it is put down at one crore and 89 lakhs of rupees. Sir, if we proceed at this rate, then, I think, within the next five years we shall have at least four crores of expenditure on police, and the whole land revenue will be absorbed by the expenditure on police alone. I have seen the recommendations of the Retrenchment Committee and I find that they have recommended curtailment of expenditure on police to the extent of 27 lakhs. But it appears, Sir, nothing has been done till now and so I have put down about twenty lakhs for curtailment from the police budget. It has been shown that we have been spending about ten lakhs of rupees which in fact should be spent by the Government of India. Again, Sir, we have been spending lot of money on the railway police which should have been borne by Government of India.

After Recess.

The Honourable the PRESIDENT : Order, order. I am sorry I have to revert to the procedure which I used to follow. I must ask the honourable member from Kaira, Rao Saheb Dadubhai Desai, to withdraw this motion by leave for the reduction of the total demand and go back to his original motion. I have gone into the authorities and I find that the procedure which I used to adopt is the right one. If I allow the honourable member to proceed now with this motion for the reduction of the total demand that may preclude the moving of the other motion for lesser reduction in respect of this specific item.

Motion by leave withdrawn for the time.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I move :

"Reduce the total demand for Presidency Police, Civil Estimates, page 103, by Rs. 6,00,000."

In this connection I submit that the expenditure under police has increased during the last five years by about more than double and therefore some reduction must be made from that in order to bring it at least to the expenditure which was made under this head at the commencement of this new Council, that is about Rs. 23 lakhs and with that view I have moved this reduction.

The Honourable Mr. M. H. W. HAYWARD : Sir, I only point out on this matter that according to the figures at page 103 of the Civil Estimate, the expenditure of the Presidency police has not doubled. In 1921-22 the accounts were Rs. 30,00,500 and the estimate this year is less than that, that is Rs. 29,78,200, and that includes further necessary increases including the armed police and the investigating staff, which we have put in the budget for the Bombay city. I submit it is quite impossible to carry on the police administration of a large town like the

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city of Bombay if Rs. 6,00,000 is cut off from the provision in the budget.

Question put and lost.

Mr. B. G. TRIVEDI (Thana District) : Sir, I move :

That the provision for railway police, Rs. 10,53,000, on page 124, Civil Estimates, be reduced by Rs. 5,00,000.

I see in the Administration Report of 1921-22 it is stated that since the year 1919 the cost of ' Law and Order ' police is wholly debited to the provincial revenues and that of the " Watch and Ward " staff is borne by the railway administrations. But, Sir, I find from enquiries that these two railways, namely, the B. B. & C. I. Railway and the G. I. P. Railway, are contributing to the Imperial treasury a certain sum every year as police charges. If that is so, should not the provincial revenues claim a share out of that charge which is paid to the Imperial treasury ? I know we are responsible for keeping law and order within the railway limits, but the railways, as such, do not pay anything to the revenues of the province and at the same time we have no control on the railway administrations. The police duty is to guard railway property, and also to see that there will not be any disturbances on the railways. For all these things the railways ought to pay to the provincial revenues. I do grant that we have to pay for the protection of the public on the railways but at the same time there is also the protection of railway property and other things. The railways, as such, do not contribute anything to our provincial revenues. I think this Council has a right to ask the Imperial Government to give us a part of the charges they receive from the railway companies.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I support the motion for reduction brought forward by my honourable friend from Thana. At page 87 of the Blue Book there is an item of 12 lakhs under 182 (c) which reads " Assignment in respect of the railway police charges for the years 1921-22 to 1923-24 and the Income-tax agency work done by this Government on behalf of the Central Government. " It shows that in principle the Imperial Government have accepted their responsibility regarding the protection of property on the various railways in this Presidency, but, Sir, when it is considered that 12 lakhs or rather 4 lakhs per year is rather too small an amount for the work of these railways and at the same time for the income-tax agency work, this Council will consider the advisability of having it increased to something like 10 to 12 lakhs for the police charges alone. When goods are lost on the railways, the railways have to pay compensation to the owners of the lost goods. That amount falls on the Government of India, but if the police arrangement is good and we have no reason to suppose that the police arrangement on railways is not good—such police arrangement made by the provincial Government on these railways lessens the amount of that compensation to an enormous figure. So I cannot understand why this Government should not call upon the Imperial Government to contribute at least about 10 to 12 lakhs of rupees as compensation for the saving thus effected in the amount

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the Government of India have to pay for lost or stolen goods on the various railways.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I am glad to say that this is one of those cases in which the arguments of the Finance Department have triumphed over those of the Government of India. The old arrangement when there was no division between Central and provincial revenues as at present was this, that 3/10ths of the cost of the railway police fell on the provincial Government and 7/10ths was contributed by the Government of India. When the division between Central and provincial as at present came in, they overlooked this point, much to our detriment. The revised arrangement was that the railways paid for what is called ' Watch and ward ' and the provincial revenues had to pay the whole of what was called ' Law and order ' and the amount that we therefore had to pay was very much more than the 3/10ths we had to pay before when 7/10ths was contributed by the Government of India. The point was discovered in examining our budgets and the matter was represented and after considerable argument it was acknowledged that the sum due to us was up to the 7/10ths we used to get before from the Government of India. The point that they were actually recovering this from the railways without paying a pie of it to provincial revenues was also successfully made and they now admit that the sum due to us is up to the 7/10ths we used to get before, and if honourable members will turn to page 38 of the Civil Estimate, they will find under head 40—Miscellaneous adjustments between the Central and Provincial Governments—adjustments in connection with railway police charges and income-tax agency work, Rs. 12,00,000. Out of that 12 lakhs, 9 lakhs is adjustment for railway police and 3 lakhs is in connection with income-tax. That 9 lakhs represents 3 lakhs a year ; 2 years are for arrears of the current and year before and 3 lakhs for this year, so that in this case I am glad to say we shall get our share from the Government of India.

Mr. G. B. TRIVEDI : I beg leave to withdraw the motion.

Question put and leave granted.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President, I beg to move :

“ That the total demand on Police be reduced by Rs. 7,00,000. ”

The total demand stands at Rs. 1,89,24,000, and I wish this expenditure to be reduced by Rs. 7lakhs and bring down the demand to Rs. 1,82,24,000. I will leave it to the Honourable the Home Member to find out means for effecting that cut. My reasons are these.

In this particular case, the Retrenchment Committee had reported as early as 1921. The report is now two years old, and has been in the hands of Government for a considerable time. The net reduction recommended by the Retrenchment Committee came to about Rs. 27½ lakhs, but it was understood that it must be done gradually, in order that the whole scheme may materialise. I have said that Government had two years to consider the scheme. Are there any indications of effect being given to the recommendations ? These reductions were recommended after

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mature consideration in collaboration with the officers of Government themselves. If there are any such indications, then the Honourable the Home Member may have a good case. If there are none, then I put it to the House that the recommendations of a committee appointed on the recommendations of the House, recommendations which have been made in collaboration with the officers of Government, ought not to be allowed to be ignored in this manner. Now, Sir, what do we find? Turning to page 103 of the budget, we find that the total expenditure in 1921-22 was Rs. 1,92,00,000. During the current year the revised estimates show an expenditure of Rs. 1,24,00,000, but the expenditure for the ensuing year has gone up to Rs. 1,89,24,000. You will see, therefore, that there is no indication of the manner in which the wishes of the Retrenchment Committee have been given effect to. One of the Recommendations was that with the increase in the strength of the armed police in the districts, there should be a corresponding decrease in the unarmed strength, and the strength of police inspectors which at present stands as shown in the budget estimates should be reduced in such a way as to give effect to the recommendations. I will omit out of my consideration the strength of the Bombay city police; we have discussed that enough, and I do not want to touch it here. If you refer to page 115, you will find that the total strength of 116 police inspectors, which was considered to be not doing responsible work, has been reduced by 10, and the present strength stands at 106. The total expenditure on that item at present is Rs. 3,10,830. My impression is that if the recommendation of the Retrenchment Committee had been given effect to in its entirety, as it was expected to be, there should have been a considerable reduction in the number of these police inspectors. So far we have only 10 reduced, which may be the number of average retirements in two years. There must be three or four retirements every year, and in the course of two years, effect has been given to the recommendation to the extent of reducing the strength by 10. Now, the matter does not stand there. I know how the police inspectors are recruited. They are usually recruited from the subordinate ranks of sub-inspectors. The sub-inspector usually takes about 15 years to reach the rank of an inspector. Under the new rules of retirement after 25 years' service, if we look to the history of the services, if it is kept at all, it may be found that a large percentage of these could have been compulsorily retired. So also in the case of the cadre of sub-inspectors. In this direction no effort has been made, and that is the reason, or one of the reasons why I say that it is possible to make reduction. Then again, one of the recommendations of the Retrenchment Committee was that the number of the sub-inspectors should be reduced. The number at present stands at 653. The former strength was 705. It will therefore be seen that there has been a reduction of only 50 sub-inspectors in the Presidency. Now, in this case also, I would put it to you if our recommendations have been accepted. I say that there are no such indications. On this head also we spend about Rs. 8,26,524. I know that the whole of the retrenchment is not possible at one stroke. But, as I have been saying, Government have had two years' time in which to

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do it, and they could have shown some earnest of their desire to put it into effect. It seems that this is the only earnest that they are able to show, and so far as I am concerned, I do not consider it as any such indication. There is room for still further reduction. Then, let us take the total strength of the head constables and constables. So far as that is concerned, the department itself is not willing to reduce it. We have 3,215 constables and 2,603 head constables. On that head we are spending Rs. 10,72,000. Here also, there has been no reduction. Having regard to the increased salary that we pay them, we can expect much better work out of them, and consequently reduce their number.

If you reduce at the bottom, are you not in honour bound to reduce at the top also? Else, you will be open to the charge that the poor people are being sent away. My whole point is that a saving of 7 lakhs is possible. Last year it was said that the training school in Nasik was not necessary, and yet it is sought to be reopened this year. As far as the higher services are concerned, it is common knowledge that not a single young educated man is found to be fit for being recruited in the Imperial Service. In the year 1921, this Government did not find a single young man in a population of 2 crores and even this year I am afraid no suitable recruit may be found.

The House will be wanting in its duty if they vote for the grant.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Sir, I regret to say that I am unable to support the honourable member who has just spoken; and I do so not merely on the merits of the question he has put before us, but also on other more important grounds. The details that he has placed before us, make it abundantly clear to us that he desires to effect this economy in the budget for the police by making a re-adjustment of the different grades of inspectors in the manner indicated by him in the course of his remarks. But the proposals he has made entail a reconsideration of the whole matter in the light of the effect which this re-adjustment is bound to have on the entire strength of the police force and on other questions arising therefrom. I venture to think that it will not be desirable to do so and to effect this retrenchment, just at present particularly in view of the fact that the House is not yet in possession of the report of the Retrenchment Committee, on the findings of which my honourable friend, the mover has laid so much stress and upon the foundation of which, if I understood my honourable friend aright, he has erected his entire structure. I hope I have not misunderstood him. The time when the report of the Retrenchment Committee is before us, would, I think be the proper occasion for this House to consider the various recommendations embodied therein and to insist upon their acceptance by the Government after they have been examined and accepted by the House. I venture to think that such an attempt at the proper time on the part of the House will be a very strong and unimpeachable one; and the Government will find it exceedingly difficult to resist it. Any piecemeal proposal for retrenchment, particularly of so high a figure as 7 lakhs, at this stage, appears to me to be ill-advised and premature. I therefore oppose the motion for reduction. I take this opportunity of drawing the

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attention of the House to the matter in connection with which I have given notice of a motion for reduction of Rs. 1,000 from the total demand, standing against my name as item No. 224. I wish to draw the attention of the House and the Government through the Honourable the Home Member who is in charge of the Department, to the deportation from Bombay of Mr. B. G. Horniman, more than 4 years ago.

The Honourable the PRESIDENT: I am afraid the honourable member is out of order in referring to that subject. It ought to have come under the Administration of Justice with which the House has already dealt. The Police have nothing to do with the order for deportation. The deportation without trial under the ordinary law could be discussed under the head of Justice only and not on the Police vote.

Mr. JEHANGIR B. PETIT: If you will pardon me, Sir, I shall try to explain why I have done this.

The Honourable the PRESIDENT: No explanation why the honourable member has done this can be relevant when we are on the Police vote.

Mr. JEHANGIR B. PETIT: May I point out that I did seek your advice and that.....

The Honourable the PRESIDENT: I have ruled that the matter to which the honourable member desires simply to call attention is out of place on this vote.

Mr. JEHANGIR B. PETIT: I have hardly even uttered a word, but may I point, Sir, to another aspect of the question? It is through the instrumentality of the police.....

The Honourable the PRESIDENT: The police merely carry out the orders of Government. Here, the complaint, I understand, is that the person deported was dealt with under an exceptional law, instead of being tried by a court under the ordinary law; in other words that justice was not properly administered. Therefore it comes under the head of Justice. That is perfectly clear to me.

The Honourable Sir CHIMANLAL SETALVAD: I move a closure, Sir.

The Honourable the PRESIDENT: I accept the closure.

Mr. G. B. TRIVEDI: You have ruled, Sir, that movers of other reductions can speak.

(Sardar V. N. Mutalik said something which was inaudible).

The Honourable the PRESIDENT: Very well.

Mr. G. B. TRIVEDI (Thana District): Sir, I rise to support the motion for a reduction of 7 lakhs. Sir, objection has been taken to this motion because the Retrenchment Committee's report is not before us. The honourable the mover has just pointed out that the report was given in 1921. It is now eighteen months since the report was given in the hands of Government, and if Government took no steps to place it before us, the Council is not bound to wait till it pleases Government to place

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the report before the House. Therefore, we are perfectly justified in taking the matter in our own hands. Not only are Government not earnest about this, but they go on piling expenditure on police. We do admit that we want security and we will vote for security, but not for extravagance. Here, Sir, I will quote the words of the Inspector General of Police who shows how police charges can be reduced. He says, Sir, that " a force made of the finest material in the world would be powerless without the co-operation of the people ". That is, you may bring in any number of inspectors, sub-inspectors, superintendents and deputy superintendents of police—you may make your force the finest in the world—but without the co-operation of the people you will not be able to carry on that part of administration which has to do the most with the people. In this connection, Sir, there is another thing that the Inspector General of Police has said. He admits that at present there is a gulf between the public and the police, and he says—he is not pessimistic or hopeless, he is optimistic—that this gulf will be shortened as days go by. Shall we ask Government to bridge that gulf between the public and the police ?

The Honourable the PRESIDENT: The honourable member has referred to this question which is all that he can be allowed to do as a question of general policy. But he should not enlarge upon it lest it open up wider grounds than can be covered by this particular grant.

Mr. G. B. TRIVEDI: Then, I have only to bring in two grievances which widen this gulf. I take my stand on the Police Report itself. I do not bring in these homilies myseh. I quote from the Police Administration Report itself. Instead of easing the situation.

Mr. KANJI DWARKADAS: I rise to a point or order, Sir. The honourable member is misquoting the Police Report.

Mr. G. B. TRIVEDI: I challenge the honourable member to prove his statements. These are the very words :

" When this happy day arrives the police will be able to embark upon an era of real progress led by the goodwill of the people, and then we may look forward to seeing many of our problems solving themselves."

These are the very words of the report. I am dealing with the unhappy day. The unhappiness lies here: that when the police is not able to protect people instead of allowing people to protect themselves by issue of licenses for arms, people are refused the licenses. What sort of people are refused ? People of property and position. And I want to bring in the grievances of my district. In the suburbs as honourable members know, there is at present a great scare on account of the Pathans. When people ask for more armed police, they say " No ". People are refused licenses for arms because they are suspected of certain political tendencies. The administration ought to rise above all these prejudices and ought to help people who really want to help themselves, and these licenses for arms are meant for that purpose. And if you refuse a man of position a license for arms in order to protect himself when there is no police protection, it is outdoing the thing by bringing in political prejudices in the matter. With these words I support the motion.

Rao Saheb D. P. DESAI (Kaira District): Sir, I rise to support the reduction of 7 lakhs from the police grant. I regret that it has not been possible to move the bigger reduction of 20 lakhs. Sir, there is a great deal of truth in what my honourable friend for Ahmednagar said. I want to point out to the Honourable the Home Member that there is a large number of inspectors and sub-inspectors. The number of these officers may be reduced, and in that way the expenditure on at least 200 sub-inspectors could be saved. Again, Sir, there are about four inspectors for every district. You can very well reduce their number and bring them down to about two for every district. Even this number is useless because between the Superintendents and sub-inspectors there are two intermediate officers, the deputy superintendent of police and the inspector of police, while one man should be able to do all the work. In fact, ten years back, when the police was more efficient than what it is at present, there were only one or two inspectors for each district, and he did his work quite well also, one sub-inspector for a taluka was considered to be quite sufficient and he did the work more efficiently than what the four sub-inspectors are doing at present. Now, I regret, Sir, that my honourable friend from Bombay representing the Millowners' Association has fallen a prey to that propaganda which says that dacoities are committed and could not be suppressed because of the refusal by this House of money on police.

The Honourable the PRESIDENT: A matter which has been already discussed threadbare should not be repeated.

Rao Saheb D. P. DESAI: I do not repeat, Sir, but will simply say that in order to enlist the sympathy of the public somehow or other Government have been giving out that because of the cut in the expenditure on police made by this Council they cannot protect property and life and prevent dacoities. But they invariably fail to point out that as the efficiency of the police has gone low these dacoities cannot be helped. That is the way, of course, in which all this matter is being represented and therefore, Sir, with due deference to the opposite side, I would say that we do look small in the eyes of the ordinary public when they hear such things. If you only look to the history and methods of the successful sub-inspectors and police officers employed in the detection of dacoities and other crimes, you will invariably come to the conclusion that it was not through sheer force of number that they have succeeded in their efforts. It was by some other method, by enlisting the sympathies of the people, by having informants in good many places in the district and by handsome rewards to those informants, and whenever a dacoit was caught hold of, it was invariably with the help of the people. Of course, Government might give rewards to the extent of 5 or 6 or even 10 lakhs of rupees in this connection. I would not mind that. But I would mind a recurring charge on the provincial revenues. With these remarks I support the motion for reduction.

Mr. B. V. JADHAV: Mr. President,

Rao Bahadur G. K. CHITALE (Ahmednagar District): I move the closure, Sir.

The Honourable the PRESIDENT : I accept it.

Mr. B. V. JADHAV : I must protest against this moving of the closure by the honourable member whenever I rise to speak.

The Honourable the PRESIDENT : I am sorry. But the honourable member should not in that way attribute motives to other honourable members. I have accepted the closure and call upon the mover to speak.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President, I have nothing more to answer. Nothing has been said against my motion ; so I think I must carry my point.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I sympathise with my honourable friend opposite in not having an opportunity of making a reply to any remarks which I might make, but he will recognise that that is not my fault. I entirely agree with the honourable member for Thana that it will be a great day when that happy hour arrives when the Pathans and Mianas are no more and the people will be their own sole and sufficient policemen. But I submit, Sir, that until that day comes we cannot do without a sufficient police force for the Presidency. I gather from my honourable friend from Kaira that Kaira is one of the districts in which we may look for a large retrenchment. I believe if we withdrew all the police from the Kaira district, we should be able to go a long way towards effecting the saving of six to seven lakhs of rupees which he is so anxious to secure for the provincial revenues. We will certainly anxiously consider his advice in this matter. But I think he cannot be altogether ignorant of the fact that within the last six months two very large and important gangs of dacoits have been destroyed in that very district by the district police. He will remember the name of the dacoit leader, Naudar and the name of the renowned Kalia. All the residents of that district will remember these names with terror but will remember with gratitude the brave and valiant behaviour of the policemen who were instrumental in hunting down and destroying those gangs of marauders. I submit, Sir, this is not the time when we can reduce our police further than we have reduced them. I have referred to the dacoities in Kaira. I would refer also to the dacoities in the Ahmedabad district and in Kathiawar and in the Agencies to the north of Ahmedabad, where we have at present a special police force to hunt down and secure the arrest of the notorious dacoit leader Mir Khan Baluch. It is unnecessary for me to mention the serious and many dacoities which have taken place in the surrounding Baroda territory, in which many people were slaughtered and lakhs of rupees were looted. These dacoities spread even so far as the Sind border, and shortly after the retrenchments which had been carried out on the recommendations of the Retrenchment Committee these gangs looted a large village on the Sind border and carried away a lakh of rupees. This occurred shortly after the retrenchments in the Sind police force, and it was reported that the reason why this village was selected was because the dacoits heard that the police force there had been withdrawn in course of the retrenchment in Sind.

Mr. C. M. GANDHI: What was the police strength there which was removed before the dacoity?

The Honourable Mr. M. H. W. HAYWARD: I have not got the exact figures but my information was that the dacoits went to that village because the police post had been removed.

Mr. C. M. GANDHI: Will the Honourable the Home Member tell us what the strength of that outpost was?

The Honourable Mr. M. H. W. HAYWARD: I can go further if the honourable member for Surat is not satisfied. This Sind border is not so well protected as it was formerly. I have even now information of another serious dacoity only the other day upon the same Sind border at a place called Islampur where the dacoits looted another village. I am simply mentioning it to show that we have not yet arrived at that happy era in which dacoities are no more and in which we can dispense with our police force.

I shall deal shortly with the criticisms of my honourable friend opposite with regard to the recommendations of the Retrenchment Committee. I will preface them by saying that the Retrenchment Committee's report has not yet been officially in our possession, but we have been favoured from time to time with advance copies of the proposals and our retrenchments have been carried out very largely in accordance with those proposals. I have already acknowledged the valuable suggestions that we have received from them. The results of their proposals were these: we appointed committees in every district to go into the question of the police force which was actually necessary for each particular district. The committees consisted of the District Magistrate, the District Superintendent of Police and the Deputy Inspector General of Police. They inquired into the whole matter, they went into the figures of the crime reported and the number of policemen and investigating officers required, they estimated the requisite number of armed police and the minimum number of police posts and police stations. Each district report was scrutinized by the Commissioner and the Inspector General of Police. These were then reported to Government and the retrenchments which were recommended were in every case accepted by Government. The results of these retrenchments will be found at page 115 of the Civil Estimate. The inspectors have been reduced from 116 to 103 in accordance with the recommendations of the Retrenchment Committee. But there were three extra inspectors who have been taken on from the city of Karachi so that the net result is 106. I think, Sir, the reduction of 10 per cent. in the number of inspectors is a substantial reduction in the supervising force of the police, and I may add this that this reduction is only provisional. It is hoped that we may be able to reduce the inspectors further when we have a sufficient number of deputy superintendents to take their place in charge of sub-divisions. But until that is possible it was considered unsafe to reduce the inspectors further. But I may say that this reduction is provisional, depending upon the deputy superintendents and the sub-divisional scheme which has been held in abeyance hitherto for financial reasons. Sub-inspectors have been reduced from

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705 to 653, that is a substantial reduction of 50. We may claim, Sir, that that reduction has gone a very great way to meet the recommendations of the Retrenchment Committee. Similarly there have been reductions in the head constables and constables. The figures are in the budget. They are there. There are misprints on page 115 of the Civil Estimate which might suggest the reductions less than they really are. There is a figure of 3,250 constables which is a misprint for 2,602. There is another figure of 9,091 armed constables which should be only 7,381. The reductions, therefore, in numbers are larger than they appear on page 115. The exact effect can be better judged by the comparison of the cost where head constables have been reduced in cost from Rs. 13,40,496 to Rs. 10,72,330, and constables from Rs. 27,85,584 to Rs. 21,39,333. And this reduction has been in addition to the reduction of 7½ lakhs which had already been made in the last years' budget before the cut which was promised to the Legislative Council. I submit, therefore, Sir, that in regard to the actual force of policemen there has been a very great reduction, and I cannot help mentioning that reduction has brought forth complaints that it has gone too far. We have succeeded in reducing altogether 77 police stations and 360 police posts and these reductions have not been favourably received by the residents in the mofussil who have been mainly affected by them. There have been protests from the Presidency proper and Sind.

With regard to the police training school, there is this to be said that it has been found necessary to start it again owing to the very large number of retirements from the Imperial Police Service. I mentioned only a little while ago that we have already had very large retirements and that means that we have had to recruit an unusually large number of men to take their place. These men are necessarily untrained. Their number is too large to send them out to district officers for training as Assistant Superintendents because we have not got enough District Superintendents of Police to look after them. It was therefore necessary partially to re-open the police training school in order to meet the sudden emergency—the sudden recruiting of young officers who would require a training course before they could take the place of the senior men who had retired. An opportunity was also taken to make use of the school for the training of sub-inspectors of the Bombay City Police. In the course of my inspection of police stations at Bombay it came to my notice that a great many of the young sub-inspectors had had no legal training at all, and the Commissioner of Police had great difficulty about their training and he recommended that they should be sent right away to Bengal to be trained which would have been a very expensive operation. Therefore the opportunity of the re-opening of the police training school has been seized to make it a training school also for the sub-inspectors of the Bombay City Police.

I submit, Sir, that I have said enough to show that we have been in real earnest in our scheme of retrenchment. Any further directions in which we can fairly retrench will be fairly considered upon receiving the official copy of the report of the Retrenchment Committee in its course.

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But, in the meantime, I submit that it will be quite impossible to carry on the police administration of this Presidency if anything like seven lakhs of rupees is cut from this budget. I trust therefore that this motion will be rejected by this House.

Question put and lost.

The Honourable Mr. M. H. W. HAYWARD : I now move :

That the total demand, as amended, Rs. 1,73,23,000 for the police administration of this Presidency be granted.

Question put and agreed to.

Demand for Rs. 36,000, under 27, Ports and Pilotage.

The Honourable Sir, CHIMANLAL SETALVAD : Sir, I move :

That the grant of Rs. 36,000, under item No. 11, page 22, Blue Book, Ports and Pilotage, be made.

Sardar Khan Bahadur A. M. DALAL (Broach District) : Mr. President, I support this grant but in this connection I wish to give expression to a few of the grievances which the people from the coast line suffer. I respectfully beg to point out that the railways have practically ruined the traffic that used to pass through the ports in the Bombay Presidency. If we direct our attention to the ports in the western countries, what do we find ? We find that crores of rupees have been and are being spent on the development and improvement of their ports. Compared with the requirements of the ports of Gujarat which enjoy natural advantages, the attention devoted to them has been infinitesimal. If sufficient money and if enough expert engineering skill had been applied to the development and improvement of these ports during the last 100 years, these ports would have been the means of bringing immense wealth to the population residing close by. When we compare these ports with the ports in Native States' territories such as Bhavnagar, Cambay and so on, we find that the subjects in those Native States are much better off than we in the British jurisdiction as far as the ports are concerned, with the result that traffic which should pass through our ports is being diverted to other ports in Native States' jurisdiction. In this connection I must of course compliment the Government of Bombay in bringing pressure to bear on the Railway Board in connection with these drawbacks and block rates put on the Broach port by the B. B. & C. I. Railway. These have been removed but after ten years' struggle after the major portion of the traffic was diverted to other ports in the Native States' areas. I therefore respectfully beg to invite the attention of Government that some policy ought to be adopted, by which these ports should be carefully nourished and directed so that the railway people cannot have any further opportunity of ruining the trade of these ports and also applying expert knowledge to improving the navigation of these ports. These ports are now under the control of the Commissioner of Customs who is assisted by Assistant Collectors who are not experts and who simply supervise the custom houses and do nothing of the kind really required for improving the navigation of the ports. In my opinion these ports ought to be transferred by administrative order or by a legislative

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enactment to the Port Trust of Bombay who are the principal authority and expert body to deal with these ports. These are only a few of the grievances of the ports of Bombay Presidency and with these remarks I am glad to support the motion for this grant.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Sir, I fully endorse the views expressed by the last honourable member and I wished also to bring the same grievances to the notice of Government. However, I do not endorse the view that these ports should be handed over to the Port Trust. We notice that so far as Bombay Presidency is concerned ports are absolutely neglected and there is only one port on which the attention of Government is entirely concentrated. If this Presidency is to be developed at all it can be developed only by the developing of various ports. There is a large industry—I refer to the shipbuilding industry—and with the help of the Forest Department I am quite sure that shipbuilding will become a great industry which will bring in money not only to Government and the Forest Department but also to the whole of the public if coasting trade is developed. The question of ports which has been brought to the notice of Government by the honourable member from Broach deserves to be taken up vigorously and a committee should be appointed to enquire into all these questions. The smaller ports in this Presidency which are now practically deserted ought to be developed, in the interest of the whole of the Konkan and seaside of this Presidency, which is now completely neglected and undeveloped. Such a step will bring prosperity to the ports and to the whole of the Presidency.

Mr. KANJI DWARKADAS: I move for a closure, Sir.

The Honourable the PRESIDENT: I accept the closure.

The Honourable Sir CHIMANLAL SETALVAD: Sir, honourable members have referred to the desirability of developing and improving various ports in this Presidency and the last honourable member also wanted Government to undertake the encouragement of the industry of shipbuilding. I wonder whether the honourable members wish me to do all that with the grant of Rs. 36,000 which I have asked for. If the honourable members opposite are very keen about it, I trust they will take up the matter in right earnest and bring forward a resolution—a specific resolution—for the purpose and if the Council will show its willingness to vote the necessary funds for the purpose, Government will be quite willing to see what can be done in the matter, but to ask me to do all that the honourable members opposite ask me to do with this Rs. 36,000 now being voted by the House is to ask me to do the impossible.

The Honourable the PRESIDENT: Before I put this to the vote, lest honourable members should think that I have done an injustice by preventing the honourable member for Ahmednagar from speaking on the subject of grievances when the demand was put, I ought to remind the House of the procedure which I have adopted. First of all, the reduction of particular items is taken up; then, when all the items have been dealt with, the whole demand is proposed and that is the time for either

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ventilating grievances concerning that demand generally by calling attention to them for an answer or proposing a reduction for a debate. When that has been dealt with, then the whole demand is put, and no more debate can take place. I think the House understands that.

Rao Bahadur G. K. CHITALE : The procedure that was laid down was that when the whole demand was put, certain grievances may be . . .

The Honourable the PRESIDENT : First all the specific items are dealt with, then the whole demand, and then there are two ways, either to call attention to grievances, or to raise a debate by proposing a reduction. When that has been dealt with, and I put the total demand, then there is no further discussion.

Sardar V. N. MUTALIK : I would like to call attention to one thing. When I spoke on the Land Revenue Department, I contemplated a reduction of Rs. 1 lakh in order to ventilate my grievances. You, Sir, then ruled that I could not do it on the motion to reduce it by Rs. 1 lakh, but I could ventilate my grievances when the total demand came to be discussed.

The Honourable the PRESIDENT : I have explained the procedure to be followed.

Question put that the demand of Rs. 36,000 for Ports and Pilotage be granted, and agreed to.

Demand for Rs. 67,000, under 30, Scientific Departments.

The Honourable Dr. R. P. PARANJPYE : Sir, I make a demand for Rs. 67,000 for Scientific Departments.

Question put and agreed to.

Demand for Rs. 1,74,20,000 under 31, Education.

The Honourable Dr. R. P. PARANJPYE : Sir, I beg to make a demand for Rs. 1,74,20,000 under Transferred and Rs. 6,49,000 under Reserved on the head of Education.

Mr. G. B. TRIVEDI (Thana District) : Mr. President, I beg to move,

"That item No. 141 additional provision on account of grants-in-aid to secondary schools, Rs. 1,00,000 be reduced by Rs. 100."

My reason for this motion is that the secondary schools were getting, before the retrenchment came, a grant of Rs. 17½ lakhs by way of grant-in-aid. When the Honourable Minister accepted a cut, he made a cut on this head, which was very delicate. It reduced the grant from Rs. 17½ lakhs to Rs. 9 lakhs. Last time, we had a resolution before this Council drawing the attention of Government to the fact that these schools have suffered very much by the reduction of the grants-in-aid, and therefore Government should see their way to increase the grants. Before that resolution was put to the vote, it was declared out of order. Then, there was another thing

The Honourable the PRESIDENT : It was the decision of the Council made during supply to reduce it. The honourable member says the Minister reduced it. The Minister reduced it because the Council insisted upon a reduction in the expenditure.

Mr. G. B. TRIVEDI : The Honourable Minister accepted a cut for his departments. At that time, it was stated by the Honourable the Finance Member that if the position improved, if we had better prospects of rain, and if at the end of the year there was a surplus, then.....

The Honourable Mr. H. S. LAWRENCE : I rise to a point of order. Is the honourable member in order in asking for an increase of expenditure under the guise of reduction ?

Mr. G. B. TRIVEDI : I was going to prove my case that if you do not give me the whole thing, then it is better to give me Rs. 100 less. If you cannot satisfy me wholly, then you may take away a little out of it.

The Honourable the PRESIDENT : The honourable member desires to reduce the item by Rs. 100. He must confine himself to the point why a reduction of Rs. 100 is necessary. Does the honourable member mean it as a vote of censure ?

Mr. G. B. TRIVEDI : Yes, Sir.

The Honourable the PRESIDENT : Then that will mean reducing Rs. 100 from the salary of the Minister.

Mr. G. B. TRIVEDI : I have no objection to it.

Mr. C. M. GANDHI : The Ministers' salaries have already been voted.

The Honourable the PRESIDENT : Although the salary of the Minister has already been voted, still this vote can be reduced on grounds relevant to this particular item.

Mr. G. B. TRIVEDI : The Honourable the Finance Member gave a promise that if the prospects were better, and if there was a surplus at the end of the year, then this question would be viewed with more liberality and generosity.

The Honourable the PRESIDENT : All these demands are made upon the recommendation of the Governor required by section 72 D (c) of the Government of India Act. I do not think the honourable member can move a vote of censure upon the Minister because he has not provided more than has been recommended by the Governor in the exercise of his power under the Act. This motion for reduction is intended, as the mover has stated plainly to hit the Minister, and that for what is not his act but what is the Governor's. The House remembers that in 1921 a question was proposed in the House of Commons objecting to the appointment of an Indian gentleman as a Minister by the Governor of the Punjab, but it was disallowed by the Speaker on the ground that the mover could not hit the Minister through the Governor. (Parliamentary Debates : House of Commons : 5th series : Vol. 138, columns 1615 to 1618.) Therefore, I rule as out of order this motion unless it is proposed on relevant grounds for an admissible purpose.

Mr. G. B. TRIVEDI : Shall I oppose the grant ?

The Honourable the PRESIDENT : Yes. The only thing is that the honourable member should not contravene my ruling. The honourable member will be at liberty to urge that this is insufficient provision for education, and that the necessities of education require more.

Mr. G. B. TRIVEDI : So, that was the position at the end of the year when better surplus was expected by the Finance Department. Still what is the dole that has been given to this department? It is only Rs. 20,000 by way of re-appropriation. Yesterday we had a series of supplementary grants in which money was given away like water. Here there is only one poor item of secondary schools which has been allowed to starve; and only Rs. 20,000 could be spared out of a good surplus balance. Now the Honourable Minister says 'We shall give you one lakh more'. Even then he will stick to the rule of one-third grant, and the other grants will be cut off. We know when, as the head of the department, he is bent upon economy and retrenchment, the inspectors will say 'we cannot spend more for secondary schools; will go on finding fault with the management of the schools, and will cut down the grant and bring it to the lowest.'

Further in the remarks column it is stated :

"Government have decided to abolish supplementary grants and to give the ordinary grant at one-third rate in cases only where schools satisfy all the requirements of the Grant-in-aid Code. In the case of other schools deductions will be made for deficiencies."

So, the whole thing comes to this, that the secondary education is going to starve. My submission is that, if we are going to get one lakh only out of the ordinary grant, we should say 'take away the whole grant'. If it is argued that we should devote our whole energy and money on behalf of primary education till all the people learn the three R's, and till then we should help only primary education, I would at once say that it is quite against the policy laid down by the Honourable Minister last year that all the three departments of education, namely, primary, secondary and university must progress hand in hand. This policy was laid down by the Minister last year. While every department of Government is carrying away money, it is only the Education Department that is being starved. I would be satisfied even if this one lakh of rupees is withheld.

The Honourable the PRESIDENT : Then I must rule this motion out of order. The amount of reduction is not substantial, and is merely meant as a vote of censure on the Minister, which can be in order only for some act or omission of the Minister for which he is accountable. Here the act complained of is that of the Governor, done according to the statute; and a matter prescribed by a statute does not arise, as ruled by Mr. Speaker, on the Estimates : Parliamentary Debates : House of Commons : 4 series : Vol 130 : column 475.

Rao Bahadur G. K. CHITALE : Can I speak on the general motion for reduction?

The Honourable the PRESIDENT : I understand the honourable member wishes to speak on a question of general policy. That may be on the total demand.

Mr. B. V. JADHAV : Mr. President, I beg to move :

"That item No. 142, Rs. 1,50,000, additional provision required for grants to Local Boards for Code pay to trained primary school teachers, be reduced by Rs. 10,000."

[Mr. B. V. Jadhav]

It is stated in the remarks column :

"The additional provision is required for grants to local boards (a) for payment of increments and additional war allowance to existing trained teachers, (b) to meet the extra cost on account of the newly trained teachers who will be sent out towards the end of the current year from training institutions and will replace untrained teachers on lower pay and (c) on account of the concession of counting the service of a teacher under a lower grade certificate in fixing his pay under a higher certificate subsequently obtained."

I do not know whether this sum is really wanted : I hope the Honourable Member will satisfy me.

The Honourable Dr. R. P. PARANJPYE : Mr. President, the item is properly described. I may point out to my honourable friend that what has been increased is the minima of the pay of teachers. The whole of their incremental scale has not yet been settled, and that is under consideration. I have explained that in answer to several questions. There was an old incremental scale of a meagre nature, which those who are above the minima still get. The war allowance is for the percentage of increase on account of those further increments that will be earned by them. Then there are a number of trained teachers sent out every year, and these trained teachers will gradually replace the untrained teachers. The scale of pay for trained teachers is higher than for untrained teachers. All these amounts have been calculated and the total amount required is found to be Rs. 1,50,000. I do not think that it will be grudging by this Council. I can assure the honourable member that any economies that we can make are very welcome, because these economies can be applied for other purposes which the Council has asked me to fulfil.

Mr. B. V. JADHAV : I beg to withdraw the motion.

Question put and leave granted.

Mr. B. V. JADHAV : Sir, I beg to move :

Reduce item No. 144, Rs. 50,000 provision made for additional grants to aided colleges under "31, Education" by Rs. 10,000.

The grant to aided colleges was reduced last year and rightly so. I do not see any necessity for the revival of the addition of Rs. 50,000 this year. I therefore move a reduction of Rs. 10,000. It is a well-known fact that higher education is too much cared for to the neglect of primary education. The Council has recently passed the Compulsory Primary Education Act, and I am sure Government will push that scheme through to its final end. Until then, money is not very plentiful in our hands and I do say that all available resources, or a substantial portion of all available resources, should be devoted to secondary and primary education. This policy of fostering higher education too much to the neglect of primary education has been a longstanding grievance, and I want to add my protest against that policy. Some honourable members referred to the starving of the elder boy and fattening the younger one. I do not know why that cry was raised. I should think that the elder boy has been actually overfed, with the result that he is not able to stand on his own legs, and his head has been too much swollen. If a little reduction in the grants for higher education will starve that bigger

[Mr. B. V. Jadhav]

boy, then I am quite sure that the health of that bigger boy is not very sound. If he cannot stand even this reduction of Rs. 10,000, then his condition is very deplorable indeed, and we ought to give more attention to the nourishment of the younger boy. I am sorry to see that that cry has been raised by some of my honourable friends when a reduction was proposed in the item for secondary education. Therefore I rise to protest against this cry.

Rao Babadur G. K. CHITALE (Ahmednagar District): Sir, I should say that whatever justification there was for the complaint now made by the honourable member from Satara that complaint must cease at least now. We have now provided a sum of 16 lakhs more for primary education. Instead of fighting over small matters let us put our shoulders to the wheel, and at least in this year try to spend the whole sixteen lakhs. This sixteen lakhs is not a joke. May I know how far the local boards have been trying to introduce compulsion? They have not taken any initiative even now. Honourable members may take it from me that they will take at least six months to elaborate a scheme, and I am perfectly sure that very few local boards will be able to push the scheme through this year. Therefore, there will be a substantial saving from these sixteen lakhs. Let us try to stir up the local boards. I tried to stir up my local board and it took four months in order to get up a scheme. You cannot make a quicker move. Whatever ground there was for complaint last year to say that primary education was neglected there is absolutely no ground now. I would appeal to the honourable member from Satara to put his shoulders to the wheel and try to get the local board not only of Satara, but also of other places, to put additional taxation to meet their share and introduce compulsion.

Now, as regards his complaint that higher education was fostered too much, may I point out that compulsory primary education is not going to do anything without higher education? You may see what civilised countries are doing. If you are going to think that primary education by itself is going to work wonders you will be disillusioned. Secondary and collegiate education should go hand in hand with primary education. Take our own instance here. Those who have not got collegiate education. I say it with regret, cannot express themselves. There should be progress all round. Well, I will put it to my honourable friend from Satara that if he were only educated up to the primary standard, this House would have certainly lost his ripe experience, his knowledge, and many more things which I have no doubt he owes to secondary and collegiate education. It is no use therefore deprecating any expenditure on secondary or higher education, when we find that the amount spent is at as low a figure as 21 lakhs. Part of this, about 10 lakhs and odd, is spent on Government institutions and about 11 lakhs are paid by way of grants-in-aid.

As against that, we have 77 lakhs for primary education, and the normal expenditure is about 77 lakhs. I therefore believe my honourable friends of this House will carefully consider this matter before they quarrel over it. I strongly oppose the motion.

Mr. C. M. GANDHI (Surat City) : Mr. President, I also oppose this motion. This is a matter which does not require a very strong speech or a very long speech to induce the House to reject the motion. But I want to point out that even in the interests of those who want to see greater funds devoted for compulsory primary education Government ought to recede from their direct activities in regard to secondary and higher education gradually, and that could only be done if Government liberally aided the educational societies which have undertaken the work of secondary and higher education. Government have also a duty towards secondary and higher education. So giving grants-in-aid to aided colleges is simply bearing a part of the expenditure which otherwise would fall on the Government. So even from the point of view of those who want to further primary education, this is a measure in the right direction and I hope the Council will vote the item and reject the motion.

The Honourable Dr. R. P. PARANJPYE : I move the closure.

The Honourable the PRESIDENT : I accept the closure.

Mr. B. V. JADHAV : Mr. President, I am very much obliged to my honourable friend from Ahmednagar. He has asked me and my honourable friends to put our shoulders to the wheel and, as is generally done by certain communities in their part of the Presidency, they would like to sit in the car and do nothing themselves. We have been asked to put our shoulders to the wheel and I can assure my honourable friend that we will not shirk it. As to his anxiety for the proper spending of Rs. 16 lakhs, I may assure him that he himself and all others here were unanimous in saying that the provision of Rs. 16 lakhs was not adequate. There has been an incessant cry for primary education in the districts, and if full twelve months' working is allowed, I do not think any of us will lay behind in not usefully spending the whole amount made available for primary education. My honourable friend must know that the Compulsory Primary Education Act has not yet been brought into force.

Rao Bahadur G. K. CHITALE : It has been made a law.

Mr. B. V. JADHAV : It has been made a law, certainly ; but working under it has not yet been started. There is the District Local Boards Act also, which has not obtained the Viceroy's sanction and the present Act does not allow the district local boards to raise new taxes. The new Act allows them to raise the cess, but its levying and collection will take some time. Government ought to make very liberal provision for primary education this year and I hope my honourable friend and the Honourable the Minister will not expect us to wait for the extension of primary education until the district local boards are able to raise more income. All the money that can be spared is more urgently needed for primary education than on secondary and higher education. Secondary and higher education has been spread in the upper strata only, and that education has not percolated to the lower strata. Therefore, I think that this reduction is quite necessary as proposed by me.

The Honourable Dr. R. P. PARANJPYE : Mr. President, I do not wish to dilate very much upon the comparative merits of primary and

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secondary education. You will find that, on the one hand, I have been attacked for neglecting higher and secondary education and paying too much attention to primary education. To a certain extent, I must say, that attack may be justified, because if you look at the general figures given at page 132, you will find that while the university and secondary education figures have remained practically on the same level as before, the expenditure on primary education has been considerably increased. The slight increase under secondary education has been only due to the increments earned by the several Government officers employed. As regards the particular item of grants to colleges, I might mention that when we were face to face with a cut of Rs. 8,00,000 in our educational expenditure, we made that cut upon the higher and secondary education, and to a certain extent on direction. But not a pie was retrenched from expenditure on primary education. (Mr. B. V. Jadhav: You dare not do it.) I may mention, Mr. President, that it is not only that I did not dare to do it, but that I also did not want to do it. Therefore, if we had only a certain amount of money, it had to go to primary education. Remember, Sir, that money for all these new items which I have put in in the budget has been obtained by rigorous retrenchment in all directions except primary education. I might point out that so far as this provision of grants is concerned, last year the grants were severely reduced. In the case of secondary education the grants were reduced from one-third of the expenditure to one-fourth of the expenditure only. In the case of colleges they were reduced from one-fourth to less than one-eighth, and the colleges felt that it was almost impossible for them to continue working at that figure. I got a letter from the principal of the St. Xavier's College only last week in which he told us that if the grants were reduced at that rate, they would have to close down all their scientific departments, because scientific departments are very expensive to carry on. Now, does my honourable friend want these colleges to cut down the scientific departments and all the progress which is made by those departments to be closed? I do not feel that my honourable friend himself will want these colleges to cut down the scientific departments. The same or similar representation was received from one or two other colleges, but the St. Xavier's College, which caters specially for the expansion of the science studies, definitely came forward to say that if their grants were to be retained at the same figure henceforward,—that is, at the last year's reduced figure,—they would not be able to carry on their scientific department. I think that that would be a calamity whose magnitude can hardly be conceived. We do not propose, in fact, to give these colleges the grants which they can claim under the present rules. The colleges according to the code are to be given a grant of one-fourth of their expenditure. Even this grant of Rs. 50,000 to give additional grants to aided colleges works out to something less than one-fifth and I do not think that that can be considered by any means a large amount. All the colleges, so far as I know, have increased their fees to a considerable extent and they are not still able to meet all their expenses by increasing the fees alone. They

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depend to a certain extent upon grants from Government and this small amount of Rs. 50,000 is intended to be given to reduce the great cuts which we made last year. Therefore, I hope the Council will not oppose this grant.

I may assure honourable members that nobody is so keen on primary education as myself, but, at the same time, even in the interests of the classes which my honourable friend, the mover of this motion, represents, higher and secondary education should not be absolutely starved and destroyed. We have got a system of secondary education and higher education which may not be ideal. But if you once for all destroy it, it may not be possible to replace it soon. I may mention that although the higher classes for the time being are getting rather more advantage of the secondary and higher education, my honourable friend the mover will find that the position of the backward classes is not now quite so hopeless as it was a few years ago. I myself was at the head of an institution, and I know that in that institution the percentage of students from the backward classes in the college was increasing by leaps and bounds every year. Not only that, but the managers of that institution who came from the advanced classes were giving special facilities to the students from the backward classes and that policy is being followed by Government also. If more facilities are to be given to the backward classes not only in primary education but also in giving them an advance in higher education, I do feel that it is in the interest of the backward classes themselves that higher and secondary education should not be absolutely killed. We are keeping it just at the minimum level. We are not pampering it and we have not only given higher education very small grants but that we have cut off certain grants from European high schools, colleges, girls' schools and other institutions of a similar nature. The outcry is so great and I have had to meet during the last year or two this immense outcry. I did not wish to meet that outcry to the fullest extent. I do not however wish to reduce the matter to a point at which these institutions may be made to die a death, which will be an injury not only to the higher education of the higher classes but still more to that of the backward classes who wish to raise themselves in their social position not only by means of primary education but also by having both higher and secondary education.

Question put and lost.

Mr. B. V. JADHAV : Sir, I move that :

Item No. 146, Proposal to revive the post of Deputy Director of Public Instruction in Indian Educational Service Rs. 7,494, be omitted.

The proposal is to revive the post of Deputy Director of Public Instruction from the Indian Educational Service. I do not see that for the last 4 years there has been this Deputy Director of Public Instruction, and from the remarks in the last column against this item I do not think that a good case has been made out and I therefore hope that this would be omitted.

The Honourable Dr. R. P. PARANJPYE : Sir, in order not to waste the time of the Council I will put the case properly before honourable

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members. Six or seven years ago the Director of Public Instruction had a Deputy Director of Public Instruction as well as a Personal Assistant from the Indian Educational Service. The post of the Deputy Director of Public Instruction was retrenched purely as a measure of war economy. In the Director's office the superior officers have been till recently only the Director of Public Instruction and his Personal Assistant from the Indian Educational Service and one man from the Bombay Educational Service. Up to now that has been the establishment; except that an accountant from the Bombay Educational Service has recently been also added to the superior establishment: so that the superior establishment at present consists of the Director of Public Instruction, Personal Assistant in the Indian Educational Service and two men from the Bombay Educational Service. Now the Director of Public Instruction—not the present Director, but even his predecessor, Mr. Covernton—wrote over two years ago that the work in his office has so increased that it is impossible for him to carry on and he made a proposal asking that the post of the Deputy Director of Public Instruction should be revived by the appointment of a senior officer from the Indian Educational Service, so that his office should consist of the Director, the Deputy Director, Personal Assistant in the Indian Educational Service and two men in the Bombay Educational Service. I went into the question very carefully and convinced myself that a certain amount of assistance to the Director in the superior scale was necessary. But in the interest of economy, and also, may I mention, in the interest of the rights of this Legislative Council, I said that we should not give one more post in the Indian Educational Service, for as soon as it was created it would go out of the purview of the Legislative Council. I decided that I would continue the men in the Indian Educational Service at the same number but would give him one extra man in the Bombay Educational Service so that the man could be reduced by a vote of the Council at any time that the Council thinks that he is not necessary. Now I will tell honourable members why the Deputy Director of Public Instruction is necessary. The Assistant Director cannot help the Director much because he cannot take important decisions on his authority and take the place of the Director of Public Instruction in issuing orders to Senior officers and heads of institutions especially in important cases, and even in minor matters he has to go to the Director of Public Instruction. So if this Personal Assistant were changed to a man in the same service and appointed a Deputy Director of Public Instruction it will be possible to hand over certain branches of educational work to him for final disposal and consequently it is proposed to revive this post. So far as the Imperial officers are concerned, to convert the Personal Assistant's post into that of a Deputy Director would not mean an increase in the cadre of the Imperial service; only the person holding that appointment will be rather a senior man on whom responsibility could be thrown. Further, it was found that the work in the Director's office—ordinary routine work—had so increased that one

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more man was necessary and I proposed that that man should be taken from the Bombay Educational Service so that superior establishment would consist of one Director, one Deputy Director, three men in the Bombay Educational Service. Now I would give the reason for that by quoting certain figures. The amounts of moneys which passed through the hands of the Director of Public Instruction seven or eight years ago and now are 70 lakhs of rupees and nearly two crores respectively and if any economy in the superior supervision is made we run the risk of seeing all these large amounts possibly expended without proper supervision and perhaps misspent. Then again the number of schools and the number of pupils have all increased. In 1912-13 there were five educational inspectors, there were two inspectresses, now there are four; 27 Deputy Educational Inspectors, against 33; 93 Assistant Deputy Educational Inspectors, against 133 at present.

The number of Government colleges has risen from 7 to 10. Pupils in them rose from 2,200 to 3,700. Non-Government colleges have risen from 4 to 5 and pupils in them from 2,500 to 3,700. Secondary schools have increased from 348 to 414 and pupils in them from 52,000 to 67,000. Primary schools have gone up from 10,000 to 12,600 and pupils in them from 6,35,000 to 7,54,000. Special schools have increased from 71 to 156 and pupils in them from 5,100 to 8,700. Municipalities remain the same.

You will find from these figures that I have read out to you that the work in the office of the Director of Public Instruction has enormously increased. Not only that but the Director of Public Instruction was able to devote a good deal of time to his own work. Now however by the constitution of this Council he has got to spend nearly two months during every year to the work in this Council; references made by members of this Council have to be attended to. The Minister has also I am afraid thrown some additional work on him because the Minister is always making references in regard to various schemes that he might have in contemplation. The number of committees that he has got to attend is very great; the work of the Director of Public Instruction therefore has very greatly increased. I might mention that under the Compulsory Education Act, for a few years at least, a great deal of work will fall on him. At present there is a transition period in which the work so far done by the department itself has got to be transferred to the local bodies. The transition period is always a most difficult period and unless proper care is taken we may possibly find that there will be a lot of trouble in future years. For the moment therefore a certain amount of superior supervision is required. I do not say that it will always be so required. After about three or four years, when the new scheme by means of which primary education is handed over to the administration and practical control of the local bodies, the work of the department may possibly be reduced. Even this year we have taken care to reduce the supervising and inspecting staff to a certain extent and we have not filled vacancies in this inspecting establishment. After all, it is the officers at the top who have to guide and control during the transition stage. After two

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or three years it may be possible to reduce even this superior establishment. Now the new man will be from the Bombay Educational Service as I do not wish to take him out of the purview of this Council. If after a time the Council feels that this man is not required—and this man will exist from year to year on the vote of the Council—I will not object to the abolition of this post. I shall not oppose the abolition of the post of the Deputy Director even if it is found that that appointment is really unnecessary. I have convinced myself that it is necessary to have this superior staff without which it will not be possible to carry out the work as satisfactorily as we want. A great part of the attention of the House is being devoted to educational matters and owing to insufficiency of staff, questions asked by the members of this Council are delayed in being attended to. We do not wish to kill the subordinates of the Director of Public Instruction by overloading them with work which is at present the case. Honourable members of this House do not get their questions answered with the rapidity which we want. As time goes on, with this additional staff, it will be possible to attend to their requests for information with a quicker dispatch than is possible at the present moment. We are going to increase the amount of expenditure on our educational department to the extent of two crores; it may go on even to three crores at the end of ten years if our programme is fulfilled. Is it therefore too much to ask that the Director of Public Instruction's office should have five people? I do not think that the Council will consider that the amount of money we spend on the superior establishment and directing staff is extravagant as it works out at less than one per cent. of the total expenditure on education. I hope therefore that the Council will reject the motion before the House.

Question put and lost.

Mr. C. M. GANDHI (Surat City): Sir, I move

That item No. 148, page 190 of Blue Book, Increase in the rent of the building occupied by the Girls' High School, Ahmedabad, from Rs. 750 to Rs. 1,000 per mensem, Rs. 3,000 be omitted.

I merely wish to bring to the notice of the Honourable Minister that there seems to be a growing tendency on the part of grabbing landlords in Ahmedabad to demand increased rents and that therefore every effort should be made to effectively control it.

The Honourable Dr. R. P. PARANJPYE: Mr. President, I would like to point out that the rent of Rs. 750 was fixed some years ago. A few months ago the owner of the house asked for an increase in the rent by Rs. 750 more....

An Honourable MEMBER: Who is the landlord?

The Honourable Dr. R. P. PARANJPYE: Mr. Ambalal Sarabhai. He wanted to increase the rent to Rs. 1,500 but later on he was prevailed upon to revise his demand to Rs. 1,000 as the building is to be used for education. We did not agree to this immediately but we referred the matter to the District Officer and to the Commissioner who reported that that rent was fair in the circumstances of the city.

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As regards the point that was made by my honourable friend, I may point out that this high school cannot be fully accommodated immediately in the training college, but that question is being considered. I was told that if that high school was to be accommodated in the training college, some additions would have to be made in the building of the training college, that a few more buildings would be required, a few more classes would be required, and I am going to find out how much more expenditure is required for that purpose. We cannot obviously close the school. There is no other building in Ahmedabad to which we can remove the school. I am looking into that question very closely, and if we find that by making small additions to the Mahaluxmi Training College we can accommodate both the institutions in one building, I will certainly take steps to do it.

Mr. C. M. GANDHI : I beg leave to withdraw the motion.

Question put and leave granted.

Mr. B. V. JADHAV : I beg to move :

"That item No. 160, Grant of special scholarships to non-Mahomedan backward classes and to Mahomedans in secondary schools, Rs. 39,876, be reduced by Rs. 10,000."

Out of the total demand of Rs. 39,876, Rs. 24,144 are to be reserved for Mahomedan scholars and Rs. 15,732 are to be distributed among non-Mahomedan backward classes. The population of the Mahomedans as compared with the population of backward classes is, I think, 1 to 3, and one would have expected that the backward classes would have been granted about Rs. 72,000. Instead of that, the Honourable Minister for Education has been kind enough to give only Rs. 15,732, and I leave it to the House to judge whether this provision is an adequate one, and whether the condition of the backward classes is not more deplorable than that of the Mahomedans.

Mr. C. M. GANDHI : I rise to a point of order, Sir. The honourable member is asking for an increase in the grant.

Mr. B. V. JADHAV : I am moving for a reduction.

The Honourable the PRESIDENT : The honourable member is asking for a reduction on the ground that the grant is not increased. That is a question of policy to which, without making any motion upon the whole demand, he may simply call the attention of the Government.

Mr. B. V. JADHAV : I am calling the attention of Government to the great inadequacy of this provision. However, I beg leave to withdraw my motion.

Question put and leave granted.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : Mr. President, I beg to move that :

"Item No. 171, proposal to open Government primary schools at headquarter police lines in the Presidency, Rs. 11,465, be omitted."

I have to say, in this connection, that most of the police lines are situated in municipal limits, where municipalities have already opened primary

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schools, and I do not understand why Government should open schools there. I think that it is not desirable to start such special exclusive schools, but I leave the question to the decision of the Council.

Rao Bahadur R. R. KALE (Satara District): Mr. President, I think that this is a grant for the police, and as such, it ought to have appeared in the grant asked for by the Honourable the Home Member. However, on principle, I do not see the necessity for Government bearing the entire cost of this primary education when, as a matter of fact, the duty of providing primary education is cast upon the municipalities and the local boards, and if it was necessary to have primary schools near the police lines, those bodies should have been induced to open schools in localities convenient for the policemen's children to attend. To open a separate primary school, entirely at Government expense, seems to me to be utterly unjustifiable.

Mr. C. C. HULKOTI (Dharwar District): Mr. President, I beg to oppose the motion. In my own municipality, the police lines are outside the municipal limits. They are at a distance of two miles, and it is not possible for the children of the police to go to school. Under such circumstances, when a small provision of Rs. 10,000 is required, I do not see any valid reason why it should be so strongly opposed by my honourable colleagues in this House. Considering the area of the Presidency, the amount is insignificant. It is also more for the benefit of the children of the police. So long as they form part of the population of this Presidency, it would be to the interests of primary education that the policemen's children are educated.

Mr. KANJI DWARKADAS: I move the closure.

The Honourable the PRESIDENT: I accept the closure, and call upon the honourable mover for a reply.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Sir, the only ground for supporting the grant appears to be that there are certain police lines outside municipal limits, but it must be remembered that where the municipal limits end the local board limits begin, and if it is not the duty of the municipality to provide these children with a school, the responsibility for it lies on the local board, and it is their duty to see to it. I therefore think that the grant should be omitted.

The Honourable Dr. R. P. PARANJPYE: Sir, it was represented to us by the Police Department that proper provision for the education of the children of policemen is not made in the police lines. It was also represented to us that it would not be proper to have only local board schools or municipal schools for them, because the men in the police lines have to observe a certain amount of discipline. It is also possible that the children there being the children of the policemen, they might have possibly specialised courses of instruction in the higher classes, and a little knowledge of their parents' work might be imparted to them. In fact, it is for this purpose.....

Mr. B. V. JADHAV: A recruiting ground ?

The Honourable Dr. R. P. PARANJPYE : It is not so. A large number of the police come naturally from the children of the police themselves, and as regards a large number of them it would be easier to get more educated police if we educated the children of the police. I think this is a very little item, and that it is worth while making a small provision of this nature because, after all, it is going to be spent on education. Whether we give it in one way or another, it is after all to be spent on education, and therefore I accepted this request of the Police Department.

Question put and lost.

Mr. G. B. TRIVEDI : I shall take some time in moving my motion. I shall move it tomorrow.

The Honourable the PRESIDENT : The Council is adjourned to 1 p.m. tomorrow, Friday the 9th March 1923.

Friday, the 9th March 1923.

The Council re-assembled at the Town Hall, Bombay, on Friday, the 9th March 1923, at 1 p.m., the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

Present :

ADDYMAN, Mr. J.
 ADHAV, Mr. P. N.
 BATLIWALA, Dr. S. S.
 BEDREKAR, Khan Bahadur I. M.
 BHATE, Mr. G. C.
 BHURGRI, Mr. J. M.
 BHUTTO, Khan Bahadur S. N.
 BOLE, Mr. S. K.
 BOZDAR, WADERO Khan Saheb K. G.
 CADELL, Mr. P. R.
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. F.
 COCKE, Mr. H. G.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Mr. V. A.
 DADACHANJI, Dr. K. E.
 DALAL, Sardar Khan Bahadur ADARJI M.
 DALAL, Mr. D. B.
 DESAI, Rao Saheb HARILAL D.
 DESAI, Rao Saheb DADUBHAI P.
 DRAKHAN, WADERO MAHOMED PANAH
 DUBHASHE, Mr. SHANKAR BALKRISHNA
 DUMASIA, Mr. NAOROJI M.
 DWARKADAS, Mr. KANJI
 FERNANDES, MAJOR C.
 GANDHI, Mr. C. M.
 GARUD, Rao Bahadur S. D.
 GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH
 GODAD, Khan Saheb ABDULLA AVJAL
 GODBOLE, Dewan Bahadur K. R.
 GULAMHUSEN, Mr. SULTANALI SALEMANJI
 HAJI, Mr. IBRAHIM S.

HAJI KHAMISO GUL MAHOMED, Mr.
 HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA
 HAVELIVALA, Mr. M. A.
 HAYWARD, The Hon'ble Mr. M. H. W.
 HEPPER, Sir LAWLESS
 HULKOTT, Mr. CHANNAPPA CHANVIRAPPA
 ISRAN, Khan Saheb G. A.
 JADHAV, Mr. B. V.
 JENNINGS, Major General W. E.
 KALE, Rao Bahadur R. R.
 KER, Mr. J. C.
 LALBHAI AMBARAM, Mr.
 LALJI NARANJI, Mr.
 LAWRENCE, The Hon'ble Mr. H. S.
 LIGADE, Mr. S. P.
 MANSURI, Khan Saheb A. M.
 MEAD, Mr. P. J.
 MEHTA, The Hon'ble Mr. C. V.
 MODI, Sardar Davar T. K.
 MOHOMED SALAHUDDIN K., Mr.
 MONTGOMERIE, Mr. A.
 MURPHY, Mr. S. J.
 MUTALIK, Sardar V. N.
 NIMBALKAR, Mr. K. B.
 OJHA, Mr. DIPCHAND T.
 PAHALAJANI, Mr. B. G.
 PARANJPYE, The Hon'ble Dr. R. P.-
 PARULEKAR, Rao Saheb L. V.
 PATEL, Mr. B. P.
 PATEL, Mr. J. B.
 PAWAR, Shrimant J. A.
 PETIT, Mr. JEHANGIR B.
 PRADHAN, Mr. M. W.
 PROES, Mr. E. M.
 RAHIMTOOLA, The Hon'ble Sir IBRAHIM
 ROTHFELD, Mr. O.
 SAHERWALA, Khan Saheb I. A.
 SALGAR, Mr. R. G.
 SETALVAD, The Hon'ble Sir CHIMANLAL

SHEPHERD, Mr. W. C.

SHIRRAS, Mr. G. FINDLAY

SINDORE, Mr. H. N.

SURVE, Mr. A. N.

THOMAS, Mr. G. A.

TRIVEDI, Mr. G. B.

VICHARE, Rao Bahadur D. A.

WOODS, Mr. E. E.

The Honourable the President: Order, order. Questions.

GIRLS' SCHOOLS AT AHMEDNAGAR AND NASIK.

Mr. B. V. JADHAV: Will Government be pleased to state—

(a) What the yearly expense of the girls' high schools at Ahmednagar and Nasik is and the average number of girls attending the same?

(b) Whether there are girls' high schools at any of these places conducted by missionaries?

(c) What the salaries of the head mistresses of the above schools are?

The Honourable Dr. R. P. PARANJPYE: The information is being obtained.

TEACHERS IN TRAINING SCHOOLS AND COLLEGES.

Mr. B. V. JADHAV: Will Government be pleased to state the number of teachers that are employed in the training schools and colleges in the Central and Southern Divisions and how many of these are Brahmins?

The Honourable Dr. R. P. PARANJPYE: The information is being obtained.

CLERKS IN EDUCATIONAL OFFICES.

Mr. B. V. JADHAV: Will Government be pleased to give a list showing the number of clerks employed in the offices of the Director, Inspectors and Deputy Educational Inspectors and state how many of these are Brahmins?

The Honourable Dr. R. P. PARANJPYE: The information is being obtained.

SELECTION GRADES IN EDUCATIONAL SERVICE.

Mr. B. V. JADHAV: Will Government be pleased to state how many teachers in the Central Division and Southern Division were given selection grade and how many of these were Brahmins?

The Honourable Dr. R. P. PARANJPYE: The information is being obtained.

TRANSFERS OF TEACHERS IN SATARA DISTRICT.

Mr. B. V. JADHAV: (a) Will Government be pleased to state how many teachers, permanent and temporary, were removed during the present year in the district of Satara and how many of these were Brahmins and how many non-Brahmins?

(b) How many temporary hands were working in that district on the 1st of January 1923; and how many of these were Brahmins?

The Honourable Dr. R. P. PARANJPYE: The information is being obtained.

The Honourable the PRESIDENT: I have to announce to the House that the following bills passed by this Council have received the assent of His Excellency the Governor General:

(1) Bill No. XIII of 1921 (A Bill further to amend the Prevention of Cruelty to Animals Act, 1890).

(2) Bill No. VIII of 1922 (A Bill further to amend the Prince of Wales Museum Act, 1909).

(3) Bill No. XIII of 1922 (A Bill to provide for the regulation and control of transaction in cotton in Bombay).

(4) Bill No. XIV of 1922 (A Bill to amend the Identification of Prisoners Act, 1920).

(5) Bill No. XV of 1922 (A Bill further to amend the Bombay Rent (War Restrictions) Act, 1915, and the Bombay Rent (War Restrictions No. 2) Act, 1918).

(6) Bill No. XVII of 1922 (A Bill to provide for Compulsory Elementary Education and to make better provision for the management and control of Primary Education in the Bombay Presidency).

(7) Bill No. XVIII of 1922 (A Bill further to amend the Bombay Salt Act, 1890).

(8) Bill No. XX of 1922 (A Bill to impose a duty in respect of Entertainments).

(9) Bill No. XXII of 1922 (A Bill further to amend the Opium Act, 1878).

Supply: Demands for Grants.

Mr. G. B. TRIVEDI (Thana District): Sir, I move

"That grant of Rs. 8,400 for the pay of Superintendent of Pottery be omitted."

My reason for this is that we want money very badly for education. I have been watching this new creation of the pottery section attached to the School of Art since its inception. I am not at all, nor the House will be, convinced of the usefulness of this section. It has not served the purpose for which it has been created. It may be that the gentleman may be useful in other directions, but he is not useful for the purpose for which he has been appointed. At the time when there was a cry that Government was not spending money on technical education, this branch was opened in the School of Art at a cost of 4 lakhs. It has been going on since then and there seems no prospect of works becoming commercially useful, because nothing of expert education is given there. In the first place Government have no money; in the second place it will be a failure, even if they make it a commercial concern. I know there are certain glass factories in the Presidency at Talegaon and in Navsari there are certain factories. So far they have not been successful; and last of all, a Government factory will be the least successful. Therefore, this is not at all wanted.

The Honourable Dr. R. P. PARANJPYE : Sir, in the first place the amount is very small. This gentleman is, I believe, doing good work. Since last year, honourable members will remember he has been put up to conduct a factory on a semi-commercial scale in order to demonstrate not only how pottery work should be done, but also how it can be conducted on a scale somewhat approaching the ordinary scale of manufacture. I think it would be better to allow us to see the results of this arrangement for a year or two, and then we shall consider the question of continuing this post. It is a wrong policy to stop it all of a sudden without giving him a chance to show the progress in the work entrusted to him. I do not say that they will always prove successful, but in the matter of industrial expansion we have to learn by failures. I do not think the House will be taking a wise step in stopping the development before we gain any experience.

From the exhibits in the pottery section of the recent exhibition of the School of Art, I understand that it has shown what work can be really done. We want a little more experience to know whether it will be successful or not. I hope the House will not pass this motion.

Mr. G. B. TRIVEDI (Thana District) : Sir, I do admit that this is a small sum, but what I mean is any money spent in this direction will not be useful commercially. You may spend lots of money for exhibits ; but if you compare the price of articles of the same type imported with those that are made here, you will find that you have spent much more on the articles made here. But, however, I do not want to cut out the amount if the Honourable Minister gives an assurance that he will have an eye on this experiment.

The Honourable the PRESIDENT : He has already stated that he is having his eyes on it.

Mr. G. B. TRIVEDI : He is not there, but he depends on the report of the department. However, I shall wait for a year or two to see the progress of this experiment. What I wish to point out is that the money spent must be well spent. So far as I am concerned, I am not convinced that it will be successful.

The Honourable Dr. R. P. PARANJPYE : Sir, already I have told the House that on a semi-commercial scale the experiment has been started. It would hardly pay the whole cost.

[Rao Saheb D. P. DESAI (Kaira District) made an observation which was inaudible.]

The Honourable Dr. R. P. PARANJPYE : His services were lent to the Government of India for consultation in connection with some question at Jubbulpore at the request of the Military Department. His pay cannot all come out of the earnings of a small experiment started on a semi-commercial scale, but still I shall keep my eye on the experiment. I trust the motion will not be passed by the House.

Mr. G. B. TRIVEDI : I ask for leave to withdraw the motion.

Question put and leave granted.

The Honourable the PRESIDENT : I propose the whole demand on education (partly reserved and partly transferred), Rs. 6,49,000 (Reserved) and Rs. 1,74,20,000 (Transferred).

Mr. G. B. TRIVEDI (Thana District) : Sir, I beg to move :

“That the total demand under 31, Education be reduced by Rs. 7,000.”

This is only for the purpose of pointing out one or two grievances. The Honourable the Minister for Education is really to be thanked for the work that he has been doing for the uplift of the depressed classes by providing them more facilities for education in spite of the economic, or rather starving, budget that he had to put before us. He has done his best for the provision of education for the depressed classes. But in connection with this I have one grievance. The Honourable Minister is already convinced that these poor people require boarding, and he has provided a boarding for them at Poona. But at the same time I must say that the several missionary bodies or other philanthropic agencies who are doing work on the same lines ought to be encouraged and not discouraged because he has opened a boarding at Poona. I want specially to bring to his notice the reduction of the grant that was paid by the department to the Depressed Classes Mission Society. Sir, it was many years ago, at the time of Lord Sydenham, that a special resolution was passed saying that Rs. 2,000 for boarding house should be given to the Depressed Classes Mission in order that they may open boarding at good many places. One of these places is in Bombay. Now, my honourable friend representing Labour had asked a question whether Government had any intention of opening a boarding for this class in Bombay, but the Honourable Minister said that he was watching the experiment. That is all right for the future. I do not want that he should unnecessarily spend any money. But here is a body doing the same sort of work, started long ago, an independent body with a philanthropic motive. Government instead of helping them with more money has actually cut down the grant. When I drew the attention of the department in my capacity as treasurer, I was told that Government have superseded the former resolutions and have decided to give as grant half the expenses minus food and clothing expenditure. Now, Sir, in a boarding house the food expenditure is the chief item. We are not charging anything to the boarders. They are poor people. We collect money from philanthropic people and charities like the Wadia Charities and help these poor people in financial stringency. The department comes and tells us “We shall not pay the two thousand rupees : we shall pay only half the expenses minus food and clothing. Last year, instead of Rs. 1,400 we got only Rs. 300. Instead of encouraging us, we are given a starvation grant. That is one complaint I have to make.

The other thing, Sir, is about the primary teachers. These primary teachers have a grievance which has not yet been removed. They are very anxious that before they are handed over to the local bodies their final scales should be completed. Questions after questions have been put, and the only answer is that it is still under consideration. Naturally these primary teachers are in anxiety. I hope that the Honourable

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Minister will make an announcement before this session closes or at least before the teachers are handed over to the local bodies.

The Honourable the PRESIDENT: Has the honourable member proposed this reduction in order to call attention to these grievances?

Mr. G. B. TRIVEDI: Yes, Sir.

Rao Bahadur R. R. KALE (Satara District): Sir, I beg to call attention to the policy of Government regarding aided secondary schools. Education is now a provincial subject. In the report on Indian Education for 1920-21 it is observed that aided secondary schools have not shown any reduction in grants. I submit, Sir, that statement would have to be modified in the light of what has taken place in our Presidency. Well, that is a most unfortunate circumstance. But considering that the Government are also closing Government high schools—for instance, they have closed one and contemplate closing another—it is highly necessary to continue or increase the grants for aided secondary schools. Aided secondary schools are really speaking more economic, and they form a sort of assistance to Government high schools. They are conducted at a very cheap cost. The incidence per pupil in Government high schools is Rs. 83, out of which so much as Rs. 52 is spent by Government; whereas the incidence in aided secondary schools is Rs. 53, out of which only Rs. 20 is paid by Government. So, you will see, Sir, that aided secondary schools are really a boon to Government as the incidence is so low. Having regard to this circumstance, it appears to me that it is bad policy to cut down these grants for secondary education. Now, there is a great feeling with regard to primary education. Although the backward classes are not so vocal in regard to secondary education, still the effect on secondary education of running primary schools cheap should be taken into account. For these reasons, Sir, I earnestly hope that the Honourable Minister will be in a position to see that he devotes at least as much as he used to devote to the cause of secondary education, if not more.

Mr. S. K. BOLE (Bombay City, North): Sir, I support the motion on behalf of the backward classes. I do not want to complain about the facilities given to Mahomedans, but what I urge is that the number of backward classes is very much greater than that of Mahomedans and the amount granted to the backward classes is quite inadequate in proportion to their number. Sir, the same facilities as are given to Mahomedans should also be given to the backward classes. There is no doubt that Mahomedans are very vociferous and the backward classes are very quiet, and I think that that is the reason why they have been neglected up to this time, and I think Government will see its way to remedy this matter and to give the necessary encouragement and help to the backward class students. At the same time, I would also like to urge that more stipends are necessary to be given to the teachers studying in the training colleges. The thing is this, that many teachers are willing to take advantage of the training colleges, but as stipends are not given by the heads of the departments, who happen to be other than from the backward

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classes, they cannot take advantage of the training colleges. I hope the Honourable Minister will look into this and do the best he can to give sufficient encouragement and assistance to the backward classes.

Mr. DIPCHAND T. OJHA (Karachi City): Mr. President, I do not know what the Government is going to do with regard to the education of the depressed classes in Sind and in Karachi in particular. I submit, Sir, that the Karachi municipality, so far as this particular branch of education is concerned, should be kept on a different footing altogether. The population of the depressed classes of Karachi is a very large one and if the Honourable Minister in charge of Education wishes that the municipality should spend a large amount on this education, he should come forward with a liberal grant for the education of the depressed classes of Karachi. I submit, Sir, that the province of Sind, so far as educational matters are concerned, has to a certain extent been neglected. Claims have to be put forward before this Council and before the Honourable Minister in charge of Education for the province of Sind, and I think the Honourable Minister is in a position to realise that Karachi cannot go on without a liberal assistance from Government. I may mention, Sir, that there is an engineering college which has been opened in Karachi and which requires aid from Government to a very large extent. I find from the reports in newspapers and elsewhere that the engineering college at Poona is overcrowded and that the college is going to be provided for with a lot of expenditure. We are told in the remarks column that the number of students attending the college is larger and the premises are not sufficient to accommodate them and therefore further extensions are necessary, and so on. I may tell the Honourable Minister in charge of the Education Department that as soon as the idea of starting an engineering college was started and the college opened in Karachi, a number of boys not only from Sind but, so far as I know, from the Presidency proper and even the Madras Presidency began to pour in in Sind to join the engineering college, the reason being that there was no sufficient accommodation for students at the Poona engineering college. That goes to show that the opening of another engineering college which is more feasible and suitable to the province of Sind should be encouraged by the Government. I do not grudge any grants being made for secondary education. But at the same time it must be borne in mind by the Minister that objects and proposals which are laudable and which require a sympathetic attitude of Government should be encouraged at the very outset instead of any obstacles being put in the way of their being started.

So far as the backward classes are concerned, I have been hearing a good deal about the backward classes of the Presidency proper, but I do not think that the Honourable Minister does really know that in the province of Sind there are certain backward classes which do require scholarships and so on. Here, Sir, I find a great fight is going on between Brahmins and non-Brahmins that the non-Brahmins are more backward educationally than the Brahmins. So far as Sind is concerned the position is quite the reverse. The Brahmin community is more backward in Sind. I should say, Sir, that the Mahomedan community in Sind has been receiving

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all encouragement and this community which was considered a very backward community in the province of Sind at one time is much better now than the other sections of the community, and the other sections of the community which are supposed to be, and which really are, backward are the Brahmin community. I would ask the Honourable Minister not to rest content with giving help to the backward communities in the Presidency proper but to be kind enough and good enough to turn a little attention to the province of Sind also and find out whether it is not a fact that the Brahmin community of Sind is backward or not and, if so, what encouragement should be given to that community. Now, in support of that argument, I might say this for the information of the Honourable Minister in charge. Some years ago, when Mr. Jacob was educational inspector in Sind, he did realise that the Brahmin community of the province of Sind was backward and, if I mistake not, he suggested to Government that encouragement should be given to this community by means of scholarships and so on. I do not know what action the Government took.

The Honourable Dr. R. P. PARANJPYE : When was that recommendation made ?

Mr. DIPCHAND T. OJHA : I do not remember exactly ; but I think it was several years ago. Since then.....

Mr. C. M. GANDHI (Surat City) : On a point of order, Sir, is the honourable member in order in referring to a recommendation made half century or a century ago ?

The Honourable the PRESIDENT : What is the point of order ? I have not caught the honourable member's words.

Mr. DIPCHAND T. OJHA : I did submit, Sir, that the province of Sind was neglected and what ought to be spent for the people of the province of Sind was being saved for utilisation in the Presidency proper. I strongly object to that. I strongly appeal to you, at the same time, that when I do argue the case for my province of Sind points of order should not be encouraged (Laughter). I do realise, Sir, at the same time, that we members from the province of Sind are in a minority and as you, Sir, have seen what kind of people we are, I must in fairness to the province of Sind put forward our claims which should claim the attention of the Members of Government and the Ministers in charge of the departments. Therefore, Sir, so far as the province of Sind is concerned, I particularly request the Honourable Minister in charge of Education to give his whole-hearted attention to the needs of the province of Sind and not give preference only to the Presidency proper as has been done hitherto by Government. I find, Sir, that there is a good surplus in the budget this time and as Sind up to now has not been taken proper notice of, the Minister in charge of Education on this occasion should encourage the engineering college which has been started and which, for want of funds, has suffered a good deal. With these remarks, Sir, I would again repeat that the Honourable Minister should now direct more and better attention to the province of Sind and its needs than he has

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hitherto done ; for instance, he has hitherto devoted more attention to Poona, Ahmednagar, Ahmedabad, Surat and so on (Laughter).

Sardar Khan Bahadur A. M. DALAL (Broach District): Sir, without secondary education primary education will have small chances of progress and secondary education has attained a certain status and a certain stage and expenditure on it has immensely increased which has to be provided for by proprietors of schools which are hit both ways, viz., in their income and increased cost and as private well-conducted schools have been well established Government should in their own interest give liberal aid to them by way of encouraging secondary education, otherwise the schools will be either closed down, or their efficiency will be greatly impaired to the detriment of education in general—you cannot promote and foster primary education at the sacrifice of secondary education. Both should go hand in hand and if the pace for primary education cannot be accelerated without retrenching in the cost of secondary education, I would strongly advocate a policy of caution in not rushing the one at the expense of the other.

Of course, much has been said by the honourable member who has preceded me, and therefore I will not trespass on that ground. I have been long associated with the managing committee of a girls' high school and my experience is that the girls' schools cost more to manage than boys' schools. I know how difficult it is to get mistresses and to get parents to send girls to schools. Under the circumstances whatever may be the fate of boys' schools it would be fatal to female education if any reduction is made in the grants for girls' schools which are so expensive to conduct and which require to be nourished and strengthened by more liberal grants.

I have now to make one complaint and it is this: some years ago a certain gentleman living in Bhavnagar who lost his son in a shooting accident in Kashmir donated about Rs. 70,000 to the Government from diverting the charity from a Native State to British Districts and he was also so generous as to make the donation for a cosmopolitan and not sectarian object to be utilized for the following objects:

Rs. 30,000 for founding a commercial school,

Rs. 12,000 for building a museum for the Sanitary Association,

and the balance for paying a moiety for Government middle school building,

and Government accepted that sum on the conditions named. Still up to now nothing has been done to carry out the promise. The gentleman is now 70 years old and naturally wishes to commemorate his son's memory before he himself passes away. I therefore beg of the Honourable Minister to take this matter up without further delay. If such long delays occur, private people's zeal and interest will become lukewarm in offering donations. In this case it would amount to a breach of faith. If Government's share of grant is not forthcoming soon, at least it was the duty of Government to spend the donor's amount and make a start and provide other funds next year.

Mr. C. C. HULKOTI (Dharwar District): Sir, I rise to make a few general remarks on the Education Department. My two points which I

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wish to lay before the Council are these : that education given in this Presidency is not suited to the needs of the country ; and that the system is top-heavy. What I mean by the latter is exactly the opposite of what my honourable friend from Satara, Rao Bahadur Kale, urged. I shall give some facts and figures in support of my statement. May I say first that on the successful solution of the educational problem, the real progress of this Presidency depends ? Coming to the figures, I would ask the House to realise the exact position in which we are now. The Council will remember that the number of pupils under instruction is only about eight millions taking the population of India as a whole, which works out a percentage of only 3·42 per cent. Taking the figures for the Presidency of Bombay alone, it works out at 4·4 per cent. This is with regard to primary education.

With respect to secondary education, I beg to submit to this Council that the figures work out at 0·5 per cent. The House will perceive that this percentage compares favourably with the figures of Great Britain which is 0·6 only. Taking males alone the percentage works out 0·9, a proportion far greater than that of England.

What I wish to emphasize is that secondary education is much more advanced in this country than primary education and the proportion of expenditure on secondary education is higher than on primary education, as compared with advanced countries.

Now about university education ; the figures for which work out at ·025 per cent. taking the whole population into consideration. The figures for the same in England are ·054. Thus you will see that the figures of secondary education and of university education compare favourably with those of England. Therefore, I wish to emphasize that more attention should be directed to primary education, specially in rural areas. The population in rural areas in this Presidency is 16 millions, i.e., four times the population in cities. The chief complaint of rural areas with respect to the present system of education is that the kind of education given is not suited to the needs of such rural areas, inasmuch as it is too literary in character and that no industrial or vocational bias at all is given to the boys. Whenever parents in rural areas are asked why they do not send their children to school, they invariably reply " what is the good of that ? It will only make our boys aspire to become clerks and consequently to despise our own ancestral vocations ".....

The Honourable the PRESIDENT : May I point out to the honourable member that the question now upon these demands for grants is how the money ought to be spent on education ? The honourable member is asking for a change of the whole policy of education. Would that not be more appropriate for a resolution to be moved than for discussion now ? It is a large question. We have not sufficient time for it during supply.

Mr. C. C. HULKOTI : I respect the Chair's ruling, Sir, and will conclude by leaving it to the Honourable Minister to redress the grievances which I have pointed out as far as it lies in his power. I find that four

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agricultural classes are added to primary schools in the Central Division. This seems to me a step in the right direction, but I regret that no provision is similarly made for some classes at least in the Southern Division. I hope the Honourable Minister will do the needful in the matter and I may remind again that no provision for technical industrial education has been made in the current year's budget.

Mr. B. V. JADHAV : Sir, I congratulate myself on being given an opportunity to address, and I am very much obliged to my honourable friends here.....

The Honourable the PRESIDENT : The honourable member has no grievance in that respect. He has always caught my eye.

Mr. B. V. JADHAV : I beg your pardon, Sir. I am referring to the moving of a closure. Sir, the backward communities in the Presidency had formerly no opportunity to send their representatives to the Council. There were other representatives of those Divisions, but they did not represent the backward communities. Now we find that we have got an opportunity to have our own men for airing our grievances.

The transfer of this subject of Education to an elected Minister is a great reform no doubt, and I have to congratulate the Honourable Minister on his work during the last two years. But it does not mean that all our grievances have been redressed and there are none left. The policy of education has not much changed, because, although there is a change at the head, there is not much change at the other extremity. The department in the Central and Southern Divisions is manned almost wholly by one community, *viz.*, the Brahmin community. I may point out that in the deputy educational inspectors' line, barring a few Mahomedans, there are hardly any non-Brahmins. So also in the assistant deputy educational inspectors' line, the preponderance of Brahmins is very heavy. In the case of the subordinate staffs too, nearly 70 per cent. of the vernacular trained teachers belong to that community—I say that subject to correction. In the cadre of untrained teachers also, almost the same thing will be found. There has been some change no doubt within the last two years. I am very glad to observe and to acknowledge that 35 posts out of 60 were given last year to non-Brahmins by the deputy educational inspector of Satara. But many of these were removed on one pretext or another, and Brahmins have been substituted in their place. So, even under the eagle eye of the Minister, the old things and practices are still going on, and there is not much material change in the working of the department. We hope that when the new Local Boards Act comes into force and the department is finally transferred to local boards, there will be some welcome change, but the Central and Southern Divisions are so very conservative that I do not expect there will be a great change in the near future.

As regards higher education, I am not one of those who would like to close colleges or high schools. We do want colleges and high schools, but there is some proportion to be observed. Every pie that we can spare should not be spent upon higher education. There is always very great demand for higher education in every quarter; even the taluka

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towns are crying for the establishment of high schools, and big villages are clamouring for secondary schools and many of the district towns are trying to start colleges. There is a great demand for higher education from all sides. But are the finances of this Presidency able to meet that demand, and is that demand a legitimate one? These are the questions which have to be dealt with before people like myself are condemned for attacking higher education. The situation in the Maharashtra is this: the lower strata is left wholly ignorant, while the upper strata is too much educated. The Sadler Committee's report says that in Bengal a larger percentage of students out of those that pass the matriculation go to receive college or university education as compared to the proportion of boys receiving higher education in any western country especially in England: and the condition of Maharashtra is not far different from that of Bengal. When this is the fact, there must be a good deal of wastage. People have come to follow a limited number of careers; there is thus very severe overcrowding in certain learned professions, while the other branches are left almost neglected. That ought to be remedied as far as possible, and I call the attention of Government to this, to see that this tendency is not over-encouraged.

The backward communities in Maharashtra especially are feeling this want of higher education, and any amount of encouragement that can be given to them will not be excessive. The advancement of these communities cannot be expected without the diffusion of higher education among them. But the provision made for that in the budget is not at all adequate. A sum of money has been provided for giving scholarships to the backward communities, but it is not at all sufficient. I have nothing to say against the grant provided for Mahomedan students, because even that grant is not sufficient for their needs. But I have to call the attention of the Honourable Minister to the fact that, although the population of the backward communities in the Central and Southern Divisions is so very large, the provision made for their encouragement in higher education is very, very small. I hope the Honourable Minister will be able to provide more money for this purpose when he has an opportunity of presenting supplementary budgets.

As for the education of the depressed classes, there is no doubt that something is being done, as boarding houses will be provided for them. But I have to say a few words on this question. We generally find that one sort of education is provided for all the boys that go to these schools and are admitted into the boarding houses. They are first put in the vernacular classes, and after finishing the fourth standard, they are taken up to the Anglo-vernacular classes and move up to the matriculation. I have found that many of these boys, nearly 40 to 50 per cent. of them, do not reach the matriculation class at all, and there is a good deal of wastage. Many of these failures on return to their homes are not at all useful; they are, I may say, a pest. They are not able to do anything for the village community, and it is for Government to take the earliest steps to see that this wastage is utilised for some better purpose.

Mr. P. N. ADHAV (Satara District): Sir, I want to say a few words on this motion. If honourable members will refer to the Administration Report, they will find from page 167 that the primary schools have been decreased by 343 and the number of pupils has decreased to 4,611.

Honourable MEMBERS: Closure, closure.

The Honourable the PRESIDENT: I accept the closure.

Mr. G. B. TRIVEDI: I do not wish to reply, Sir.

The Honourable Dr. R. P. PARANJPYE: Mr. President, I do not think that the remarks made by the various honourable members need a detailed reply. Some of these have answered each other.

The complaint of my honourable friend from Satara and also of some other members is that we have made only very small grants for the secondary schools, while some other honourable members have complained that we are showing too much attention to the secondary schools. Well, Government have been following the policy of paying special attention to the needs of the backward communities and then allotting the grants to primary and secondary education taking the circumstances of the case as they are.

I shall refer just in a few sentences to the various points made by my honourable friend. As regards the hostel in Bombay, I might point out that Government obviously cannot afford to give a grant to hostels on all expenditure including all the food charges. Our policy is, so far as possible, to give grants for the management expenses of the hostels, but we leave the management to provide the food expenses themselves and on that account a rule has been made that, while calculating these grants to the hostels, only the management and over-head charges shall be taken into account. If we grant food charges to one institution of this nature, we shall have to give such grants to other institutions of a similar nature, and it will be an expenditure of a very big order. What is necessary in regard to the Bombay hostels is being done. The grant is limited to the number of pupils that are there and the maximum limit of 30 has been put down to cover the management expenses. If we have got a hostel of 20 boys, and the management expense is more than Rs. 600, then I am sure the Council will hardly ask Government to pay the management expenses at this rate. So that is what we have done. In the case of depressed classes, if we could afford money, we should like to pay something more towards the food expenses also, but we can only go to a certain extent in the matter. Government have started a hostel in Poona and there are, as honourable members know, great many difficulties even in the matter of conducting this hostel. However, we shall consider whether other hostels of a similar nature cannot be opened in other parts of the Presidency.

As regards the complaint of my honourable friend, the honourable member for Thana, about primary teachers, I have already told him that the primary teachers at present are Government servants and they cannot be handed over to the tender mercies of the local bodies unless there is a complete scheme ready. Honourable members complain of the delay in making out this complete scheme, but they must realize

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the magnitude of the number of teachers who are about 26,000 to 28,000 and there are various questions that arise, and all these questions have to be taken into consideration and each separate proposal when suggested has to be translated into money. We have to take into consideration what each particular proposal will cost, and all these things obviously take a great deal of time ; and all that I can say is that a complete scheme will be formulated before the teachers are handed over to the local bodies.

My honourable friend from Satara complained of the closing of high schools. Well, only two schools have been closed so far : one is the high school at Poona and the other is the Elphinstone Middle School in Bombay which is going to be closed in a few days. The reason for that is that the amount of money that is spent on these schools is out of all proportion to the educational return that we obtain. If we had found that the money was being spent properly and for a useful purpose, and not extravagantly, then we should not have touched these schools, but we find that it is not so, and that the same amount of money could be better utilized in other ways for education.

As regards what my honourable friend from Bombay said about the facilities for Mahomedans as against the facilities for the depressed classes, I may mention that the facilities for the Mahomedans have been given in a great measure since a long time because the Mahomedans have been vocal, while the backward classes have become vocal only very recently. It is an arguable proposition that more facilities should be given for the backward classes and we are trying our best towards that end.

The item that was referred to by the honourable nominated member for Satara and the honourable member from Bombay (Mr. Bole) has reference to the scholarships that are being given to the Mahomedans and backward classes. It was found that the scholarships that are being given at present amount only to Rs. 5 per month. When I looked at that figure I found that Rs. 5 a month is neither here nor there. It does not amount to the whole expenditure of a boy. The people who want these scholarships have to supplement them. What is, therefore, intended to be done is that the amount of this scholarship of Rs. 5 should be raised so that the poor boys may have a chance of competing for them without having to spend some money in addition themselves. It was only for this purpose that we raised the scholarships.

As regards the question of having new scholarships for the backward classes, I do not know whether I shall be able to find money for that purpose, but a scheme will be formulated for that purpose.

As regards the teachers in training colleges, about which again the same two honourable members spoke, I may tell them that the state of things is not quite as bad as it is tried to be made out. Here I have got the report of the Director of Public Instruction for the year 1921 and he has given in this report the number of pupils turned out at the training college in Poona in the year 1920-21. You find there that out of 326 teachers turned out 129 were Brahmins, 13 other advanced Hindus, 64 Marathas, 96 other caste Hindus, 8 depressed classes and 17 other

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classes, and the rest Mahomedans. Now, although compared to the figure of the Brahmin teachers turned out the figure of other castes may not be quite satisfactory, still the position is not quite so bad as it is tried to make out as regards the backward classes. I submit the policy of the department is on the whole right. We are trying to give as much encouragement as possible to the backward classes to take up to the profession of teaching. From the figures I have quoted it will be seen that the present state of things is far better than what it was some three years ago. You will see that the backward classes are really coming up.

The honourable member for Karachi stated that there are backward classes in Karachi. I do not know much about it; but I have been told that in Sind depressed classes do not exist, except possibly in Karachi where depressed classes from the Maratha country have come. I learn that the Marathi speaking population is about 20,000. But I do not know how many of them belong to the depressed classes. They live in a municipal area and the question of providing education for them is the duty of the Karachi municipality, and Government will only give grants. The Government have recently issued orders as regards the admission of depressed classes into all public schools. This order removes all the disabilities from which they were hitherto suffering. Now the depressed classes can claim admission into any public school conducted by any public body. It is now up to the depressed classes to make the fullest use of this order and I hope they will do so.

As regards Brahmins in Karachi, I am told they are considered to belong to the depressed classes. I confess my ignorance of the statistical data. I would like to know the percentage of Brahmins in the population of Sind. There is a free scholarship awarded in every district of Sind for the depressed classes, including Brahmins. But these scholarships are not availed of.

As regards the remarks made by my honourable friend for Broach, I am looking into the question of the school he refers to. While a donation has been given by a private gentleman, it has to be supplemented by Government. We cannot be expected to provide at a moment's notice all the money required. But I shall see if it is not possible to utilise the donation to build a part of the building. As regards grants to girls' schools, I do admit that the question is more pressing than grants to boys' schools. I shall do everything possible to see that grants are given to girls' schools, and that the girls' schools are saved from the reduction of grants.

The honourable member for Dharwar gave some statistics to the House. Statistics will prove anything and occasionally even the truth. He told us that in India secondary education is far more advanced than in the western countries. When he said so, I am afraid he did not take into consideration the fact that conditions in India are quite different from the conditions in western countries. In the West primary education extends up to 14 years, whereas in our Presidency the compulsory age limit extends up to the 11th year. At the age of 13 or 14, boys will be

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undergoing secondary education here, which is primary education in the western countries according to the standard of the West. The same is the case with university education. There the boys enter on university education at the age of 18, whereas in India boys of 16 generally enter on university education, which is secondary education according to the standard of the West. This vitiates any comparison that can be made between this country and the West. That is why I said that statistics can prove anything and statistics are not always the proof.

My honourable friend for Satara made certain suggestions with regard to the provision of trained non-Brahmin teachers. Every endeavour is being made in that direction. To alter a state of things that has been in existence for a period of thirty years is not possible at a moment's notice. Representation of the communities according to the percentage in the population in all grades of service must come in course of time. It is not possible to overlook the claims of men who have already been in service for a long time. People have entered service on certain conditions, and they cannot be superseded wholesale. We shall try our best to remedy the matter. I have received numerous complaints from men of the advanced classes that they have been very hardly treated, because the Government have been following the policy of encouraging the backward classes. The Government will always see that men belonging to the backward classes with the requisite qualification are given preference. This cannot be effected all at once. We have already extended the franchise of local boards and municipalities. The administration of schools will be in their hands; and so the Government should not henceforward be held responsible for the predominance of Brahmins. Of course, I believe even they will have to look to efficiency. But if suitable and efficient non-Brahmin candidates are available, I am sure that the new local boards will certainly be rather more favourable, and naturally so, to the claims of the backward classes, and even this grievance will soon be remedied.

I hope, Sir, I have spoken in very few words about the various points mentioned by the honourable members. I thank them for the appreciative remarks they have made about the matters dealt with by me, and I hope that the Council will not accept this motion.

Mr. G. B. TRIVEDI : I beg to withdraw it.

Question put and leave granted.

The Honourable the PRESIDENT : Now I put the whole demand.

Mr. DIPCHAND T. OJHA : The Honourable the Minister in charge not replied to my point.

The Honourable the PRESIDENT : I am afraid the Minister cannot be compelled to reply to everything.

Question put that the

total demand under 31, Education, Rs. 6,49,000 (Reserved) and Rs. 1,74,20,000 (Transferred) be granted and agreed to

Demand for Rs. 8,000 (Reserved) and Rs. 36,87,000 (Transferred) under the head 32, Medical.

The Honourable Dr. R. P. PARANJPYE: I beg to move, Sir, for a grant of Rs. 8,000 (Reserved) and Rs. 36,87,000 (Transferred) for Medical Services.

The Honourable the PRESIDENT: There is a notice of motion by the honourable member (nominated) from Satara (Mr. Jadhav) for a reduction of Re. 1 from the total demand. "The reduction of a grant or item must be of a substantial, and not of a trifling amount": May: p. 483:— unless the reduction is moved as a vote of censure on the department for some wrong action or inaction, in which case a nominal amount such as one rupee would be in order. Therefore, this motion would be out of order. As no motions for reduction have been moved, I propose the total demand.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Sir, I want to bring to the notice of Government.....

Mr. J. C. KER: On a point of order, Sir. Is the honourable member moving any particular motion at present?

The Honourable the PRESIDENT: The honourable member, I understand, merely desires to call attention to some grievance without raising a debate by any reduction motion. That is in order.

Sardar V. N. MUTALIK: I want to call the attention of Government to one point in regard to this department. It is admitted that our medical relief to rural areas is quite inadequate. In connection with this, I beg to point out what is being done in Baroda State. I hear that they place certain specific medicines in charge of village school masters with certain instructions, and such medicines are kept on consideration of local conditions and whenever there is a demand. If this is done in our rural areas, medical relief would be available to them. I only want to bring it to the notice of Government. I am not an expert on medical matters, but I wish some such arrangement is made in our rural areas, as that will be a boon to the villagers.

The Honourable Dr. R. P. PARANJPYE: Mr. President, I will only say that Government is doing something in the direction of quinine treatment. I do not know what else is possible, because medicines in the hands of people who do not know anything about them are likely to do more harm than good.

Question put that

the total demand under 32 Medical, Rs. 8,000 (Reserved) and Rs. 36,87,000 (Transferred), be granted and agreed to.

Demand for Rs. 19,20,000 under the head 33, Public Health.

The Honourable Dr. R. P. PARANJPYE: Mr. President, I beg to move for a grant of Rs. 19,20,000 for Public Health. This is both on behalf of myself and on behalf of my honourable friend Khan Bahadur Shaikh Ghulam Hussain Hidayatallah.

The Honourable Mr. H. S. LAWRENCE : Mr. President, I rise to point out that item 244, Mechanical Engineer to Government, has been entered by mistake in the votable list. It has been settled since discussion that this is a non-votable item. This is an appointment which was created previously by the Secretary of State, and it should not have been entered in this list at all.

Mr. KANJI DWARKADAS : On a point of order, Sir, if both are non-votable, then

The Honourable the PRESIDENT : The power to determine whether an item is votable or non-votable rests, under the statute, with His Excellency the Governor and not with the Chair, and his decision is final.

Mr. KANJI DWARKADAS : May I explain the difficulty which we feel, Sir ? It sometimes happens that new posts have to be created which may or may not be accepted by the Council as a whole. Government could, if they wanted—I do not say they would—Government could, when they are anxious to create a post, enter it in such a way as to make it non-votable. In this way the Council's opinion would be flouted, and therefore, Sir, I request you to solve this difficulty for us.

The Honourable the PRESIDENT : The Chair cannot be expected to solve that sort of difficulty. The matter must rest with the House how to control any irregular or illegal action, if there be any, in their opinion.

Mr. KANJI DWARKADAS : Travelling allowance, Sir, cannot be a non-votable item.

The Honourable the PRESIDENT : The question whether it is a votable item or not is not a question of order. In the words of Mr. Speaker in the House of Commons :

"It is not for me to say that the Government are not entitled to put before the House such estimates as they consider proper." (P. D : H. of C : 4th Ser : Vol. 178 : Col. 1191-2.)

Rao Bahadur G. K. CHITALE : Will the Government tell us whether this particular officer was not brought out on a particular contract and whether that contract has not expired in the previous year ?

Mr. G. B. TRIVEDI : Should not Government give us their reasons for saying this is not votable ?

The Honourable the PRESIDENT : That is a question which the honourable member is entitled to ask and it is for the Government Member to reply. So far as the Chair is concerned, it is not a point of order.

Mr. G. B. TRIVEDI : Is this officer not under a contract which is terminable by a six months' notice ?

The Honourable the PRESIDENT : Under the statute, if there is any doubt upon the point as to whether an item is votable or non-votable, the final decision rests with the Governor.

The Honourable Mr. H. S. LAWRENCE : His Excellency has ruled, Sir, that it is non-votable.

Mr. G. B. TRIVEDI : But we want to know on what ground ?

Rao Bahadur G. K. CHITALE : But I can still move my deletion motion about the travelling allowance only.

The Honourable the PRESIDENT : When Government do not make a demand in respect of it, how can the honourable member move any motion for its omission or reduction ? It is non-votable.

The Honourable Mr. H. S. LAWRENCE : Travelling allowance has been ruled by His Excellency the Governor as being included under the head of salary.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association) : I understand that the post is votable. I also understand that the occupant of it draws a salary under certain provisions which are votable. I am told that the man in question was first sent out by the Secretary of State in a particular capacity for five years to occupy a post which was created by him but which has now ceased to exist. The man is therefore out of service ; and it is now proposed that he should be employed in this position the salary of which, I submit, is votable as much as the post itself. It cannot, therefore, be said that the post is non-votable. I accordingly raise a point of order and ask for your ruling.

The Honourable the PRESIDENT : I have already stated that the Chair cannot be invoked in this question because it is not a point of order.

Rao Bahadur G. K. CHITALE : I think the House is entitled to know on what grounds it is held to be non-votable.

The Honourable the PRESIDENT : Certainly that question may be asked and it is for Government to say whether they will reply or not.

Mr. JEHANGIR B. PETIT : If the Government does not give a satisfactory answer to the Council, what is the remedy of the House ?

The Honourable the PRESIDENT : There is the Government of India Act which says the decision of His Excellency the Governor on this point as to whether an item is votable or not is final. That is all I can say.

Mr. C. M. GANDHI (Surat City) : Will the Honourable the Finance Member be good enough to have the order of His Excellency placed on the table ?

Rao Saheb HARILAL D. DESAI (Ahmedabad City) : The Honourable the Finance Member ought to put something definite before the House and ought to place the order passed by His Excellency on the Council table, if such an order has been passed. The Finance Member's mere verbal statement cannot suffice on such a vital question.

Mr. KANJI DWARKADAS : Mr. President, as a member of the Finance Committee I think it is my duty to point out that this matter was discussed most thoroughly in the Finance Committee and I thought that, after the wishes of the members of the Finance Committee were expressed, Government would themselves withdraw this item as the non-official members of the Finance Committee had strongly opposed it. That is all I have to say and I have nothing more to add.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : His Excellency's decision on the item being non-votable should be placed on the table, so that we can know. We are entitled to that.

Mr. KANJI DWARKADAS : Non-official members were unanimously of opinion that this post should not be created and it appears, Sir, that unless the Honourable the Finance Member gives us an explanation which will satisfy us, the Government being afraid that this item may be thrown out by the Council have now shown it as non-votable.

Mr. LALJI NARANJI : Mr. President, I want to know whether it is not a fact that this officer was considered unworthy to hold a post which was formerly held by him under Government and why the Government want to thrust this officer against the wishes of this House. I want an explanation from Government, Sir.

The Honourable Mr. H. S. LAWRENCE : I should like to answer that last statement by the honourable member from Bombay. I think the honourable member must be speaking of a totally different officer. This particular officer has given satisfaction in every post he held. There is no question, Sir, of the competency or capacity of this particular officer. It is only a technical matter about the position that he held. On that point I shall be very glad to lay the orders of His Excellency on the table of this House.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : That does not dispose of my objection that the travelling allowance at least should be votable. I think it is only reasonable that that should be votable.

Mr. C. M. GANDHI (Surat City) : If the House is not satisfied with the Government's answer on this point and their attitude on this subject, I think the House is entitled to say that they will throw out the whole grant under this head as a protest.

The Honourable Mr. C. V. MEHTA : Will you permit, Mr. President, the further debate on this whole grant on 33 Public Health (Transferred) to be adjourned till Monday, so that the next grant may be taken up and time may not be lost ?

The Honourable the PRESIDENT : I am in the hands of the House.

Honourable MEMBERS : We agree to this postponement, Sir.

The Honourable the PRESIDENT : In that case some honourable member would have to move that further debate on the demand for grant under 33 Public Health (Transferred) be adjourned till Monday next.

Rao Saheb HARILAL D. DESAI (Ahmedabad City) : I move :

"That the further debate on demands under 33 Public Health (Transferred) be adjourned till Monday next."

Question put and agreed to.

Demand for Rs. 23,14,000 under the head 34, Agriculture and Civil Veterinary Department.

The Honourable Mr. C. V. MEHTA : Mr. President, I beg to ask for a grant of Rs. 23,14,000 under the head of Agriculture and Civil Veterinary Department.

Mr. C. M. GANDHI (Surat City) : Mr. President, I beg to move :

“That item No. 246, entertainment of one clerk in the office of the Director of Agriculture, Rs. 440, be omitted.”

Sir, this is a small item, but I think I would be failing in my duty if I did not point out to the Honourable Minister that the office of the Director of Agriculture is over-manned, and that there is no necessity of adding one clerk to that office. So far as I am informed, there are 2 superintendents, 3 assistant superintendents, 1 head clerk, 20 clerks and 2 auditors. I do not think, therefore, that there is any necessity for having any additional clerk. The opinion of the Retrenchment Committee on the question has been that at least 20 per cent. reduction is possible in that office. I therefore move that this item be omitted.

The Honourable Mr. C. V. MEHTA : Sir, may I explain that this question was discussed in the Finance Committee ? I should also point out that the head ought to be altered, and the item should appear under non-recurring instead of recurring expenditure. The man has been employed on special work, and his post will very likely not be continued next year.

The Honourable the PRESIDENT : Item No. 246 should appear as a non-recurring item.

Mr. C. M. GANDHI : I ask for leave to withdraw my motion.

Question put and leave granted.

Question put that the total demand for Agriculture and Civil Veterinary Department, Rs. 23,14,000 (Transferred) be granted, and agreed to.

Demand for Rs. 3,26,000 under the head 35, Industries.

The Honourable Dr. R. P. PARANJPYE : Mr. President, I beg to ask for a grant of Rs. 3,26,000 for the Industries Department.

Mr. G. B. TRIVEDI (Thana District) : Mr. President, I beg to move that

“Item No. 261, British Empire Exhibition, Rs. 1,80,000, be reduced to Rs. 1,30,000.”

Sir, this Council well remembers that, at the last session, we had passed a resolution moved by the Honourable Minister for Education that we should take part in the British Empire Exhibition. About that I have not much to say, although I am still opposed to it. At that time, it was stated that this sum will be spent in two instalments in two years, and not in one year. But suddenly, within two months we find that Government have changed their mind, and they say that they want to spend the whole sum during the next year. I would like to know the reasons why this sum should be spent in one year.

My other reason for proposing this reduction is that in my opinion Rs. 1,30,000 would quite suffice for our participation in this exhibition, because it was admitted by the Honourable Minister that we have not much to exhibit. Our main industry is textiles, and the textile industry is not going to take part in this exhibition. If you take away textiles, what remains ? Timber is the next one. Now, timber is being exhibited by the all-India section, and Government have said in this note that this Presidency will take part in the exhibition in two ways—one all-India and the other provincial. So that, if we take part in all-India, and all-India is going to exhibit timber there, then our timber may be included in that.

The Honourable Dr. R. P. PARANJPYE: Only a part.

Mr. G. B. TRIVEDI: Timber is the only thing that we have to exhibit.

The Honourable the PRESIDENT: My attention has been drawn to the fact that the House has already decided that this amount is to be spent.

The Honourable Dr. R. P. PARANJPYE: It was passed by the Council on the understanding that Rs. 1 lakh is to be the net expenditure on this item. According to our methods of keeping accounts, we have got to pass the whole expenditure in one year, although Rs. 80,000 is to be recouped by subscriptions.

Mr. G. B. TRIVEDI: Is that certain?

The Honourable Dr. R. P. PARANJPYE: Yes.

The Honourable the PRESIDENT: Is this an item as to which the House has already passed a decision by way of a resolution?

Mr. JEHANGIR B. PETIT: It seems so, Sir.

Mr. G. B. TRIVEDI: The resolution clearly stated that this House recommends that it do take part in the Empire Exhibition and spend Rs. 1 lakh.

The Honourable the PRESIDENT: Now, how much is going to be spent?

Mr. G. B. TRIVEDI: Rs. 1,80,000.

The Honourable Dr. R. P. PARANJPYE: The resolution was that Rs. 1,80,000 be spent on it and Rs. 1 lakh net. Those are the clear terms of the resolution.

Mr. G. B. TRIVEDI: There was also the understanding that next year there will be an expenditure of only.....

The Honourable the PRESIDENT: If the House has decided this question, then it cannot go back upon it, unless a motion is brought that the resolution be rescinded, and no such motion has been brought. The resolution passed is:

"This Council recommends to Government that the Bombay Presidency do participate in the British Empire Exhibition to be held in London in 1924, that gross expenditure of Rs. 1,80,000, involving net expenditure not exceeding one lakh be incurred....."

You cannot go back upon that decision.

Rao Saheb D. P. DESAI: Cannot that resolution be rescinded?

The Honourable the PRESIDENT: The honourable member probably did not attend to what I stated. The House can rescind its resolution, but by proper steps taken, namely, by a motion for rescission. I think I ruled that at Poona at a previous session, and the ruling is published in the official reports. The present motion is out of order.

Mr. C. M. GANDHI: If it is put to vote, Sir, are we not to exercise our right of vote?

The Honourable the PRESIDENT: I do not put it to vote. I ought not to allow the House to stultify itself by going back upon its own

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resolution in this way, because the decision passed by the House has to be respected until steps are taken to rescind it.

Rao Saheb D. P. DESAI : It was a recommendation by the House.

The Honourable the PRESIDENT : A recommendation so far as Government is concerned, but a decision so far as the House is concerned because a vote was taken upon it. It was a considered judgment of the House that the amount be spent by Government as recommended.

I rule the motion for the reduction of item No. 261 out of order.

Mr. G. B. TRIVEDI (Thana District) : Sir, I move :

"That the provision for the pay of the establishment, Director of Industries, Rs. 30,490, be omitted."

Sir, I would be the last man to do or say anything that would come in the way of the development of industries. But, Sir, knowing as I do that this department is unable to do anything, as is also seen from the admission in the annual report of the department itself, I wish that we may shut up some of our activities and re-open them when we are able to supply money, so that the Industries Department may do its proper work. At present, Sir, the Industries Department as such has shut up the official department, has transferred the mechanical and engineering branches of the department to the Public Works Department, the pottery expert is doing very little work and the handloom weaving section can very well be transferred to the Co-operative Department as was the case before the creation of this department. So, really speaking, there is no work for this department and for that reason the Government has transferred the boiler inspection work to the Director of Industries. So that, you can see, Sir, that nothing is really being spent for the industries, whereas it appears to the public that Government is spending something like Rs. 3,00,000 for the industries without in fact doing anything towards that direction. If we are not able to do anything, if we have no money to help our industries—I mean even if we have no money to do the industrial surveying, for there is no industrial survey,—there is no work done by the Industries Department on the lines on which it was started, where is the necessity of maintaining that department? Sir, in this connection I will read to the House what the Director's main functions are as they are described in the annual administration report. They are as follows :—

"The promotion of local industrial enterprises by advice and information, introduction of new methods of improvement and employment and management, and pioneering and demonstrating factories and examination of requests for loans and other concessions."

Now except the last one, nothing is being done by this department. If we cannot do it, then why maintain the department simply for show and tell people that we have this department? If Government are in earnest about it, let them find money for it; if not, let them open it whenever it suits the Honourable the Finance Member to give funds for the department, but till then let it be shut up. But to tell the people that Government are spending Rs. 3,00,000 for the promotion of industries, without in fact doing anything, is to throw dust in the eyes of the public. I therefore move for the omission of this item.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, I think we ought to end these activities because since the department has been created it has in fact been doing nothing. Honourable members will find from pages 189, 190 and 191 of the White Book what sort of establishment we have been maintaining for the Director of Industries. He himself consumes Rs. 35,000. Then we have the Deputy Director and the assistant director who consume about Rs. 13,000. Then we have two weaving assistants—I will come to weaving later on. Then we have 18 clerks and four circle inspectors.

Mr. G. A. THOMAS : Sir, I rise to a point of order. The honourable member from Ahmednagar is trying to do by an indirect method what he cannot do by a direct method. He is aiming at the reduction of the whole establishment of the Director of Industries.

The Honourable the PRESIDENT : Is it the object of the honourable member for Nagar to get rid of the whole office just as was attempted in the case of the Commissioners the other day ?

Rao Bahadur G. K. CHITALE : What I was trying to show to this House was that we have a very costly machinery at the top.

The Honourable the PRESIDENT : That comes to the same thing. Killing the servant because you cannot get at the master.

Rao Bahadur G. K. CHITALE : You will see, Sir, the present Director of Industries is an officer of the I. C. S. cadre and whatever it is, his place remains in the cadre.

The Honourable the PRESIDENT : If his place remains, how can he get on without an establishment ?

Rao Bahadur G. K. CHITALE : What we want is to try to reduce Rs 30,490 out of the total grant of three lakhs and over.

The Honourable the PRESIDENT : Then it follows, I must rule the motion out of order in accordance with the ruling I gave yesterday.

Mr. G. B. TRIVEDI : Still one lakh will be left to run the department.

The Honourable the PRESIDENT : Will the Honourable the Finance Member kindly explain the position ?

The Honourable Mr. H. S. LAWRENCE : If you exclude Rs. 30,490, the cost of the establishment of the Director of Industries, the Director becomes useless. There are other officials in the department such as weaving assistants, circle inspectors and so forth who will still be there, but they serve a different purpose. The Director of Industries himself will be rendered futile and impotent.

Mr. G. B. TRIVEDI : What I submit is that, even if you deduct this amount, still there will be left one lakh of rupees and the Director of Industries can make his own arrangement. Besides, he is the head of a big department ; he has got his factory inspectors, boiler inspectors and so on, under him.

The Honourable the PRESIDENT : The honourable member should not wander away from this subject to another. Anyhow, I shall allow

[The President]

the debate to proceed in order to satisfy myself whether it is out of order or not. I do not like to give any ruling unless I am convinced. At present the presumption seems to be against the motion.

Rao Bahadur G. K. CHITALE : I shall try to show, Sir, that it is not. At present this department has under its control a weaving establishment. That is the only department that does any practical work. Then, there is the pottery department with a superintendent on a pay of Rs. 700. This department is not doing any work which is practically useful. The weaving department used to be under the Co-operative Department, because it was managed by them. In order to make the work of the Industries Department appeal to the people this weaving department was transferred to the Industries Department. On page 189 you will find there are 4 circle inspectors, clerks and weaving assistants and 23 weaving staff. I believe they manage a number of schools, and have done some amount of work in spreading fly—shuttle looms, which are so much used now that it is not necessary still to maintain that department. Under scholarship you have certain amount provided; then again Rs. 8,000 is provided for working charges of weaving schools and demonstrations. These are not touched by the reduction. As I have already stated, it does not touch the top, because he is an officer who remains on the general cadre of the Indian Civil Service. He is here because he has been called upon by Government to do this work. If he is not here, he will be somewhere else. This department has been in existence for a number of years. The head of this department was examined by the Retrenchment Committee. If I may inform the House, though he advocated the maintenance of the department, if possible, he indicated directions in which other departments may be able to take them over. This will lead to useful economy to transfer these activities to the other departments. The report is there and now it must have been in the hands of the Government. So far as this department is concerned, no activity has fructified to any extent. I think we have spent hitherto about 12 to 15 lakhs of rupees on this department alone. It is a very big amount in these days, at any rate it appears to me so. If this amount is not usefully spent, we ought to save it.

Let me remove any misunderstanding that may have been created. I am not against industrial activities, but I am against the orthodox conservative way in which it has been conducted so long. Nothing has fructified hitherto. There is only the weaving department which has turned out some useful work, and we have spent a large amount upon it. Even if the House thinks that it must continue, this reduction does not touch it at all. Under these circumstances, this reduction should be made.

The Honourable Dr. R. P. PARANJPYE : Sir, I wish to answer the points by the honourable member for Ahmednagar in plain words. I may say that at present the department is not doing as much as is expected of it by the public. In order that it may do more work, we have to spend more money on it. That money is not at our disposal. I have printed the report of the Director of Industries about the work the department

[Dr. R. P. Paranjpye]

at present is doing and about his existence, and also the opinion of the advisory board, and other documents and placed them at the disposal of the honourable members of this Council, and we have not withheld anything which will help the House in coming to a conclusion. Considering the very small number of activities in which the department at present is engaged, we do not spend too much on this department though the direction charges are proportionately higher. The question for us to consider is, in what way, without doing away with the framework of this department, because we will require it shortly, we can reduce its expenditure, and how the department can be better organized. Two or three alternatives have been proposed. By cutting out the establishment, the department will become extinct, and that will be an irrevocable step because, if it is once abolished, Government will have no time to go into the details of the question. There are several alternative proposals, namely, to have a Director at a smaller salary, to give the Director some other work, and we are considering whether economy cannot be obtained in other directions also. All these are being considered by Government. I have no desire to waste Government money if we are not going to get adequate return for it.

As honourable members will observe, the total budget is Rs. 3,49,000, out of which Rs. 1,80,000 is for the Exhibition. Therefore, the total expenditure is only Rs. 1,69,000. As honourable members will see, out of this there are financed several activities which honourable members agree are desirable, such as the weaving establishment, pottery, scholarships, etc. It is very easy to say "cut out the whole Department of Industries", but the department has been in existence for so many years and has got a great deal of information which will be wasted altogether. It has a great deal of information about various industries and various enquiries are addressed to it, and there is nobody to take charge of these. Several small industries come to the Director of Industries for information and guidance. All these cannot be put on the budget estimates. The Director of Industries has been doing all this work, and I have been particularly careful to explain this to honourable members. I say "Allow us to keep the framework; we shall make the utmost possible economy." But I do not myself feel that it is advisable by one vote of the Legislative Council to give an irrevocable decision which will lead to great harm and which harm cannot be easily remedied. It is easy enough to cut out, but it will be difficult to build. Therefore, we say "Give us an opportunity of framing at least a temporary structure to receive the activities that are at present admitted to be desirable." I assure the Council that I shall go over it once again and see what possible economies can be made. (An Honourable Member: What about the trawler?) The trawler has been done away with, and it is finished. It is no use disinterring dead bones and weeping over them once more. At present the minimum budget of the department will be Rs. 1,60,000, about half of which, according to the opinion of the Council is spent in a desirable manner. The remaining half is the only bone of contention. I would ask the Council to give me an opportunity of going over the question once again.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association) : Sir, I think there is very considerable force in the remarks of the Honourable the Minister for Education in relation to this department. I am afraid that a vote in favour of the motion of the honourable member for Thana will no doubt have the effect of seriously crippling the department, if not of entirely closing it.

The Honourable the PRESIDENT : That is enough to show that the motion is out of order.

Mr. JEHANGIR B. PETIT : Am I at liberty to speak on the demand itself ?

The Honourable the PRESIDENT : Yes.

Rao Bahadur G. K. CHITALE : I have said, Sir, that I can call out item by item and show that the reduction can be made.

The Honourable the PRESIDENT : The honourable member for the Bombay Millowners' Association had better go on with his speech.

Mr. JEHANGIR B. PETIT : It cannot be denied, Sir, that the effect of the motion would be, first of all, to do away with the staff of the department. We are assured at the same time that adequate arrangements would be made for the continuation of the activities of that part of the department which includes the weaving, pottery and other sections. I believe, Sir, it is the intention of the honourable member for Thana that if his motion is carried, the activities relating to weaving, pottery, the distribution of Government scholarships, and the like, should be transferred to other departments of Government and carried on as hitherto by those departments.

Rao Bahadur G. K. CHITALE : This is a misstatement.

The Honourable the PRESIDENT : Order, order.

Mr. JEHANGIR B. PETIT : But, Sir, in spite of that intention, the arguments advanced by the Honourable the Minister for Education ought to weigh with the Council, at least so far as he has been able to show that it would be dangerous and inadvisable to do away with the skeleton of the Industries Department, because it is his intention—and he has told us so in so many words—to build upon it a structure of greater utility and potentiality, in order that it may be of use to us in the future. It has been pointed out by honourable members here that this department is not doing all that was expected of it. I entirely endorse that statement, and particularly so in view of the experience I have of the department and its work, as a member of the Industries Advisory Committee. I agree with the honourable member for Thana and those who support him, that in order to enable this department to be of any real value, it should have at its disposal large sums of money amounting to lakhs. But until the Government are able to find money to this extent, it would be desirable to allow this department to continue. It is also necessary to give Government an opportunity of considering the proposal of closing the department that is now before them. They will have very soon to consider and decide whether they should close this department altogether and have no further activities in this direction, or whether they should materially supplement

[Mr. Jehangir B. Petit]

the resources of this department by placing at its disposal more money than they have hitherto been able to do in order that all that is expected of it may be achieved in the near future. That is what the Honourable the Minister has told us; and I think it is but fair to him and the Government, and also necessary in the best interests of the department itself and also the cause of the industrial growth of the province, that we should enable him to consider these proposals and give him time to come to a proper decision in the matter. If later on the Government and the Council come to the conclusion that this department should be continued and maintained at any cost, I should like to know how it would then be possible to restart and reorganise it from top to bottom, if the Council now practically votes for its abolition. I think in view of this argument, it will be disastrous for the Council to vote in favour of the motion. If you get rid of the whole staff now, you will have to re-build the whole department later on; and the valuable experience gained by the present staff would be wholly lost to the Presidency. I hope the Honourable Minister will soon be able to make the department more useful. In order to enable him to do so, I think the House will be well advised in not wiping the department out for the present. I do, however, hope, at the same time, that in view of the discussion that has taken place, the Honourable the Minister will not take more time than absolutely necessary in coming to a definite conclusion in the matter in the light of the discussion that has taken place. For all these reasons, Mr. President, I think the House ought to reject this proposal and allow the original grant asked for in the budget.

Mr. C. M. GANDHI (Surat City): Mr. President, this department can only succeed, not only if there are more funds allotted to it, but also if the viewpoint from which the question of industries is looked at and the directions of its activities are substantially altered. It is not likely that the department would succeed if the viewpoint is not changed. It is not a question of merely affording more money, but also the man who is to spend that money should look at the subject of industries from a different viewpoint from what it is at present.

The Honourable the PRESIDENT: The debate that is going on is confined to the merits. Neither on the Minister's side nor from the non-official benches has any certain light been thrown to enable me to come to a conclusion as to whether the motion is in order. What influences me *prima facie* is that the motion says: "Omit provision for the pay of the establishment." If the officer is kept, he must have an establishment; so *prima facie* the motion for omission seems to me out of order.

Mr. C. M. GANDHI: May I point out, Sir, that it is this way? Take the case of an I.C.S. officer managing a department. Supposing we want to deal with that department, the only items which we can touch are the rest of the items *minus* the pay of the officer himself.

The Honourable the PRESIDENT: Is the House prepared to come to an understanding of some character without inviting my ruling?

Rao Bahadur G. K. CHITALE: I think the House will agree to that, Sir.

The Honourable Mr. C. V. MEHTA: Then you approve of the Minister's proposal?

Rao Bahadur G. K. CHITALE: We do not approve of the Minister's proposal.

The Honourable the PRESIDENT: What the Honourable Minister says is "Give me a little more time and then decide."

Rao Bahadur G. K. CHITALE: We have no objection to giving more time.

The Honourable the PRESIDENT: Very well; on that assurance the motion may be allowed to be withdrawn. Does the House give leave to withdraw?

Withdrawn by leave.

Question put that

the total demand for 35, Industries (Transferred), Rs. 3,26,000, be granted;

and agreed to.

Demand for Rs. 3,77,000 (Reserved) and Rs. 19,000 (Transferred) under the head 37, Miscellaneous Departments.

The Honourable Mr. M. H. W. HAYWARD: Mr. President, I rise to move a grant of Rs. 3,77,000 Reserved and Rs. 19,000 Transferred, under 37, Miscellaneous.

Mr. G. B. TRIVEDI (Thana District): Mr. President, I move my motion which is as follows:

"Omit item No. 263, one investigator at Ahmedabad, Rs. 3,465."

Sir, this item makes a provision for Rs. 3,465 non-recurring and Rs. 4,680 ultimate recurring. Sir, my object is not to stop any investigation of the labour problem at Ahmedabad, but what I want to prove is that the Labour Department can spare one of its investigators from Bombay, because the object of the Labour Office was to make investigation. Most of the preliminary work of the department is done and now it should be possible for them to spare one officer, so that it may not be necessary to have new recruitment in order to do work at Ahmedabad. I do not say there should be no work done. What I say is that there is enough of staff in the Bombay office and one of them might be deputed for this work at Ahmedabad, because, after all, if the officer in charge has a mind to effect economy, he can do it without incurring new expense.

Mr. KANJI DWARKADAS: Mr. President, I rise to oppose the motion moved by my honourable friend from Thana. I am not sure if the honourable member is aware that at present the conditions with regard to industrial labour at Ahmedabad are far from satisfactory.....

Mr. K. B. NIMBALKAR (Nasik District): I move the closure.

The Honourable the PRESIDENT: I accept the closure.

Question put and lost.

Mr. G. B. TRIVEDI (Thana District): Sir, I beg to move:

"That item No. 265, page 244 of Blue Book, Additional provision required for the reorganisation of the Amalgamated Factory, Boiler and Smoke Nuisances Department, Rs. 24,000, be omitted."

[Mr. G. B. Trivedi]

This is a new item involving a recurring expense of Rs. 44,000 and it is done because, as the note in the remarks column says that the amalgamation has not proved satisfactory. I ask, to whom has it not proved satisfactory? Has it not satisfied Government or has it not satisfied the staff concerned? Later on, the note says that one class is being paid adequately, while the other is not, and therefore it is after all in the interests of the staff who cry for more pay. It is not in the interest of the work so much as in the interest of more pay to the staff. This question was before this Council twice and the whole thing has been so muddled up that instead of a solution, the confusion is worse confounded. The note further admits that Indians can be obtained on lower salary than that given to the present boiler inspectors. The Government here admit, although the honourable member representing Europeans was doubtful, that competent Indians to hold the posts of boiler inspectors are available. As Government admit it, I do not want to stretch that point. What we want to say is that last year we sanctioned something like Rs. 25,000. Again, we are asked to sanction Rs. 44,000 and still there is no guarantee that this will prove satisfactory. At present there is only one chief inspector, but now it is proposed to have two chief inspectors which will, of course, pile up the expenditure over a department which, so far as the trade to which it has to cater, gives no satisfaction to them. The other day we had it from the honourable member from Ahmedabad that the millowners are dissatisfied with the way in which this boiler inspection is going on. They are not so much annoyed at the inspection as the way in which it is being done, and when it gives no satisfaction to anybody, we do not know why we should go on spending money like this. Therefore, I move the omission of this item altogether.

The Honourable Sir IBRAHIM RAHIMTOOLA: Mr. President, in order to enable honourable members to appreciate the real issue involved in the consideration of this question, I should like to offer a word of explanation, and then they can continue the debate if they are not satisfied. The position, Sir, is this: the honourable mover wishes omission of the whole amount of Rs. 24,000. Out of this Rs. 16,000 is required to pay increments to the existing staff who are on an incremental scale. That amount will have to be provided in any case. We have here provided the sum of Rs. 8,000 for the purpose of de-amalgamation. You will observe in the elaborate note which is attached that if the de-amalgamation, as proposed, is sanctioned, the total increase will be Rs. 44,000. In view of this, the scheme is being reconsidered and in the meantime a provision of Rs. 24,000 has been entered to meet additional expenditure the whole of which will only be required if the proposed separation of the departments is sanctioned. When, in response to the views expressed in this House in favour of de-amalgamation I examined the question, I was under the impression that de-amalgamation would ensure economy. I was therefore inclined to support it. The further reason for de-amalgamation was that greater satisfaction might be given to the general public. The honourable mover has himself stated that there are complaints against this department. The idea was that if the factory work was

[Sir Ibrahim Rahimtoola]

entrusted to a factory department and the boiler inspection work to a boiler department, then there would be greater efficiency and that would remove some of the causes which the public might have for complaint. It was also felt that in view of the recent passing of the Factories Act a larger number of factories must come under the operation of the Act and some new officers will be needed to be recruited at the bottom of the list, and it was intended to meet in that way the wishes expressed in this House in favour of indianisation of these departments. I do not think anybody would contend that the existing officers should be sent away to make room for new recruits. The idea was that these officers would retire in due course and the new recruits at the bottom of the list will gradually get trained and rise in their ranks. All these questions have been under consideration and the intention with which de-amalgamation was suggested was to meet all these points. As the extra expenditure involved is rather high in my opinion, I intend to examine the whole problem and then, if satisfied that it is fully justified from the point of view which I have explained, the expenditure will be incurred. The total cost of de-amalgamation, as already stated, is estimated at Rs. 44,000. Government are asking for only Rs. 8,000 at present. If the scheme is sanctioned, Government will have to come to the House for the balance of Rs. 36,000 and honourable members will have ample opportunity to discuss the question when further grants are asked for. On the present occasion I merely ask honourable members to sanction an extra sum of Rs. 8,000 in order to enable Government to examine the whole problem from the point of view which I have put before the House and, if satisfied that de-amalgamation is really in the interests of the public, then alone de-amalgamation will be sanctioned and the Rs. 8,000 will be actually spent.

Mr. KANJI DWARKADAS: I rise, Sir, to oppose the motion moved by my honourable friend from Thana. What I gathered from his speech was, if he will pardon me for saying so, that he knew nothing about either the factory legislation or the amendments passed by the Central Legislature last year. I may also at once say that the speech of the Honourable the Leader of the House has also dissatisfied me. He says that all the money may not be spent.....

The Honourable Sir IBRAHIM RAHIMTOOLA: It will be spent if de-amalgamation is sanctioned.

Mr. KANJI DWARKADAS: My point is that more money will have to be spent. I should like in this connection to draw the attention of the House to the fact that the existing factory legislation would add to the cost of the department if that Act is to be properly worked and no legislation need be passed in this country or in any other country whatsoever unless—it is no use passing any legislation in this country—unless there is a *bona fide* attempt on the part of Government and the department to carry out the provisions of that Act. Mr. President, I may in this connection draw the attention of this House to the annual Factory Report. It shows that out of 926 factories, more than eight per cent. of the factories were not visited at all. Why? The Factory Act and the Rules....

Mr. C. M. GANDHI (Surat City) : I rise to a point of order, Sir. Is the honourable member in order in raising the points he is bringing forward when the only question before the House is whether the department should be de-amalgamated or not ?

The Honourable Sir IBRAHIM RAHIMTOOLA : The only question before the House is whether provision for that should be made in the budget or not. That is the issue.

The Honourable the PRESIDENT : The honourable member will take the hint from what has been said.

Mr. KANJI DWARKADAS : I shall not speak further, Sir, except to say that I am in favour of the grant asked for and hence must oppose the motion for omission.

Question put and lost.

Mr. C. M. GANDHI (Surat City) : Mr. President, I beg to move :

“ That item No. 266, appointment of a certifying surgeon at Ahmedabad, Rs. 7,200, be omitted. ”

I move this motion with a view to bringing to the notice of the Member in charge the way in which he proposes the pay of this post. The certifying surgeon is to get Rs. 200, a duty allowance of Rs. 100 per mensem and a house rent of Rs. 100 per mensem. So far as these allowances are concerned, the sooner we do away with them the better. So far as the principle of duty allowance is concerned, we only give duty allowance to a man if he is called upon to occupy a certain post the duties of which are more arduous than those which he has usually to perform. In this case, this is a new post, and there is no reason why a duty allowance should be attached to it.

Mr. KANJI DWARKADAS : Mr. President, I rise to oppose the motion of my honourable friend from Surat City. I will give a few figures which will at once show that my honourable friend's complaint is not justified. I will speak about the question on its own merits. At present in Bombay so far as the textile factory workers are concerned, we have got about 1,44,000 men and women, and the number of children is 2,664,—838 girls and 1,400 boys ; whilst in Ahmedabad there are 40,000 adult workers and 7,000 children,—5,000 boys and 2,000 girls. My information is that the reason why there are so many more children working in Ahmedabad is because there is no full time certifying surgeon in Ahmedabad, and children under age, who have no business to be working in factories, and who are prevented from working in factories by the Factory Act, work in the factories. Government are now making a very good start in asking for this demand.

What surprised me at first was the remark against this item that the Honourable the Finance Member is ready to accept the proposal on the assurance that factory inspection can be made self-supporting. I have now ascertained that in no country in the world is factory inspection self-supporting, and the State provides for it. I have now been informed by the Honourable the Finance Member, and I am very grateful to him for it, that he has no objection to this demand.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I should like to say one word as regards this appointment. Two points have been

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raised : one is in regard to duty allowance, and that has been criticised on the ground that it is much better to show the total emoluments as salary instead of in the shape of these allowances. Now, there is this point to be considered by the House that if the procedure suggested were adopted the men in all the places would get a higher salary. The arrangement at present is that a special allowance is given to certain officers who are posted to certain important places where the cost of living is much higher, while in other parts of the Presidency, they are drawing the normal pay stated in the list. It is only when they are deputed to specify places, they get a special allowance. The phraseology also has been recently changed, and we now call it special allowance instead of duty allowance. The system leads to economy in the actual emoluments payable.

Then, I may inform the honourable nominated member for Bombay that there is, in this case, a difference of opinion between the Finance Member and the Revenue Member. The Finance Member desires that this money should not be spent pending the decision of a much wider question, while the Revenue Member is strongly of opinion that the necessity for such an officer in Ahmedabad is urgent and that it should be immediately sanctioned.

Mr. KANJI DWARKADAS : I understand from the Honourable the Finance Member that he has no objection to this item.

Question put and lost.

Mr. G. B. TRIVEDI (Thana District) : Mr. President, I beg to move :

"That the provision for the Director of Information, Rs. 65,900 be reduced to Rs. 35,000."

Mr. C. M. GANDHI : May I rise to a point of order ? There is a motion in my name to do away with the whole of the provision for the Director of Information, which is only part of the whole grant, while the motion of the honourable member from Thana is for reducing part of that part.

The Honourable Mr. M. H. W. HAYWARD : Sir, I think I ought to point out that the motion is out of order, because the greater part of the amount is a non-voted item. The motion is to reduce Rs. 65,900, but out of that amount Rs. 27,300 is non-voted and Rs. 38,600 alone is votable.

Mr. C. M. GANDHI : How do we know that ?

The Honourable Mr. M. H. W. HAYWARD : I am sorry that it was not printed separately, but on page 194 you will see below the non-voted amount is Rs. 62,000, and this Rs. 27,300 is the part of the non-voted Rs. 62,000 falling under the minor head 'Director of Information', and under 'Director of Information', the votable amount is Rs. 38,600, the provision for his establishment, but the pay of the Director of Information Rs. 27,300 is non-voted.

Mr. C. M. GANDHI : May I enquire why the pay of the Director of Information is non-voted ?

The Honourable Mr. M. H. W. HAYWARD : He has been appointed by the Secretary of State.

[Mr. M. H. W. Hayward]

The demand under the Director of Information is limited to Rs. 38,600.

The Honourable the PRESIDENT: The votable demand is Rs. 38,600. The mistake is admitted by the Honourable the Home Member. The honourable member for Surat is called upon to move his motion all of a sudden and therefore I should request him to see carefully into the matter and then propose his motion. We adjourn now for half an hour.

After recess.

The Honourable the PRESIDENT: Order, order.

The Honourable Mr. M. H. W. HAYWARD: Sir, I have a small matter to mention as regards the business of the House.

The last day for budget grants was fixed as Tuesday the 13th, but as that is a day on which there is the Port Trust ceremony, it has been thought it would be more convenient to change that into a private business day and to make Wednesday the 14th the last day for the demands for budget grants. The reason is that under the rules at 5 o'clock all the grants have to be voted. We have to keep to that provision of our rules which would have rendered it impossible for honourable members to attend this ceremony of the Port Trust on Tuesday unless budget business were transferred to Wednesday.

The Honourable the PRESIDENT: As 13th March will be a private business day, I think, the House would like to meet earlier and make up for time lost. We shall sit from 12 to 4 on Tuesday the 13th March.

Mr. C. M. GANDHI (Surat City): I move, Sir, for the omission of the whole item of Rs. 65,900 as there is nothing, Sir, to indicate that any part of it is non-votable.

The Honourable Mr. M. H. W. HAYWARD: I have indicated in very plain terms that it is a mistake.

The Honourable the PRESIDENT: The question is what is the demand that is made.

The Honourable Mr. M. H. W. HAYWARD: Sir, the part that was non-votable is not included in the demand.

The Honourable the PRESIDENT: What is the demand? Please definitely state the demand and then I will propose it.

The Honourable Mr. M. H. W. HAYWARD: The demand, Sir, is for 37, Miscellaneous, Rs. 3,57,000.

The Honourable the PRESIDENT: Does that include this Rs. 65,900?

The Honourable Mr. M. H. W. HAYWARD: Not the whole of it, but Rs. 38,600.

The Honourable the PRESIDENT: The demand upon this item is Rs. 38,600.

Mr. C. M. GANDHI: Then I move, Sir, for the omission of that item of Rs. 38,600.

The Honourable Mr. M. H. W. HAYWARD: Sir, I rise to a point of order. That will wipe out the whole department because, if

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the whole establishment is wiped out, the department cannot get on, and I understand on your ruling that is not permissible.

Mr. C. M. GANDHI : Sir, my reply to that is that under the rules we are entitled to reduce a demand or part of a demand. Rs. 38,600 would be a part of the demand and because one of the officers of that department happens to be a man whose salary is not votable, it will not prevent this House from voting as to the rest of it. Otherwise, you come to this Sir : In every department with which Government is concerned, there will be some man or men whose salaries are non-votable and, because that is so, the House would be debarred from its right of voting upon the rest of the item of that department. I submit, Sir, that cannot be the meaning of the rule under which power is given to us to vote on the grant with regard to a particular department.

The Honourable Mr. M. H. W. HAYWARD : Sir, I submit that it is a very different matter from moving to reduce the demand for an establishment on the ground that it is excessive. The details of the establishment will be given if required. This motion is to cut out the whole establishment.

Mr. B. G. PAHALAJANI : There was a similar motion last year for a reduction of Rs. 2,00,000.

The Honourable the PRESIDENT : I remember that it was in connection with the question whether it was votable or non-votable. I said it was votable.

Mr. B. G. PAHALAJANI : A reduction was proposed of 2 lakhs to do away with the office of the Director of Information, out of which Rs. 60,169 was votable and the rest was non-votable.

The Honourable the PRESIDENT : Was this particular point raised ? If that point was not raised, then I am correct.

Mr. B. G. PAHALAJANI : Of the total amount for reduction, 39 lakhs and odd was non-votable.....

The Honourable the PRESIDENT : The honourable member does not appreciate my point. I have already given my ruling that where the salary of the head of a department is non-votable, you cannot attack him indirectly by attacking and cutting down his establishment.

Mr. G. B. TRIVEDI : Shall I move.....

Mr. C. M. GANDHI : I wish to know, Sir, whether it is your ruling that this portion is non-votable because the salary of the Director of Information is non-votable ?

The Honourable the PRESIDENT : I did not say that. This item of the establishment is votable, that is to say, the duties and remuneration of the members of that establishment are open to discussion for the purposes of this vote ; and a motion to reduce or omit the item would be in order on the ground of those duties and remuneration only, but not on the ground of the position of the Director whose salary is non-votable. The position of the Director can't be discussed on this vote.

Mr. C. M. GANDHI: I want to omit this item not because the master is not wanted, but because the whole department is not wanted.

The Honourable Mr. M. H. W. HAYWARD: It sets aside the ruling which you have given, Sir.

Mr. C. M. GANDHI: My point is that this department, the expenditure on establishment and other expenditure on that department is meant to serve a certain purpose. We say that so far as the Presidency is concerned, no useful purpose is served in maintaining that department and spending money over it, because the object with which that department was started is to disseminate certain information. We say that information is not wanted and it serves no useful purpose. I think I must be plain with the House. What I really want is not to reduce the portion or part of the establishment or to restrict the activities of the department. I want to do away with the activities of the department altogether. Therefore, I want to omit the whole expenditure on the department. If that is not in order, I bow to your ruling and sit down.

The Honourable the PRESIDENT: I have already given on a previous occasion my ruling and reasons on a point similar to this. Where a demand for the establishment of the Lord Chancellor was made in the House of Commons, a reduction was moved in the expenses of that establishment on the ground of the position of the Lord Chancellor, but the Chair ruled:— "It is out of order to do indirectly what can't be done directly. The position of the Lord Chancellor can't be discussed on this vote." (P. D. H. of C: 4th Ser: Vol. 17: Col. 163). So also when a demand was made for the salaries of the clerks of the House of Lords, reduction was moved on the ground that the House of Lords was obstructive and therefore unnecessary. The Chancellor of the Exchequer on a point of order protested that to reduce the salaries of the clerks for the purpose of attacking their master, the House of Lords, was like carrying on war by killing the baggage-bearers.—"A strange thing if we began contest with a great man by cutting down the salaries of his servants". Upon that the chair ruled:—

"Nothing is really open to discussion on this vote except the duties and salaries of the clerks. I don't think the policy of the House of Lords is open to discussion on this vote. The Committee can discuss only the duties and remunerations of the officials." (P. D. H. of C: 4th Ser: Vol. 28: Cols. 1426 to 1428).

Again, on demand made for repayment to the Civil Contingencies Fund of certain miscellaneous Advances, Mr. Lloyd George moved a reduction on the ground of a principle, namely, that the Lord Lieutenant of Ireland's office was a sinecure, but the Chair ruled:—

"The salary of the Lord Lieutenant is placed upon the consolidated Fund" (i.e., it is non-votable) "in order that he may not be criticised in this style. The only question into which the honourable gentleman can enter is that of the adequacy of this expenditure". (Hansard: 3rd Ser: Vol. 348: Col. 905).

The principle of these rulings is that you cannot cut down the votable salaries of the officials such as clerks, etc., of a department on the ground that the head of that department, whose salary is non-votable, is unnecessary or unfit or such like reason pertaining to himself personally or his office or position.

Mr. C. M. GANDHI: What I do want to submit is, in the English constitution there is no question of the pay of the head of the department being non-votable. The pay of the Secretary, the officer in charge of the department whether it is on the vote or not, there is no question.

The Honourable the PRESIDENT: The honourable member for Surat forgets that in the instances I have cited from the House of Commons the pay of the head of the department—such as the Lord Chancellor, and the Lord Lieutenant of Ireland—is non-votable. That is what makes those rulings apposite here. It is not correct to say that in England the salary of the head of every department without exception is votable. There are some heads whose salaries are non-votable by law.

Mr. C. M. GANDHI: In that case, there may be a distinction. If the pay is not on the estimates, then you cannot attack that officer by attacking the establishment. The constitution here is quite different. Here is a case in which by certain arrangements some items are made votable and some non-votable, and because to the whole amount which is votable the pay of one officer is tacked on, whose appointment is made by the Secretary of State and therefore whose salary is non-votable, it ought not, in my humble judgment, to take away from the House the right of voting on the usefulness of the department, because the object is not to condemn the head of the department because of a wrong policy, but to cut out the pay of the establishment because it is unnecessary, to cut out an establishment because it is unnecessary.

The Honourable the PRESIDENT: That was exactly the criticism in the case of the Lord Lieutenant of Ireland. Mr. Lloyd George, in the case I have cited, desired to reduce an item, £ 2,769, equipage money connected with the Lord Lieutenant on the ground that the office of the Lord Lieutenant was a sinecure and therefore unnecessary. But the Chair overruled that point. So in the case of the House of Lords. The reduction motion as to its establishment was on the ground that the House of Lords was obstructive and therefore not wanted. But the Chair ruled that criticism out.

Mr. C. M. GANDHI: Here we do not want to do away with the head of the department. The Director may get any post.

The Honourable the PRESIDENT: The honourable member will see that I have given my ruling after careful consideration. I see his difficulties, but he will see mine—I must give my rulings in obedience to the law embodied in the Government of India Act and the rules thereunder. Unless the Act is amended, I cannot rule otherwise than I have done, the present constitution of our Council being what it is.

Mr. C. M. GANDHI: If that is so, I do not want to argue it.

Mr. G. B. TRIVEDI (Thana District): I move, Sir:

"That the provision for Director of Information (Rs. 65,900) be reduced to Rs. 35,000).

Out of that Rs. 65,900, we are told that Rs. 27,300 is non-votable. Therefore, the votable amount is Rs. 38,600, and I want to reduce it to Rs. 3,600. That will be in the hands of the Director of Information to

[Mr. G. B. Trivedi]

carry on his department. That means, Sir, there will be about Rs. 300 per month to meet the cost of the establishment to do the Director's work.

Now, Sir, the original intention of creating this department, as the Honourable the Finance Member said last year, was to fight against Bolshevism. Now that the dread of Bolshevism is gone,—and I find from the note that he has placed for our information that the Director of Information has only printed one pamphlet on Bolshevism,—it seems to me that his original purpose is gone. Then, there remain only the other duties that his department has developed. I quite understand that there is necessity for correct information. But have not the Government in its administration a department which can do this duty? Why this unnecessary luxury in a time when we have no money for education and medicine? People say that when we are starving our nation-building departments, we should not have a luxurious department. I consider it luxurious from this point of view: when my income was big, I maintained certain establishments, but when my income has dropped, it is but right, and it is a commonsense argument, that like everybody else I must cut my coat according to my cloth. I cannot afford now the luxuries which I had at the time of my prosperity. Now, it is admitted that the time of prosperity has not returned. Let us do away.....

The Honourable Mr. M. H. W. HAYWARD: May I point out, Sir, that the honourable member is breaking away from your ruling? He has said "Let us do away with the department" and his motion is to reduce the grant from Rs. 38,600 to Rs. 3,600 and substantially to that effect to do away with the department.

The Honourable the PRESIDENT: The honourable member will see that so long as his motion is for reduction, I must allow it. It is his grounds I have to consider on the point of relevancy.

The Honourable Mr. M. H. W. HAYWARD: I intervened only when he said "Let us do away with this department". Those are his very words.

The Honourable the PRESIDENT: It is difficult to prevent a member having that little freedom.

Mr. G. B. TRIVEDI: We are told, Sir, that 108 articles were sent to the press. Now, Sir, the Director of Information can write the articles, as long as he is on the non-votable item, and send them to the press by himself. He can have a typewriting machine and can do it himself. He can prepare his pamphlets in English, but we do not want these pamphlets in vernacular. He can answer enquiries, written and verbal, sitting in his office. The whole point, Sir, is that the department, in spite of its advocacy by all the honourable members of the Executive Council last year, has not convinced this House or the public of its utility in these days of starving the useful departments. Therefore, I feel that it is a luxury, and the clerks can go. There will remain a sum of Rs. 3,000 and odd in the hands of the Director of Information to carry on the absolute work that may justify his existence.

The Honourable the PRESIDENT : Question proposed :

“ Reduce to Rs. 35,000 provision for the Director of Information, the lump sum being Rs. 65,900.”

The Honourable Mr. M. H. W. HAYWARD : Is it not “ Reduce by ” ?

The Honourable the PRESIDENT : It is “ Reduce to ”.

The Honourable Mr. M. H. W. HAYWARD : I thought it was “ Reduce by ”. I thought the motion was to reduce the provision of Rs. 38,600 by Rs. 35,000. Now it is only a reduction of Rs. 3,600.

Mr. G. B. TRIVEDI : I have moved to reduce the whole grant.

The Honourable the PRESIDENT : Does it mean “ Reduce to Rs. 35,000 ” so far as it is votable ? What is the votable item ?

The Honourable Mr. M. H. W. HAYWARD : Rs. 38,600. It is suggested that it should be reduced to Rs. 35,000. I should certainly not have intervened if I had understood that.

Mr. G. B. TRIVEDI : It should be “ Reduce by ”.

The Honourable the PRESIDENT : I have got here “ Reduce to ”. The notice of motion says “ to ” and not “ by ”.

Sardar Davar T. K. MODI (Surat District) : But, Sir, the honourable member has actually moved that it should be reduced by Rs. 35,000 and in making his speech he said that the amount should be reduced by Rs. 35,000. The honourable member does not seem to know his own mind.

An Honourable MEMBER : It is a slip of tongue, Sir.

Rao Bahadur R. R. KALE (Satara District) : May I just bring to the Chair's notice one point ? The reduction to Rs. 35,000 was on the supposition that the total grant of Rs. 65,000 was votable.

The Honourable the PRESIDENT : Honourable members may say anything they like in their arguments, but I have to confine myself to the notice of motion.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, there has been a misprint and it has misled honourable members, and I should like, with your permission, to ask the Finance Member to just explain what the mistake is. I do not want to deal with the House unfairly. I think it is only fair that honourable members should be given an opportunity to correct their motions for reductions.

The Honourable Mr. H. S. LAWRENCE : May I explain the mistake, Sir ? The mistake arose in this way. The sum entered in the budget was a lump entry of Rs. 65,900. A portion of that is non-votable, Rs. 27,300. The honourable member taking the total sum to be Rs. 65,900 says “ Reduce it to Rs. 35,000 ”, obviously not knowing that Rs. 27,300 of it was non-votable. I submit, Sir, that it will be fair to take note of that fact that the honourable member was misled by this lump entry here and to allow him to amend his reduction instead of saying “ to Rs. 35,000 ” to some figure which takes into account that Rs. 27,300 is non-votable. I suggest to the honourable member a sum of Rs. 8,000 Reduce Rs. 38,600 to Rs. 8,000.

The Honourable the PRESIDENT: I have no power to do that. I must ask the House to assent to it. It is a point on which the House has to give its verdict. Does the House give its assent to that modification by the honourable mover?

Question put and assent given.

Mr. G. B. TRIVEDI (Thana District): I amend my motion of a reduction to Rs. 35,000 as follows:—

"Reduce the votable item of Rs. 38,600 out of provision for Director of Information to Rs. 8,000."

Mr. A. MONTGOMERIE: I think, Sir, the House would like to know what the establishment is which it is moved to reduce. As has been pointed out already, details are not given in the White Book because, although this appointment of Director of Information is made by the Secretary of State and is therefore non-votable, under section 72D, I think, of the Government of India Act, the appointment is temporary and not permanent, and the Accountant General and the Finance Department do not add the details of these establishments of temporary appointments in the Civil Estimate; so that, while the establishment of a very similar officer—Director of Labour—is given in detail, that of the Director of Information is not so given. The establishment consists of a superintendent on Rs. 250-20-350; two shorthand writers on Rs. 200-25-300; one shorthand writer on Rs. 100-20-300; one shorthand writer on Rs. 120-10-150; two translators, one Rs. 200-20-300 and the other on Rs. 130-10-200; a librarian on Rs. 100; four clerks on Rs. 90-10-120; one on Rs. 75-5-90, two on Rs. 60-5-75; nine peons also travelling allowance Rs. 2,500; and contingencies Rs. 14,000, which last item consists of postage, typing allowance and that sort of thing for the very numerous pamphlets that the Director of Information sends out.

With regard to the necessity of this post, I will leave the pamphlet which has been prepared by the Director of Information and which is in the hands of all the members of this honourable House to speak for itself. There is only one point which I want to mention, however, namely, that it is a pity that Government should be the only body that is not allowed some sort of expert organization for defending itself. I notice that the Gujarat Provincial Congress Committee and the Maharashtra Provincial Congress Committee seem to have devised some form of publicity department for themselves. It seems to me that it is only fair that we make some arrangements to meet an intensive propaganda which is directed against Government—directed not only against Government, but directed against, I may say, the honourable members of this honourable House—it is only fair, I say, to take the most expert advice in putting before the country the work that Government and this House is doing. The Director is not merely a servant of the executive Government; he is a servant also of the legislature, and he has devoted a considerable amount of time in putting the work that is done by the executive Government and this House before the public. With regard to his recent activities, it is no doubt perfectly true that there has been a considerable amount of criticism of his office, mostly, I may say, in those

[Mr. A. Montgomerie]

branches of the press which have for common decency been compelled to correct in their own columns their own mistakes. On several occasions recently, gross mistakes in the press have been corrected at the instance of the Director of Information. I think on the whole if you question the editors of the press in Bombay, they will tell you that their connection with the Director of Information has been on the whole a friendly and an agreeable one. He works along with them; he does not fight with them in any way. His sole business of life is to protect the Government and this House against any misrepresentations or misunderstandings in the press and elsewhere. As a matter of fact, I know friendly messages from the press for information are often received by him and he sends it along. Of course, he sends them all the information they want and that is what he is there for, and it is lucky that we have a man who can be in such pleasant relationship with the press.

The only other one of his recent activities I would like to refer to, is his preparation of the Administration Report for last year, which has been received in the press throughout the Bombay Presidency with the greatest pleasure. He puts before the public of Bombay in a readable and in an effective manner the activities of Government for the last year. The proposal made by the honourable member on the other side for a reduction of his establishment is one which I am sure this House will reject.

Mr. NAOROJI M. DUMASIA (Bombay City, South) : Mr. President, I have had occasions to examine the work of the Director of Information. I have come into close contact with him and I must say that the work he is doing is in my opinion in many ways admirable. I wanted to have some information about the Bhil rising in Gujarat. I did not know what to do; consequently, I wrote to him and the next day I had full and reliable particulars from him. In connection with the Bhil rising there was a great misunderstanding and it was he who dispelled that misunderstanding. I repeat that his work is in many ways admirable though there is room for improvement. As a journalist, I have seen his work and I must say that he has served the interests of the State as well as the interests of the people to the best of his abilities.

Mr. C. M. GANDHI (Surat City) : Sir, I support the motion for reduction and I say that on the facts admitted by the Director of Information himself the House will be able to look at the whole question in its proper perspective. Let us look at the various activities of the Director of Information. First, he summarises the proceedings of the Council giving (I say this without meaning any offence to him) undue preference to official statements of official members and giving very little prominence to the views of non-official members of this House. What is the use of sending these summaries to members of this Council and to correspondents in English two or three or sometimes four weeks after the Council is over when those who are interested in the proceedings of the Council have had enough opportunities of knowing these summaries?

The second activity of the Director of Information is to give full speeches of His Excellency the Governor. Sometimes these speeches

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are made in reply to addresses from municipalities and local boards, and sometimes they are in reply to speeches made at banquet dinners in the Native States and so on. Now, can any one say with any sense of responsibility that any useful purpose is served by circulating in printed form all these speeches, because His Excellency's speeches are read as they deserve to be read on account of their intrinsic merit and read as soon as they are published? So far as publishing these speeches in English is concerned, no useful purpose is served.

What is the other thing that the Director of Information does? He himself tells us that he publishes what is being done by the other departments of Government. The Agricultural Department has its own bulletins and all the important information which that Department wants to circulate is published by that department. The other thing to which prominence is given in the leaflet circulated to us is that the department publishes articles on Village Panchayats and Local Boards Bills, and as regards politics and administration, speeches of H. R. H. the Prince of Wales, of the Viceroy and H. E. the Governor, the Non-co-operation movement, the military situation, patels' conference, Akali movement, etc.

Now, let us see how they fare after they are sent to the correspondents. Are they really circulated after they reach the addresses? Can any man say with any feeling of confidence that they go beyond the houses of the correspondents to whom they are addressed? Most of them are not, and I say this with a certain amount of confidence because I know what use is made of these leaflets.

Then, going further, some of them are translated. How they are translated can very well be judged by those who have to read those translations. But there is another side to the question; when these leaflets are sent round by the Government Publicity Board, what is the feeling with which those to whom they are addressed receive those pamphlets? There is a certain amount of distrust, a certain amount of feeling, that these are made only to support a case which is not defensible and therefore this propaganda work is resorted to. No doubt there may be cases where a certain amount of misrepresentation or misstatements in the press may require to be corrected—and corrected promptly—I do not dispute that Government must have some agency to dispel misstatements which are circulated, but there we have got the office of the Oriental Translator to Government and the Reporter on the Vernacular Press. Why should we not combine the work of these two offices and entrust him with the work of circulating corrections of misstatements which are made in the vernacular press or in other newspapers? Why have a separate establishment for the Director of Information and a separate establishment for the Oriental Translator and Reporter on Vernacular Press?

Then it is stated, Sir, in the concluding portion of the leaflet that the Director of Information has sent us:—

“Members of the House receive all the information and reports published by Government as soon as they are issued. In very many cases therefore the leaflets issued by this department may contain information which strikes members as stale when they come to read it, but with the mass of the people I suggest this is not so, especially in the mofussil where the leaflets circulate.”

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I would like to know, Sir, what is the information that these leaflets are supposed to circulate among a large number of readers? Government ought not to be satisfied merely because a certain number of leaflets are sent out from the Director of Information's office. How they are sent. I shall merely show by citing an illustration of the manner in which they were sent to me. They are sent to me as "Chunilal M. Gandhi, Government Pleader, Surat" and on the same day I get another packet addressed as "Chunilal M. Gandhi, Member of Council, Surat" I mean to say that this is all done in a mechanical sort of way; the papers are sent, they are received and they are thrown into the waste-paper baskets. They do not go to the masses, and it is pure waste of money for such a huge machinery to be kept for the purpose of correcting misstatements, which can be corrected more promptly and more directly if the work were entrusted to the reporter of the vernacular press, because, as soon as he reads the misstatements or inaccuracies, he will have an opportunity of correcting them. The note further says:

"The bulk of the papers in the Presidency have not the space to devote to "news". Apart from news of local events they give only the editor's comments on the general news of the day, which he has himself read elsewhere in the big daily newspapers; very often the leaflet issued by this department is the first general intimation of the facts of the case."

That may be the view of the Director of Information, but I say that the information which he circulates, is sometimes stale by some weeks. Under these circumstances, I submit that the activities of this department could be considerably curtailed, at least so far as publishing English leaflets and sending them to correspondents are concerned and so far as the summaries of Council proceedings and the speeches of His Excellency the Governor are concerned. Therefore, I think if the motion is accepted, the activities of this department can be curtailed without any the least inconvenience.

Rao Bahadur R. R. KALE (Satara District): Mr. President, while admitting that there is a great deal of force in some of the arguments of my honourable friend for Surat City, I must admit that there is a necessity for a publicity department. I quite admit that it is not useful or necessary to publish in English in detail any speeches or any proceedings of the Council, and I have brought that fact to the notice of the Director of Information, and I hope he will take care to make an improvement so far as that is concerned. This literature is mainly intended for the masses and if, as the honourable member for Surat said, it does not go to the masses, the fault lies to a certain extent upon us. I submit that if we take care to distribute the leaflets that are received by us, they are certainly read by the villagers. That is the experience which I have had of these leaflets. No doubt, they are not of much use to us because we gain through other sources the information which is contained in them. I admit it, but I strongly maintain that it is no use circulating such a large portion of the leaflets in English. At the same time, I want to make a further suggestion, and it is this. While the proceedings of the Council or such other literature is published, as my honourable friend pointed out, preference is given to the speeches of Government members. I also

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think that the department is open to that charge to some extent. I must say that I do not object to the speeches of Government members being given in full, but at the same time justice must be done to non-official members, not in our own interest, but in the interest of the people, because when people see that it is a matter which concerns Government, they do not care to read it. That is the point I wish to impress upon the House. It is therefore absolutely necessary to give equal space, neither more nor less, to Members of Government as well as to non-official members. I also wish to bring one more instance to the notice of Government.

My honourable friend from Surat city gave a very instructive address at the Deccan Sabha, Poona, on the work of the reformed councils and the constitution. The whole address was translated into Marathi, and it was published in the *Dnyanprakash*. A friend of mine in my district, who is a correspondent of the Director of Information, requested the Director to have its copies printed. There was actually the Marathi translation in the *Dnyanprakash*. But when my friend wrote to the Director for copies of that kind of literature to be printed and published, it was not attended to. I do not know who is to blame for it. The address was intended to show that the reforms had a great potentiality for very good work, and it also pointed out how far the present members had been able to achieve anything in the way of some result, which was important to the public. I submit, therefore, that it is for us and for the Members of the Government to consider whether a great deal of improvement cannot be made in this matter. It is absolutely necessary, I think, that we must have propaganda carried on in the same manner as the other side is carrying on their propaganda. I have taken this view from the beginning. Last time when this item came before the Council, I held this view. It is for persons who are interested in this matter to strive in their own way to make suggestions, and it is for the department also to accept and give effect to them. In this way it will give satisfaction to the members of the House, and the real object of the department will have been achieved.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Mr. President, I wish to say a few things about this department. Last year I opposed this grant very heartily, and thought that the department was a waste of funds. The Honourable the General Member then assured us that no doubt there were faults, but they would do their best to improve matters. I must say to the credit of the head of the department that matters have considerably improved. That, I believe, is due to the efforts of the Members of the Government, who have tried to meet us in a generous spirit, and I wish therefore to appreciate those services. At the same time, what I feel is that there is still room for improvement. If it is really intended to be thorough publicity, to be run on truthful and honest lines, to meet opposition in a reasonable spirit, I believe that a small advisory committee in connection with that publicity bureau will be a useful addition. For instance, there are several members of literary habits, whose services could be well utilised by the bureau, instead of

[Rao Bahadur G. K. Chitale]

distributing English leaflets, which is not very much understood in the country-side, and in this way I think a great improvement could be effected. I have also to make one other suggestion as to the way in which the interests of this House could be served by the Director of Information. I am told that he has the services of two shorthand writers, and Government have awakened to the necessity of having their own publicity of the discussions that go on here from day to day. The shorthand writers are a necessity and here I must pay the due meed of praise to our own official reporters. Take for instance any urgent discussion. Now, if the Director of Information is worth spending so many rupees, if we were just to supplement the reporters' labours by bringing in these shorthand writers, I am absolutely sure the department would be useful, and we will be able to sell our proceedings in the same way as Parliamentary proceedings in England. It could be done both in English and in the vernaculars, and if this staff is worth taking, let it be strengthened. And I believe, Sir, if an attempt in that direction is made, this department will be more useful. When such appointments are made by Government for the sake of making their actions made known to the general public, such an officer always feels that he is somebody who is not of us, but who is outside us, and he wants to use his abilities not for us or in our interests, but he only tries to meet the wishes of Government in making known to the public some of the actions of Government. That, Sir, is the position which cannot be accepted by the House. If it is understood that he has to correct the impressions of the public as regards Government actions, let him not take sides, but let him only try to pick up some salient points from the various administration reports, which I have no doubt he is quite capable of doing, and prepare the administration reports in a more readable form like the administration report, and I am absolutely sure if a reform in that direction will be made, he will be more useful, and on that understanding I am for this grant. But if, on the other hand, things continue as they are at present, namely, the issuing by this officer of the leaflets on which energy is to be wasted only to be sent to some members of Government, or municipal commissioners or presidents of local boards, leaflets which are simply worth being thrown into the waste paper basket, it is much better to retrench this item. It is on that understanding that I thought of intervening in this debate and I have done it with the best of spirit.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Mr. President, I rise to oppose the motion for the omission of this item. I entirely agree with my honourable friend who has preceded me, in thinking that this department is not only useful at present but is likely to be of much greater use in the future, if it is conducted and developed on proper lines. As one, very closely connected with several political associations whose business it is to offer well-considered and reasoned criticism embodying the views of the public upon the actions of Government, I may inform the House that I have invariably found the publications of this department of the very utmost use not only in correcting wrong impressions, and in understanding and explaining to the public

[Mr. J. B. Petit]

the exact position and attitude of Government on various public questions but also shaping and in guiding public opinion in the light of that attitude on the issues involved therein. So useful have I found the information thus supplied that I have no hesitation in confessing that on certain occasions, I have had representations, prepared on the actions of Government, substantially revised and redrafted in the light of facts disclosed by the publications issued by this department. In view of the period of transition through which we are now passing and the difficulties which beset it at every turn of corner, it is more necessary than ever for the Government to take every possible opportunity of eliminating misunderstanding and of setting themselves right with the people. So far, therefore, as the dissemination of correct facts and the expression of the attitude of Government on various public questions are concerned, this department is now and will continue to be of the utmost possible value, provided it confines itself to the publication of accurate facts and refrains, either from taking sides with sections of the public or from expressing opinions except in so far as such expression is indicative of the views and attitude of Government. I admit, Sir, that there are directions in which reforms can be made. I admit that these publications are in all cases not issued with that rapidity with which they ought to be issued, and also, that in some cases the information that they give is stale. But, Sir, whilst admitting all that and also admitting at the same time that there is considerable room for improvement in several other directions, I cannot help saying that the department at present serves a very useful purpose and can certainly be put to still greater use, if the several suggestions that have been made here are carefully considered and translated into action by the Government. Under these circumstances, I do hope that the House will not accept the proposal for the omission of this grant, which I submit, is very well spent.

Mr. IBRAHIM S. HAJI (Bombay City) : Mr. President, I had no intention of intervening in this debate but for the remarks that have fallen from some of the non-official members, and as I utterly disagree with the manner in which they think that this information bureau should work. It is said that Government should be allowed to turn this information bureau into an organ which should take part in the politics of the country. Sir, a great statesman of England said in the House of Commons that it was a serious political crime to support a party organ from the funds of the national exchequer. I submit that if the information bureau will play the part of the Government party's organ, it would be better that it should be maintained at expenses other than those of the public exchequer.

Some of the honourable members of this House have supported this directorate of information on the ground that the information bureau should direct the interests of Government and should also defend the official members of Government, and also the non-official members who take the side of Government. Therefore, I presume they are going to make this information bureau into a political bureau to defend the Government. If the question arises that the information bureau should come in

[Mr. Ibrahim S. Haji]

and correct the speeches which have been misreported and misrepresented in the public press, I do not suppose that we need any such bureau. We do not need an establishment to correct such mis-impressions as have been created on the public by the actions of responsible Government officers, but instead of maintaining such a department at the expense of the public exchequer, I think it would be a better policy if Government officials are called upon to come forward and maintain such a department at the expense of their party. Whenever the policy of Government is challenged by the other side in this House by non-officials, I do not suppose there is any occasion for such a statement to be mis-interpreted or misunderstood ; it is solely the duty of this side of the House to attack the policy of Government and it is the duty of the officials present in the House to take our criticism in the manner they like. On other occasions when responsible officers of Government make statements when the Council is not sitting, they are generally doing it as part of their work and some honourable members support the Government in their policy outside the Council wholly, and the officers of Government in making their statements are responsible and if any mistake is committed by them or if any action of theirs is misrepresented by the newspapers, it is their duty to see that it is corrected, and I do not suppose that an information bureau is wanted for that purpose. But still, as the honourable member for Ahmednagar said, if the information bureau is conducted on the lines explained by him, then certainly I will vote for such a department, but if the directorate is going to be a political organ to defend Government, I am afraid, I shall have to vote against that department.

Mr. E. M. PROES : Sir, I move a closure.

The Honourable the PRESIDENT : I accept the closure.

The Honourable Mr. M. H. W. HAYWARD : Sir, I will only say this that we are anxious to co-operate in every way with honourable members of this House. We have made great efforts to improve our methods and I think we have succeeded materially under our present director. We do not want this directorate of information to be merely a mirror of the opinions of this side of the House but also of the non-officials' opinion on the opposite side and we will welcome any help which non-official members will give us in this way for the improvement of the department.

Question put and lost.

Demand for Rs. 3,04,000 (reserved) and Rs. 1,02,78,000 (transferred) under the head 41, Civil Works.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir, I move for a grant of Rs. 3,04,000 (reserved) and Rs. 1,02,78,000 (transferred) under 41, Civil Works.

(Rao Bahadur G. K. CHITALE made an observation which was inaudible).

(Rao Saheb D. P. DESAI made an observation which was also inaudible).

Mr. E. M. PROES : This deals with 41, Civil Works only, so, that point does not come into this at all.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, so far as this demand is concerned, I think I am not mistaken that the establishments of Civil Works are under the control of the Honourable Minister. I shall proceed on that assumption to make certain suggestions which may be useful for the consideration of the Honourable Minister. This is a department which costs us most. This department is one in which suggestions were made for the reduction of the establishment by the reduction of the executive charges, but they have all been turned down. Therefore, I am not disclosing any secret when I state that last year, on account of the stringency of the treasury, requests were sent to the Superintending Engineers to suggest reduction in the expenditure of the establishments. I am speaking so far as Sind is concerned. In Sind alone we have to incur very heavy charges thereon and they can be reduced to a great extent without the least detriment either to the officers or to the efficiency of the administration. I am making this statement, because in response to the request from Government, recommendations were made, last year, by the local Superintending Engineers in Sind that four executive charges could be abolished with safety. In Sind, the irrigation establishment is controlled by Civil Buildings Secretary. I may place before the Honourable Minister the data so far as Sind is concerned. The average area of control by our Executive Engineer in Sind is about 2,900 miles—in view of large distances in Upper Sind it exceeds this figure—these two big canals under one executive charge. I think that this standard of area was accepted by the Secretary to Government, Public Works Department. When we come to consider the area controlled by some other Executive Engineers, you will be surprised to learn that on the Jamrao canal the area of jurisdiction is 356 and 489 square miles only. These two districts are fit to be under one executive charge. These were separate once, then amalgamated and separated again. The Public Works Department in Sind actually moved the Government to amalgamate these two charges. These facts are before the Government before the reports of the Superintending Engineers : but the authorities here are sitting quiet over the matter. All that I have said above is saying on the authority of the highest in the land the Engineer next only to the Honourable Minister.

The Honourable Sir CHIMANLAL SETALVAD : The honourable member is speaking of the establishment in the Irrigation Department. All those charges that he is speaking of, the Jamrao Canal, etc., have nothing to do with Civil Works at all.

The Honourable the PRESIDENT : I think, then, the honourable member is out of order.

Mr. B. G. PAHALAJANI : May I inform the Honourable the General Member that, so far as Sind is concerned, Irrigation and Civil Works are one ? They are under the charge of the Honourable Minister and the Public Works Department Secretary, the Honourable Mr. Proes. The establishment is borne on Civil Works and not Irrigation.

The Honourable Sir CHIMANLAL SETALVAD : The salaries of the whole of the officers that the honourable member has referred to are charged to Irrigation.

Mr. B. G. PAHALAJANI : I am speaking subject to correction, and with due deference to the Honourable the General Member. In Sind, Irrigation and Roads and Buildings are under the same Engineer. In the Presidency there are two divisions, one for Civil Works and another for Roads and Buildings. In Sind both these are combined under one Executive Engineer.

The Honourable the PRESIDENT : The honourable member will see that executive and judicial duties may be combined in the mamlatdar, but when you are speaking of the effects of anything done by the mamlatdar in his revenue capacity it must be dealt with under the revenue head, and when you are dealing with his magisterial duties you must deal with them under the head of Administration of Justice. The fact that the two duties are combined in one person does not touch the fact that in the eye of law there are two legal entities different in point of official function.

Mr. B. G. PAHALAJANI : I will proceed accordingly, Sir. I shall exclude from criticism the Irrigation Department and confine myself only to the head 41, Civil Works, which is entirely under the Minister. So far as Civil Works are concerned, I am prepared to say, and I have facts and figures, that in Sind there is a small district called the Karachi Buildings district, and this small district is as a matter of fact under the charge of one Executive Engineer with an establishment of four sub-divisional officers and thirteen clerks forming office establishments. We have got a Chief Engineer in Sind, an unnecessary charge. We have got in addition like the rest of the Presidency a Superintending Engineer in Sind, who is in charge of Roads and Buildings and Irrigation. The Chief Engineer was created only in 1910.

Mr. E. M. PROES : Mr. President, may I rise to a point of order ? The Chief Engineer's salary is charged to Irrigation.

Mr. B. G. PAHALAJANI : So far as Roads and Buildings are concerned, there is no necessity for him to be there. I am not going to say anything about Irrigation. So far as Civil Works are concerned, my submission to the House is that in the province of Sind on most unmistakable testimony, the testimony of departmental heads, there is a case for the retrenchment of five executive engineers and their districts. I bring the information to the notice of the Honourable Minister for rapid action. If he goes into this matter carefully, if he studies the facts and figures which are now collected in a compact form, he will discover that there is in the province of Sind room for retrenchment of at least two lakhs and a half. Similarly he has got room for retrenchment in other divisions, in Deccan, in Gujarat. The Public Works Department is the department where retrenchment is possible and actually advised by the heads of department. If the Honourable Minister and the Honourable the General Member will put their heads together they will find considerable room for retrenchment. I say this, Sir, on the testi-

[Mr. B. G. Pahalajani]

mony of Government officers themselves. There is room for a reduction of 14 lakhs of rupees in the Public Works Department and the Irrigation Department. If there is room for this reduction of 14 lakhs, is it not open to the Council to ask that the Honourable Minister should not allow money to be wasted, when all the recommendations are before him in reports from the Superintending Engineers supplied in response to the call from Government? Is it not time to look into these matters and see that reduction of charges which are too admittedly small is made? I call the attention of the Honourable the Finance Member, who I know with a very, very keen eye on the finances looks into these matters. Possibly these reports of the Superintending Engineers have not yet reached his hands, and I would submit to him that the evidence of the Superintending Engineers and other engineering officers before the Retrenchment Committee will form a very useful document, a document which will place beyond all doubt the fact that there is much room for retrenchment, a document which is based upon the authority of the highest officers of the department. I would, therefore, place my humble suggestions before the Honourable the Finance Member, the Honourable Minister, and the Honourable the General Member in spite of himself.

Rao Bahadur R. R. KALE (Satara District): Sir, I have only one or two remarks to make, and those relate to accounts. In the matter of a department like this, in which thousands and lakhs of rupees are spent, it is but fair that the House should be in possession of the audit reports of the previous years. We have, I am sorry to say, not been given any idea as to what the audit reports for previous years have been. Of course, the 1922-23 report may not have been ready, but the reports for 1920-21 and 1921-22 should have been placed in the hands of the members, if not also the report of the Public Accounts Committee. Now that it is two years since that committee was appointed, I certainly think that the House would have been in a better position to judge of the state of accounts, especially with reference to the Public Works Department, if they had been in possession of the report of that department. In the absence of any reports either from the auditor or from the Public Accounts Committee, we are simply left in the same position that we were when we began our sittings. If we had been in possession of those reports, we would have been in a better position to check the facts and figures quoted by official members. In the absence of that, my only appeal to the Honourable the Finance Member and other members of Government who may be in a position to help us is that they should expedite the reports of that department. It does not matter if you do not get the administration reports of the other departments, but the auditor's report, or the Accountant General's and the report of the Committee on Public Accounts should be placed in the hands of the honourable members as soon as possible.

Rao Saheb D. P. DESAI (Kaira District): Mr. President, I support the complaint made by my honourable friend from Sukkur and my honourable friend from Satara. The Public Works estimate shows that the establishment expenditure has increased while the expenditure on original works,

[Rao Saheb D. P. Desai]

such as communications and others has decreased. If you will refer to 41 Public Works estimates, page 4, you will find that for communications while in 1921-22 Rs. 26,35,116 was provided, in 1923-24 only Rs. 12,78,500 is provided. Again, Sir, if you just refer to the end of the statement where the establishment charges are given, you will find that almost Rs. 37 lakhs and odd is going to be spent, while in 1922-23—last year—we spent about Rs. 36,35,000. So there is increase in the establishment charges and we are spending lesser amount for actual works done by that establishment. That means that the percentage of establishment charges on the works works out to a very high figure. It slowly and gradually reduces the intrinsic value of the works.

The Honourable Sir CHIMANLAL SETALVAD : Expenditure from loan funds is to be considered along with the expenditure from ordinary revenues.

Rao Saheb D. P. DESAI : Since that question has been touched upon by the Honourable the General Member, I admit if you take the combined expenditure, that is, expenditure from loans and ordinary revenues, it will show you that the expenditure on establishment works out at less percentage, but still the permanent expenditure is increased by a lakh of rupees. However, I suppose that our impression is that about 33 per cent. is spent on.....

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : No ; only 12 per cent.

Rao Saheb D. P. DESAI : One more point is this : The grants to local boards for public works were included in the Public Works estimates before, but now taken under miscellaneous account show that while Public Works estimates increase every year these grants for local public works to local boards is actually reduced from 15 lakhs to about 11 lakhs : so I think these grants should be proportionately increased. Unfortunately, local bodies are being starved, as my honourable friend from Broach said, for want of funds, and what funds they were getting before they are not getting now, and if the Honourable the Finance Member looks into this matter and when he considers that there are many works under local boards which are equally necessary he will see the justice of increasing grants to local bodies for public works. With these remarks, Sir, I think that the charges on establishment should be reduced and, if possible, the number of sub-divisional and other charges may be reduced.

Rao Saheb HARILAL D. DESAI (Ahmedabad City) : Mr. President, with reference to this subject of establishment charges, I want to say, in addition to what has been said, a word or two by referring to page 4 of the Public Works Budget Estimate, 41 Provincial Civil Works. Honourable members will find that the actuals in 1921-22 with reference to total works and repairs were Rs. 1,47,46,812 and the establishment charges are put down as Rs. 28,42,343, whereas for budget estimate in 1923-24 for total works and repairs Rs. 74,63,000 has been put in, while the establishment charges are put down as Rs. 27,44,000. The proportion of the establishment charges in the case of 1921-22 to the total

[Rao Saheb H. D. Desai]

sum of Rs. 1,47,46,812 was better in that year than to the total sum of Rs. 74,63,000 which we have to spend this year. That shows the percentage of the establishment charges is out of proportion to..... (At this stage there was a slight interruption from the Government benches). I do not want anybody to interrupt me when I am addressing the House.

The Honourable the PRESIDENT : The honourable member will be good enough to make an appeal to me. The honourable member is right in his complaint. I think every honourable member ought to be allowed to address the House uninterrupted.

Rao Saheb HARILAL D. DESAI : Not only that, but Members of Government, of course, may be knowing more being in the official secret and knowing the working more than the non-officials do, and therefore rather than throw out a stray remark while a non-official member is addressing the Council, it is much better for a Government Member to get up and explain the whole position and thereby try to satisfy the Council. In this particular instance I want either the Member for the Public Works Department or the General Member to give to the House a full explanation as to how he would support an establishment of Rs. 27 lakhs for total works and repairs of Rs. 74 lakhs, whereas in 1921-22 actuals we had an establishment of Rs. 28 lakhs for an expenditure on works and repairs of Rs. 1,47,00,000. As I stated in my remarks on the general debate, the establishment charges are on the increase and that is a point which ought to be looked into and in respect of which I should like some detailed explanation, so that we may be able to understand the whole position.

The Honourable Mr. H. S. LAWRENCE : Mr. President, I should like in the first instance to express my entire sympathy with those honourable members who find it difficult to deal with the Public Works accounts. But on the last point raised, Mr. President, I should like to say a few words. The expenditure from loans is much greater this year than in 1921-22 with which year the honourable member made the comparison, and since the establishment charges are entirely shown under the head 41, Civil Works, although the works which they may be carrying out may come partly under 41, Civil Works and partly under 60-A whereas it appears that establishment at a cost of 27 lakhs is dealing with 70 lakhs worth of works in point of the fact it is dealing with 70 lakhs plus another crore of expenditure from loan money. I do not for a moment deprecate an investigation by honourable members into the establishment charges of the Public Works Department. We shall be extremely grateful for any detailed suggestions that can be offered as to where economy can be enforced. I am sorry the honourable member for Sukkur is not in his place as I should have liked to have answered some of his points.....

The Honourable the PRESIDENT : The honourable member for Sukkur has forgotten my ruling that a member cannot make a speech for 35 minutes or so and then leave the House without waiting to hear the reply.

The Honourable Mr. H. S. LAWRENCE: I shall now turn to some of the remarks made by the honourable member for Satara, who commented on the absence of the audit report. He made a suggestion that this report has been kept away from this Council for a matter of two years or so. That is not so. The audit report deals with the period from the constitution of this Council up to the 31st March 1922, and that audit report was prepared by the Accountant General in September or October 1922. It was then printed and has been in our hands for three or four months. It is the first report of its kind that has been submitted to the Legislative Council and the officer who wrote it went over the events of three or four years previous to the constitution of this House, so that in trying to follow up his criticisms the departments of Government had to investigate correspondence in some cases going back as far as 1917 and I think in one case as far back as 1912. We have perforce to take some time in order to traverse the ground that the Accountant-General covered in this particular audit report. That audit report is now being discussed and analysed by the Committee on Public Accounts and it will be submitted to this Council with their report in the next session. I share the honourable members' regret that it has not been possible to have it ready in time for this budget debate this year, but I hope next year the audit report may be ready in time for the budget debate.

Then, Sir, I listened with the greatest interest to the comments of the honourable member for Sukkur with regard to the possible economies in Sind and my mouth watered when I heard him say that he could point to a saving of 14 lakhs of rupees in establishment. If the honourable member can supply us with the detailed suggestions to show how this reduction of fourteen lakhs can be effected, we shall certainly examine them with the greatest sympathy and pleasure. I am not entirely sanguine as to the result, for the honourable member made a comparison of the staff on the Jamrao canal with the staff on the Upper Sind Frontier and that comparison is not a good one. This House may not be aware that the Jamrao Canal is perennial and the tract is thickly populated and the revenue is heavy. In the Upper Sind Frontier the land is sparsely cultivated and bears one crop only. What is more important is that a great deal of the detailed work of collection of revenue is done by the Executive Engineer and his staff on the Jamrao canal, whereas the same kind of work is done by the regular revenue staff on the Upper Sind Frontier, so that the duties of the two establishments are very different, and the fact that the area is 400 or 4,000 square miles does not convey any idea of the exact duties that have got to be performed by the establishment. However, that is merely a detailed criticism of one particular suggestion and I would only repeat that we shall welcome any proposals that can be put before us and which can show us where the Government are unduly extravagant in regard to these establishments on Public Works. I think the honourable member has also come to the conclusion that our establishment in the Public Works Department is over-paid. I presume that the matter has been discussed in the Retrenchment Committee's report. If so, and if it can be shown that we can really without loss of efficiency and integrity in work, have a lower standard

[Mr. H. S. Lawrence]

of pay I can assure this House that the Finance Department and the Finance Member will be exceedingly grateful.

Mr. G. C. BHATE (Kolaba District): May I ask an explanation? On page 22 of the Blue Book the figures of the demand are shown as Reserved, Rs. 3,04,000 and Transferred Rs. 1,02,78,000, while on page 195 of the White Book, Civil Estimates, the figures for the Reserved Department are the same, namely, Rs. 3,04,000 but for the Transferred Department, Rs. 1,05,37,000 so that there is a difference of Rs. 2,59,000.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, we have provided for each department sinking fund and interest charges that are to be deducted from each department. I would refer the honourable member to page 20. There he will find that the total demand is Rs. 1 crore 16 lakhs. The total expenditure from revenue is 1 crore 16 lakhs and on page 22 he will find the amount is Rs. 1,02,28,000, after deducting sinking fund and other charges. The Honourable the Finance Member has shown the amount that has to be debited to each department. You will see from the statement that the provision in the Public Works Department sinking fund and interest charges from loan funds is Rs. 9,76,000.

Mr. G. C. BHATE: No, this cannot be, but the figure of the expenditure in England may have some connection with this difference. If it is taken into calculation, it becomes all right. The difference is Rs. 2,59,000, and that probably is the expenditure in England.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: If you take from Rs. 1,16,00,000, Rs. 9,76,000, it gives you Rs. 1,06,00,000. Add to it Rs. 67,000. That comes to nearly Rs. 1,96,00,000.

Mr. G. C. BHATE: But the figure is Rs. 2,59,000. If the expenditure in England is Rs. 2,59,000, and if the same is deducted from Rs. 1,08,41,000 then of course it will come to the right figure. But we must know whether that is the figure for expenditure in England, because it is nowhere shown.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I will give the figures later on.

The honourable member from Sukkur complained that the Public Works Department was being pampered too much, but he did not show in what way it was being pampered. All that he said was about the four executive charges belonging to the Irrigation Department. They do not concern the Public Works Department. He further complained about the Chief Engineer, but that officer also comes under the Irrigation Department. His only complaint which concerns me was about the Karachi Buildings District. He complained of its being in charge of an Executive Engineer. He must realise that in the city of Karachi, there is a lot of work executed by Government; there are roads and bridges and buildings belonging to Government, and I can assure the honourable member that that officer has got sufficient work to keep him busy. However, as it is the desire of this House that the Honourable Member in charge of the General Department and I should consider the question of curtailing

[Khan Bahadur Shaikh Ghulam Hussain]

divisions and districts, we have undertaken that work already, and I may inform the House that we are considering the reduction of some of the districts so far as roads and irrigation are concerned.

Mr. C. M. GANDHI : Will the results be placed on the table for the information of the House ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : There was a complaint that audit reports are not placed before this House. I might remind the honourable member from Satara that audit reports are the concern of the Accountant General. However, the proceedings of the Public Accounts Committee will be placed before the House as soon as they are ready.

Now, complaints were made that the establishment charges for the Public Works Department were very heavy. The honourable member from Ahmedabad showed that in 1921-22 for works of the value of Rs. 1,46,46,812, the establishment charges were only Rs. 28,42,343, and this year they are Rs. 27 lakhs for works of the value of Rs. 74 lakhs. But the honourable member does not realise that those Rs. 28,42,000 for works of Rs. 1,47,00,000 are the actuals to be debited to the Public Works Department. If he were to turn to the budget of 1921-22, he will find that the estimates for the establishment were to the extent of nearly Rs. 46 lakhs. This is because the Public Works Department does not only do its own work but also works for the Central Government, for the military and for local bodies. We also make provision for the establishment of the Irrigation Department to the extent of some lakhs.

Mr. B. G. PAHALAJANI : Then I am correct.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : These are not manned by permanent officers but by temporary employees.

Now, Sir, this year the total demand including the loan money is 2 crores and 25 lakhs and the establishment charges for this 2 crores and 25 lakhs have been estimated at 37 lakhs. But out of this we will have a debit of nearly four lakhs for the work we have to do for the Central Government, the military and local bodies and we have made a provision of about 6 lakhs for the temporary establishment of the Irrigation Department. Deducting these amounts, our establishment charges will be 27 lakhs. But I must remind this House, that these 27 lakhs also cover the Secretariat establishment and the specialist officers such as the Consulting Architect and the Electrician to Government. Their departments also cost us some lakhs. Deducting this from 27 lakhs, the charges come to about 20 lakhs of rupees. The actual establishment charges of the Public Works Departments are thus about 20 lakhs and including the specialist officers possibly about 27 lakhs. This establishment executes works to the extent of 2 crores and 25 lakhs, that is, the charge is about 12 per cent. of the total cost of the works.

Question put that—

The demand of Rs. 3,04,000 (Reserved) and Rs 1,02,78,000 (Transferred) under 41, Civil Works, be granted and agreed to.

Demand for Rs. 31,60,000 under the head 43, Famine Relief and Insurance.

The Honourable Mr. H. S. LAWRENCE : I rise, Sir, to make the demand, item No. 20 at page 22 of the Blue Book, under the head Famine Relief, of Rs. 31,60,000.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : Sir, with regard to this grant I wish to place before this House, and through this House bring to the notice of Government, my views on certain aspects connected with the policy of Famine Relief. It must be admitted, Sir, that the situation in the Presidency with regard to famine works has considerably changed during the last few years. About ten or twelve years ago it was found that when relief works were opened people in surrounding parts flocked to those works, but nowadays we find it very difficult to have people on relief works, either because wages given there are not attractive, or are not found sufficient, or because there are other large works to which people run, because the wages there are high. Last year's famine showed that people from affected districts and specially from Ahmednagar district, which was the worst affected district, ran to Bombay and also the Government provided accommodation and works for these people in Bombay. People also ran to irrigated areas which provided them employment. It will be seen thus that people are attracted to works which provide them better wages and, as many big works are in progress, and also there is a demand for labour in irrigated areas, the necessity which was felt formerly of having local relief works has now ceased and it is high time now that we should have some sort of change in the famine policy.

My first suggestion in this respect is that there should be co-operation with the Agricultural Department in the management of famine works. The necessity of doing something on this line is keenly felt. First of all, we must have small irrigation tanks and works, and my suggestion is that some portion of famine grant should be directed to such works. Small tanks serve useful purpose in keeping up the water level, and even if they dry up in hot weather they serve the purpose of one or two waterings to dry crops. Every agriculturist can testify what difference in the whole situation of crops is made by one or two timely waterings to such crops when rains fail.

Much useful purpose will be served if we erect stands and basis for pumping stations at suitable places on rivers and small nullas. If they are erected, without any haste, they will ultimately save a good deal of money. The experiment of setting up a pumping plant was made last time, in 1919 or 1920. It was at the last moment that the experiment was made on Krishna river. The work was executed very late and therefore it cost much, and proper advantage could not be taken. Sir, much useful work could be done if some plants are kept ready for use in the proper time. The question of water for irrigation of fodder crops could be solved locally by this process, and, if sufficient supply will be possible locally, the distress of famine will not be much felt. The experiment in Satara district showed that some villages were saved by this method.

[Sardar V. N. Mutalik]

The grass that is supplied from forests is not good and most of it is wasted. Cattle die afterwards when the grass is given in hot weather. In Satara district people did not use much of this grass, kept at the disposal of the mamlatdars. However, the mamlatdars recovered the amounts from villages, which in itself was not a legal action. It is high time to consider the whole policy of providing grass. Instead of that, we can procure kadbi or else encourage cultivation of kadbi by special irrigation locally. The honourable member for Nagar has already spoken on this point and his suggestions are deserving of consideration.

With regard to small irrigation works and protective works I must say that works of this description ought to be carried out in places liable to famine, and no consideration should be made that they will not bring in an adequate return. It is no question of calculating in rupees and annas. When a saving is effected in loss of life, loss of cattle, no mere consideration of commercial nature should come in. Severities of famine ought to be mitigated by undertaking such works. It must be remembered that it is a famine insurance grant, and not a commercial transaction. I hope these suggestions will be considered by Government and given effect to as far as possible.

Dewan Bahadur K. R. GODBOLE (Poona District): Sir, I have already made certain suggestions in the course of my general remarks on the budget on the subject of famine relief. I would take the present opportunity also of placing the same points before this Council in greater detail.

The Indian Irrigation Commission when they visited this Presidency considered the irrigational possibilities of the whole Presidency. In their examination they found that there were certain districts liable to be affected by frequent famines in this Presidency which could not be protected by permanent canals and storage tanks as is being done for the Ahmednagar, Sholapur and Poona districts. There are several of our famine districts in which works of this character and magnitude are not possible; and one of the suggestions they made was that irrigation wells should be constructed in these famine tracts wherever practicable and the construction of such wells should be encouraged by free grants. In the case of the poorer cultivators who live from hand to mouth it is impossible to expect them to construct these wells at their own cost. So, my suggestion is that the Government should spend a portion of our famine insurance grant in free grants to encourage the construction of irrigation wells in districts like Bijapur and Dharwar where large irrigation schemes of perennial canals and storage tanks are not practicable. This suggestion ought to be duly considered by Government. Whenever successful irrigation wells are constructed in famine tracts half the costs may be given by Government as free grants from the famine insurance fund to the poorer cultivators. I can assure the House that much of the famine distress can be mitigated by the construction of these irrigation wells.

The other class of works I recommend is the construction of small tanks at the heads of valleys in famine tracts with the object of raising

[Dewan Bahadur K. R. Godbole]

the sub-soil water level the object being the multiplication of irrigation wells in the valley useful for irrigation and water-supply. These tanks will not pay interest charges on the cost of construction ; but as regards famine relief they will be very useful. As the famine insurance fund is primarily intended for giving relief during and against famine and not for producing revenue. I think the construction of the works I have indicated might appropriately be charged to that fund.

In the case of certain streams in the western ghats the water-supply is perennial. Such water can be utilized for irrigation by construction of weirs and channels in suitable localities. Such systems of canals and weirs exist in Nasik and Khandesh districts. I hope the Public Works Department will consider the possibility of constructing such works in suitable localities wherever perennial streams exist. These are the three classes of works I would strongly recommend for construction out of the Famine Insurance Fund of the Presidency ; such works will go a great way in mitigating famine distress.

With these remarks I resume my seat hoping that Government will duly consider the suggestions I have made.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President, this is a matter on which I feel very strongly, and if I happen to use rather strong language, I hope the House and the Members affected will excuse me.

The Honourable the PRESIDENT : Is the honourable Rao Bahadur likely to take more than ten minutes ? It is now ten minutes to seven.

Rao Bahadur G. K. CHITALE : Yes, Sir.

The Honourable the PRESIDENT : Mr. Rothfeld has also risen to catch my eye. If he will not take more than ten minutes, he had better speak.

Mr. O. ROTHFELD : Sir, I wish to say only a few words chiefly with regard to what fell from the honourable member from Poona. But I must start by saying that I am not quite clear whether the honourable member from Satara objects to the provision made in whole or in part, the Rs. 30,60,000 provided or the Rs. 3,37,000 allocated. From his remark now I take it that he does not object to either ; he only wishes to bring forward his views. Part of his views, I gather, coalesces with the views of the honourable member from Poona. The honourable member from Poona has referred to the Irrigation Committee and its recommendations for encouraging wells, and I think he implied that the Government of Bombay had not borne in mind all those recommendations. I would like to say as strongly as I can that all those suggestions have been borne in mind throughout, as far as I know, as far as my memory stretches to the period since the Irrigation Committee made its report, by the Bombay Government. The honourable member for Poona has quite forgotten to tell the House that the Irrigation Committee estimated the ultimate requirements, if its policy were to be fully carried out, of loans to cultivators to dig wells, at 10 lakhs a year, whereas the Bombay Government, at least for the

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last half a dozen years, has been spending on works of that kind, more than twice the amount suggested by the Irrigation Department.

Dewan Bahadur K. R. GODBOLE : These funds that have been alluded to are loan funds which the cultivators have to repay. My suggestion is that the poor cultivators should have free grants from the Famine Fund.

Mr. O. ROTHFELD : I am answering the honourable member's remarks based upon the report of the Irrigation Committee. The Irrigation Committee had also recommended that for a few years to come—they have guarded themselves very carefully—for a few years to come (i.e., after 1903) half grants, that is, grants of half the expenditure, might be free when the wells fail. That policy, I understand, has also been carried out, and is still very largely carried out, when it is required. I believe I am correct in saying that in boring experiments, if they fail, half the cost is still borne by Government. But the point is that whatever funds are placed at the disposal of the cultivators for wells, the cultivators do not come forward to the extent that is desired by Government, by the Agricultural Department and by the co-operators of this Presidency. We have at present in the department, in the institutions under the department with which I am connected, almost unlimited money for that purpose, but I am sorry to say that in spite of that fact the cultivators do not come forward. I hardly imagine that the honourable member from Poona seriously suggests that any Government should undertake free sinking of wells for cultivators or any other class. That would be a departure from public policy, which I think the Council will not permit.

In regard to the other recommendations about small tanks, I would invite the honourable member's attention to the fact that under the policy now sanctioned by Government loan money for this purpose is freely available to any cultivators who agree to form themselves into a co-operative society for that purpose. Here again, there are two difficulties. One is that the cultivators are slow to come forward for tanks or even bandharas which would be more profitable. And the second great difficulty is that an engineering staff for this purpose does not exist at the present moment. Proposals for such an additional agricultural engineering staff are, I believe, now being considered. But I venture to point out to the honourable members of this House that, as long as the honourable members insist upon retrenchment to the extent which they do, it is impossible to find the expert staff that is really required to advise the co-operative societies about the soundness of the plans for which loans are asked. I speak with some feeling, because although the applications have been few, yet I have had several applications for loans for works which as far as I can as a layman see would be practicable and profitable. The money for the financing of these schemes is available—there is no difficulty about funds—partly through the co-operative movement and partly from the generous loans given by Government. But the staff which could advise on these plans is not available. The best thing one can do is to request the Public Works Department as it exists at present

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which is already overworked, to find time to advise on such schemes. But it must be remembered that every engineer is not fully qualified to advise on works of the type of bandharas: and that the overworked members of a staff engaged for roads and buildings may not be either suitable or available. I therefore strongly urge members of this House to educate the agricultural population of the country at large in this matter and to support any possible motion for an increase in the agricultural engineering staff to prepare maps and plans, and to give expert advice about these plans.

Only one word more, and that is in reply to the honourable member from Satara. The fodder problem which he has stated is a very important and a very difficult problem indeed in this Presidency. To endeavour to give any adequate reply and to show why fodder crops cannot be raised would require an excursus into the nature of agricultural economics in this Presidency, which would be far beyond the possibilities of a speech in this House—let alone the time. But I would earnestly request the honourable member, before he again raises this point, to take expert advice and to study books like Mr. Keatinge's or Dr. Mann's, to discover what it is which forms the difficulty in growing an irrigated fodder crop at a profitable rate. I think he will find the root of the problem to lie in the nature of the cattle and the cattle problem in this Presidency.

Finally, I trust that the House will feel as a whole that the provision made is very reasonable and that the points urged have not certainly been lost sight of by Government.

The Honourable the PRESIDENT: The Council is adjourned to half past one p.m. to-morrow, Saturday, the 10th March 1923. I have to announce that the seventh list of questions will be answered to-morrow.

Saturday, the 10th March 1923.

The Council re-assembled at the Town Hall, Bombay, on Saturday, the 10th March 1923, at 1-30 p. m., the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

Present :

ABDUL KADIR KHAN ABDUL AZIZ KHAN, Mr.
 ADHAV, Mr. P. N.
 BATLIWALA, Dr. S. S.
 BEDREKAR, Khan Bahadur I. M.
 BHATE, Mr. G. C.
 BHUTTO, Khan Bahadur S. N.
 BIJARANI, Khan Saheb S. K.
 BOLE, Mr. S. K.
 BOZDAR, WADERO Khan Saheb K. G.
 CADELL, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. F.
 COCKE, Mr. H. G.
 DABHOLKAR, Mr. V. A.
 DADACHANJI, Dr. K. E.
 DALAL, Mr. D. B.
 DESAI, Rao Saheb HARILAL D.
 DESAI, Rao Saheb DADUBHAI P.
 DRAKHAN, WADERO MAHOMED PANAH
 DUBHASHE, Mr. SHANKAR BALKRISHNA
 DWARKADAS, Mr. KANJI
 FERNANDES, Major C.
 GANDHI, Mr. C. M.
 GARUD, Rao Bahadur S. D.
 GHOLAP, Mr. D. D.
 GHULAM HUSSAIN, The Honourable Khan Bahadur SHAIKH
 GODAD, Khan Saheb ABDULLA AVJAL
 GODBOLE, Dewan Bahadur K. R.
 GULAMHUSEN, Mr. SULTANALI SALEMANJI
 HAJI, Mr. IBRAHIM S.
 HAJI KHAMISO GUL MAHOMED, Mr.
 HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA
 HAVELIVALA, Mr. M. A.
 HAYWARD, The Honourable Mr. M. H. W.

HEPPER, Sir LAWLESS
 HULKOTI, Mr. CHANNAPPA CHANVIRAPPA
 JADHAV, Mr. B. V.
 JENNINGS, Major General W. E.
 KALE, Rao Bahadur R. R.
 KER, Mr. J. C.
 LALBHAI AMBARAM, Mr.
 LAWRENCE, The Honourable Mr. H. S.
 LIGADE, Mr. S. P.
 LORY, Mr. F. B. P.
 MANSURI, Khan Saheb A. M.
 MEAD, Mr. P. J.
 MEHTA, The Honourable Mr. C. V.
 MODI, Sardar Davar T. K.
 MOHOMED SALAHUDDIN K., Mr.
 MONTGOMERIE, Mr. A.
 MURPHY, Mr. S. J.
 MUTALIK, Sardar V. N.
 NILKANTH, Rao Bahadur R. M.
 NIMBALKAR, Mr. K. B.
 OJHA, Mr. DIPCHAND T.
 PAHALAJANI, Mr. B. G.
 PARANJPYE, The Honourable Dr. R. P.
 PARULEKAR, Rao Saheb L. V.
 PATEL, Mr. B. P.
 PATEL, Mr. J. B.
 PAWAR, Shrimant J. A.
 PETIT, Mr. JEHANGIR B.
 PRADHAN, Mr. M. W.
 PROES, Mr. E. M.
 RAHIMTOOLA, The Honourable Sir IBRAHIM
 ROTHFELD, Mr. O.
 SAHERWALA, Khan Saheb I. A.
 SALGAR, Mr. R. G.
 SETALVAD, The Honourable Sir CHIMANLAL
 SHEPHERD, Mr. W. C.
 SHIRRAS, Mr. G. FINDLAY
 SINDORE, Mr. H. N.
 THOMAS, Mr. G. A.

TRIVEDI, Mr. G. B.

VICHARE, Rao Bahadur D. A.

The Honourable the PRESIDENT: Order, order. Questions.

FAILURE OF CROPS IN SATARA DISTRICT.

Mr. P. N. ADHAV (Satara District): Will Government be pleased to state if kharif crops failed in Tasgaon and Walwa talukas and part of Khandala mahal?

(b) Are the following villages of Khandala mahal affected?

- | | |
|-------------------|---------------|
| 1. Wathar. | 9. Sakher. |
| 2. Loni | 10. Ahira. |
| 3. Bholi. | 11. Morwa. |
| 4. Andori. | 12. Padali. |
| 5. Pimpri Budruk. | 13. Nimbori. |
| 6. Padegaon. | 14. Lonand. |
| 7. Kher. | 15. Koparde. |
| 8. Bori. | 16. Waghoshi. |

The Honourable Sir IBRAHIM RAHIMTOOLA: The information has been called for.

GROWTH OF TEAK, SANDAL AND SISAM IN SATARA DISTRICT.

Mr. P. N. ADHAV (Satara District): Will Government be pleased to state—

(a) the rate of growth on a radial section of teak, sandal and sisam in the Satara district?

(b) the number of years it takes for each of the above species to grow one foot in diameter?

The Honourable Mr. C. V. MEHTA: Information has been called for.

ASSESSMENT IN KOLABA DISTRICT.

Mr. G. C. BHATE (Kolaba District): Will Government be pleased to state:—

(a) Whether its attention has been drawn to the decision of the Honourable the High Court of Bombay reported in XXI, Bom. L. R. 668 to 687?

(b) Is it a fact that in spite of this decision full assessment is levied from some alienees of lands held under sanads granted under Act VII of 1863 (Bom.) in the Kolaba district?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) Yes.

(b) Inquiry is being made.

REWARDS IN KOLABA DACOITY CASE.

Mr. G. C. BHATE (Kolaba District): Will the Government be pleased to state whether its attention has been drawn to the decision of the Kolaba Sessions Court of the dacoity with murder case, viz., case No. 21 of 1922 (Thana S. C.) and if so whether the Government has been pleased to reward the special services of the villagers and the jamadar in arresting at night the dangerous dacoits?

The Honourable Mr. M. H. W. HAYWARD: Yes. The Jamadar and the villagers have been suitably rewarded.

Mr. G. C. BHATE: What is the nature of the reward? Is it monetary and, if so, what?

The Honourable Mr. M. H. W. HAYWARD: Yes, but I do not recollect the exact figures. They have all been rewarded.

LAND FOR BUILDINGS AT KIRKEE.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state whether it is a fact that

(a) One Mr. I. D. Amin of Bombay was refused permission to construct buildings on Survey No. 19 of Bapodi village in Haveli taluka in the district of Poona;

(b) That on the land acquired from the said survey number the Collector of Poona issued permission to the G. I. P. Railway for building residential bungalows for the Kirkee station master and his assistant; and

(c) That on the adjacent Survey No. 20 one Mr. L. Peter of Bombay was given permission to build bungalows? If the reply to the above be in the affirmative will Government be pleased to state the reasons for withholding permission in the case of Mr. Amin?

The Honourable Sir IBRAHIM RAHIMTOOLA: Inquiry will be made.

FALLOWS IN SIND.

Rao Saheb D. P. DESAI (Kaira District): (a) Will Government be pleased to state why fallows are resorted to in Sind? Is it because of dearth of labour or manure?

(b) Will Government be pleased to state also in what proportion these fallows are kept?

The Honourable Sir IBRAHIM RAHIMTOOLA: Information will be called for.

PEDIGREE SEED OF POTATO.

Rao Saheb D. P. DESAI (Kaira District): (a) Will Government be pleased to state whether their attention has been drawn to paragraph 20, page 10 of the Annual Report of the Department of Agriculture for the year 1918-1919? If the reply to this be in the affirmative, will Government be pleased to state in which villages and on how much area the pedigree seed of potato is being planted at present?

(b) Have the disease resisting habits of the pedigree strain been made known to the potato growers? If so, through which pamphlet or leaflet?

The Honourable Mr. C. V. MEHTA: The information has been called for.

POTATO SEED.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state whether it is a fact that the cultivators of Khed and Junnar talukas are dissatisfied with the potato seed supplied by the

Union Agency and consequently they have to undergo heavy losses ? Is this seed recommended by the Agricultural Department to the cultivators ?

The Honourable Mr. C. V. MEHTA : As far as can be ascertained there is dissatisfaction only over potato seed supplied by the Union Agency in two lots in 1919. That supplied for the *kharif* crop in 1919 was recommended by the Agricultural Department as it was the only seed available after the famine. It was known to be partly diseased, but as no other seed was available it had to be used. The seed supplied for the *rabi* crop of 1919 was imported from Italy as soon as such import was allowed. It was excellent when imported and was recommended. It is understood that owing to difficulties about price, a large quantity was kept back till it had become unsatisfactory for seed and in this state it was not recommended by the Agricultural Department.

MANJRI FARM.

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state for what objects the Manjri Farm is conducted ?

(i) Is the yield of sugarcane per acre increased ? If so, by how much ?

(ii) Is the cost of production of cane per acre decreased ? If so, by how much ?

(iii) Has the quality of gul manufactured on the farm improved ? If so, what premium does it fetch on the market price of gul ?

The Honourable Mr. C. V. MEHTA : The information has been called for.

GUL MANUFACTURED AT MANJRI FARM.

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to place on table the market prices for the last 5 years of gul ordinarily sold by the cultivators and of gul manufactured in the Manjri Farm ? Has the Farm placed on the market any superior quality of gul ?

The Honourable Mr. C. V. MEHTA : The information has been called for.

REVISION SETTLEMENT OF KAIRA DISTRICT.

Rao Saheb D. P. DESAI (Kaira District) : (a) Will Government be pleased to state when the revision settlement of the Nadiad, Anand, Borsad, Kapadwanj and Thasra talukas of the Kaira district falls due ?

(b) Will Government be pleased to state the number of famines and scarcity periods necessitating suspension of land revenue which occurred in each of the five talukas mentioned in the preceding question since the last revision settlement ? Will Government state whether every third or fourth year is a famine year in these talukas ?

(c) Will Government be pleased to state the average assessment levied per acre in each of the above talukas ?

(d) Will Government be pleased to state what conditions must obtain before an enhancement of land revenue for a particular tract is proposed and what conditions must obtain before a reduction of survey assessment is proposed by the settlement officers ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) In the year 1924-25.

(b) Nadiad—(1899-1900, 1900-1901, 1901-1902, 1904-1905, 1907-1908, 1911-1912, 1915-1916, 1917-1918, 1918-1919 and 1920-21).

| | | |
|-------------|-----|---------------------------------|
| Anand—(| Do. | except 1917-1918). |
| Borsad—(| Do. | except 1917-1918 and 1920-1921) |
| Kapadwanj—(| Do. | as Nadiad) |
| Thasra—(| Do. | as Anand.) |

(c)

| | | | Rs. | a. | p. |
|-----------|----|----|-----|----|------|
| Nadiad | .. | . | .. | 4 | 14 4 |
| Anand | .. | .. | .. | 4 | 12 6 |
| Borsad | .. | .. | .. | 5 | 7 8 |
| Kapadwanj | .. | .. | .. | 1 | 7 4 |
| Thasra | .. | .. | .. | 2 | 7 3 |

(d) The M.L.C. is referred to the principles of revision given at pages 394-398 of Mr. Gordon's Survey and Settlement Manual and the memorandum concerning land revenue settlements in this Presidency at pages 244-265 of the Land Revenue Policy of the Indian Government.

LIST OF PERSONS SPECIALLY PROMOTED IN AGRICULTURAL DEPARTMENT.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to lay on the table a list of persons specially promoted in the Agricultural Department with reasons for these special promotions?

The Honourable Mr. C. V. MEHTA: A list* of persons promoted from subordinate service to Provincial or Imperial or from the Provincial service to Imperial during the last three years with reasons for the promotion is placed on the Council table.

ASSESSMENT ON LAND FOR ENGLISH SCHOOL BUILDING IN VILLAGE SUNAV, TALUKA BORSAD.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to place on table—

(a) Government Resolution No. 11914 of 4th December 1918 giving permission to erect a building for an English school without charging revenue on Survey No. 563-B in the village of Sunav, taluka Borsad, district Kaira, held rent-free for Devasthan purposes,

(b) the letter of the Collector dated 20th September 1922 ordering the levy of Rs. 57-8-0 as altered assessment for the whole area (including the area built upon for the school) from the managers of the school, and

(c) will Government be pleased to give reasons for rescinding the order and for charging the assessment on the whole field instead of on the area actually built upon?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) and (b) Copies of Government Order No. 11914†, dated 4th December 1918, and of the

*Vide Appendix R.

†Vide Appendix S.

Collector's order No. W. T. N. 269-A. *, dated 20th September 1922, are placed on the Council Table.

(c) Because the school was removed from the list of aided and recognised schools.

Rao Saheb D. P. DESAI : In question (c) I have asked for the reasons for charging the assessment on the whole field instead of on the area actually built upon. I want to know those reasons. (The rest of the supplementary question was totally inaudible.)

The Honourable the PRESIDENT : The honourable member is making a speech instead of asking a question.

The Honourable Sir IBRAHIM RAHIMTOOLA : The area of land which was given to the school on reduced assessment was put under full assessment immediately it ceased to be an aided school. A concession was given for a particular purpose and when that purpose is not fulfilled the whole concession is withdrawn. How can Government continue the concession when the object for which it was given is not satisfied ?

WIZARD AND WATANDAR PLOUGHS.

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state by whom the Wizard and Watandar ploughs are manufactured ?

(a) How many of these ploughs were introduced among the cultivators prior to Rao Saheb Kulkarni's taking over charge of the post of Deputy Director of Agriculture, C. D., and

(b) How many of these ploughs were sold to the cultivators since he was appointed as Deputy Director, C. D. ?

The Honourable Mr. C. V. MEHTA : The information has been called for.

NEW WATER WORKS ENGINE FOR AHMEDABAD MUNICIPALITY.

Rao Saheb HARILAL D. DESAI (Ahmedabad City) : Will Government be pleased to state with reference to the new water works engine ordered out last year by Government from England for the Ahmedabad Municipality—

(a) Whether the order for the said engine was placed after obtaining a specification from the municipality about the type and capacity of the engine required as contemplated by Government Resolution, No. 9408, dated the 25th August 1915 ?

(b) Whether quotations were invited from the makers of engines now working at the Ahmedabad water works or from others ?

(c) Whether the Mechanical Engineer to Government had placed the order direct to the makers of the engine in question or through the High Commissioner in England ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :

(a) There is nothing about a specification in the Government Resolution quoted in the question. The Municipality was consulted about the capacity of the engine required.

(b) The Mechanical Engineer placed the order through the Director General of Stores who invited tenders for the engine from the makers of the engines now working at Ahmedabad and from others.

(c) There was no High Commissioner when the order was placed.

Rao Sahab HARILAL D. DESAI : In what year was the municipality consulted ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : I want notice of the question.

AUDITORS AND AGRICULTURAL ORGANISERS IN THE CO-OPERATIVE DEPARTMENT AND THEIR QUALIFICATIONS.

Rao Bahadur R. R. KALE (Satara District) : Will Government be pleased to lay on the Council table a list of auditors and agricultural organizers in the Co-operative Department, with their pay, their qualifications and University degree, if any, and the starting pay and the pay of these officers seconded from the other departments and the year in which they were so seconded from the departments ?

The Honourable Mr. C. V. MEHTA : The information has been called for.

FAMINE IN DHARWAR DISTRICT.

Sardar V. N. MUTALIK on behalf of Mr. S. T. KAMBLI (Dharwar District) : Will the Government be pleased to state—

(a) In what parts of the Dharwar district there has been a total failure of crops ?

(b) What talukas or portions of talukas in the said district are suffering from famine ?

(c) What steps have been taken by the Government to alleviate the sufferings of the people in the famine-stricken areas ?

(d) Has the Government remitted land revenue for the current year in the famine-stricken areas of the district of Dharwar ?

(e) What is the total land revenue assessed for the said district for the current year, i.e., 1922-23 ?

(f) What is the total amount remitted, if any, for the current year and what is the total amount suspended or intended to be suspended for the current year for the said district ?

The Honourable Sir IBRAHIM RAHIMTOOLA : The information has been called for.

TAGAI IN DHARWAR DISTRICT.

Sardar V. N. MUTALIK on behalf of Mr. S. T. KAMBLI (Dharwar District) : Will the Government be pleased to state—

(a) The amount of tagai due from ryots of the Dharwar district as it stood at the end of December last ?

(b) What is the amount of tagai due on the said date from the famine affected portions of the said district ?

(c) Does Government intend to postpone the recovery of the said dues from the ryots of the famine affected areas of the Dharwar district for one year more ?

The Honourable Sir IBRAHIM RAHIMTOOLA : The information has been called for.

RECORD OFFICE OF THE DISTRICT COURT AND CIVIL JAIL,
AHMEDNAGAR.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division) : Are Government aware that a portion of the mosque called Kamani Masjid in the city of Ahmednagar is utilised for keeping up record of the district court and is used as a civil jail ?

The Honourable Mr. M. H. W. HAYWARD : The building which was formerly used as the Civil Hospital has since 1890 been used as the Civil Jail and for keeping old judicial records.

CIVIL HOSPITAL, AHMEDNAGAR.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division) : Is it a fact that a mosque called Sunehri Masjid in the compound of the civil hospital at Ahmednagar is utilised for storing up medical stores, etc., and as a private ward for patients ?

The Honourable Dr. R. P. PARANJPYE : Ever since the hospital came into being in 1887 the lower storey of the mosque in the compound has been used as a store room and the upper one as quarters for the medical subordinate.

COLLECTOR'S BUNGALOW, AHMEDNAGAR.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division) : Is it a fact that a mosque in the compound of the Collector's bungalow at Ahmednagar was once used as a stable is now being used as servants' quarters ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : No.

APPOINTMENT OF AN URDU LECTURER IN THE DECCAN COLLEGE.

Mr. MOHOMED SALAHUDDIN KARIMUDDIN (Central Division) : Will Government be pleased to state—

(a) (i) Whether it is a fact that at the Deccan College, Poona, there are five students in the junior B. A. class with Urdu as their optional subject and that the number of students with Marathi as their optional subject in that class is the same ?

(ii) Is it true that the absence of Urdu students in the senior B. A. class is due to the fact that no provision was made for the teaching of Urdu in the former year ?

(iii) If the answer to (i) and (ii) be in the affirmative will Government be pleased to state why distinction is made between Marathi and Urdu by appointing a lecturer in the former subject and not in the latter ?

(b) Will Government be pleased to state whether they are thinking of appointing a lecturer in Urdu in the near future ?

The Honourable Dr. R. P. PARANJPYE : (a) (i), (ii) (iii) and (b) Information is being obtained.

ORDERLIES OF DISTRICT POLICE OFFICER.

Mr. B. P. PATEL (Ahmedabad District): Will Government be pleased to state the number of orderlies each District Police Officer keeps and whether it does not reduce the strength of the working constables?

The Honourable Mr. M. H. W. HAYWARD: District Superintendents of Police have an escort of 1 Head Constable and 4 Constables. Assistant Superintendents of Police have an escort of 1 Head Constable and 3 Constables. These do not affect the working strength as they are provided for in the strength of each district.

TODDY SHOPS, SHOLAPUR.

Mr. R. G. SALGAR (Sholapur City): Will the Government be pleased to state:—

(a) How many times the toddy shops in the City of Sholapur have been inspected by the Abkari Inspectors in last two years?

(b) How many cases have been filed by the Abkari Inspectors against the shop-keepers in the city for having kept tampered toddy in last two years?

(c) Is there any scheme under the consideration of the Government to authorise two non-official gentlemen of the city to inspect toddy shops besides Inspectors?

The Honourable Mr. C. V. MEHTA: (a) Each toddy shop has been inspected at least twice a month.

(b) None.

(c) No.

SALE OF TODDY SHOPS IN SHOLAPUR.

Mr. R. G. SALGAR (Sholapur City): Will the Government be pleased to lay on the Council table the following information:—

(a) For how many rupees a katta of 50 toddy trees at Hiparga and Shelgi near the Sholapur city is sold by Government?

(b) What is the license fee for tapping those 50 trees collected from the contractor by Government?

(c) What value for those 50 trees the contractor has to give to the owner of trees?

(d) Is there any scheme under the consideration of the Government to sell the toddy shops in the Sholapur city on the same lines mentioned in (a) and (b)?

The Honourable Mr. C. V. MEHTA: (a) There are 2 booths at Hiparga and 4 at Shelgi. They are sold for the following prices:—

| | | | | Rs. |
|---------|-------|----|----|-----|
| Hiparga | No. 1 | .. | .. | 525 |
| " | No. 2 | .. | .. | 535 |
| Shelgi | No. 1 | .. | .. | 600 |
| " | No. 2 | .. | .. | 625 |
| " | No. 3 | .. | .. | 625 |
| " | No. 4 | .. | .. | 700 |

(b) Rs. 150 at the rate of Rs. 3 per tree.

(c) Rs. 150 to Rs. 200.

(d) No.

TAPTI VALLEY RAILWAY.

Mr. R. G. SALGAR (Sholapur City): Will the Government be pleased to state—

(a) How many animals are killed in the last five years as there is no wire fencing by the line of the Tapti Valley Railway from Jalgaon to Surat?

(b) What steps the Government has taken in order to redress the grievances?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) The number of cattle killed on the Tapti Valley Railway during the last five years was 66.

(b) The question of fencing on Railways in the Bombay Presidency has been referred to the Railway Board and their decision is awaited.

PHOTOGRAPHY IN REGISTRATION DEPARTMENT.

Mr. R. G. SALGAR (Sholapur City): Will the Government be pleased to state—

(a) What is the expense incurred in Sholapur office by the system of the photography of the registered documents from 1st January 1922 to 31st December 1922?

(b) What was the expense borne by the Government for keeping copies of registered documents before this system was introduced in one year, namely, 1st January 1920 to 31st December 1920?

The Honourable Mr. C. V. MEHTA: The information has been called for.

SURPRISE VISITS OF FACTORY INSPECTORS.

Mr. A. N. SURVE (Bombay City, North): (a) Do Factory Inspectors give surprise visits to test the condition of the atmosphere in the mills?

(b) If the answer to the preceding question be in the affirmative, how many visits were given to any particular mill in Bombay during 1922?

The Honourable Sir IBRAHIM RAHIMTOOLA: No. The Factory Ventilation Committee found that excessive chemical impurity was not present in Bombay Mills. The problem of ventilation is linked with that of humidification which is under special enquiry.

LEVY ON CULTIVATORS.

* Mr. G. B. TRIVEDI (Thana District): (a) Are any fees levied on cultivators in Thana District putting up dams, for agricultural purposes, to divert in their fields rain water passing through Government forests?

(b) If so, what is the justification for this levy?

(c) Is this causing discontent amongst cultivators?

The Honourable Sir IBRAHIM RAHIMTOOLA: (a) In one case only an annual fee of annas eight is levied.

* This question was asked at the meeting held in September 1922, when an *ad interim* reply was given.

(b) The fee in the case is levied as charges for cleaning the channel through which the water is carried. It is voluntarily paid by the cultivator and its levy is a matter of mutual agreement.

(c) No instance of discontent has been brought to the notice of local officers.

**COUNTRY LIQUOR SHOPS IN PANCH MAHALS DISTRICT AND DOHAD
SUB-DIVISION.**

Mr. G. B. TRIVEDI (Thana District): (i) Will Government be pleased to state—

(1) The number of country liquor shops with names of places in which they are situated in (a) Panch Mahals District, (b) Dohad Sub-Division ;

(2) Has there been any reduction with number of shops in 1921-22 and 1922-23 ; and if so to what extent in each year ?

(3) Has there been any reduction in quantity of liquor rationed to the district and the Dohad Sub-Division during each of the two years and if so to what extent ?

(4) What is the number of prosecutions for illicit manufacture of liquor in the district and the sub-division during the years 1919-20, 1920-21 and 1921-22 and up to the end of last year ?

(ii) Is it the intention of Government to take special measures to reduce the consumption of liquor in the district, taking into consideration the fact that the district has a very large proportion of Bhil population which are given to drink excessively ?

The Honourable Mr. C. V. MEHTA : Information has been called for.

**GOVERNMENT PLANTS FOR SUPPLYING TIMBER TO DEVELOPMENT
DEPARTMENT.**

Mr. G. B. TRIVEDI (Thana District): Will Government be pleased to state whether they have considered the question of setting up their own plants to obtain timber in suitable sizes and sufficient quantity required by the Development Department from Government forests ?

The Honourable Mr. M. H. W. HAYWARD : Yes. The question has been considered and a decision arrived at to take no action in the matter, as it was one for the Forest Department to initiate.

PERMITS FOR PREACHING TEMPERANCE.

Mr. G. B. TRIVEDI (Thana District): (a) Are Government aware that the Local Advisory Committee, Poona City and Cantonment, have recommended, at their meeting held on the 24th January 1922 last, that Government should issue permits to respectable persons to preach temperance near liquor shops ?

(b) Will they be pleased to state the reasons why this recommendation could not be accepted by them ?

The Honourable Mr. M. H. W. HAYWARD : (a) and (b) It could not be accepted as it was not thought to be a practicable proposition.

Mr. G. B. TRIVEDI: Was it not a practicable proposition in the interests of temperance?

The Honourable Mr. M. H. W. HAYWARD: It was not thought to be so.

Mr. G. B. TRIVEDI: Did the consideration of revenue weigh with Government in rejecting this proposition?

The Honourable Mr. M. H. W. HAYWARD: I do not think so.

Mr. G. B. TRIVEDI: Is it not the duty of Government to help temperance workers?

The Honourable the PRESIDENT: The honourable member had better put a specific question on a matter of fact.

Mr. G. B. TRIVEDI: Are Government prepared to accept the recommendation with a suitable modification?

The Honourable the PRESIDENT: What is "suitable" is a matter of opinion.

Mr. G. B. TRIVEDI: I mean what Government may think suitable. Are Government prepared to modify that decision in any way they like, except to merely say that it was not a practicable proposition?

The Honourable the PRESIDENT: Let us have a question which is precise.

Mr. G. B. TRIVEDI: It is precise, Sir, as I have put it.

The Honourable the PRESIDENT: It is not precise.

Mr. G. B. TRIVEDI: Are Government prepared to modify their decision in any way they like? Government say "it could not be accepted because it was not thought to be a practicable proposition". I want to know from Government what would, in their eyes, make a practicable proposition? We want to know Government's policy in this matter. Would Government consider at least the members of the advisory committees respectable persons deserving of issue of permits to them to preach temperance near liquor shops?

The Honourable Mr. M. H. W. HAYWARD: I should be glad to have notice of any practicable proposition.

The Honourable the PRESIDENT: I have to announce to the Council that Bombay Act No. V of 1923 (An Act further to amend the Bombay Port Trust Act, 1879) passed by this Council has received the assent of the Governor-General.

Question again proposed: Demand for 43, Famine Relief and Insurance.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Mr. President it appears that since the Reforms the application of Famine Insurance Fund appears to have been altered in more than one ways. Government has to set aside every year a certain amount as insurance against expenditure on famine. It does appear that out of this, this year, Government proposes to set apart 28.73 lakhs for probable expenditure and intend spending 2.87 on grass and fodder storage and 32 lakhs are intended to be spent on construction of irrigation works under heads 15

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and 16. Now, it is clear to me that since the Famine Commission of 1901-03, the policy of this Government has been or was said to be, as also that of the Government of India, that all protective irrigation work was to be financed from current revenues, and I do remember a discussion in this very Council when sponsors of Government policy said that the Government of India wanted this Government to spend out of Famine Insurance Fund 30 lakhs annually, whereas this local Government wanted to spend 50 lakhs to meet the demand. Let us examine the problem a little more in detail. In the Bombay Presidency, unfortunately, geographically speaking, there is a famine tract which comprises the whole of Ahmednagar, Sholapur and Bijapur districts and parts of Poona and Satara districts. This is a famine tract which is well known and has been well known for a considerably long time. I find that in paragraph 350 of the Famine Commission's report of 1901 that Commission reported that to put the food supply of the country in circulation was necessarily the first object of a wise famine policy, namely, railways. That is, building of railways was considered necessarily the first object of famine insurance policy. In none of these districts that policy has been pursued because the Ahmednagar-Dhond-Manmad Railway was built after the famine of 1876 and completed in 1880, and the Barsi Light Railway was started but that is not a Government railway but belongs to a private company; still we will give Government credit for that. Then, again, the Commission recommended as far back as 1901 that to protect and develop the food supply itself should be the second object and that that was the function of the Agricultural Department generally and of the Irrigation Department in particular. I must admit that a good deal of ground has been covered by the Agricultural Department on which expenditure stands almost at 22 lakhs as against 3 lakhs in 1901. In irrigation also great strides have been made, especially in the Ahmednagar district, inasmuch as a large portion of the tract comprising about a taluka and a half has been brought under irrigation. The Commissioners go on and say that as this canal irrigation problem depends upon many considerations, it is not in all places that practical schemes can be put up but the possibilities of small protective works are not exhausted and also of storage tanks, reservoirs and irrigation wells, and there is a scope, and the necessity for all these is very urgent. That was reported in 1901. I remember also that the Government did make a very earnest effort in appointing a special officer (Mr. Beale, I believe, and then Mr. Ali Akbar) to make a comprehensive survey of all the storage tanks, reservoirs, irrigation wells, specially storage tanks and reservoirs in the affected parts, namely, Poona, Ahmednagar, Sholapur and Bijapur districts. I believe he worked for three or four years, and there are huge piles of plans, and estimates prepared by him now pigeon-holed in the Government Secretariat. Unfortunately, since the year 1906, particularly my district has had to undergo a series of famines, at least half a dozen, very extensive in character, and also economically ruining the whole district. I would also point out one more fact. As the result of liberal takavi grants since the year 1897 and onwards, a large number of wells have been sunk by the agriculturists, and if my impression is correct, I believe Sir George Curtis,

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our late Leader of the House, computed that about Rs. 25 lakhs were sunk in wells in the Central Division, and very probably the larger proportion of this was sunk in the Ahmednagar district as it was liable to famine. It is also necessary to state that as they were takavi loans, the whole of the amount was paid back with full interest, and if my impression is correct, on account of these takavi loans our Government made a profit of about Rs. 15 lakhs. I speak subject to correction, but I know that the accounts will show that the takavi loans from the famine year of 1896-97 up till the date on which they were made up in 1918 gave Government a profit of about Rs. 15 lakhs.

The Honourable Sir IBRAHIM RAHIMTOOLA: In the way of interest?

Rao Bahadur G. K. CHITALE: I mean the profit after meeting the interest and all other charges was Rs. 15 lakhs. You must also remember that, as a result of successive famines, you find in this year's accounts a sum of Rs. 14 lakhs given back by the Government of India as a credit to this Government. You have to remember those facts. Now, from the year 1903 onwards, excepting those irrigation works which I have referred to, the famine policy of Government has all along been to construct more roads to be given up afterwards, to have huge stacks of metal which usually costs Government Rs. 14 to Rs. 16 per 100 cubic feet and to use it for their own repairs to roads at a cost of Rs. 6 to Rs. 7, thus losing almost cent per cent. on the work. No storage tanks were at all attempted in order to relieve those talukas which had no such benefit, and could not have the benefit of large irrigation canal works. It does appear that the result of all this was a diminution of the population of the district by about 2,25,000. This is shown by the census of 1921. I know it will be said that part of this can be accounted for by the fact that it was a famine year, and a large portion of the population had to migrate to other places, and the whole of this diminution cannot be ascribed to Government's policy. That has to be taken into consideration. But, in spite of the fact that some reduction may be due to the famine of 1921, there is no doubt in my mind that during all these years the district has suffered enormously both in its economic and in its agricultural prosperity. Those who have seen the last three successive famines from 1918 to 1921, will have seen that all those wells which had been constructed out of takavi loans, on account of the sub-soil level going down, have absolutely no water. I say that this is due to the negligence, I am tempted to use the words criminal negligence, of the Government. A large part of the land, the bagayat, the *pan malas*, the garden lands, and various trees that were grown for years together, as the result of the famine of 1920-21 were an absolute waste, and to those old Collectors who ever worked in that district it was a very regrettable spectacle. I have said that these protective works have to be constructed out of famine insurance grants. There is one more point. It appears, Sir, that a large portion of this Rs. 32 lakhs which is set apart out of the amount of Rs. 63 lakhs, is not spent on the irrigation works which are constructed in the district, but all that construction, since the Reforms, is being done out of loan funds, at least the majority

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of the works to be quite accurate, and the present expenditure on the Bhatghar or the Bhandardara dams is out of loan funds. Honourable members ought to remember that it is made a point of complaint that these Deccan irrigation works do not pay. Naturally they won't. How will they? The Government of India, as I said, have laid down the policy that all protective works ought to be constructed out of famine insurance grants, and when this Government made a demand of Rs. 50 lakhs a year to fix up their irrigation programme, the Government of India said that they could not give the amount, and it does appear to me from the papers that an annual expenditure of about Rs. 30 lakhs on protective irrigation works was agreed upon between this Government and the Government of India. Now, when the amount that is to be spent on these works—they are protective and carry no interest—is not taken out of current revenues, then these works have to pay the interest charges. Those honourable members of the Finance Committee who have read the note prepared by the Chief Secretary on the subject will remember that he computes—I am speaking from memory—that the total charge on this head in the Deccan would be in the neighbourhood of Rs. 12 crores, about Rs. 7 or 8 crores expenditure and Rs. 2 to 3 crores interest. Now, Sir, let us see what is meant by a productive work. If honourable members will please read the book on Sukkur Barrage which was distributed yesterday, they will see the amounts on productive works very lucidly explained in the last chapter of the financial policy of the Sukkur Barrage. It is this, that a work is considered to be productive from an irrigation point of view, when the *interest* charges are intended to be liquidated after a certain number of years, and after that whatever it does pay will come as an interest charge. It will be simple interest, and at present that rate is fixed between the Secretary of State and the Government of India at 6 per cent. You will find it very lucidly explained, and if the book is supplied to me by any one I will be able to make that point, as these technical words are very often misunderstood, at least not understood in the way in which they ought to be.

This is what is defined as productive work:

“There must be good reason to believe that the revenue derived from it will, within ten years after the probable date of its completion, repay the annual interest on the capital invested, calculated at 5 per cent. (now 6 per cent.) but in preparing a project for sanction no deduction is to be made from the total capital outlay on account of anticipated excess of revenue over simple interest.”

Then it gives a table and explanation; and in the table it says how it is calculated. I find this 32 lakhs is for the canal irrigation in Sind. If my inference is correct then you will find, Sir, the neglect that is being shown towards the famine districts, when the charges that are borne on these irrigation works ought to be borne from the revenue and not from loan. I think this is not a policy which is consonant with the principle. I am making this a point of complaint.

I will make one point more. In the matter of grass I have already stated enough, and I hoped for an announcement on the point. I hope still an announcement will be made which will satisfy me. For the betterment of the condition of the famine stricken masses, I have done

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my best and represented the methods to achieve that purpose. I feel so discontented and disappointed that no further hope will buoy me up, other than reversing this policy which is highly detrimental to the best interests of the country.

Mr. P. J. MEAD : Sir, the first point which I wish to bring before this House is that there are three places in the budget where provision can be made from the statutory allotment for famine relief : (1) under Irrigation, (2) grant for the relief of famine and other works for prevention of famine, (3) lump sum transferred to Famine Fund. In these three places provision has been made in the budget under discussion as follows. For Irrigation 32 lakhs are provided. My honourable friend for Ahmednagar surmised that a greater part of the amount is intended for irrigation works in Sind. That is not the case. Practically the whole amount is intended for protective irrigation works. The total demand of Rs. 31,60,000 which will come before the Council covers all possible forms of not only relief but insurance against famine. When actual famine operations commence, we generally draw upon our Famine Fund. As honourable members are aware the Famine Fund has got 60 odd lakhs to its credit. But by asking the Council to grant Rs. 31,60,000 we give an opportunity to Government of spending the money on the schemes sketched out on page 79 of the budget, or any other schemes as suggested by the honourable member for Ahmednagar for expansion of grass storage, small tanks, well-boring and so on.

I am not in a position to give any assurance as regards the construction of storage tanks, etc., but I may say that they are under the consideration of Government. The Honourable Minister for Agriculture has several such schemes under his consideration, which will probably come before the Council to be translated into action.

The Honourable member for Ahmednagar is not correct in his figures about takavi loans. The whole position of takavi loans has very recently been under review ; and it has been found that during the last 20 years there has been a loss to Government of 60 lakhs. As regards the general question of financing protective works in the Deccan, two years ago provision was entirely from the Famine Fund. I do not think honourable members of this House really wish to return to the old situation when the first budget of this Council was presented when practically the whole statutory amount to be provided for famine relief was set aside for protective irrigation. The whole of our balances were uninvested and we had no resources to meet famine relief, I submit there can be no questioning the policy that has been followed during the last two or three years of setting apart as much as we can spare and drawing interest therefor from the Government of India.

I will remind honourable members that except on the Famine Fund we draw no interest on our balances and our reserves are held at a dead loss to Government of all interest if no Famine Fund is created.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, the full explanation that has been given by the honourable the Finance Secretary must satisfy honourable members that the policy which is now being

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pursued is in the best interests of the province. I will try to give some further explanation. The honourable member for Ahmednagar contended that the previous policy of defraying the cost of irrigation works out of revenue was the best as the result was that there was no interest chargeable to the works. Now, I am not sure whether honourable members will desire to revert to that policy or whether they would prefer the policy which Government have adopted. Now, what is the new policy that Government have adopted? It is to expedite the work of providing irrigation in the Deccan out of loan funds. The amount available out of revenue cannot possibly be very large: at the outside the honourable member can put the figure at 30 lakhs.

Rao Bahadur G. K. CHITALE: Why not the whole of the 60 lakhs?

The Honourable Sir IBRAHIM RAHIMTOOLA: Government cannot make the whole amount available for this purpose. Supposing famine supervenes in the meantime we have got to provide for it; certain minor irrigation works have got to be carried out; fodder storage has got to be arranged and a certain margin has got to be provided as a reserve. So, the maximum amount that can be provided is 30 lakhs. Now, if 30 lakhs is the only amount provided every year for irrigation in the Deccan, I should like to ask how many years it will take to afford the necessary relief! It is admitted that famine is a calamity the ravages of which should be assuaged as expeditiously as possible. The loss sustained by the Presidency in various directions, in human life, in cattle life, in economic condition is very serious. Is it not the duty of Government to make an effort to provide irrigation works in famine stricken areas on an extensive scale with the utmost possible expedition in order to bring home to those districts the full measure of relief that it is possible by science to give? If that is so, the only way in which it can be done is by undertaking large works out of loan funds. You cannot possibly give adequate relief by financing them out of revenue. And the policy which Government have pursued is one which I am sure, after the explanation I have given, would appeal to the unanimous sentiment of the House. Government desire to give the utmost relief possible within the shortest period of time, and the only way to do it is by means of carrying out large irrigation works out of capital funds. That is what is being done, and I am sure it will receive the unanimous approval of this House.

I do not know whether there is anything further to be said in connection with this matter. It was stated that various measures recommended by the Famine Commission have not been given effect to in full. I must point out one fact which is having an important bearing on the policy which Government now pursue. In 1901 the economic condition of the province was such that when famine supervened, there was demand for employment on famine works in large numbers. The economic condition of the province twenty years ago was very backward. In consequence of the development of industries, the extension of irrigation, and various other factors, the economic condition of the

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masses has improved. The result is evidenced by the fact that when famine did supervene during recent years, there was not that demand for employment on famine works as existed before. That being so, the policy that Government have pursued may be regarded as having proved successful. With the improvement in the economic condition of the people, larger and larger amounts will be available for permanent works instead of having to be spent for temporary relief during famine periods. The whole problem is being examined in a comprehensive way. After this explanation I hope honourable members will be satisfied that the policy now being pursued is in the best interests of the Presidency.

Question put that :

The demand of Rs. 31,60,000 for Famine Relief and Insurance be granted and agreed to.

Demand of Rs. 51,06,000 under the head, 45, Superannuations.

The Honourable Mr. H. S. LAWRENCE : Mr. President, I rise to ask for a sum of Rs. 51,06,000 under the head " 45, Superannuations ", for superannuation allowances and pensions.

Question put and demand granted.

Demand of Rs. 13,49,000 (Reserved) and Rs. 2,85,000 (Transferred) under the head 46, Stationery and Printing.

The Honourable Mr. H. S. LAWRENCE : Mr. President. I rise to ask for a sum of Rs. 13,49,000 (Reserved) and Rs. 2,85,000 (Transferred) for Stationery and Printing.

The Honourable the PRESIDENT : There is a motion for reduction of Rs. 15 by Rao Saheb D. P. Desai. Will the honourable member say why he is moving a reduction for this small sum ?

Rao Saheb D. P. DESAI : It was intended to bring to the notice of the Honourable Member in charge....

The Honourable the PRESIDENT : I have already ruled that reductions of trifling amounts are out of order, unless they mean censure or protest and it is intended to raise a debate but the honourable member may bring any suggestions to the notice of Government without moving any reduction, if his object is only to get an answer.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I want to bring to the notice of the Honourable the General Member that as prices of stationery and paper have gone down it may be possible to reduce the prices of Government publications especially of the proceedings of the Council and of the Acts. There is a complaint among the public that Government are selling their publications at almost prohibitive prices. So with the view of reducing the price I have brought this matter to the notice of the Honourable the General Member in order that he may see whether it would not be feasible to reduce these prices.

Question put that :

The demand of Rs. 13,49,000 (Reserved) and Rs. 2,85,000 (Transferred) under the head 46, Stationery and Printing be granted and agreed to.

Demand for Rs. 14,50,000 (Reserved) and Rs. 19,83,000 (Transferred) under the head 23, *Miscellaneous*.

The Honourable Mr. H. S. LAWRENCE : Sir, I rise to ask for a grant, for 23, *Miscellaneous*, of Rs. 14,50,000 (Reserved) and Rs. 19,83,000 (Transferred).

Rao Saheb L. V. PARULEKAR (Ratnagiri District) : I move

That item No. 283, Grant-in-aid to the Thana District Local Board for the abolition of tolls on the Bandra-Ghodbandar Road, Rs. 12,904, be omitted.

Sir, this road seems to have been permanently handed over to Government by the district local board and Government have to spend another sum besides this grant-in-aid, for the maintenance of this road. My submission, therefore, is that there is no sufficient reason shown for Government's taking up this road and for giving the district local board this grant-in-aid. I therefore move for the omission of this item.

Rao Bahadur R. R. KALE (Satara District) : Sir, the policy of Government has since last year been changed, and they are getting tolls on their own roads, and the district local boards in other parts of the Presidency also are allowed to keep tolls on their roads. In consequence of this change of policy of Government the compensation that the district local boards used to get for the loss of income from the tolls has been discontinued in all the districts. I do not see therefore any reason why in the case of this particular road this compensation should be given. This district local board must be getting good income from tolls on their other roads, and whatever guarantee Government may have given to this local board, it is better that Government should follow a uniform policy in respect of all the district local boards. It is on that ground that I support this motion for the omission of this item.

Rao Bahadur S. D. GARUD (West Khandesh) : Mr. President, I do not see why this local board only should get this compensation. Is it because it is nearer to Bombay than the other Boards? When the tolls on provincial roads were abolished Government promised to compensate the district local boards for the loss of their income from the abolition of these tolls. But that policy has now been abandoned and I do not understand why Government should continue to pay the compensation to this district local board only and why they should not transfer this road itself to the district local board, Thana, who may also like to keep the road to themselves.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir, the case of the Thana district local board is quite different from that of all other district local boards. No doubt, Government have now adopted the policy of allowing district local boards to levy tolls on their roads and are therefore not giving them any compensation. But this particular road originally belonged to the district local board, Thana, and there were tolls on that road which Government had asked the board to remove. But the local board urged that it realized from those tolls about Rs. 25,000, half of which was spent on the repairs of the road and the remainder went towards the board's revenue.

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Now as this is a very important road, if the district local board were allowed to levy tolls on this road, it would impede traffic and the development of Salsette would suffer considerably. Government therefore asked the district local board to transfer this road to them, and Government have accordingly provincialized this road. It is not at present a district local board road, but it has been provincialized, and the district local board has allowed it to be provincialized on the clear understanding that Government will compensate the board to the extent of half of its income from this road, that is, Rs. 12,000 and some odd rupees. That was the agreement and Government cannot go back on that and tell the district local board that they want to deprovincialize the road.

Honourable members should bear in mind another important fact. There are a large number of district local boards whose roads have been provincialized by Government. If honourable members of this House insist that Government should follow the policy of deprovincializing all these roads, what will be the result in the case of all those roads which have been already provincialized, and which originally belonged to the district local boards? If all those roads are returned to the district local boards, there will be complaints in this House that the district local boards cannot afford to maintain them and keep them in good order.

Then, coming to this important road, Government have not only provincialized it, but they keep it in order for the heavy traffic which, I am afraid, if the road is returned to the district local board, the latter will be unable to do. It is therefore to the interest of the people that this road should be managed by Government and I hope this Council will retain this item.

Rao Saheb D. P. DESAI (Kaira District): Mr. President, the question is why this particular road should be chosen for abolition of tolls and why other roads of other district local boards and also provincial roads should not receive the same treatment. The honourable member from Satara asks why this particular road should be exempted from the toll tax that is introduced in other districts and why the Thana board alone may be given compensation. The other local board roads should also receive the same treatment. Unless these points are cleared by the Honourable Minister, I do not think this House would be justified in voting this grant.

Mr. C. C. HULKOTI (Dharwar District): Mr. President, we want to know the policy of Government why the Thana district local board only should receive compensation for the abolition of tolls and on this particular road only, and why other district local boards should not receive the same treatment. There are a large number of district local boards willing to hand over some of their important roads and have them provincialized. I had sent a resolution on this point, on behalf of the district local board, Dharwar, this session but it was ruled out on some technical ground. Another honourable member has tabled a resolution urging Government to abolish all tolls on all roads and reimburse district local boards for

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the loss of revenue. Is the Government prepared to accept this? As a matter of fact, the toll which was abolished in the local boards has been re-imposed under orders of Government in all these boards. If district local boards are willing to hand over their roads to the provincial Government and request them to provincialize them, I want to know whether Government is prepared to reimburse them with at least half the revenue that could be derived by re-imposing these tolls now. I wish that a definite uniform policy was followed by Government in this matter. The Honourable Minister has not made out a special case for the Thana district local board. So, I oppose the grant of compensation.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Mr. President, I think there would be no difference of opinion that when Government is committed to a certain promise, it would be unfair to go back upon it and not to pay the amount to the local board. The real question, however, is, if Government is re-imposing tolls on all provincial roads, why not impose tolls on this road which is only near Bombay, and why give special treatment to one road and not realise the amount from tolls—the amount which this Government will have to pay to the district local board of Thana? If Government have to pay to the district local board, Thana, compensation for this abolition of tolls, I think it would be quite unfair not to impose a toll in the case of this road. Now, we have gone back on the policy which Government previously followed and have decided to re-impose tolls, and this road alone is to get exemption. But, when other people have been obliged to pay toll, why special advantage should be given to one locality alone is a thing which I do not understand. I think if this amount is paid to this district local board, it should be made good by re-imposition of tolls.

Mr. S. K. BOLE: I move the closure.

The Honourable the PRESIDENT: I accept it.

Rao Saheb L. V. PARULEKAR (Ratnagiri District): Sir, it is one thing to say that because a district local board is unable to maintain a road therefore it should be handed over to Government. But when the district local board was willing to maintain it and they would be able to derive considerable benefit from it, it is altogether unfair to say that Government is accepting the responsibility of paying Rs. 12,000 and in addition the responsibility of maintenance of the road. Where is the justification for this? I submit, therefore, that if the district local boards themselves want it, all the roads should be provincialized. My submission, therefore, is that this road alone should not be provincialised. If there is any agreement or promise made by Government, we should realise as much toll as possible and pay the promised amount to the district local board. My submission, therefore, is that the House should oppose this item.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Mr. President, this item refers to the Thana district local board in particular, which is not exactly like any other ordinary local board.

[Khan Bahadur Shaikh Ghulam Hussain]

Wherever possible, Government have always helped district local boards by provincializing some of their important roads, and there has been not a single instance in which a district local board has urged that it got more money from the tolls than it spent on roads and that it was not willing to transfer the roads to Government. On the contrary, local boards have represented that they cannot maintain their roads in spite of the income from the tolls, and have been requesting Government to provincialize their roads. In this case, the Thana district local board received an annual income of Rs. 25,800 from tolls on this road and yet the road was not kept in good order. Looking to the importance of the road, especially for the development of Salsette, Government requested the local board to transfer that road to them in the interest of traffic, and the road was provincialized. However, on the protest of the local board we agreed to compensate the board by paying it half of the income which it derived from the tolls. This undertaking has already been given to the district local board, and I do not think it is fair that we should go back upon it. As regards the general question of tolls, I will announce the policy of Government when the resolution of the honourable member from Khandesh comes up for discussion.

Question put and lost.

Rao Saheb L. V. PARULEKAR (Ratnagiri District): Sir, I move

That item 285, page 254, Blue Book, Grant to the Board of Cinema Film Censors, Rs. 10,000, be omitted.

My submission is, Sir, that the item is unnecessary and therefore should be disallowed by this Council.

Mr. KANJI DWARKADAS: I take advantage, Sir, of drawing the attention of the Government to a very serious matter with regard to the censoring of cinema films. Almost two years ago at the Poona session I asked Government questions whether they were aware that cinema films of an unmentionably obscene nature were being shown in Bombay and Government replied that they were not aware of that fact, but the immediate result was that four such films were immediately destroyed. I am now informed that cinema films of an unmentionably obscene nature are now being regularly shown in Bombay from time to time and I am also aware that those films were not brought before the cinema censors.

Government MEMBERS: Where? At what cinemas?

Mr. KANJI DWARKADAS: I cannot mention their names.

Honourable MEMBERS: Name them to us.

Mr. KANJI DWARKADAS: No, I will not do that here. I shall disclose the names to the Home Department privately. It is always difficult for Government or police to find out such instances.

The Honourable Mr. M. H. W. HAYWARD: I would like to say, Sir, that if the honourable member has any information of the nature indicated, I shall be very glad if he will communicate it to the Board of Censors, as all such information is taken notice of by that board who will no doubt carefully examine the complaints brought to their notice.

The Honourable the PRESIDENT : The argument of the honourable mover is that this item is unnecessary.

The Honourable Mr. M. H. W. HAYWARD : I submit, Sir, that the necessity of this item is shown in the remarks column from which it will be seen that we have already reduced the expenditure from fifteen thousand to ten thousand and a full-time secretary has been changed into a half-time secretary, and it is our intention by collecting fees to make this self-supporting.

Rao Saheb L. V. PARULEKAR : I beg leave to withdraw the motion.
Question put and leave granted.

Mr. G. B. TRIVEDI (Thana District) : Sir, I move

That the provision for the grant-in-aid to the Kathiawar Consolidated Local Fund, Ra. 20,000, Civil Estimates, page 211, be omitted.

My object in moving this motion is merely to get an explanation from the Honourable the Finance Member as to why we should give any grant-in-aid to the Kathiawar Consolidated Local Fund.

The Honourable Mr. H. S. LAWRENCE : Sir, this is one of the items regarding which mention has been made at the earlier stages of this debate as an expenditure on matters connected with the Kathiawar province. All these matters in connection with the Kathiawar province are the subject of negotiation with the Government of India and when these negotiations are completed, that is to say, if the care of the Kathiawar province should be transferred to the Government of India as has been under contemplation, then we expect to have these sums reimbursed to the provincial exchequer. This particular local fund is now the subject of investigation in the Political Department and special measures are in progress to increase its revenues and to render it more self-supporting, but in the past years partly owing to the very severe seasons that the Kathiawar province has passed through, this fund has been in a bankrupt state and has had to receive certain subventions from Government.

Mr. G. B. TRIVEDI : I beg leave to withdraw the motion.
Question put and leave granted.

Rao Bahadur R. R. KALE (Satara District) : Sir, I move

That the total demand for 47, miscellaneous be reduced by Ra. 10,00,000.

It is stated that this year the Finance Department proposes to keep fifteen lakhs as a reserve. Last year, the reserve so kept was twenty lakhs, and the total demand includes this fifteen lakhs as reserve. My contention is that such a large amount need not be allowed to be held in reserve and that only five lakhs is enough. Hence I move that the total demand be reduced by ten lakhs. Last year, as honourable members will see by reference to page 25 of the Blue Book, a reserve to the extent of twenty lakhs was provided to meet unforeseen expenditure during the course of the year, and this year they have reduced it by five lakhs, but it will be seen that if we provide such a large amount as reserve, then there is a temptation always to spend more, and it is therefore necessary that the amount to be reserved should be limited, as when the whole demands are under discussion at the annual budget you can criticise these things minutely. But if a large amount were kept in the hands of the depart-

[Rao Bahadur R. R. Kale]

ments, then there is a possibility of the amount being used more lavishly and the Council no doubt has been told from time to time that out of the reserve a certain amount has been used or is to be used and so on. But it seems to me that unless there is any necessity for heavy expenditure on unforeseen items, Rs. 5 lakhs ought to be enough, and I therefore propose that this amount be reduced by Rs. 10 lakhs.

Mr. G. C. BHATE (Kolaba District): Sir, I rise to support the motion. In this connection I would like to draw the attention of the House to what the Honourable Minister for Education said the other day when supplementary grants were being discussed. He told us that the Finance Department said all at once "There is a surplus out of this Rs. 20 lakhs; let us spend it this year; we won't save it for next year. If you have any plans better send them to us, and we shall make due provision for them". It will be seen that this reserve is kept for expenditure of urgent necessity. If there is any balance, that would be useful for inclusion in the next year's budget. What appears to me from this year's budget is that if there is any surplus, that is spent by demanding some surplus grants. In this way, the real purpose of this surplus, that it should be useful for any urgent contingency which was not contemplated at the time of the budget, is not served. Therefore, it would be better if very little is left at the disposal of the Finance Department. On these grounds, I support the motion.

Mr. C. C. HULKOTI (Dharwar District): Mr. President, I rise to oppose the motion. It will be seen that the current expenditure of the province is Rs. 14 crores, and I think it is quite desirable that a provision to the extent of Rs. 15 lakhs as a reserve should be made as a safe margin. Whenever any items of expenditure requiring large amounts come up unexpectedly, they have to be provided for, and I think it is wise to leave it to the discretion of the Government to consider whether there is any item of such a nature as could be provided out of reserve funds, and this sum does not seem to be excessive. Under these circumstances, I oppose the motion.

The Honourable Mr. H. S. LAWRENCE: Mr. President, I entirely support the last honourable member who spoke. As he has pointed out, this sum is one per cent. on a total expenditure of Rs. 15 to 16 crores, and I do not think that to keep one rupee in your pocket when you are spending Rs. 100 is an unnecessary provision for emergent and sudden demands. The Honourable member from Kolaba suggested that we had been throwing money away. I do not think that is a very high compliment to the judgment of this House, because every pie that has been spent from this sum of Rs. 20 lakhs has been spent after obtaining a definite vote from this House. It is true that within the last few days we have had some supplementary estimates, and I believe the Honourable Minister for Education in a burst of candour and humour asserted that we had thrown this money at his head a few weeks ago. I think, Sir, that the Honourable Minister for Education really intended to pay a compliment to the Finance Department for their generosity, because this money had been reserved for a reserved department, and we had trans-

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ferred it to a transferred department. I may mention to the House that the Honourable Minister for Education had been urging for a very long time the claims of various institutions for building grants, and those building grants, as the House is well aware, had been very seriously in arrears. So that, it is not as if we had given money without thought to a certain purpose which was suddenly sprung upon us but those were purposes the necessity of which had been recognised for very many months, and which we suddenly found that we could, with due regard to the public purse, now provide money for. I also submit that the purposes for which money was spent found favour with this House.

The Honourable member for Satara stated, on much the same lines as the honourable member for Kolaba, that this reserve would mean unnecessary extravagance, and he suggested that money had been spent by Government without reference to this House. I do not think he can have meant that, although that is the impression he conveyed to me. It is well understood by honourable members of this House that the whole of these grants are dealt with by supplementary estimates which have to be placed before this House and justified to this House. I submit, Sir, that the provision should be allowed to stand.

Question put and lost.

Question put that :

The total demand for Miscellaneous of Rs. 14,50,000 Reserved and Rs. 9,83,000 Transferred be granted and agreed to.

Demand for Rs. 6,68,000 under the head Forest capital outlay.

The Honourable Mr. C. V. MEHTA : Sir, I beg to ask for a grant of Rs. 6,68,000 for Forest capital outlay.

Rao Bahadur G. K. CHITALE : Sir, I have got a motion to cut down expenditure from loan funds. I believe, it will save time if I say what I have to say with respect to the loan policy of the Government, and then make up my mind whether to press my motions for reduction or not.

The Honourable the PRESIDENT : Is it relevant to this particular demand ?

Rao Bahadur G. K. CHITALE : If you will refer to page 18, I have given notice of a motion to reduce by Rs. 1 crore 50 lakhs the provision for loans for other purposes.

The Honourable the PRESIDENT : That is not pertinent to this demand.

Question put and demand granted.

Demand for Rs. 50,31,000 under the head 55, Construction of Irrigation works.

The Honourable Sir CHIMANLAL SETALVAD : Sir, I ask for a grant of Rs. 50,31,000 for construction of irrigation works. Honourable members will find on page 92 that the total is Rs. 82,72,000, Rs. 30 lakhs of which has already been provided out of revenue.

(Rao Bahadur G. K. Chitale made an observation which was inaudible.)

The Honourable Sir CHIMANLAL SETALVAD: I did state that 30 lakhs came out of loans. It was distinctly mentioned what the amount of Rs. 98,68,000 was composed of.

The Honourable the PRESIDENT: The honourable member does not dispute that point. What he says is that he was led into the impression that the question of loan was not pertinent under item 55.

The Honourable Sir CHIMANLAL SETALVAD: All the motions for reduction or omission under 55 were disposed of one after another. I do not know what remains now to be done which the honourable member has abstained from doing.

Rao Bahadur G. K. CHITALE: I asked thrice whether any of those items in 13, 15 or 55 are covered by loan fund. My difficulty....

The Honourable the PRESIDENT: Is it or is it not a fact, as alleged by the honourable member for Ahmednagar, that when he wanted to deal with the question of loans during the debate on item 55 he was told that it did not come under that item?

The Honourable Sir CHIMANLAL SETALVAD: If you will see my speech, Sir, in moving the grant for Rs. 98,68,000 you will find that I have pointed out what that amount comprises and that 30 lakhs part of that amount comes from loans.

The Honourable the PRESIDENT: So far as my memory goes on three occasions the honourable member rose to deal with the question of loans and he was told that the question of loans would come by itself.

The Honourable Sir CHIMANLAL SETALVAD: If the honourable member wishes to discuss the general policy of loans that will still come when the Council is asked to give its sanction for it. All the motions with regard to 13, 15 and 55 have been disposed of with regard to expenditure on Irrigation.

The Honourable the PRESIDENT: Let us proceed step by step and see how the fact stands. Will the Honourable the Finance Member kindly explain?

The Honourable Mr. H. S. LAWRENCE: Sir, there is a motion, No. 383, by the honourable member for Ahmednagar for reduction by 150 lakhs of the provision of loans for other purposes. That would cover this item of Rs. 52,72,000 for loan for the construction of irrigation works. If honourable members refer to page 89 of the Blue Book, the statement at the bottom there shows that this year we are asking for Rs. 1,75,67,000 loan for other purposes, and that is the item which the honourable member proposes to reduce by 150 lakhs. That sum of Rs. 1,75,67,000 is divided among five heads: 52-A, Forest; 55, Construction of Irrigation Works; 56-A, Capital outlay on Public Health; 60, Capital outlay for Civil Works; 60-A, other provincial expenditure not charged to revenue. So, if the honourable member wishes to reduce it by 150 lakhs, 25 lakhs and odd will remain. If the honourable member is given an opportunity to put forward his policy on that item I would be grateful for his advice.

The Honourable Mr. M. H. W. HAYWARD : Sir, I shall try to explain the situation. The honourable member wants to discuss the general policy of loans. The practical difficulty in the way is this : The total sum asked for is Rs. 1,75,67,000. This amount is distributed among five different heads. He wants to reduce something out of Construction of Irrigation Works, something out of Capital outlay on Public Health, something out of Capital outlay for Civil Works, something out of Provincial Expenditure not charged to revenue. Apparently by some misunderstanding he did not ask for reduction in the case of Forest and Irrigation. There is no separate head for moving this reduction. The difficulty is how to discuss the general policy of loan in accordance with your ruling, Sir.

The Honourable the PRESIDENT : The difficulty can be solved. I take it that the position stands thus : the general question of loans is an item by itself which will come up for debate. Am I right there ?

Rao Bahadur G. K. CHITALE : It is distributed under several heads.

The Honourable the PRESIDENT : Can the question of loans be debated under any specific item ?

The Honourable Mr. M. H. W. HAYWARD : It all falls under the head B-Expenditure Charged to Capital. It comes under the sub-heads Forest, Irrigation, Public Health, P. W. D., Other Provincial expenditure, but not "Development".

The Honourable the PRESIDENT : So, the item of loans is distributed throughout all these. Now, the question is whether under the head Irrigation one can deal with the question of loans or not. The answer given by the General Member is that that is a question which ought to have been raised when the item 55, Irrigation was dealt with.

Rao Bahadur G. K. CHITALE : My position is that I did raise it.

The Honourable the PRESIDENT : Then, the question was left open. So, my ruling is, whatever decision was arrived at under the head 55, Irrigation is subject to this : that the question of loans was to be dealt with under this head. The honourable member may therefore address.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Of course, I do not wish to occupy the time of the House unnecessarily, because I have given numerous motions on this head. I want first to rivet the attention of the House on the general question of the policy of loans. Mr. President, during the last three years, including this year, we have borrowed about Rs. 4,25,00,000 for our expenditure on capital works. In addition to that, as I have said in my previous speech, which I do not wish to repeat, we have our commitments to the extent of at least 35 crores. Indeed it does appear to me that this policy of meeting our current expenditure out of loan funds is an innovation. Of course I do not claim as much knowledge in these matters as the Finance Secretary, but as far as I know, for all unproductive and protective works, no loans were so far allowed by the Government of India. The present policy being new requires very close examination. How are we to examine that problem ? This House will remember that it was suggested by the honourable member the Registrar of Co-operative Societies that after all

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we have to see what is the total debt of this Presidency and compare it with the earnings of the total population during the year : if there was a margin, there need be no hesitation in going in for loans for useful capital works. That was the point taken up. Now, that is a policy which, I should think, requires an amount of reservation in several directions. So, I thought it necessary to write up my views rather than express them *ex tempore*. I am speaking from notes which I intend to put before the Finance Member and the Government.

It is true that borrowing to secure the loans for entering upon some productive enterprise is the chief cause of the debts. Borrowing is an enterprise which is taken up by all civilised countries. Borrowing is necessary and borrowing may be remunerative. But there is the proviso that this policy is carried out in a limited proportion of the taxable limits, and if that is done it is financially sound. Well, the point at issue therefore will be that whatever the maximum capacity of loans may be, it must bear a certain proportion to the utmost taxable capacity of the people. If that is done, the policy is financially sound : if that is not done the policy is very weak and is very risky. The policy is financially sound because the enterprise in which the funds are invested furnishes an additional security. Take, for instance, our irrigation works, our development works. When the enterprise becomes fruitful, that serves as additional security for the funds that have been invested. That policy is also financially sound because it also enhances the credit of Government which is an asset. Now, there are two or three ways in which these enterprises are managed. One is by selling the commodity, such as sale of water, etc., and the other by assessment. Take our development works : we reclaim so much land and we sell it. Now, this is a method in which the speculative element gets in. It is on a speculative basis, because you have to speculate whether the enterprise will fructify or not. It all depends therefore on the wisdom of entering upon such enterprise. But when such loans are spent on protective works they can be treated in the same manner as investment, namely that the debt has to be paid, and then also the borrowing must be good. Now, Sir, I may at once state that a sinking fund is not always necessary. The sinking fund came into existence in English finance in 1786. In the case of sinking fund it is said that the loans or the limit of the loans will have to be limited in the same proportion as that of the budget surplus.

I have to be brief and therefore I am putting my views as briefly as possible. Any loan is contracted so as to be terminable after 10, 20, 30 or 60 years, because such loans on different objects have to terminate at different periods. But whatever the sum total may be, there must be a basis by which the annual genuine surplus which I have denoted must fructify within a certain number of years in order to liquidate the loan. That policy is considered financially sound, and is followed by all civilized countries.

Now, have we got any surplus or have we got none ? According to the state of our finances I am not taking into consideration the several

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taxes that will be put hereafter—it is rather doubtful. But is there any money, any surplus, and is the loan policy on which Government is embarking correct according to sound canons of finance. But if there are no annual surpluses available in any year so that they can be drawn upon when these particular debts will be liquidated, then that financial policy based upon loans is considered very unsafe. Now applying this principle what I mean to point out is this that all expenditure of the capital that is spent, on Forest for instance, taking any of these six heads given in the first category, has to be left out as good expenditure; but expenditure which is not likely to be productive at least for a certain number of years may not be quite satisfactory. And there are various items of expenditure here which according to my views are unsound.

Now we have seen the budgets of the last two years. They were deficit budgets. This year we have got a surplus of five lakhs. I take it that the financial manipulations, as we have experienced this year, may land us in a surplus of 25 lakhs more. I had expressed that hope last year and I also repeat it this year. It may be more but it will not be less. I am sure of that and therefore I take it to be 25 lakhs as the annual surplus. If, out of 25 lakhs, 10 lakhs are set aside to meet capital and interest charges, some definite part of the loan will be liquidated within 15 years. Some such financial method appears absolutely necessary and anything else based upon mere chance of genuine surpluses is unsound and risky and therefore that indication of this policy to meet expenditure of an unproductive nature from loans is very likely to prove risky. For instance the Chief Secretary when I dwelt upon this point told me that all expenditure on irrigation in famine tracts it was intended to be effected out of famine funds. I have gone through the table and I find that a large part of this Rs. 52,00,000 of loan money is intended to be spent on Bhatgar and allied works. From page 15 of this irrigation budget I find there is a budgeted expenditure of Rs. 48,14,000 on the Nira Right Bank irrigation, Lake Whiting and other works. This is capital expenditure not charged to revenue. I take it therefore that most of it comes from these loans which the Honourable the General Member has scheduled for Rs. 52,00,000. So that, out of Rs. 52,00,000 expenditure, the Honourable the General Member wants Rs. 48,00,000 to be spent out of the loan funds on the Nira Right Bank Canal Scheme, Lake Whiting district, etc.

Mr. P. J. MEAD: I think the honourable member from Ahmednagar is taking Gujarat as well as Deccan capital works into consideration. The honourable member's question I understand was how much of the famine assignment is being spent on these works and as I pointed out from the Public Works Department budget for 55, Irrigation, to which I referred him, Rs. 30,00,000 of the famine grant is being spent on these irrigation works.

Rao Bahadur G. K. CHITALE: Sir, I am accurate in this that Rs. 48,00,000 out of loan funds is intended to be spent on the Nira Right Bank Canal. The figures are very perplexing but I assume for the sake of argument that these Rs. 48,00,000 are intended to be spent out of loan funds and I may say—I speak again open to correction—

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that out of this grant of Rs. 30,00,000 a very small amount is being spent for works on irrigation in famine tracks. Of course I make that statement subject to correction.

Now, Sir, it is known that what is known as the Nira Right Bank Canal scheme is, after all, unproductive in the sense in which it is understood from an engineering point of view. I have explained that already. So I should like to ask, applying that case, is that expenditure financially sound? Is such a large expenditure this year as we are budgetting for, on a work of an unproductive nature, financially sound? As a matter of fact, I find my impression is correct, as on page 15 it is described as unproductive. I imagine that it is not a sound policy. We were told by the Honourable the Leader of the House last year that "we wanted to complete this much earlier". But nothing of the kind has happened. The programme was fixed long ago and I believe that if we are constructing the work in the coming year, it may be a year or two or more before you can expect any benefit, though I know the work will fructify in the end. Now, take for instance the Visapur tank, on which we have spent 40 or 50 lakhs. That work has been going on for the last twenty years. Whether that policy is sound or unsound is the exact point to be borne in mind and I have therefore been trying to lay before you cases on which this expenditure has been made.

Now, let alone the expenditure on irrigation: we will now turn to the expenditure on buildings and roads for public works. Now, it is admitted that expenditure of this kind is for the common benefit: we admit that. But you have to remember that for obtaining that common benefit we have already spent about 75 crores of rupees out of the revenue. Seventy-five crores is surely a large sum. We have built our roads. Public works have been built according to local pride, and for many reasons, I am quite willing to admit, Bombay people may not be satisfied with simple work though it would be quite sufficient for our purposes, I mean people from the mofussil. I am quite willing to admit that Bombay people want very wide roads constructed at an immense expense which may very properly be considered extravagant, at least by us, people from the mofussil. Some of this extravagance we will come across when we come to the details of the budget to which I will take objection. After spending 75 crores for the common benefit on the public works, buildings and roads, is this extra expenditure justified when our real financial position is what it is? I believe the result of all this will be, as the Honourable the Finance Member prophesied, that taxation will be inevitable, taxation of lands in the near future will be inevitable, taxation in one form or another will be inevitable, and if the House thinks that for the next ten years at least we can put up with that kind of taxation, then the House may vote for it. From my own point of view, I challenge the statement that the staying power of the people has increased. Look at it in any way you like; you come across the spectacle that houses after houses in many tracts of the famine area have been vacated; people have gone out altogether. I have been in

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the districts for the last 27 years and I have seen the prosperity of the people there, and I have seen also the hopeless, abject poverty of the people there now from which they are suffering. No shaking of the head by the Honourable the Leader of the House or by any other honourable member will at least satisfy me. Looking at it, therefore, from that point of view, I ask whether after an expenditure of 75 crores on your public works and roads, there is further necessity to spend more which cannot be avoided. If it cannot be avoided let us see what our genuine surplus is going to be annually, and then we will see what we should spend. I should think that for the next ten or fifteen years the utmost limit of our liability to pay any debts subject to our present commitments is not more than five crores at the most, because these commitments have to be met and unless the taxable capacity of the people is increased and we have a surplus, I think this expenditure is fraught with an immense amount of risk and the honourable members of this House will take upon themselves immense responsibility which they will find it most difficult to bear when the time comes for additional taxation, which is not at all distant.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Mr. President, after the speech made by the honourable member from Ahmednagar, very little I had to say remains to be said. I perfectly agree with him in what he has said and I must also say that not only what he has said regarding expenditure on unproductive works and construction of new works is quite good, but the Honourable the Finance Member of the Government of India also holds the same view on this point. There appears to have been a wide difference between the Finance Department of this Government and the Finance Department of the Government of India. The Government of India has opposed or at least given up the policy of constructing new works out of loan funds and of creating a liability for future generations of paying taxes, by way interest charges and also sinking funds. The policy which this Government followed formerly of meeting the expenditure of the buildings and some part of expenditure on the productive works from ordinary revenue was, I should say, a wise policy so far as the conditions of this Presidency are concerned. We cannot expect to have all buildings which we require from loan funds in one year or in a few years. For sixty years at least we are progressing in this matter and as a result we have got to our credit works worth at present about 65 or 75 crores of rupees. Suppose the former Governments in former times had pursued the new policy which is now being mentioned, what would have been the result? This Government would have been forced to pay on loans an interest of about three or four crores, annually.

And I leave it to the House to judge what would have been the result. If we pursue this policy we would create additional charges for future generations to pay, not only by way of interest charges and sinking funds, but they would have to provide for new buildings also, because we are not going to provide all possible buildings in one generation, and there will be the necessity of new buildings, the old buildings will fall down and

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will require to be renewed, and this policy of having new works out of loans will ultimately bring in an era of bankruptcy on the finances of this Presidency.

We were told only a few minutes ago by the Honourable the Leader of the House that people in rural areas are better off and better able to pay and better able to stand taxation. I beg to differ from him. If the recent famines have not been so destructive, it is because larger works were in progress where people could get employment at better rates; except for that, I do not think those people are better off at least for the present. It is possible and I am quite prepared to admit, that in the irrigated areas people are better off, and so far as the policy of having irrigation works out of loan funds goes, I would support that policy, on the clear understanding that the loans on such protective works are taken against the Famine Insurance Grant and provision is also made that whatever deficit there is is met from that fund. From that point of view perhaps I quite admit that the policy of having new works out of loan funds is justifiable and if such protective works are hastened and completed at an earlier date, it would be highly desirable, as they would be available sooner and would improve the condition of the people. But I am not in favour of a policy of constructing new works which are likely to create larger and larger interest charges only without bringing in any return to the people, and thus throw an additional burden on the people.

I do not think that the Finance Department will be able to make out a strong case and to show that after a few years the financial position will be such that we shall be able to pay for the sinking fund as well as the interest charges. It may perhaps be said that the finances will probably expand to a certain extent, but we ought to remember that the expanding sources of revenue are not solely ours. We have to give away the income-tax which is certainly an expanding source of revenue and it does not belong to us. Every activity in this Presidency will ultimately benefit not this Government only but the Government of India, and the financial position of this Government will probably not expand to a much larger extent than it has done during the last few years. I think even the sources like stamps have reached their utmost expanding capacity and will not expand much.

My view is that the taxable capacity of the people will not increase, unless we take such steps as will bring in more money into the pockets of the people. If we had taken any steps in the past to see that people were better off, that they had more money in their pockets, and that new employments were developed, then we should have been justified to ask for more from them in future by way of taxation. But what is the condition? They are living on the same lines, they are cultivating the same lands, they are having the same products. Prices have gone a bit upwards, which does bring in more money but it is quite certain that sooner or later they will steadily revert to the same old wretched condition, when prices fall, as there is no other resource for the people to fall back upon. There will not be prosperity

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in the Presidency if we do not take care that no unnecessary additional charges are thrown upon the people. I do not think there is any justification for creating new burdens for future generations to bear, burdens which the future generations will not be able to bear, burdens which will ultimately spell ruin to the finances of this Presidency. Under the circumstances we must take steps to stop as much as possible any new loans other than for protective purposes or if such loans are going to create additional burdens in the shape of interest charges and sinking funds for generations to follow. I shall therefore be the last person to support any loan policy similar to the one which has been followed by Government in the last two years and I hope the Council will see the justification of what I say, that the Council will realise its responsibility which they will otherwise be throwing not only upon their own heads but upon the heads of the future generations in the Presidency and upon the revenues of this Presidency. This is a great question and deserves careful consideration.

Mr. H. G. COCKE (European, Presidency): Mr. President, I listened with considerable interest to the remarks which the honourable member for Nagar made on the question of the expenditure from loan funds. I gathered that he meant to convey to this Council that money spent on productive works out of loan funds was justifiable but it was not justifiable to spend money on unproductive works. I gathered further that he considered productive works as only such works which produce revenue in hard cash. That is a very dangerous line to take, that if you are going to build a dam to irrigate certain land and if you are going to supply water to the community around it free of charge, that, because that scheme does not produce revenue in hard cash, such works are not productive. It does not follow that such works are unproductive; they may not be directly productive but the benefit that accrues to the people around in the shape of better produce and better crops will be such as will justify such works being called productive for all practical purposes. It is therefore a great mistake to differentiate between productive and unproductive works in the manner that the honourable member has done. Although, it may be that you are not getting a direct return in hard cash on the amount expended, there is the indirect return to the community around such productive works from which both Government and the community may derive considerable material benefit.

Dewan Bahadur K. R. GODBOLE (Poona District): Sir, I am very glad that this question of the construction of unproductive works out of loan funds has been placed in this prominent manner before the Council by my honourable friend from Ahmednagar. I have been commenting on, and protesting against such expenditure this year and also last year. Now let us compare the position that Government are taking with the position of a private estate-holder. Suppose the proprietor of a large estate has no surplus money yearly from his estate and still wants to build a palace for himself out of borrowed money. Shall we call this man a wise

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man? For such a man, who has got no annual surplus revenue in his treasury, to go and build a palace out of borrowed funds would be folly. If he constructs a chawl for bringing in additional revenue for himself out of borrowed funds, the proposition is one that the Council will accept as sane, but if he goes out of his way to build a large palace costing say Rs. 20 lakhs, when his annual saving is Rs. 100, he would be liable to be called unwise. Taking that analogy, let us see what Government propose to do in the present budget.

Mr. JEHANGIR B. PETIT : How will he get a loan of Rs. 20 lakhs, when his income is Rs. 100 ?

Dewan Bahadur K. R. GODBOLE : After meeting all his expenditure his annual saving is Rs. 100 only. He may raise the 20 lakhs required for the palace by mortgaging his estate. What do Government propose to do in the current year's budget? They propose to borrow Rs. 1 crore 75 lakhs, and out of these borrowed funds they propose to construct mamlatdars' kacheris and courts, and other expenditure of that description, which is not likely to bring in any direct return even in the remote future. They are also going to spend some of the borrowed funds on the construction of irrigation works like the Nira Right Bank Canal, which will bring in some net revenue after 10 or 15 years only. To borrow funds at the rate of 6 per cent. and to incur irrigation expenditure from them which is not going to pay more than 2 or 3 per cent. after 10 or 15 years does not seem to be a sound policy. The proposed forest outlay, from loan funds on the construction of railways for the development of forests, etc., is not also likely to bring in any net revenue in the next 10 years at least, as is shown already by one forest railway which is not paying its working expenditure. In the case of the Bhandardara dam, the work will be under construction for five or six years more. After completion, a number of years will have to elapse before the work will pay its working expenses, and then only some net return will be coming in. In the meantime, we shall have to pay 6 per cent. per annum on all expenditure incurred. In the case of civil works, money borrowed at 6 per cent. is going to be spent on the construction of kacheries, roads, bridges, drainage works like Poona drainage, and so on. This expenditure will not bring in a pie of direct return. I have satisfied the House, I think, that on the bulk of the items that are going to be constructed out of this loan expenditure, there will be no direct return, and on the remaining the net return will commence to come in after 10 or 15 years only. In the meantime, we will have to pay 6 per cent. per annum and the sinking fund on expenditure incurred on the construction of these works. Now looking to the statements furnished, I find that there will be a loan expenditure of Rs. 1,59,00,000 during the current year and of Rs. 1,75,00,000 during the next year on the construction of unproductive and partially productive works. The charges on account of sinking fund and interest at the end of 1924 will be Rs. 3,11,000 per year. If this is the result when the policy has been in operation for two years only, if Government are allowed to go on with the policy, where shall we be at the end of 20 years? Probably, by that time, the annual charge that would be thrown on the resources of this Presidency will

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come to Rs. 40 or 50 lakhs. For the last two or three years we have had no surplus revenue at all; this year there is a surplus of Rs. 5 lakhs, and probably next year we may get a similar surplus. Against such small surpluses to create a standing expenditure of Rs. 40 lakhs would I consider be dangerous. At the end of 1924, Government estimate that the additional annual expenditure that they will throw on the finances of the Presidency will be Rs. 3,11,000. If this policy is pursued for the next 20 years, then probably by that time, the annual charge will be Rs. 50 lakhs which will have to be met from the ordinary revenues of this Presidency. I want the Council to realise this. No doubt Government take the view that the growing revenues of this Presidency will enable us to have larger annual surpluses in future years. As regards this point we have to bear in mind that the needs of the Presidency are also growing, and the anticipated increased surpluses will be fully required to meet the growing needs of the Presidency. You are meeting the needs in an extravagant fashion by creating annual charges which you may not be able to pay. The point that I want to make is that at the end of 20 years, Government, if they are allowed to pursue this policy, will have created an annual charge on the provincial revenues of Rs. 40 to 50 lakhs, and this they hope to pay from the growing cash balances, which, I submit, will be required for the legitimate wants of the Presidency which would be growing in the meantime. The cost of public works is going to increase, and the cost of Government in all directions is going to increase, and any larger surpluses that we may have in future years will have to be expended in meeting these growing wants. Therefore, this additional burden of Rs. 50 lakhs that Government will create by pursuing this policy will be one which we may not be in a position to meet. The policy is risky and I think it should not be carried on. The Council will do well in cautioning the Members of Government in being careful as to how far they go, in carrying out works which are not productive from loan funds. Additional works are necessary for the development of the Presidency; but the expenditure on all such works should not be met from loan funds. Some of them must wait until our finances improve.

After Recess.

Mr. B. V. JADHAV: Sir, the honourable member for Ahmednagar has raised a debate over the advisability of carrying on works out of loan funds. Up to this time, expenditure on works of public utility was generally met from revenue. Under these circumstances the progress of the province was slow and very urgent public works for the improvement of the Presidency had to be put off. Government have recognised the principle that such works should be executed by borrowed capital, and that the generation to come ought to shoulder their proportionate burden in the discharge of the debts which are incurred for works which are for the benefit of the present generation as well as of the future generation. I do not think the honourable member for Ahmednagar challenges that principle. So far as I understand, his point is that money out of borrowed funds should not be spent on unproductive works and that if such a policy is carried on for 10 or 20 years the interest charges

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on the revenue will become intolerable. Sir, I do not think that danger will materialise. The Honourable the Finance Member will see from year to year what sums can be set apart for meeting the interest charges, and also for creating a sinking fund, so that the debts can be liquidated in a certain number of years. Works of public utility are necessary for the development of the country and many of these are not productive directly. It will not be a bad policy to construct culverts and bridges, if they are necessary for the development of a particular district. It is a well known fact that in mofussil towns there are no decent buildings available even at a high rent for the location of Government offices. In those places it is quite essential that decent and durable buildings ought to be constructed, and as these buildings are to be used for a number of years, it stands to reason that the burden of constructing these buildings should be distributed over a number of years and ought not to be charged to revenue. If such expenditure is made a charge on the revenue, other necessary improvements must be stopped or postponed and the future generation will suffer along with the present. There was a great deal of discussion about what are productive works and what are not. But in my humble opinion whenever a work is undertaken it ought to be looked at from a special point of view. One ought to see whether the work is beneficial. Take for instance an irrigation work. If it is found necessary for a particular locality, and if the material progress of that locality is sure to improve by this irrigation work, it ought to be undertaken irrespective of the consideration of realising interest and sinking fund charges, and even if such work may not be productive monetarily. Bridges and roads are quite necessary for the development of a district and although these works will not bring in any revenue directly they ought to be constructed even if they fall under unproductive works. So, every work ought to be judged on its own merits and no hard and fast rules can be laid down. This year Government propose to borrow, and you have to provide about 3 lakhs of rupees for interest charges. It is feared that the interest charges year by year will increase and will devour all our surpluses and our advancement will come to a stop. But honourable members should take into their consideration the expansion of revenue which is sure to result from these investments. I do not see any danger either in the principle or the policy pursued by Government. I hope the House will sanction the demand.

Rao Saheb D. P. DESAI (Kaira District): Sir, I regret very much that the honourable friend from Satara should have taken this view. If we look to the figures it will be found that the total expenditure from the ordinary revenues has increased by over a crore over the revised estimates of 1922-23, and the expenditure that is proposed to be incurred from borrowed money is over and above the expenditure from the ordinary revenue.

The Honourable the Finance Member had two ways open. He could very well have said: "When you came to the Council you had a deficit of more than a crore and a half, and when you are leaving the Council, you can go away with that deficit." That was one way. The other way

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was to say "When you entered the Council you had a surplus of more than 3 crores and now when you leave you go with that surplus". Somehow or other he has preferred the latter way. I should think, Sir, that he should have preferred the former. If the present budget had been framed on the same lines as the 1921-22 budget, instead of a surplus we should have a deficit of more than a crore of rupees. But whatever that may be, since it has been already done, I do not wish to say anything about it.

I must, however, say something as regards the policy of constructing police lines and other buildings from borrowed capital, capital borrowed at a Jewish rate of interest, a Jewish exorbitant rate of interest. The rate of interest at which Government borrow is as high as 6½ per cent. And we should remember also that all the buildings that will be constructed from this capital will in a short time be reduced to half their value when the cost of materials will go down. Particularly in these years of high prices, it is highly inadvisable for the Government to construct buildings and thus encumber the finances of the Presidency. The construction and selection of sites, etc., in many places,—especially of these police buildings,—is not done with a view to economy and cheapness as it should have been done in these days. Sites are selected.....

The Honourable the PRESIDENT : We are now dealing with Irrigation, and this matter as regards public buildings ought to have been referred to when the estimates for buildings were on the vote.

Rao Saheb D. P. DESAI : In this demand police buildings are included.

The Honourable Mr. M. H. W. HAYWARD : Part of the loan of Rs. 1,75,00,000 is for police buildings.

The Honourable the PRESIDENT : Then, the honourable member is in order.

Rao Saheb D. P. DESAI : Police buildings in certain places are dismantled and new ones on up-to-date style built. These may again be dismantled and additional expenditure incurred, if they are not after a time considered all right, by a future sanitary officer. Surely we cannot afford to incur such liabilities. But what alarmed me most was the statement of the Honourable the Finance Member that we make a present to the Deccan cultivator of interest to the extent of 50 lakhs on irrigation works in the Deccan, and he asked the House to consider whether or not some income should be derived from these works. In making that statement the Honourable the Finance Member ignored the fact that the land revenue of these tracts is assured and no remissions will have to be given. I think in these calculations Land Revenue should be taken into account. Again, Sir, expenditure on these works has been incurred from ordinary revenue or Famine Insurance Fund, and not from loan funds at least in pre-reform days.

Then, Sir, my honourable friend from Ahmednagar referred to storage tanks. These storage tanks, whatever their usefulness in the Deccan, are of practically little use on my side of the Presidency; they practically remain unused as in a normal year none requires water and in a bad year

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they do not give water as they are empty. So, these tanks realise little irrigation revenue and so they are given to be used for cultivation purposes, and so much of the revenue that is derived from them is from cultivation in the beds of these tanks. That is the condition in my district. I do not know other districts. So, what is the use of storage tanks? I submit, Sir, wherever possible grants of takavi at a cheaper rate of interest should be given from this fund for constructing wells. I think the Honourable the Finance Member will see whether he cannot give cheap loans to cultivators from the Famine Insurance Fund for construction of wells just as he is spending from it for construction of irrigation works. That will at least cheapen the rate from 6 to 4 per cent. According to my humble opinion there will be further advantage and it will go to reduce that annual cost to the cultivator in instalment and in case of failure the loss will be lighter to that extent. This policy of issuing cheap takavi for wells will be very advantageous in Gujarat, for in Gujarat as in the Deccan, Government do not construct large irrigation works for which of course as one coming from Gujarat I am very sorry. We in Gujarat are also suffering from famines and partial failure of crops to the same extent as in the Deccan, and that is one of the reasons why Government should not postpone the construction of irrigation works in Gujarat, and I hope as soon as the irrigation programme in the Deccan is completed, if not earlier, large irrigation works in Gujarat should be taken in hand by the Government. With these remarks I support the motion moved by my honourable friend.

The Honourable the PRESIDENT: We have had more than an hour spent over this discussion and I see from the course of the debate that there is a tendency towards repetition of arguments. If the House wishes to proceed further with this debate I am entirely in the hands of the House, but I do not understand the honourable member for Ahmednagar (Rao Bahadur Chitale) to make any motion with regard to this question of loan; I understand his object to be merely to call the attention of Government. Now I put it to the House, would it not be a better plan to give notice of a resolution, move it at the proper time, raise an effective debate and have an effective vote upon the subject by way of recommendation to Government? That will save considerable time.

Rao Bahadur G. K. CHITALE: There are certain detailed items as to which I have given notice, and this will be taken notice of, and so I want to clear the air for those items.

The Honourable the PRESIDENT: Then I think this debate will serve an effective vote which is to come later on.

Mr. O. ROTHFELD: Mr. President, I beg to submit with all deference that the subject of the loan policy which is now being discussed is one of very great importance indeed and which it is well that honourable members of this House should consider. If I venture to speak on it now, I venture to do it not so much as a Government official expressing Government views—and I hope honourable members of this House on the opposite side realise it—but as a person who has rather strong views on the

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subject of credit, of national credit and national loans, and on the subject of the gains to be obtained by this country through a credit policy. I also venture to say that such experience as I have had for the last few years in an analogous branch of credit operations, give me a certain plea to be acquainted with this subject of the advantages to be gained by credit facilities in this country. Before, however, I go on to the major subject, I feel that I must express my great surprise with the last speaker, the honourable member for Kaira, who displayed such a desire for further tagavi grants to be advanced by Government whether from famine insurance or from loans or for that matter from any other funds, in Gujarat. I hope and I feel sure that the honourable member is fully aware that it is still perfectly possible for a respectable cultivator with credit to borrow much better than it is possible for Government to borrow at the present day when political movements with other causes, but not least political movements, have unduly increased the rate of interest payable by Government. I am assured by people who know that in Gujarat respectable cultivators still pay at the rate of 4 per cent.

Mr. JEHANGIR B. PETIT : Four per cent. per month or year ?

Mr. O. ROTHFELD : Four per cent. per year, I speak on others' assurance on this rate. But I hope honourable members will believe me when I assure them that it is to my personal knowledge that 6 per cent. is an ordinary rate. It is on that account that it is clearly impossible to suppose that a great number of agriculturists of Gujarat require larger tagavi. If anyone wishes tagavi loans to a large extent in Gujarat, it is the people whose credit is otherwise impaired, and I beg the honourable member before he again raises this subject to consider the tagavi accounts where he will find that the overdues are excessive in the Gujarat districts and that they are deplorably high in Gujarat, and particularly in the district from which the honourable member comes. Repayment of loans must first be weighed before the honourable member presses Government for further tagavi. But, further, the honourable member should also remember what co-operative societies are doing by way of encouragement in this matter. He must know that at present the co-operative movement is itself amply able to.....

Mr. C. M. GANDHI : Is the honourable member right in discussing the Government policy about tagavi and co-operative movement ?

The Honourable the PRESIDENT : That has been invited by the course of the debate on the non-official side.

Mr. O. ROTHFELD : I wish only to add further one word. Co-operative societies have in themselves ample funds to supply the needs of the cultivators. It is, and ought to be, accepted as a fact that there are no difficulties in obtaining advances, by responsible cultivators to the fullest extent. At the present moment in the Central Co-operative Societies' Bank in Bombay there are 37 lakhs lying idle, and before anyone approaches Government for further loans or with criticisms on the tagavi policy, I think, at least he must show that the co-operative movement is short of money that it is itself unable to lend money for such purposes.

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One point which was raised by the honourable member for Deccan Sardars and Inamdars is his allusion to the pronouncement of the Finance Member of the Government of India on the subject of loan policy.

That certainly is a point which deserves consideration. My object is not in any way to criticise the Finance Minister of the Government of India : I have no desire to do so. At the same time, even if we assume that his views are financially orthodox and untainted by any financial heresy even then I would point out to the House that the position of the Government of India in regard to loans is in every way different from the position of the Government of Bombay. I do not want to mention here the differences as far as they are constitutional. I do not want to make any comment affecting the constitutional relations of the Government of India and the provinces. But I do want to point out that the assets of the country, the wealth of the country, lie essentially in the hands of the provincial Governments. The Government of India as such is in nature and essence, whatever may be the exact constitutional position at the present moment—in the position of a federal Government living upon the contributions willingly given by, or exacted from, the provinces. In addition it derives revenue from certain public services to the whole country, such as railways, the post office, and so on.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): And Customs and Salt.

Mr. O. ROTHFELD: Yes, Customs, Salt, and so on. Constitutionally, at the present moment, these are items of imperial taxation. But essentially they are a part of the wealth and revenues of the provinces. That is why I say I do not want to touch the constitutional question at all. What I have stated is the correct position in its essence. It therefore follows, I think, very reasonably that the Government of India in its loan policy must be guided by a policy of accounts, that it must in every case of a loan consider only the immediate balancing of receipts or revenue and expenditure. There is a further consideration that, whereas they have to make these account calculations and whereas the provinces are really drawing upon the total wealth or resources of all the citizens in the province, in addition to that, it is, as a matter of fact, the case that a loan raised by a province is raised locally and represents Indian wealth and Indian credit, and is therefore, to that extent, a national asset of the country, whereas a loan raised by the Government of India must, to a very considerable proportion, be raised outside the country and therefore represents international borrowings whose profits are largely obtained elsewhere. I therefore agree with the view which was stated in the Legislative Assembly that the loans of the Government of India must be watched with the greatest caution. But I do not think that the analogy applies fully or even largely to any of the provinces under that Government. The position, as I understand it, in regard to our province is, as I have said before, I repeat it again to-day that a province has to calculate on the services which will be available to and from the citizens of that province and should divert as much of those services as they can to immediate productive work, or work which will be profitable within a measurable

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future, if the future of that province is likely to be thereby improved and the assets or the wealth of the province thereby enlarged. It is, of course, necessary and I agree in this with my honourable friend from Nagar—to distinguish with care between a productive and an unproductive loan. But I see no reason at all in this budget to apprehend that that distinction has been lost sight of by the Government of Bombay. I will not speak about the Development Directorate of which I have no personal knowledge but in so far as other loans are concerned, it appears to me that very great caution has been exercised. It also appears to me, with due deference to my honourable friend from Nagar, that to some extent the meaning or interpretation of the word “unproductive” in the sense in which the word is used in the budget has been lost sight of or misunderstood in this House. It does not follow that because a loan is classed as unproductive, therefore the work which is done is work which is wholly unproductive, I would almost prefer to go to the other extreme and say there is no unproductive work in the budget which is not in itself in some form or another productive. The honourable member from Ahmednagar mentioned roads, and at the moment I understood him to say that provision for them had been made in our finance out of loan accounts here. But now I understand that his point was that such would be a possible instance of misuse of loan funds. I would, however, point out that even as regards roads, which *a priori* are the least productive, certain kinds are at once productive as for instance, forest roads—and all roads, if executed on any reasonable plan, are as a matter of fact indirectly productive to a very large extent. Imagine a district without communications and you see at once that every person living in that district suffers not only educationally and morally, but even economically, by the absence of communications which prevents him from deriving the highest price for his produce and supplying himself with other materials which he requires at the best price he can. A road, therefore, is to that extent at once productive, as it adds to the income of the person who uses it, while ultimately roads add to revenues from taxation, not at all by new forms of taxation, but by the assessments which are periodically revised and which do add also to the revenues of Government. If you go on to the other unproductive works, for instance, police works, which were mentioned by the honourable member from Kaira, buildings that would appear at first sight as unproductive works are really not unproductive. May I point out that this Government has to pay large sums in rent for buildings for police and that police buildings to that extent are productive and as they reduce the amount which Government would otherwise have to pay for quarters or house allowance? With the principle that care should be exercised in the matter of distinguishing between productive and unproductive works I agree. Care is taken and these unproductive works are covered fully—I believe fully—by sinking funds. In regard to productive works, I must repeat what I have said before, that to my mind at least, if there is any room for criticism, it is in regard to insufficient borrowing for the utilization of our resources. Speaking certainly, as far as my experience of this Presidency goes, over a long period of 24 years now, I am convinced

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that the wealth of the Presidency has been hampered in the past by too timid and too inconsiderable expenditure in helping the productive works of the country, and I am sure that the limits to which we could safely go in the way of productive works are very much broader than those which have so far been reached.

I would also in this connection beg to repudiate that argument which turns upon the question of repayment of loans. I will not reiterate what I have already said before that in any country loans are never taken to be repaid in full, but I really cannot help pointing out that particularly in France (which undoubtedly is financially the soundest and most conservative country in Europe at the present moment), the greater portion of Government loans are perpetual and are not taken out with any promise of repayment whatsoever. That I admit is not applicable to this country at present as I know what ideas prevail among people here in regard to the issue of loans and repayment of loans. I know therefore that there is at the present moment no need to consider that aspect of the matter. But I do however point out that whether or not loans are taken out with any promise of being repaid, they will never be repaid in full and therefore there is no need to calculate on repayment in full and that it would be unbusiness-like in the extreme to expect that they will ever be repaid in full. The honourable member for Nagar is the chairman of a bank and a very well run bank and I am quite sure he knows quite well that he does not provide in his balance sheet or in his budgets for the full repayment of the deposits which he obtains from his clients; he knows quite well that if he were to hold balances from day to day or from month to month or from year to year, sufficient to repay the deposits on which he is doing his business, he would not make any profit at all.

Rao Bahadur G. K. CHITALE: We set aside a lump sum.

Mr. O. ROTHFELD: Banks usually go on the footing that at the most 60 per cent. are sufficient fluid resources against withdrawals on current accounts and on fixed deposits about 30 per cent. are sufficient fluid resources. I do not see any reason at all why a Government, which after all stands on a basis very much more secure than any bank possibly can, should provide for repayment of loans on any other basis than that adopted by banks.

That brings me to what I wish to emphasise as the last point, and that is about the vast hoards of uninvested wealth still lying idle in this country. Epigrammatically one may say that National Debt is National Investment. There is no need in India anywhere and even in this Presidency so great as the need of safe, steady, popular investment of money in this country. I can assure you that I know of at least one district in this Presidency where a sum which I carefully estimated (and which estimate I believe to be correct) as not less than twenty crores lies hoarded in gold without being brought into circulation. I see some of the honourable members smile; whether they accept that figure as correct or not, I am prepared to show figures from which this estimate is derived, outside this House. But whether that estimate is exactly correct or not, there is no question that the wealth of this country is now locked up to an

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enormous extent, for want of investment, and not only that, but that much of the wealth of the country does not fructify because it is not circulated. If you were to have a systematic investment carried by loans to these uninvested millions throughout the Presidency, you would find that automatically at least double the circulating wealth could be produced in a year in this Presidency. I need not remind the honourable members of this Council that no form of investment can be so good as that of promissory notes secured on the productive debts of the people by the Government of the country, and on this ground alone I commend to this House a general attitude towards the policy of Government of rather urging further progress and advancing forward, rather than a course of unnecessary caution and even retrogression.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Sir, I think the honourable member who has spoken just now, has given us a fairly good idea of the potential wealth of the Presidency and the extent to which it may still be possible to tap for purposes of loan works the numerous resources of the province which have not yet been touched. But the main point that my honourable friend from Nagar endeavoured to make, as far as I was able to follow his remarks, was not the potential capacity of the Presidency or even the extent to which it might be tapped, but the manner in which the proceeds of those resources, when tapped, should be dealt with and debited. He wants the Council to lay down what items of expenditure should be incurred out of loan works and debited accordingly; and what items should be incurred out of current revenue. I confess, Sir, that in the course of a very interesting speech, he has placed before the House, in a simple and presentable form, his arguments for and against these two methods which are well worth our careful consideration. But, Sir, I cannot agree with him in thinking that the present figures before us of works to be done out of loan funds, should be forthwith curtailed to the extent which he proposes; and, if I am not mistaken, for which he intends to move amendments item by item, or, at least for as many of them as have not already been disposed of. He proposes to make a cut of nearly 150 lakhs out of the demand now before us and thereby leave about 25 lakhs as the amount to be utilised for expenditure out of loan funds. That, I venture to think, will materially curtail the construction programme of the Government under two principal heads, *viz.*, the construction of irrigation works and capital outlay for civil works. Such a step will, I am afraid, also have the effect not only of indirectly embarrassing the Government but also of causing very great inconvenience to the public. I take it that the object of the honourable member for Nagar in bringing forward this amendment was to raise a debate on the important principle underlying it and to ascertain the views of the House thereon. If I am right in this supposition, I think the purpose my honourable friend had in view has been served. I hope therefore that he will not now press his amendment.

There is another principle of some importance which my honourable friend tried to lay down; and that is, that all capital works which are not of a strictly productive character, should be financed from current

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revenues. I am afraid he will not find many in this House to agree with him. I am however open to admit that the question is capable of further discussion and careful examination. Everything must however depend upon the definition of the terms "productive" and "unproductive"; and the exact nature and character of the works which should be distributed under these two main heads. You will admit, Mr. President, that while on a few questions, it will be possible to have some kind of agreement, in a majority of cases, there is likely to be very considerable difference of opinion; for, what one may consider work of a productive character, another may not, and *vice versa*. On occasions, the dividing line may be so thin, that the difference, even if really important and not merely technical, would be difficult to exactly measure for allocation in one of the two classes sought to be laid down by the Honourable Member. I think it was the honourable member representing the Sardars of the Deccan who told us that there was a certain kind of irrigation work, which even though it might not happen to be productive in the first instance, could really be ultimately called "productive," because of the very nature of the work and of the indirect benefit that would be realised out of it. I am inclined to think that there is very great force in that argument, for it is not merely from the first appearance of a work that we should judge of its character and call it productive, but because of its nature and the ultimate advantages that would be derived from it. Then, it would also be possible for differences of opinion to exist on what may be termed "productive irrigation works" as we understand the expression here as against "unproductive irrigation works." The whole point therefore is one of very considerable difference of opinion and such as must be very carefully considered, I venture to suggest that, instead of raising this important and complex issue at once and expecting the House to decide it on the spur of the moment, it would be desirable to bring it forward in the shape of a resolution before a subsequent session and to ask the House after hearing the various views for and against the entire question and the principles involved therein, to give its authoritative opinion thereon and lay down a definite principle as to the exact definition of the terms "productive" and "unproductive," and the extent to which expenditure of a lasting character should be incurred from loan works and not debited to current revenue account.

When that is done, it would be the proper time for this House to decide what items should be passed as "productive" and what should be rejected as "unproductive". But until such a principle has been laid down, I am afraid it will not be possible, particularly on an occasion like this, as the result of a debate on general principles, to determine a line of action and expect the Government to follow it, without considering the exact effect thereof upon the different departments of the administration and the general policy of the Government. We all admit that the question is a very important one. But we cannot ignore the fact that it is fraught with very great difficulties, and that under it, lie principles of far-reaching consequences, which we cannot dispose of merely in the course of an academic debate. Whilst therefore agreeing with my honourable

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friend, the member for Ahmednagar, to a very large extent, I am sorry I cannot support him; and in any case, I cannot possibly agree to the reductions which he proposes to move from time to time when the different items are reached, without sufficient data in our hands, merely in order to enforce a principle which we are all ready to accept in the abstract. You cannot arbitrarily cut down items without going into their intrinsic merits and without ascertaining the points of view from which they had been inserted in the budget; otherwise, there would be complications and a consequent dislocation of the activities of the Government, which, in their turn, must prejudicially, affect the smooth working of the administrative machine. Perhaps the best course would be to have the entire question, together with the important principles involved in it carefully considered and threshed out by a small and competent committee of the House, on the basis of whose recommendation, a principle could be laid down, which it would then be for the Council to enforce in every case. But until that is done, I venture to think that my honourable friend's object has been more than amply fulfilled by the debate that he has succeeded in raising; and that he should meanwhile not force the amendments which he has in contemplation.

Rao Bahadur R. M. NILKANTH (Ahmedabad District): Mr. President, to me it seems that the principle that public works of large magnitude should be constructed out of loan funds is sound. Otherwise, if these works are to be constructed out of current revenues, they will absorb so large a portion of the revenue, that they would cripple the ordinary machinery of the administration. In the case of those works which are likely to lead to the benefit of the people, whether they be canals or roads or court houses or school buildings, or whatever else be their nature, the future generations which would benefit by these works must also share the burden, and this principle applies both to works which yield revenue and to works which do not yield revenue. What is necessary is that these public works must not be undertaken lightly, simply because they are no charge on the current revenues and can be met from loan money. Further, there must be some proportion between the net liability of a province and its revenue. It will not do to say that the province is rich, and can afford to pay a large liability of debts. As the debt goes on increasing, there must be something to bring to the mind of the Government that the burden is increasing. Of course, one means is to provide for sinking fund and interest charges which will also limit expenditure of current revenue and would require consideration of the question of the capacity of the province to bear taxation. But I would certainly not advocate a policy of adding to the debt liability of a province indefinitely, so that the province would be perpetually under a heavy debt. Subject to these limitations, I think the policy of constructing large works out of loan funds is sound.

Mr. P. J. MEAD: Mr. President, I have to thank my honourable friend from Ahmednagar for bringing the discussion of these various items of capital expenditure on to what I may call a reasonable and businesslike plane. He has fully realised that it is not a question of one small item or

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another small item, but that the whole general policy of meeting this heavy capital expenditure from loans is in question. I gather that I am held personally responsible for this infamous innovation in our provincial finance. Sir, I glory in my shame. I entirely agree that an innovation of this kind, as my honourable friend from Bombay has pointed out, requires the closest watching. It is absolutely essential that we should see precisely where we are going, though I am not prepared to echo the somewhat despairing cry of my honourable and venerable friend from Poona when he says "Where shall we be in 15 years?" I gather that his appreciation of the situation is that in 15 years we may be Rs. 40 lakhs better in revenue than we are to-day. I have not the remotest conception how he arrives at that figure. I think, and I have already stated to the House, that it is extremely difficult to prophesy under the reforms and our changed financial system what the annual increase of revenue may be, but an increase of Rs. 40 lakhs in 15 years strikes me as one of the most extraordinarily bad guesses that any one can make.

Dewan Bahadur K. R. GODBOLE: The honourable member did not follow my speech. What I said was that the charge that will be thrown on the revenues of this Presidency in 1924 would be Rs. 3,11,000, and that this charge in 15 or 20 years will mount up to Rs 40 lakhs, which you will have to pay from ordinary revenues.

Mr. P. J. MEAD: Why?

Dewan Bahadur K. R. GODBOLE: If you pursue this policy of constructing works out of loan funds year after year for the next 10 or 15 years, that will be the ultimate charge that the provincial revenue will have to bear.

Mr. P. J. MEAD: Does the honourable member mean that because after seven years of war when all the activities of Government and all constructional work had to be held in abeyance, we are now making up a little leeway, we should necessarily continue to borrow at the same rate for these purposes for the next 15 years? I may say at once that I entirely agree that we must carefully watch our commitments, and it is to that end that I have endeavoured to put down rather roughly and subject to possible corrections—corrections, which I think, will be in favour of Government—what our commitments are at present, and what our commitments are likely to be in the future.

The honourable member for Ahmednagar dwelt at length on the financial losses from protective irrigation. There seems to be some misunderstanding on the subject. The argument seems to be that if money is borrowed from the public we shall have to pay interest at 6½ per cent. or the rate of our Development Loans. It is roughly calculated that the return on protective irrigation is 2 per cent. on the outlay. So, you are losing about 5 per cent. In this connection there are two important points for consideration: One is your past capital expenditure was not all money borrowed at 6½ per cent. but much was money borrowed at 3½ per cent. Secondly, at the present moment the bulk of your

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capital expenditure is still continuing but the works are still in progress and the new canal has not only not yet been fully developed so as to bring in full revenue but has not yet begun working at all. Sir, I hesitate to make any definite prophecy on the subject. For the last two or three days, various anticipations have been under examination, but there are several doubtful factors and little more than a guess can be made, assuming that such and such revenue may be taken as normal. I may say at once that, unless there is any change made in the present water rates, there will be a net annual loss by 1935 of something like 15 lakhs. 15 lakhs is too much of an annual drain on provincial finances. But the situation is susceptible of improvement. I do not think the House will be well advised at present to object to the rapid completion of works in progress even if at the present rates of water we are faced on completion with an annual loss of 15 lakhs. We have still to consider the possibilities of taxing the owner who contributes nothing to the provincial revenues in return for water storage and enormously enhanced land values. Further calculations have been made on the basis of certain enhanced water rates, and they are now being submitted, and will, I believe, shortly be considered by the Honourable Member in charge of Irrigation. If new rates can be introduced in 1924-25, then the annual loss to Government will be reduced to Rs. 1,000. The interest charges will have been met; and there will be a small gain to Government each year which will gradually increase. In 1935-36 the accumulated arrears of interest will be wiped out. I do not want to paint too rosy a view, but if higher water rates are universally possible and our revenue anticipations can be accepted as normal, the financial return from the loans now being taken to complete works in progress need not give rise to gloomy forebodings.

I shall refer now to the possibilities of increases in our revenue with the present taxation. You will see that our ordinary revenue has increased by about two crores in three years. We expect Rs. 14,37,000 this next year and got Rs. 12,30,000 odd in 1920-21. You have a high land revenue figure in 1923-24 and a low figure in 1920-21. Neglecting both these variable factors, you still have got 50 lakhs increase in three years. That is very near to my average of 20 lakhs a year. The honourable member for Ahmednagar suggested certain figures; but I am not quite sure of the basis of his calculation. I presume that in suggesting a figure of 5 crores for capital expenditure now, he will be prepared to reconsider his figures after examining the situation again after a certain period of years. Presumably his figures referred to unproductive expenditure, because obviously there can be no limit to productive expenditure. Subject to seeing that such expenditure is really productive, there can be no reasonable limit to such expenditure. Unproductive expenditure of 5 crores distributed over several years gives us an annual charge for interest and sinking fund on a 30 years' basis of about 40 lakhs. It seems to me entirely reasonable to face such an expenditure in a few years' time. Your revenues have expanded and I can see nothing to urge against such expenditure, if the necessary expansion of revenue is assured. Capital expenditure is not necessarily money thrown away. I hope my

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honourable friend will not be precipitate in rejecting a demand for a modest instalment of capital expenditure which only involves a recurring charge of Rs. 3,17,000. Let us see how the revenues actually come in.

The Honourable Sir CHIMANLAL SETALVAD : Sir, we have had an interesting debate on the question of loans, and I am sure the discussion has to a very large extent cleared the air. I quite agree with my honourable friend for the Millowners' Association, Bombay, that a question of this magnitude and importance must be discussed on its own merits on some future day, and that it will not be the right way to give effect at this stage to the views that members may have with regard to that question.

Sir, the discussion has ranged over a wide sphere, but the particular item with which I am concerned and which is now for the vote of the House is Rs. 50,31,000 under head 55. This expenditure under 55, the honourable member from Poona will observe, comprises the Pravara River Works, Nira Right Bank Canal Project, and projects of that kind. These projects, as honourable members are aware, were undertaken some years ago and are under construction, and some of them, the Pravara River Works and the Nira Right Bank Canal Project, are expected to be finished very shortly. Now, it will be a great mistake to stop the work on these projects. We have already incurred expenditure to the tune of several crores of rupees and the sooner we finish these works the better for the provincial revenues, because you will then be bringing near the revenue producing stage.

Then again, Sir, a point was sought to be made that Government were launching upon some new policy which was fraught with great danger to the provincial finances. Whatever you may say on that head, Sir, with regard to roads and buildings, it has no application whatever to this particular item which I am asking the Council to vote for the moment. It is forgotten that these works, the Pravara River Works and works of that kind, are works which up to now have not been constructed, as some people imagine, out of revenue at all. The expenditure on these works has always been by loans, loans that the Government of India has given us for the purpose. It will also be remembered that under the financial arrangement between the Central Government and the Provincial Government we are now paying as 35 lakhs of rupees on the capital value of all the irrigation works handed over to us. Therefore, so far as these irrigation works are concerned Government are not embarking on any new policy whatever. They have been financed till now out of capital and will continue to be financed out of capital funds.

Then again, it must be remembered, as was pointed out by the honourable member representing the Millowners' Association of Bombay, that, after all, we ought not to judge these things by the technical classification of productive and unproductive works. You have to take into account the indirect, or rather I should say the direct, result of undertakings of this kind. Take for instance the Bandhardhara Works. The honourable member for Ahmednagar will readily admit that the completion of those works will be of great benefit to his district, as

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they will protect those parts of the Deccan which are more or less famine-stricken. Calculate what the result would be to the cultivators in the way of securing their crops from year to year without fear of periodical famines and the consequent revenues to Government that will be derived by enlarged cultivation to a very large extent. These, I submit, are really the direct results, the direct benefits, we derive from these works, which ought to be taken into account. Therefore, Sir, my submission is, however much you may criticise this policy with regard to roads and buildings so far as irrigation works, which are under consideration now, are concerned, there cannot be any question that you must finance them by loans and you must push them on as quickly as you can, so that your revenue returning period may be reached as early as possible.

Then, again, Sir, I would say one word on the general question. It is not correct, as was said by some members, that works which do not produce anything should not be financed out of loans. But surely in the case of works which are to endure for a very long time, of which the benefits are going to be derived by future generations, there is no reason why the present generation should make a present of these works to future generations entirely at their own cost. If the works are going to be of an enduring character and are going to be useful for future generations, surely those are works in the burden of which future generations must take a share. And, therefore, Sir, it is sound policy to finance those works out of loans.

I quite agree that in the case of those works which are not productive in the ordinary sense, you ought to provide not only for interest but for sinking fund. If you do that, then you are quite safe and you bring in the future generations to bear their right share of the burden, with regard to those works. The honourable member for Poona thought that he was giving a very capital illustration when he said that if a man were to build a palace worth 20 lakhs of rupees, when his surplus income was only Rs. 100 surely you will call him a fool. He forgot however that there was no analogy between a man building a palace worth 20 lakhs for his own use and Government undertaking works like the Pravara River Works or the Nira Canal projects, or even constructing houses for the police or quarters for official purposes. The twenty lakhs worth palace that the man builds would never bring any return or benefit except the mental satisfaction that the builder gets by residing in a palace. What is the comparison between that and the works we have here—irrigation works and also roads and buildings, also police houses? The present generation as well as the future generations are going to derive substantial benefits from the irrigation works and there is no reason why the future generations should not be called upon to bear a share of the burden.

I do not propose to detain the Council any longer, and I would only ask them to vote for this particular item, the only item, now for consideration, namely 50 lakhs and odd.

Question put that the demand of Rs. 50,31,000 under the head 55, Construction of Irrigation Works, be granted and agreed to.

Demand of Rs 4,05,000 under the head 26, Public Health (Capital Outlay on Improvements on Public Health).

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir, I move for the demand of Rs. 4,05,000, under the head 26, Public Health (Capital Outlay on Improvements on Public Health).

Mr. C. M. GANDHI : Sir, the whole of this is postponed.

The Honourable Mr. M. H. W. HAYWARD : Sir, I was not here when this matter came up for discussion. I understand the part really postponed was, Public Health, No. 15, but I understand the Honourable Minister has no objection to this Public Health No. 26 being also postponed to Monday if that better suits the convenience of honourable members.

Mr. KANJI DWARKADAS : I propose that Item No. 26, Public Health, Capital Outlay on Improvements on Public Health, Rs. 4,05,000, be postponed to Monday and be taken along with item No. 15.

Question put and agreed to.

Demand of Rs. 2,97,88,070, under the head, 59, Bombay Development scheme.

The Honourable Sir CHIMANLAL SETALVAD : Mr. President, I beg to move for a grant of Rs. 2,97,88,070. Honourable members will see how this amount is arrived at from the statements at pages 108 and 109 of the Blue Book. At page 109 we have the total expenditure shown as Rs. 3,02,40,098, and at page 108 are shown the votable and non-votable portions of the several items. The total votable item is Rs. 2,97,88,070, and that is the sum for which I am now making a demand.

Mr. G. B. TRIVEDI (Thana District) Sir, I move :

"Reduce to Rs. 3,20,000, item No. 2 for Rs. 3,76,000, construction of gantry."

Sir, I move that this item be reduced to Rs. 3,00,000. In the explanatory note supplied to us to-day on this item No. 2 it is said :

"This provides for the labour, timber, iron works for seven thousand gantries. This is at the back-bay Marine lines."

Sir, in the first year of this Council when the Development Department began its operations, a number of questions were put as to whether Government were ready to initiate a policy that they will buy the material that is wanted for the several schemes in this country or not in the first place, and secondly if it is not available in this country, then, whether they will buy in the cheapest market; and an assurance was given on behalf of the department that they agreed to this demand of the public that they would give preference to the country in the first place and secondly will buy in the cheapest market. Now, Sir, they require timber for the gantry. Already, Sir, on two occasions the department has bought timber of the value of something like four lakhs and a quarter, and there is a third occasion on which they are going to buy and in future also they will buy more. So that the Government's requirement in

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timber is large and perhaps although we have not material here to know exactly what will be wanted, at the present rate it may be that they might require eight or ten lakhs worth of timber. Now, Sir, the Honourable Minister for Forests has been telling us, and all the Government Members have been telling us that we have a very big asset in our forests and that we can produce timber, and we know that a shipment of our timber was even sent from here to London. So that we may realise a good price for it. When we send a shipment of timber from here to London, it means that we have a market for our timber in London. But what do we find? Here is a department started with a big loan on the condition that it will be utilised in the country, for the country and by the country. On these three conditions the loan was taken and still Government when buying timber for this department they are buying outside the country though they agreed that they would not henceforth buy outside the country if the material was available in the country itself.

Now, Sir, on this question a good deal of correspondence passed between the Indian Merchants' Chamber and the Development Department and ultimately this is what the department has admitted :—

" There is no doubt that useful and valuable timber existed in India, but the difficulties and the cost of extraction and transport would at present preclude its use for the gantry."

So that they admitted that there was useful and valuable timber and the difficulty only was the cost of extraction and transport. And then, Sir, the Development Department thinking that the Indian Merchants' Chamber had nothing to offer as a suggestion say in the end :—

" Government will be glad of any assistance your chamber will give in the matter and if any definite proposals can be put forward they will be very carefully considered."

Now this is what Government say ; although they themselves are not willing to work it out, any definite proposals would be considered. I mean they expect the Forest Department to put up plant and then to ask the department to work it out.

They themselves do not want to work this although they are doing it in another way, as for example, in brick-making. They have spent money to raise a plant, to buy the land, to have all the things necessary for brick-making ; but in order to extract timber they will not do it. Then, they do not ask the Forest Department for the supplies. At least they must, between the two departments, be able to arrange for timber supplies. But when Government says that the Chamber ought to have made efforts in this matter, I would tell Government that the Chamber did its best and asked timber merchants to send in a tender for this kind of timber which will very well compete with Oregon Pine that is being imported from Canada for the last two years. The only difficulty, Sir, is, as the Development Department says, the cost of transport and export. In spite of that, the merchants have offered to the Development Department large quantities of timber which would suit the department for the purpose, but only on one condition. The merchants said : " We cannot afford to cut the timber that is required by the department to the specification that they want unless you accept our condition.

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We are ready to do all other things, but only on one condition that the department should agree to examine our timber and to reject it on the spot itself if they find the timber unsuitable, but we cannot undertake to bring all the timber to Bombay and then run the risk of it being rejected." They say you examine the timber on the spot, and if you have not got expert officers, you take the loan of the Forest Department officers who are experts in this matter, and if they approve of it at the spot, then they should accept the timber. The department is not ready to accept even that little condition because it does not want to encourage and assist the industries and the products of the country. The long and short of it is that although the Development Department gives promises that it will give preference to the country-made articles in the construction of their works, it is not ready to help the merchants when they themselves offered suitable timber only on one condition that the goods shall be examined at the spot before they are shipped. This is the only stumbling block and if the department is not ready to give in, in the matter of this concession, then I think this House would be well advised and justified in saying that this grant shall be reduced by Rs. 76,000, so that the department may agree to this condition in the interests of the country's product. With these words I beg to move that this item No. 2, Construction of Gantry, may be reduced to Rs. 3,00,000.

Sir LAWLESS HEPPER : Mr. President, I have every sympathy with the mover of this motion in his desire that Indian products should be used as far as possible, but I should like to ask him as a commercial man, and also other honourable members of this Council, to treat this matter as one of business rather than of sentiment. In deciding what class of timber to employ, price is not the only consideration. It is essential that a timber should be used which is suitable for the work. In order to carry out the programme to which we are working, it is necessary to construct 3,000 feet of this gantry during the first four months of each working season, that is, at the rate of 750 feet a month. It is possible to do this by careful organization and by using a light and soft timber like Oregon pine. But it would be absolutely impossible to do so if a hard heavy timber were employed. Before the construction of the gantry was commenced, I discussed the question of the supply of timber with the Honourable the Minister in charge of the Forest Department, who was naturally most anxious that we should, if possible, employ Indian timber. It was arranged that the Superintending Engineer of the Materials Division on the Directorate should meet the officers of the Forest Department and discuss the whole question with them. He was subsequently sent on tour to visit potential sources of supply, and to collect information as to the possibility of securing regular deliveries of a suitable class of timber. As a result of this enquiry, we came to the conclusion that the only kind of timber that we were likely to get in the required sizes, and at reasonable cost, would be far too heavy and far too hard, and it was decided finally to use Oregon pine, a timber which, though not nearly so durable as many classes of Indian timber, is entirely suited to rapid temporary construction work. In view however of the

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criticism which was aroused last year by the use of Oregon pine, it was arranged not to specify Oregon pine this year, in calling for tenders, but to leave it to firms and contractors to offer any kind of timber they liked. As a result, of the twelve tenders which were received, four were for Oregon pine and eight for Indian timber. Of the eight tenders for Indian timber only one was for timber which would be at all suitable. It was a tender for Himalayan Spruce, but the quantity offered was only a small fraction of our requirements, and the price was unfavourable compared with Oregon pine. Of the remaining seven tenders for Indian timber, one only was a slightly cheaper proposition compared with the lowest tender for Oregon pine. But none of the timber offered was of a kind which we could use unless we were prepared to face a very considerable slowing down of the rate of progress which we have so far maintained.

Mr. President, I am sure this Council will acquit me of any desire to decry or run down Indian timber. Much valuable and durable timber exists in India, suitable for railway sleepers, for cabinet and decorative work, for railway carriage building and for all sorts of permanent construction work, where durability is essential and where weight is no great objection. But apart from the pine forests of the Himalayas, which have so far not been exploited, Nature does not seem to have provided India—certainly not Western, Southern or Central India—with any timber which can compare with Oregon pine for rapid construction work of the kind we have in hand. Under these circumstances, I have no hesitation in saying that, from a business point of view, the use of Oregon pine for this gantry is fully justified.

The financial prospects of the Back Bay Reclamation depend entirely on the time within which it can be completed. I submit, Sir, that it would be false economy to employ material which, our experts tell us, must hamper the work and seriously delay its progress. I may perhaps add something more about Oregon pine. Oregon pine weighs about 25 lbs. per cubic foot, the bulk of the timber that can be obtained in similar sizes in India weighs somewhere about 60 lbs. per cubic foot, salt water weighs about 65 lbs. per cubic foot and many of the cheaper Indian timbers, if immersed in water for half an hour, will sink to the bottom. It is necessary that the work on the gantry on the Back Bay should be rapidly carried out. To ensure this the timber is stacked on the Marine Lines front in the order in which it is required, during the months of August and September. The logs are then dropped over the side of Marine Lines wall into the sea and towed out to the head of the gantry which is now getting something over a mile away from the point where it was started. That is a perfectly easy process with Oregon pine. With the heavier class of timber, we have been told that it will not be possible and a more expensive method of transport will have to be employed.

Mr. C. M. GANDHI (Surat City) : Who advised that the Oregon pine was the best for construction purposes ?

Sir LAWLESS HEPPER : Oregon pine is a material which is known nearly all over the world for this particular class of work. There are very

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few countries where local timber can compete with it, the reason being that nature has conferred extraordinary advantages on that part of the world where Oregon pine is grown. That is not anybody's fault, it simply happens to be so. I may add that this tender for Oregon pine is an extremely low one. In 1921 we paid Rs. 155 per ton C. I. F. Bombay, in 1922 we paid Rs. 133-12-0 per ton C. I. F. Bombay, and the tender received this year is Rs. 108 per ton C. I. F. Bombay. The long and short of it is that if the scheme is to be carried out quickly, timber must be used which is suitable for the work. It is absolutely essential that there should be no avoidable delay in completing the Back Bay Reclamation and, as I have said before, it would be false economy to use any material which would delay the progress.

Mr. M. W. PRADHAN (Thana District): Mr. President, after what has been said by the.....

Rao Bahadur R. R. KALE (Satara District): I move for a closure.

The Honourable the PRESIDENT: Is the closure seriously moved?

Honourable MEMBERS: Yes, Sir.

The Honourable the PRESIDENT: The sense of the House seems to be to close the mouth of the honourable member for Thana.

Mr. M. W. PRADHAN: It is for the Chair to judge and decide, Sir. I want to say only a few words.

The Honourable the PRESIDENT: Very well, the honourable member can proceed.

Mr. M. W. PRADHAN: I thank the Honourable the President for this indulgence. What I wanted to say was that after the speech of the honourable member, the Director of Development, there is not much for me to add, but what I gather from the honourable the mover's speech is that he said that the Honourable Minister of the Excise Department was not putting his wares before the Government.....

The Honourable the PRESIDENT: What wares? Liquor?

Mr. M. W. PRADHAN: I mean, timber, Sir.

The Honourable the PRESIDENT:—But timber is not within the portfolio of the Minister for Excise.

Mr. M. W. PRADHAN: I mean, the Minister for Forests. What I gathered from his speech was that although there was the Honourable Minister for Forests, who is such a bold patriot, he did not place his wares for the use of the other department and that his wares were not made use of by the other department. I do not think that that must have been the case. The Honourable Minister for Forests is well known for his patriotism.....

The Honourable the PRESIDENT: I hope the honourable member for Thana will confine himself to the relevant points on this vote.

Mr. M. W. PRADHAN: What I want to impress upon the House is that the construction of the gantry requires, as has been stated by the

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honourable member, the Director of Development, special timber and it would be false economy to use.....

Mr. C. M. GANDHI (Surat City) : I rise to a point of order. The honourable member is merely repeating what the honourable member the Director of Development told the House.

Mr. M. W. PRADHAN : If that is the wish of the House, Sir, I have nothing to say and I will not care to say anything more on this subject.

Mr. G. B. TRIVEDI (Thana District) : Mr. President, there were only two points made by the Director of Development; first, that Indian timber which is offered is not suitable and secondly, that if we go in for experiments it will delay the work of the gantry. As regards suitability, I am not satisfied because I want to know who decided whether the timber in India is suitable or not. If we have the authority of the forest officers that certain timbers which are produced in India are unsuitable for this work, then it would be all right, but if the officers of the Development Department merely say—they are not experts in forestry and timber—then we must take it that they do it for reasons other than suitability of the timber. Further, I have sent to the Director of Development a letter mentioning six kinds of Indian timber which would very well compete with Oregon pine, and I have as yet no reply from him so that I take it that he accepts that dictum that these six kinds of timber can compete easily with Oregon pine. As regards the other thing about rapidity, I do not want to come in the way of rapid development of the Back Bay Reclamation, and I will not stand in its way, but what I mean is, even now there will be three or four occasions on which to use Oregon pine. If he is really intent on assisting products of the country and to use Indian timber, then why not make an experiment in a certain way without stopping his work and see whether Indian timber as offered is suitable? It need not necessarily be timber from this Presidency—I admit that perhaps the Honourable Minister for Forests has nothing suitable to offer—but my information is that there are lots of suitable timbers available in the Kanara forests in the Madras Presidency, a tender for which has been given to the Development Department. If, therefore, the Development Department is really anxious to satisfy the public on this head, let it try an experiment with the timber offered on a small scale, if it likes, and then let the public be satisfied that it is unsuitable if it proves unsuitable, and then we shall all be satisfied. With the explanation offered by the Director of Development I am not at all satisfied and I shall therefore stick to my own remarks as made here just now.....

The Honourable the PRESIDENT : Where did the honourable member get his information that the Kanara forests are not included in this Presidency?

Mr. G. B. TRIVEDI : There are two Kanaras—north and south, and south belongs to the Madras Presidency.

The Honourable the PRESIDENT : Does the honourable member mean Malabar forests? If so, they are not in Kanara.

Mr. G. B. TRIVEDI : I meant Malabar forests.

The Honourable Sir CHIMANLAL SETALVAD : Mr. President, I must say I am really surprised at the statement made by the honourable member for Thana that the forest officers should decide as to the suitability or otherwise for development purposes of the timber that they can produce.

Mr. G. B. TRIVEDI : Satisfy the public.

The Honourable Sir CHIMANLAL SETALVAD : The honourable member went further and said that the experts of the Development Department have decided that Indian timber is no good for the requirements of the department. On the face of it, it is absurd that the forest officers should decide whether any particular timber is suitable for the work of the Development Department. It is only the officer in charge of the work, that can decide what kind of timber is suitable. The honourable member entirely ignored what the Director of Development stated, that Indian timber of the average grade weighs 55 to 65 lbs. per cubic foot, while the Oregon pine weighs only 23 to 25 lbs. ; and as further pointed out, if the Indian timber is soaked in water it will not float and it will cost much more to haul it to its proper place, and the charges will correspondingly increase. It was further stated that the rates for Oregon pine, which have now come down to Rs. 108, compared very favourably with the rates for Indian timber. The honourable member referred to certain correspondence that he had with the Director of Development, and while one admires him for his zeal in trying to find out what timber is suitable for the Development Department, he forgot altogether, that out of the six kinds of timber that he suggested to the Development Department, a good number, about 4, were on the face of them unsuitable, owing to the much higher weight that I have mentioned. With regard to the remaining two classes, they come near the desirable weight, but it is admitted practically, and it is a fact, that you cannot get that class of timber in sufficient quantity and in the right sizes that you require for this purpose ; and further for these two classes of timber the prices tendered were Rs. 153 for one and Rs. 162 for the other. Surely, the Council does not want the Development Department to agree to pay Rs. 153 and Rs. 162 as against the Rs. 108 for which they can get the Oregon pine. It is all right and good to encourage local manufactures and local industry, but surely the Development Department is to be worked on business principles, and I do not think the Council will for a moment entertain the idea that the department should pay Rs. 162 for timber of which they can get a good supply at Rs. 108.

Question put and lost.

Mr. G. B. TRIVEDI (Thana District) : Mr. President, I beg to move : "That item No. 63, remodelling Bandra-Ghodbunder road, Rs. 1,50,000 be reduced to Rs. 50,000."

Sir, in the note it is stated that since the budget was framed a project estimate amounting to Rs. 13,46,565 has been sanctioned for the Bandra-Ghodbunder road. Now, what I draw the attention of the Council to is that this road is only 5 miles in length and 40 to 50 feet wide. The Development Department want to widen this road to 70 feet at certain

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places and 100 feet at other places; that is, they want to double its width at certain places, and in doubling and improving the road, they are going to spend Rs. 13 lakhs on a road of 5 miles. Now, I am sure that my honourable friends from the mofussil who have some idea of road-making will naturally think that this is too much, Rs. 2½ lakhs per mile, on a road which is already existing; only you have to widen it and make it a stronger one. Now, living as I do in the suburbs, I am the last man to object to this item, because I will be benefited by it, but I do not look at it from a personal point of view, but I want to look at it from the provincial point of view. I think that this is too much extravagance, because if my information is correct, and from the answers that were given by Government, we were told that in the matter of these suburban schemes no municipalities or notified area committees were consulted, but the proposals were first put up departmentally, that is by the Collector of the suburban district and some officials were consulted, and they said "Now it is going to be developed, and therefore we want a wider and better road". Nobody would object to a wider and better road if there is the necessity for it, but the suburbs have not yet developed to that extent; they are what they were two or three years ago, and the traffic over the road is the same. Only, there are some motor lorries and motor cars running to Ghodbunder or to Santa Cruz hunting camp. That is the only addition in the traffic, and for all this it is proposed to spend Rs. 13 lakhs. I do admit that there must be some provision, but the proposal of Government is extravagant, and I hope the Council will understand that they are seeing this spectacle of an expenditure of Rs. 13 lakhs on a road of 5 miles while the provincial roads are starving even for repairs is due to the fact that this money comes from loan funds, and therefore neither the Government nor the Council are anxious to see that it is well spent. With these words, I move my motion.

Dewan Bahadur K. R. GODBOLE (Poona District): Mr. President, if the circumstances that have been placed before the Council by the honourable member for Thana are correct, I think the proposed expenditure is extravagant, at least in the present state of the Development Department. The note that has been placed in the hands of the members of this Council says that this expenditure is not to be incurred immediately, but it is one which will be spread over a number of years. I think the Council will do well to ask the Development Department to put in the present estimate only such expenditure as is really needed during the next three or four years.

The whole of the estimated amount will not be required immediately. Probably 5 or 6 lakhs will be required in the near future. So, I would ask the Development Department to curtail the present estimate to the immediate needs of the department and to come to the Council later on, if it is found that further expenditure is necessary, and a supplementary estimate is needed.

Sir LAWLESS HEPPEL: Mr. President, the improvement of this road was decided upon by Government some years ago and the work was handed over to the Development Department on its formation. It

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was originally intended to widen the road to a moderate extent and to re-metal it. However, the development of the suburban area has resulted in a heavy traffic of motor-cars and motor lorries, and the conclusion was arrived at that it would be necessary eventually to do something more and also to take steps to stop the dust nuisance which is having the effect of depreciating the property adjoining the road. It was accordingly decided that it would be better to widen the road to 70 feet, with foot-paths and a tar-macadam surface. But it is not intended at present to tar-macadam the whole width of road or to provide foot-paths. It was necessary to prepare an estimate for the whole of the work, but expenditure will be limited to actual requirements. It will be some years before the foot-paths and the full width of tar-macadam will be necessary.

An honourable MEMBER : How much has been expended till now ?

Sir LAWLESS HEPPER : Two lakhs twenty thousand.

Mr. JEHANGIR B. PETIT : Is the length of the road from Bandra causeway to Andheri 5 miles ?

Sir LAWLESS HEPPER : Yes.

Mr. JEHANGIR B. PETIT : That gives a cost of one lakh seventy thousand per mile.

Mr. G. B. TRIVEDI : I am not satisfied with the explanation. The road is unnecessary, and it is a luxury. Has the dust nuisance come in after the creation of the Development Department ? Has the traffic increased after the creation of the Development Department ? I do not believe so. It is in anticipation of the increase of traffic some 25 years hence this expenditure is now being incurred.

Mr. C. M. GANDHI : Was the advisory committee consulted on this matter ?

Sir LAWLESS HEPPER : The advisory committee was consulted on the general policy. As regards the widening of the road the Government had decided long ago.

Question put and lost.

Mr. G. B. TRIVEDI (Thana District) : Sir, I move

"That the demand of Rs. 9,48,620 for power station be reduced to Rs. 4,50,000."

In the explanatory note.....

The Honourable Sir CHIMANLAL SETALVAD : Sir, we accept the reduction. I wish to explain why we accept the reduction. This money was required for a power station for supplying electricity to the industrial concerns at Ambarnath. The original estimate was made in view of the demand of the industrial concerns offering for energy from the department. As they now propose to make their own arrangements we will put up a smaller installation for our departmental purposes.

Question put and agreed to.

Mr. G. B. TRIVEDI (Thana District) : Sir, I beg to move :

"Omit the item for Rs. 48,000 on account of pay of two superintending engineers provided under head " 59, Bombay Development Scheme."

[Mr. G. B. Trivedi]

Sir, at present the Development Department has got four Superintending Engineers, and they are in charge of four separate schemes; one is in charge of Industrial Housing, one of Development Works in Salsette, one of Salsette-Trombay Railway scheme and the industrial area of Ambarnath and one of questions relating to supply and transport of materials.

Now, I will take the last. Do you really require a Superintending Engineer to buy materials and transport them? Will not a man of a lower grade, say an Executive Engineer, do for this work? Or will not a business man do for this work? Can you not put an officer well acquainted with the process of buying and transporting? Do you really require a man of the Superintending Engineer's grade for such a work? You have tried it for two years, and the first year was a year of failure. I put a question in this session, and I was informed that there were 24 contractors who failed, because the Superintending Engineer did not take the precaution which the Public Works Department always takes of accepting tenders only from recognised contractors. Anybody and everybody who had some influence, got up and gave a tender,—his worth was not known—it was accepted, and ultimately the tenderers failed. Twenty-four contractors failed like that. There was not only one mistake, but several mistakes committed during the very first year of this appointment of a Superintending Engineer for the supply and transport of materials. That is one thing. Let us now look at another thing. They advertised first of all for a brick expert: then one qualified Indian who had been specially sent by Government with a Government scholarship to qualify himself as a pottery expert, applied for this post and he was not taken.

The Honourable Sir CHIMANLAL SETALVAD: On a point of order, Sir, the question that the honourable member is now raising, that a particular person who applied for the post of brick expert was not employed, has nothing to do with these two posts of Superintending Engineers.

The Honourable the PRESIDENT: That seems to be irrelevant. The brick expert and the Superintending Engineer are two different entities.

Mr. G. B. TRIVEDI: I was illustrating my point. The Superintending Engineer in charge of supply of materials wanted bricks. Therefore he advertised for a brick expert, and instead of taking the right man who would serve his purpose, he took a wrong man and he followed a wrong policy also. Not only he took the wrong man, but followed a wrong policy also. The policy was not to give contract to a contractor who supplies bricks. He said to the contractor "You go to Wasind where there is a good field for brick making. We shall acquire land for you; we shall supply all facilities; and you supply bricks for us." This is how the Superintending Engineer for materials is working. So, in my opinion you can very well retrench this Superintending Engineer and replace him by an experienced officer of the Executive Engineer's grade, or any other officer.

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Then I come to the second reduction : You have one man in charge of Industrial Housing and another man in charge of Development at Salsette. You are developing Salsette and you are attending to the housing scheme. Now, we know how this housing scheme has failed, and in spite of that you require the same Superintending Engineer to do the work.

The Honourable Sir CHIMANLAL SETALVAD : How has it failed ?

Mr. G. B. TRIVEDI : He has failed in giving us the right sort of tenements. We wanted and you promised us plenty of airy rooms, but you have given us dungeons. I can prove it from expert opinion that you have given us dungeons and not the sort of airy rooms which the labourers applied for and which you catered for. But apart from that, the housing scheme has gone to a certain stage, and the preliminary work has been done. Do you still require one Superintending Engineer to be wholly devoted to this work ? The whole scheme has been laid down, and mistakes have been committed, and do you want to proceed on that mistake. In spite of these mistakes do you still want to retain the services of the Superintending Engineer for this small work ? I say there is a field for economy by combining this post with the post of Superintending engineer for Salsette Development. The Salsette Development scheme is not going on the same scale as was expected. Here is room for economy by reducing one Superintending Engineer.

If you do not want to disturb your housing scheme, then I shall show another. You have a Superintending Engineer for Salsette Development and another for Salsette-Trombay Railway Scheme. They are in the same place. Why cannot one Superintending Engineer attend to both these works ? The railway has gone ahead, and it is nearing completion, and still you do not economise, but employ two men instead of one man to attend to both these schemes. The Salsette Development Scheme has slowed down, and it is not going on as anticipated, and you still persist in keeping two highly paid officers who are not required for the work that is there. So, I move that the posts be abolished.

The Honourable the PRESIDENT : Will the honourable member make one point clear to me ? There are two items each for two Superintending Engineers. Which is the item that the honourable member proposes to be omitted ?

Mr. G. B. TRIVEDI : I want to omit the one which is not in italics : that is votable. The other item is in italics and is not votable.

Sir LAWLESS HEPPEL : Mr. President, I do not think I have very much to say on this criticism because, being of a somewhat desultory character, it is very difficult indeed to follow. I gather that the objection of the honourable mover of this motion is that the Superintending Engineer has employed a number of contractors many of whom have failed to carry out their agreements and he says the reason for their failure is that the Superintending Engineer has not followed the principle of accepting tenders only from recognised contractors. Now, Sir, I have not been able to discover what a recognised contractor means.

Mr. G. B. TRIVEDI : Public Works contractors.

Sir LAWLESS HEPPEL : There are a large number of contractors in Bombay and it is news to me that they are divided into two categories, one recognised contractors and the other unrecognised contractors. The only safe course for Engineers in the position of the Superintending Engineer to follow is to call for tenders and, unless there are any strong reasons to the contrary, to accept the lowest. Now the second point is that the Superintending Engineer failed to employ a pottery expert to assist him in making bricks. I do not think it is a serious matter. I have not got any details on this complaint here, but I will look into it.

Then the other point was a suggestion that the Superintending Engineer in charge of the housing scheme should also take over the work in the suburban division. I am afraid, Sir, that it would be quite impossible. When the Directorate was first organized it was arranged that one Superintending Engineer should attend to both the Housing Scheme and the suburbs. But as soon as the housing scheme was seriously started it was found that it formed enough work for one officer, and I am afraid it is not possible to put him in charge of the suburban work also.

Mr. G. B. TRIVEDI (Thana District) : Sir, I have not much to add. I have made out my case and I hope the Council will support me.

Question put and lost.

The Honourable the PRESIDENT : The Council is now adjourned and will meet on Monday, the 12th March at 2 p.m.

Monday, the 12th March 1923.

The Council re-assembled at the Town Hall, Bombay, at 2 p.m. on Monday, the 12th March 1923, the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

Present :

ABDUL KADIR KHAN-ABDUL AZIZ KHAN, Mr.
 ADDYMAN, Mr. J.
 ADHAV, Mr. P. N.
 BATLIWALA, Dr. S. S.
 BEDREKAR, Khan Bahadur I. M.
 BELL, Mr. R. D.
 BHATE, Mr. G. C.
 BHUTTO, Khan Bahadur S. N.
 BIJARANI, Khan Saheb S. K.
 BOLE, Mr. S. K.
 BOZDAR, WADERO Khan Saheb K. G.
 BULLOCKE, Mr. A. GREVILLE
 CADELL, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. F.
 COCKE, Mr. H. G.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Mr. V. A.
 DADACHANJI, Dr. K. E.
 DALAL, Mr. D. B.
 DESAI, Rao Saheb HARILAL D.
 DESAI, Rao Saheb DADUBHAI P.
 DRAKHAN, WADERO MAHOMED PANAH
 DUBHASHE, Mr. SHANKAR BALKRISHNA
 DUMASIA, Mr. NAOROJI M.
 DWARKADAS, Mr. KANJI
 FERNANDES, Major C.
 GANDHI, Mr. C. M.
 GARUD, Rao Bahadur S. D.
 GHOLAP, Mr. D. D.
 GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH
 GODAD, Khan Saheb ABDULLA AVJAL
 GODBOLE, Dewan Bahadur K. R.

GULAMHUSEN, Mr. SULTANALI SALEMANJI
HAJI, Mr. IBRAHIM S.
HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA
HAVELIVALA, Mr. M. A.
HAYWARD, The Hon'ble Mr. M. H. W.
HEPPER, Sir LAWLESS
HULKOTI, Mr. CHANNAPPA CHANVIRAPPA
JADHAV, Mr. B. V.
KALBHOR, Mr. G. M.
KALE, Rao Bahadur R. R.
KANGA, Mr. J. B.
KER, Mr. J. C.
LALBHAI AMBARAM, Mr.
LAWRENCE, The Hon'ble Mr. H. S.
LIGADE, Mr. S. P.
LORY, Mr. F. B. P.
MACNAGHTEN, Sir HENRY
MANSURI, Khan Saheb A. M.
MEAD, Mr. P. J.
MEHTA, The Hon'ble Mr. C. V.
MODI, Sardar Davar T. K.
MOHIDINKHAN, Khan Saheb HAJI HAZRATH KHAN
MOHOMED SALAHUDDIN K., Mr.
MONTGOMERIE, Mr. A.
MURPHY, Mr. S. J.
MUTALIK, Sardar V. N.
NILKANTH, Rao Bahadur R. M.
NIMBALKAR, Mr. K. B.
OJHA, Mr. DIPCHAND T.
PAHALAJANI, Mr. B. G.
PARANJPYE, The Hon'ble Dr. R. P.
PATEL, Mr. B. P.
PATEL, Mr. J. B.
PAWAR, Shrimant J. A.
PETIT, Mr. JEHANGIR B.
PRADHAN, Mr. M. W.
PROES, Mr. E. M.
RAHIMTOOLA, The Hon'ble Sir IBRAHIM
ROTHFELD, Mr. O.

SAHERWALA, Khan Saheb I. A.

SETALVAD, The Hon'ble Sir CHIMANLAL

SHEPHERD, Mr. W. C.

SHIRBAS, Mr. G. FINDLAY.

SURVE, Mr. A. N.

THOMAS, Mr. G. A.

TRIVEDI, Mr. G. B.

VICHARE, Rao Bahadur D. A.

WOODS, Mr. E. E.

The Honourable the PRESIDENT: Order, order. Are there any new members desirous of taking their seats?

Mr. R. D. Bell then made the prescribed oath of allegiance to His Majesty the King-Emperor and took his seat in the Council.

Mr. C. M. GANDHI (Surat City): May I enquire of the Honourable the Home Member whether the papers in regard to Khan Saheb Bijaram's case have been received by him yet?

The Honourable Mr. M. H. W. HAYWARD: I have not received them myself yet. But I have not yet seen my Secretary. I will enquire as soon as he arrives.

Rao Bahadur S. D. GARUD (West Khandesh District): May I, Sir, ask a question which I could not ask yesterday?

The Honourable the PRESIDENT: Yes.

SCHOLARSHIP FOR STUDY OF OIL INDUSTRY.

Rao Bahadur S. D. GARUD (West Khandesh District): (a) Will Government be pleased to state whether they have considered the desirability of granting a state scholarship for the advanced study of the oil industry in England?

(b) If so, is it proposed to grant such scholarship for the coming year?

The Honourable Dr. R. P. PARANJPYE: (a) and (b) State scholarships are not awarded for the study of vegetable oil pressing as it was found in 1911, when the matter was last examined, that it was impossible to arrange satisfactory facilities for the study of the subject in England. The question has not been raised since then.

Rao Bahadur S. D. GARUD: May I, Sir, enquire if the question is likely to be considered soon?

The Honourable Dr. R. P. PARANJPYE: So far as Government is aware, there are no facilities for the study of oil pressing in England. If we have a suitable candidate and if we are told that he can find out suitable facilities for that branch of study, then we shall consider whether a state scholarship could be given or not.

Rao Bahadur S. D. GARUD: May I point out that my question does not relate to oil pressing, but oil industry? May I ask if the question of awarding scholarships for the advanced study of oil industry is likely to be considered soon? (No answer.)

GRIEVANCES OF BHAGUR VILLAGERS.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : In the matter of the grievances of the Bhagur village people, may I enquire what stage has been reached in regard to the negotiations which I understood the Government of Bombay were having with the Government of India or the military authorities ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I gave the honourable House the assurance that Government would request the military authorities to suspend the collection of taxes in the Bhagur village pending the decision of the Government of India on the Bombay Government's recommendation to exclude that village from cantonment limits. We have received a reply to that request from the military authorities to the effect that they are unable to comply pending the decision of the Government of India.

Mr. KANJI DWARKADAS : Are the Government now aware that the strike there continues and there is great hardship and misery to the people of the village ?

The Honourable Sir IBRAHIM RAHIMTOOLA : Government are perfectly aware that the strike does continue. But the Government of Bombay have done their best in making a representation to the authorities with whom the decision rests.

Mr. KANJI DWARKADAS : I have no doubt that the people of Bhagur village are grateful to the Government of Bombay for their efforts so far in their behalf. Will they now kindly make further efforts to telegraph at once to the Government of India and see what can be done ?

The Honourable Sir IBRAHIM RAHIMTOOLA : The Government of Bombay will do everything in their power consistent with their constitutional position.

(Discussion on motions to reduce or omit budget grants resumed.)

Mr. G. B. TRIVEDI (Thana District) : Mr. President, I move :

"That the item of Rs. 7,800, pay of Personal Assistant to Salsette Development Officer, page 127 of the Blue Book, be omitted."

Sir, in the suburban district there is a Commissioner, then there is the Collector and there is the personal assistant to the Salsette Development Officer. The Collector is described here in this Blue Book as "Collector, Bombay Suburban District, and Salsette Development Officer". So, Sir, the salaries of the Collector and his personal assistant are charged to the Development expenses. Now, Sir, it is generally known that the Development Officer in Salsette has to look after the whole development scheme. He has one personal assistant, then he has got four more development officers under him. I understand that this development work mostly consists of the work of acquisition, looking after the town planning schemes and such other things. This officer is looking after these things and although looking after the town planning schemes is the duty of the Notified Area Committees, at present Government have not seen the necessity of having a non-official president for these Notified Area Committees. Therefore, it happens that this personal assistant to

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the Development Officer is the chairman of the various Notified Area Committees. One is at Santa Cruz, another at Vile Parle, a third at Andheri, a fourth at Malad and a fifth at Borivli. So he is the chairman of these five Notified Area Committees, and, Sir, the Town Planning Act is in force since 1915. It was introduced mainly to develop the existing suburbs, and yet although there are fifteen town planning schemes, up to now only three or four are completed. That is the work of these development officers up to now. That shows, Sir, that the development of existing suburbs is going on very, very slowly, and unless we are convinced that this work is being done as rapidly as it can and leads to the satisfaction of the inhabitants of the suburbs and also leads to the rapid development of these existing suburbs, my submission is that this post is useless, because since 1915 up to now in seven years, although there are fifteen schemes, only three have been completed. That means that there is something wrong somewhere which does not lead to the rapidity of this work. And, if my information is correct, the working is not only very slow but very obstructive. The present working goes against the very desire of Government that these suburbs should be developed, and that buildings ought to be erected. Now, when any society or any person applies for building permits, the very first reply invariably is that permission cannot be granted. That is the very first invariable reply, even if the engineer is an able one? I know an instance of one building society, not a person but a building society, whose plans and everything were submitted by an European firm of engineers, Messrs. Marsland Price and Co., and it still took eighteen months to get the permission for building. If that is the rate at which these development officers are working, then it shows that there is something loose somewhere and that whatever you may say, there is something which deserves to be looked into carefully. All people are complaining that permissions are not given to them as rapidly as they ought to be and that even when all plans and everything are satisfactory, still it takes a long time to get permission.

The other thing is more serious and it is this ; although the chairman of the Notified Area Committees is an official, there are a number of irregularities, there are a number of vexations for the people and indirectly that hampers the progress of building and if Government will enquire into the matter, they will find that many cases were instituted in the court of the subordinate judge at Thana against the working of these Notified Area Committees and many strong strictures were passed against the illegalities, the irregularities and against the whole.....

The Honourable the PRESIDENT: If the honourable member is pursuing that matter further, I shall have to vacate the chair as I am personally interested in the matter, having filed a suit and obtained a decree against the Notified Area Committee of Borivli. I may state that proceedings in another matter in the same case are still pending against the chairman of that Notified Area Committee. The honourable member has of course every right to proceed if he insists on referring to my suit and decree, but I shall vacate the chair in that case.

Mr. G. B. TRIVEDI : I referred to it only in general terms and that is why I said " a number of cases ".

The Honourable the PRESIDENT : If the honourable member takes care not to refer to any matter to which I have been a party, it will not be necessary for me to vacate the chair.

Mr. G. B. TRIVEDI : It seems the desire of the House is that I should go on.

The Honourable the PRESIDENT : The House has every right to criticise any officer, but if the honourable member is going to refer specifically to the matter in which I am personally interested, I put it to him whether he would think it proper to do so at the present juncture since another proceeding is still pending against the chairman for contempt of court. I cannot shut out the honourable member but if he wishes to refer to the matter, I shall vacate the chair.

Mr. G. B. TRIVEDI : I shall not pursue that subject further. I want only to make one general remark. So this officer, as chairman of the Notified Area Committees, instead of helping the work of those committees.....

The Honourable the PRESIDENT : I should like to know whether the chairman of the Notified Area Committee as such comes within this vote and estimate.

Mr. G. B. TRIVEDI : Yes, because he is the chairman and draws an allowance.

The Honourable the PRESIDENT : The House is now called upon to discuss the post of personal assistant to the Development Officer. If, in addition to that, he holds another office which belongs to another and not this Development Department, he cannot be discussed in respect of that other office on this vote. Is the Notified Area Committee with its chairman under the Development Department ?

The Honourable Sir CHIMANLAL SETALVAD : Notified Area Committees are not under the Development Department.

Mr. G. B. TRIVEDI : But the chairman of the Notified Area Committee is.

The Honourable the PRESIDENT : The chairman of that committee merged in that committee and in that capacity, I understand, from the General Member's answer, is not under the Development Department and therefore not connected with this vote.

The Honourable Sir CHIMANLAL SETALVAD : He holds two charges as a deputy collector and as a chairman of the Notified Area Committee and is not with us at all.

The Honourable the PRESIDENT : It follows then that his position as chairman of the Notified Area Committee is distinct from his office as personal assistant to the Development Officer and falls under another department and vote. So it cannot be discussed while we are discussing this vote on the Development Department.

Mr. G. B. TRIVEDI : I do not go against your ruling, Sir. My reason is this that when a suggestion is made to Government to give a

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non-official president to the Notified Area Committees, they say such a step would come in the way of development. Therefore they are interested in having a development officer as chairman of the Notified Area Committee.....

The Honourable the PRESIDENT: I would not come in the way of the honourable member so long as he is urging merely that the two offices must not be held by one and the same person and that the union of the two offices retards the progress of the Development Department and the extension of buildings. That is a perfectly relevant argument but to discuss the conduct of the Notified Area Committee or its chairman is not within the purview of this particular vote.

Mr. G. B. TRIVEDI: With all these facts, the House will see that this post is not at all necessary, it comes in the way of development and although the Development Department pays for the officer's post, the object is not fulfilled but rather obstructed. With these words, I move the deletion of this item.

Mr. V. A. DABHOLKAR: Mr. President, I rise to support the motion for the omission of this item, moved by my honourable friend the member for Thana. I do not want to put any obstructions as far as the development schemes are concerned, but I am supporting this motion on the question of the acquisitions undertaken on behalf of the Development Department. Sir, we are all aware of the very queer procedure regarding acquisition cases in Bombay and the suburbs, and it is within the last twenty years that such acquisition cases have become most unpopular, but the one I am referring to as regards the acquisition of land in Kandivli is rather scandalous. First, Mr. President, Government notifies the land, and then appoints its own officer for the valuation work. One does not understand why, in such cases, instead of having an independent officer, Government has chosen to appoint an officer who is partly a development officer. Under such circumstances, either he is not doing his duty to the people, or that he is unfit to hold the post because the acquisition cases are much criticised outside this House in the way the awards are made. Sir, I am referring to the acquisition of houses and lands for the purpose of getting stone and other things for the reclamation of Back Bay, and the awards this officer has made are unheard of, by which I mean to say that whatever value was paid to the lands some 30 years back has been awarded by this officer, so much so, that for hilly lands having good stone quarries the officer is awarding something like from one anna to one anna and a half per square yard. In these days, you cannot get even a yard of cloth or a duster for an anna and a half, and this officer has been awarding wholesale one anna and a half for hilly lands. You are aware that the first acquisition of lands in Salsette was undertaken on behalf of the B. B. & C. I. Railway for the extension of Borivli station, and for low-lying land 8 feet below the railway track that was acquired for railway purposes ten years ago the award was at the rate of 6 annas per square yard. Some four years back when the quadrupling of the B. B. & C. I. Railway was undertaken, some low-lying land had to be purchased, and the Government officers who were appointed

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to make the awards awarded 10 annas per square yard for low-lying lands. Having these instances before him, the present officer, without going into the merits of the cases, or calling for evidence, has decided his own award, even when he was pointed out the market value of the land. The market value of the land consists of the instances of sales and purchases of land in the locality, and this is the market value of the land, or, in other words, what a prudent purchaser may pay for the land. Even when all the instances of sales and purchases of land in the vicinity or in close proximity to the lands to be acquired were pointed out to this officer, still he has awarded 1 anna and 1 anna and a half where properties were purchased for Re. 1-4-0 per square yard. The most typical example that I should like to point out to this House as regards the scandalous conduct of this officer is with regard to property which was valued for rupees twenty thousand by the Collector of Thana was awarded by him for about Rs. 6,000.

The Honourable the PRESIDENT: Is that criticism with reference to his position as personal assistant to the Development officer?

Mr. V. A. DABHOLKAR: Yes, Sir. There is a property near Kandivli station, a new bungalow which was built about ten years ago and a well that may cost Rs. 10,000 and one acre of land. When the heirs to this property, after the death of the owner, wanted to apply for Letters of Administration, this property was valued by a responsible official, I mean the Collector of Thana, at Rs. 21,250 in the year 1919, and I say that the valuation of this property was quite correct, because this property was afterwards offered to be purchased for Rs. 22,000 and the earnest money was paid, but on account of the interest of the minors the matter went to the High Court. In the meantime, the notification came out, and the buyer could not purchase the property. What do you think was the award of this officer for this property? It was awarded only Rs. 6,000. May I know whose valuation we are to consider as correct?

The Honourable Sir CHIMANLAL SETALVAD: May I enquire whether the awards in the cases that the honourable member has mentioned are not before the courts?

The Honourable the PRESIDENT: Are they before the Courts?

Mr. V. A. DABHOLKAR: Appeals have been filed.

The Honourable the PRESIDENT: In that case they are *sub-judice*, and cannot be discussed.

Mr. V. A. DABHOLKAR: I perfectly agree that the matter is *sub-judice*, but I am not referring to a particular case or cases, but I am referring to the principle, and what I want to point out to this House is that the owners of land whose properties have been acquired are done much injustice.

The Honourable the PRESIDENT: Once the matter has gone into court, it cannot be referred to and criticised.

Mr. V. A. DABHOLKAR: Since the Chair has given the ruling, I am not referring to any particular case of acquisition, but to the general

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principle, and I want to point out that this is not acquisition but confiscation, and if I am not to get an opportunity now, when am I to get this opportunity ?

The Honourable the PRESIDENT : I do not know that. All I am concerned with is, what is the matter under adjudication before courts of law ? The matter had better be dealt with very generally and not with reference to any matter in issue in the cases if it is to be dealt with at all.

Mr. V. A. DABHOLKAR : I do not want to refer to any particular cases, but as there has been so much excitement over this confiscation of lands, that I am simply bringing it to the notice of this House. While Government has started development for one part of the island, namely, Bombay, it has started ruination on the other side. What I mean to say is that if Government wants to acquire properties for the laudable object of the development of the city, they must not make this a family affair. Now, the Collector of the suburban district is one Mr. Carter, who is a full time officer of the Development Department. Then the officer regarding whom discussion is now going on is his assistant, and the owners of the property are the claimants. So, in this respect, how can you expect justice at the hands of a man who belongs to the department which is acquiring properties for its own purposes? What I mean to say is this : Leaving aside any reference to cases which are before the courts, Government have adopted the policy of appointing such a man to the post of acquisition officer, when Government knows that the department under which he is working is a party concerned in the matter, and he cannot therefore be expected to give an impartial judgment, because the officer is the concerned party. Therefore, the motion for the omission of this grant moved by the honourable member for Thana is quite justified.

Sir LAWLESS HEPPEL : Sir, I would like to point out the position of these officers. When the department undertook the development of the suburbs, it was found advisable to form a suburban division. It was then decided that it would be convenient to take over the part services of the officers of the Revenue Department, the Collector, Deputy Collector and Assistant Collectors to help the department in the work of development. The salaries of these officers are therefore being charged in the Directorate establishment, but so far as their work in connection with land acquisition is concerned, they are not responsible to the Development Department. They have separate statutory powers under which their powers of land acquisition are exercised, and it is not fair therefore to attack the Development Department on the ground that there are complaints regarding the conduct of land acquisition cases.

The Honourable Sir CHIMANLAL SETALVAD : Sir, the Collector in his capacity of the land acquisition officer and his assistant in his capacity as Chairman of the Notified Area Committees have nothing to do with this department. As regards the criticism made by the honourable member opposite, regarding the manner in which the acquisition of land is being carried out he seems to be under a misconception as to the position of the Collector in making awards in land acquisition cases. He

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seemed to suggest that the land acquisition officer should be an independent judge. If the honourable member looks into the authorities and decisions regarding the position of the Collector as land acquisition officer he will know that he is only an agent of Government for making an offer. If the party is not satisfied with his award, it is open to them to appeal against the award. A number of such appeals have now been filed, and the court will make the final award based on the evidence produced before the court. That being so, there is really no meaning in asking that the salary of the personal assistant should be omitted. I have already pointed out that the activities of the Collector as land acquisition officer are not the activities of the Development Department.

Question put and lost.

Mr. G. B. TRIVEDI (Thana District): Sir, I move :

"That the total demand for the Development Department of Rs. 12,46,27,000 be reduced by Rs. 1,00,00,000."

In moving this I will repeat what I said at the time of the general discussion of the budget: "I am not opposed to the development at all." I believe in it and I believe also in the motive of single-minded purpose of furthering the health and prosperity of Bombay which underlies it as the Honourable the Finance Member put it in his budget speech. I also believe that this scheme was taken up with the distinct idea of serving the poor people of Bombay, in the first instance and then to relieve the high prices of land that were soaring up on account of the scarcity of land both in the city and the suburbs. With this admission I feel that the time has come when this House, interested as it is in the 30 crores of rupees loan which will be ultimately required and 200 lakhs of interest that the Presidency will have to bear if anything goes wrong, and as the Development Department has put before the public and this Council, its two years' record we should examine the working of the Development Department very minutely. We were asked in the first two years to wait and see. I accepted that proposition; but now the time has come when we should examine the scheme very critically to see whether the expectation that was raised had been fulfilled and whether we are proceeding within reasonably safe limits. This House will be interested to know whether the sound principle laid down last year by some of the influential members of this House that no project, unless its estimate and details are ready and sanctioned by Government, should be placed before this House. That was the principle laid down by some of the most influential members of this House; I mean the Honourable Mr. Purshotamdas Thakurdas and Dewan Bahadur Godbole. Still the Honourable the General Member asked this Council to be satisfied with his assurance that the pre-audit payment system was sufficient safeguard, as no payment would be made unless the audit officer was satisfied that everything was going on according to financial rules.

The Honourable the General Member at the time of the first budget meeting said :

"A special Audit Officer, independent of Government, will pre-audit all payments. He will see that the various projects are within the sanctioned scheme and are approved by proper authority and all payments to be made are covered by specific sanctions."

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Against that what is the audit report of the Accountant General for 1921-22? The report says:

"The expenditure on several works in the Bombay Development Department has been held under objection for want of sanction to estimates as required by the Public Works Department Code. Regarding the huge Back Bay Reclamation Scheme, which has been in progress for 18 months, it appears that arrangements are only now being made to prepare a regular project estimate, in the absence of which no effective financial control is possible. In the matter of detailed working estimates for the Back Bay Reclamation a similar negligence has been exhibited and officers have been allowed to start works, including the construction of residential accommodation for themselves, without any attempt to get prior sanction to the estimates. In my report to Government I have stated that I regard the above irregularities as sufficiently serious to be brought before the Public Accounts Committee."

I understand, Sir, that it has not yet been brought before the Public Accounts Committee of this House. The Audit Officer goes on further:

"There are 8 city schemes and 20 suburban schemes. Expenditure has actually been incurred on several of these schemes, but without a regular sanctioned project estimate, though individual works forming part of the scheme have received proper sanction."

From these remarks of the Auditor of the Accountant General's office, this House will see the justification of having a proper control and of insisting that there shall be a proper control of the working of the Development Department. Otherwise, things may go wrong, as the audit report itself says. Things may go wrong and the House and the public may have occasion to regret.

The loans are estimated to amount to thirty crores of rupees: eight crores and five lakhs for Back Bay according to the Finance Member's statement (although the Honourable the General Member said in the first year that it would be only four crores); nine crores for the housing scheme; twelve crores for the suburban district schemes. I do admit, Sir, that it is a huge scheme which ought to be allowed a little time. But I think that we have now enough materials before us to judge whether the scheme and the policy of the Government are working on satisfactory lines.

Sir, I forgot to mention one thing. The audit report says below that on the sale of the tail water of the Tata Hydro-Electric Works, Government lost one lakh of rupees:—"This was to be regarded as dead loss due to the free concession to use water given to the company without proper care and foresight."

Coming to the several schemes, I want to point out how they are working, so that the House may be able to see that if they insist on Government's doing certain things there will be economy to the extent of one crore this year. As I said before the original estimate for the Back Bay Reclamation Scheme was four crores, but it has gone up to about eight crores. The original cost estimated per square yard was ten rupees, but now it is Rs. 28. Several materials were ordered from Europe just at the time of the inauguration of the scheme. They have arrived here and are lying idle and will lie idle for one year more. I am speaking of the dredgers and the floating pipes, which cannot be used unless the wall has gone up to a certain length. These materials have arrived a year ago and are lying idle. If the department had waited and

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calculated properly they would have made economy in the purchase price also.

As regards the housing scheme, as this House knows, it has also gone wrong. The cost of this scheme is estimated at nine crores, although we were told that the working class population of the city would be given nice, decent and airy rooms at cheap rates. In contrast to the rent of Rs. 4-8-0 charged by the Improvement Trust on their chawls built in 1904, the economic rent of these tenements is fifteen or sixteen rupees. Although Government say that they will charge only ten rupees to the labouring classes in order to give them some relief, I doubt whether they can take up these rooms even at that rate. Take the case of a peon in an office. He gets Rs. 20. If he is to pay Rs. 10 for rent, what will be left for him for the upkeep of his wife and children? Ten rupees would be too high. You should go in for cheaper construction, and if you cannot do that you should close the whole thing. You have not given them cheap rooms. And secondly these rooms are not even satisfactory. When I made that statement, the Honourable the General Member challenged it. I am not an expert in this, but I will quote to him the words of an international social worker of the Y. M. C. A. movement, Mr. Sherwood Eddy, who was lately in Bombay. He saw these chawls, and he says of these chawls :

"With great interest I visited the new model chawls for workmen. Viewed from a distance, they appeared at first sight pleasing to the eye but on closer examination, they proved not only a disappointment but unscientific, uneconomical and inhuman. They are mere boxes for the herding of hands. They are a disgrace to the most beautiful city in India. They are monstrous, sunless prisons for the dreary existence of the toilers."

Mr. Sherwood Eddy is an international worker belonging to the Y. M. C. A. Now, I leave that quotation to my honourable friend representing Labour to take up for further investigation, and I come to the economic question of this Housing scheme. The economic rent is fifteen rupees per tenement. If you charge ten rupees to the workmen, the loss will be Rs. 60 a year on each tenement, and therefore the total loss per year on the 50,000 tenements that you are going to put up, will be 30 lakhs of rupees. Now the cotton cess is expected to give only eighteen lakhs of rupees. Therefore, there will be a loss of twelve lakhs. If you reduce the rent still further, there will be a greater loss. In view of these facts is this Council prepared to raise its cotton cess further so that the cultivators of Surat, Broach and Khandesh may pay for these prisons in Bombay. If they are prepared, I have nothing to say. But if they are not prepared, then I must say that these development operations in the matter of chawls are not carried on in the way they should be carried on and therefore there is something wrong with them. I will leave now the housing schemes.

Now I will come to the suburban schemes. I will take first the Ambernath scheme. The Honourable the General Member himself admitted that there are only three factories there. Last year we were told by the Director of the Development Department that there were applications for six factories more. But we find that there are only the three factories that were started there originally. Now these three factories do not

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want your electricity and so the expenditure on account of electricity is wasted. You are now finding a new customer in the wireless station, who want to use the electricity. But the Development Department is not bound to supply electricity to the wireless station. It should have its own arrangement for electricity. Then there is the water question. It has been admitted that the present arrangement for water is sufficient for the three factories that are there. If that is so for whom are you spending lakhs and lakhs of rupees in order to have a big reservoir at Ambernath? If the industrial people do not want to spend money in building factories there, you can stop the building of the reservoir. Why spend more money unnecessarily at Ambernath when you have no prospect in near future of having more factories at Ambernath? What is the use of spending 50 lakhs on the Ambernath scheme?

Now come to the Kurla Kirol scheme. There also you stated that there would be small factories. The people who wanted to build factories there, have now no money and so they do not come forward. And still the department is developing that Kurla Kirol scheme in anticipation of the future demand. Now the public knows that there is an area at Kurla which can be had on certain conditions. That is enough for the present. When the demand for plots comes, then you can start the works. There is no harm in stopping the work at present.

Then, take the Trombay scheme. In Trombay the Bombay municipality is going to build a slaughter-house. That is good. Then some of the obnoxious trades will be removed there. That is also true. But it was stated that we are going to have 3,000 building plots in Trombay. When I asked the question I was told that there were only six applications and six plots were taken up. So that out of 3,000 plots, six only are taken up at Trombay.

Then come to Andheri. There also there are 3,500 acres which are to be acquired and out of them only 90 acres are required at present for the Salsette scheme. So that whereas you have given notice that you want to acquire 3,500 acres, you require only 90 acres and still you are spending money in acquiring the rest.

Then come to Khar scheme. It is considered the best area for residential purposes. Even there what is the position? The board says in its annual report that there will be about 800 or 900 plots and out of these only 104 are taken up, but not more than that, and out of them only six are new.

So that in the whole of the suburban scheme where you are spending twelve crores of rupees you have only six and six, this is, twelve new applications for building plots. You have not got more than three factories at Ambernath. You have no more applications for the industrial plots at Kurla Kirol or the residential plots at Trombay, and still you want to go on with your acquisition of land which is working so harshly on the people as my honourable friend, the honourable nominated member for Bombay, has told the House. There is therefore no necessity of spending any more money on laying out roads at present in these areas and that therefore the progress of the scheme should be slowed down.

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I am not against providing for residential plots for our ever increasing population, but what I submit is that let these plots which are available in the Bombay city be looked after first and not those in the suburbs at present. You have the Worli scheme where the middle class and the higher class people will be willing to have residential quarters. Then there is the Dadar-Matunga scheme, the Mahim scheme, and these schemes in themselves will supply 15 per cent. of the present area of Bombay. As the Honourable the Finance Member told us one-sixth of the present Bombay will be supplied with accommodation in the development of the Bombay city itself if the Improvement Trust and the Bombay municipality complete these schemes. Let us see that all these plots are taken up and then let us go to the suburb and develop the plots there and spend lakhs and lakhs of rupees in the suburb.

I have therefore proved to this House that in the suburban scheme, the twelve crores of rupees that are wanted to be spent are not required and that you can slow down the progress of your suburban schemes without in any way hampering the residential area proposals. I do not want to come in the way of development at all. The purpose is good, but what I want to say is that the present circumstances do not justify your spending the amount that you are spending on these schemes and that you should slow down the progress and when things are all right you can go on with these schemes. You should not actually acquire a single acre unless you sell away all the plots out of the area that you have already acquired. So, Sir, if all these suggestions are acceptable, then I am quite sure that the House will see that you can easily cut down the present demand by one crore.

Mr. M. W. PRADHAN (Thana District) : Mr. President, I will only take two or three points placed before this House by the honourable member for Thana. As I understood him he urges that there should be this reduction of one crore in this grant as, so far as the industrial schemes at Ambarnath and Kurla Kirol are concerned and so far as the residential and other schemes at Trombay are concerned, they are at present absolutely unnecessary. What I understood him to say was that you must wait to dig a well till you are thirsty. Sir, in this connection I may point out to this House that once upon a time there was a far-seeing Municipal Commissioner of Bombay by name Mr. Crawford, and when he built the Crawford Market which is known now to everybody in Bombay, shopkeepers in Bombay would not take a single stall in the market on hire and they had to be induced to take the stalls without payment of any rent.

At present there are some such fortunate people who are not paying any rent. They were induced to come and occupy the stalls. These people are enjoying that privilege even up to now. But what is the result? The present Crawford Market, everybody will admit, was foreseen only by such a well-wisher of Bombay who knew what Bombay was going to be years after, and that to beautify the progressing city such a market would be indispensable. Sir, on those very lines the present

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development of Bombay has been contemplated by those far-seeing persons whose work you see before you.

Now, Sir, with regard to the development of Ambermath, may I point out to the honourable member for Thana that the Bandra slaughter-house has been an eye-sore for years together and although there has been a hue and cry for its removal, the Bombay municipality could not see its way to remove that eye-sore somewhere beyond the proper limits. This Development Department is going to provide for that slaughter-house. This Development Department in its scheme has made ample provision for the future industries of Bombay even the obnoxious industries like the tanneries, etc. Sir, these are the things, if you want to continue to have the proud privilege of living in the second city in the empire, these are the far-seeing developments, which are absolutely necessary to be provided for in time. Sir, it is no use saying that you simply dig a well when you are thirsty. A well has to be dug whether you are thirsty or no. I think it is no use taking a bit here and a bit there for condemnation of the whole scheme which has been undertaken by Government after years of cogitation and consideration. What I would submit is this, that when you start a big concern it is no use hampering it in its midst. The most economical thing would be to give it a full chance to finish the whole thing quickly and then see what improvement may be necessary. This work is done out of loan, and the sooner it is done, the better for all. On this principle I think the House would be well-advised to throw out this motion and thus understand the spirit in which Government has taken this Bombay development in hand.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association) : Mr. President, I have given a notice of motion for a reduction of Rs. 1,000 from the total demand asked for under this head. The object, Sir, with which I have done so, is to draw the attention of the Government to the various questions of policy involved in the administration of the Development Department, upon which the public hold very strong views. The numerous details of the administration of this department into which the honourable member for Thana has gone, must have convinced the House, if such conviction were still necessary, of the necessity of a very close association of the public with its internal management. They must also have convinced the House of the necessity of a more careful examination of the details relating to the different schemes which are being handled by this important department. I will not, Sir, go into the details of the various schemes into which the honourable member from Thana has gone. I will neither go into the figures of the initial cost and working expenditure of this department, running into crores, which we are called upon to sanction from year to year, because they are all already in the possession of honourable members and will tell their own tale. It is only necessary to say that in view of the cost and scope of its numerous schemes, and other activities the Development Department is one of very great magnitude, involving the decision and solution of very important issues, and must therefore necessarily entail the consideration of many far-reaching questions of policy not only relating to the present

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generation but of generations to come. The reclamation scheme, as we are all aware, is going to cost something like nine crores of rupees; the housing schemes will cost something like nine crores and the different suburban development schemes, something like twelve crores; all of which, put together, will thus bring the total figure, to the round sum of about 30 crores. The Bombay reclamation and the suburban development schemes, alone, will involve the consideration and disposal of extensive areas amounting to 1,200 and 13,000 acres respectively, to say nothing of the very large and continuous tracts of land within the limits of the city itself, which have come within the scope of the operations of the Development Department. All these activities, Sir, are of such a character and magnitude as to change the face of the city and her suburbs. Where a department of this importance is concerned, in connection with which crores of rupees of provincial revenue are being spent and large loan-charges created from year to year, I think it is but right that the public should demand that they should be taken more into the confidence of the Government and afforded greater opportunities of acquainting themselves with the details of its administration than is the case at present. Such an association of the public with the internal management of the Department is all the more necessary because of the fact that, apart from differences on matters of details, the public hold very emphatic views on many questions of principle and policy directly opposed to those which are held by the Government, which form the main source of their inspiration and influence in the administration of the department. I will refer only to one matter of very great and far-reaching importance, upon which both the Government and the public hold the most emphatic views in opposite directions, each doing so probably with very good grounds of justification.

The very large area, which it has been arranged, should be given over to the military, from the reclaimed land at the disposal of the Government, is a matter, upon which, I am in a position to inform the House, there is very considerable difference of opinion between the Government and the public. This, for instance, is a matter which was never placed either before the public or even before the advisory board for their opinion; and if I am not divulging a secret, I am in a position also to inform the House that when a debate on it was raised by the committee, they were promptly told that it was beyond the purview of their operations and that the matter had already been settled by the Government. There are other items of similar even though of smaller importance, involving the consideration of large and far-reaching principles, which should have been but were never placed before the board, to the detriment of the interests of the public. I venture to think that similar questions of principle and policy will continue to arise so long as the Development Department carries on its present work of developing the city and suburbs of Bombay. If, therefore, the Government are to do the work of this department in consultation with the people and wish to carry the public opinion of this Presidency with them, I venture to think that the only right and proper course for them to take is to seriously and immediately

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consider the advisability of making proper representations to higher authorities to convert the department into a transferred subject and ultimately to vest it by statute in an administrative committee like the Bombay municipality and the Bombay Port and Improvement Trusts, so that the decisions and findings of that committee both relating to the determination of the policy of the department and the administration of its affairs, may be binding on the Government from time to time. I have discussed this matter with many officials connected with the department ; but, although I have found that they all unanimously oppose this proposal, I am sorry to say that I have not been able to trace any very substantial ground in their reasoning, justifying such an attitude. The only ground, so far as I have been able to ascertain is, that as this is a Government department, it is impossible to associate the public with it in the manner proposed, so that their recommendations may be binding on the Government. In other words, they argue that if the Government are expected to conduct that department as a Government department, they and they alone must be responsible for it. The attitude of the public, however, on this important matter is different. They cannot see much distinction between a department managed by the Government and one managed by a statutory body. Where the Government exist, only for the people, they ought to be the arbiters in all public questions and the people the beneficiaries. In a matter of such importance and magnitude, where the resources of the Presidency are to be utilised and its credit pledged to such an extent, that the people feel that it is due to them that they should be taken more into the confidence of the Government in the administration of this department and in the laying down of the principles upon which this department should be conducted. And, it is to draw the attention of the Government to this important question and to this very strong feeling which is prevalent among the public, that I have given this notice for reduction. If the House is in agreement with me and thinks that the utilisation of crores of rupees can be better achieved by a closer association of the public in the working of this Department, then I venture to think that the House will accept this proposal in order that the public may be enabled to take a more intelligent and a more real part in the administration of this important department. Though it is possible to go into details and show, not one, but dozens of items, upon which the House can take up a very strong attitude in order to impress upon the Government the huge importance of this matter, I will not do so. The schemes for the development of Trombay, of Kurla-Kirol and of Ambernath, for instance, are all projects of such huge proportions and far-reaching interests that one can never be too careful about them. They are all so complex and involve the consideration of so many factors, that they may either be huge successes or huge failures. Whether they will in the long run fulfil all the hopes formed about them and bring the return that is expected of them is enveloped in the mist of the future. I venture to think, however, that where matters of this character and magnitude are concerned, where estimates of cost and return must necessarily be made on hypothetical figures, it is in the interest of the Government themselves

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that they should not take all the responsibility upon their own shoulders but should invite the public to co-operate with them ; so that, if by some mischance the schemes happen to turn out unsuccessful, (as I sincerely hope they will not), they may be in a position to say to the people that they were in constant consultation with their representatives and that therefore any responsibility for the result that may attach to them must be shared by them equally with the people. This is the point of view from which I expect the Government to approach the consideration of this important question ; and this is the point of view I had in mind in bringing forward this motion for reduction. I have no intention of casting any unnecessary reflection upon any officer of the Department ; and least of all, upon the Honourable Member who presides over it with such conspicuous ability.

As a member of the advisory committee I am in close touch with the department and I realise the difficulties that those in charge of it have to face. I also realise that, in view of the magnitude and huge cost of the different schemes and the consideration of complex estimates of big figures and hypothesis that they must necessarily involve, a good deal must depend upon the future and upon the progress and result of the schemes from point to point. But, I beg to point out that it is for that precise reason, and because all the estimates and calculations of the department are enveloped in mist, that I desire the Government to take the public into their confidence and not to take a single step of importance without the concurrence and advice of an administrative committee such as I have proposed. If important bodies like the Bombay municipality, and the Bombay Port and Improvement Trusts, involving the management of highly important and often even of technical matters, and an annual income and expenditure of crores, can work under the guidance and with the advice of administrative bodies, I do not see any reason why an equally important body like the Development Department cannot be similarly worked, unless it is sought to be argued that those bodies are already there in proper form and have only got to be administered as such, and that the Development Department is a new body, yet in the making, which must be put into proper shape and moulded into regular form, before it can be made over to a statutory committee for administrative purposes. But, in view of the fact that the Improvement Trust more or less carries on work of an identical character, even this difficulty does not to my mind seem insuperable. If the representatives of the people can shape the policy and carry on the administration of the Improvement Trust, charged with duties of a similar character, I do not see why they cannot similarly act with regard to the Development Department. I think it is not only right but in the very interest of the Government themselves that this should be done ; otherwise it is quite possible that at the end of five or ten years they may suddenly find themselves placed in a very unenviable position. It is principally for this reason that I have brought forward this motion and I hope Government will accept it. If, however, they refuse to do so, I hope the House will carry it by a substantial majority, and thus convey to the Government

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their determination to have a real voice in the policy and administration of this important department.

Dewan Bahadur K. R. GODBOLE (Poona District): Sir, I wish to make some remarks upon the development scheme. I have been in touch with some of the works that are being undertaken in that scheme. I have seen for myself some of the chawls that are constructed. I have seen the reclamation works. I have also seen the working of the Kandivli quarries and I have generally made myself acquainted with the way in which these works are being carried on. The allotment for these works is going to be over three crores of rupees during the next year and when the scheme is complete, the total cost will be about 30 crores of rupees. What I wish to tell this House is that it will not be the right policy for us to go and prick our officers and try unnecessarily to disturb them in their operations. We must pursue the right policy, namely, that when works of this magnitude are undertaken we should place competent officers in charge of them and then give these officers a free hand, keeping such general control over them as may be needed from time to time. That should be our general policy, and therefore I would advise this Council not to take up minor items and bring them up for discussion here but only to consider the bigger and more important parts of the budget under this head. The right course for Government also would be to admit into the advisory committees that they have already formed more members of this Council than they have at present so as to keep this Council in closer touch with the operations of the department. This will prevent dissatisfaction with the working of this department in this Council to some extent. In the case of huge works of this description, there are many parties whose interests are at stake, and such parties try to approach members of this Council and place one sided views before them. I would advise members of this Council to go to the Development Department officers themselves, satisfy themselves as regards the points that are brought forward, and if members are not then satisfied then they should raise the matter before this Council. To facilitate this it would be a wise step on the part of Government if they associate a larger number of members of this Council in the advisory committees than they have constituted already.

In the case of the works as they are being carried out now, I find that the contract system is being adopted to a much larger extent than was the case last year. This is a move in the right direction. It brings in the element of competition, and ultimately it will lead to a reduction in cost. I am told that the cost of construction of the chawls has already come down on account of this contract system being introduced. I am told that tenders have come in for the construction of new chawls at very much less than the actual cost at which the chawls have been put up departmentally. This is satisfactory.

As regards the establishments the points that I want to place before the Honourable Member in charge and before the Government are that these development works are though large all concentrated so that the establishments to be employed on their construction need not be

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large. The whole of the operations of the department are confined to a small area, and therefore, for the controlling of these operations only a limited establishment will be needed. I will take the reclamation scheme. We find that for reclamation works we have got one Chief Engineer, three Deputy Chief Engineers, and one Assistant Chief Engineer, who is called the Personal Assistant to the Chief Engineer. The operations of this scheme are confined to a length of four miles, over which these officers can travel backwards and forwards probably three or four times in the day. It seems to us non-official members of this Council that the number of superior officers to be employed on a work of this description extending over a length of four miles only should certainly be much smaller. I think that the Chief Engineer himself and two Executive Engineers under him ought to be quite able to do this work by themselves. I would therefore ask the Member in charge of the department and his officers to go over their establishment rolls with a rigid eye to economy, and to make economies wherever practicable. There is in my opinion a large field for economy in the matter of establishments.

While going round these works, I formed an opinion that the special establishments that they have at present for the supply of materials can very well be ultimately stopped altogether. We have a separate Superintending Engineer for the collection of materials; we have some executive engineers working under him, and probably a considerable extent of subordinate staff. I think the engineers that are executing the works would prefer to have the supply of materials required to be arranged for by themselves. They do not probably want a separate agency for collecting these materials. For instance the Superintending Engineer in charge of Materials Division at present makes contracts for bricks and he supplies these bricks to the construction executive engineers. Cannot the construction engineers arrange for getting the bricks at the same rates as are settled by the Superintending Engineer and his executive engineers? Probably they can. If so, this is another avenue where savings can be effected.

Then, Sir, the point that I made last year is one that the members of this Council will do well to insist upon, and that is not to allow any expenditure being incurred on any work until there is a definite estimate laying down what the ultimate cost of the work is going to be. I think this Council should strongly insist on this. I find that in this budget there are several items with regard to which it is said "The estimates are under preparation; the estimates are being made; the estimate is only a probable estimate." What I want the Council to do is to insist upon the Development officers not commencing any work until they have an estimate in hand showing what the ultimate cost of the work is going to be. If this is not insisted upon we will be landed at the wrong end of the avenue. Already we find that there are undetected excesses on account of the absence of these sanctioned estimates. At first we were told that the reclamation works were going to cost four crores of rupees. Now, our honourable friend the Development Director tells us that the

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cost is to be not four crores, but nearly eight crores. In the case of the housing scheme also, when it was placed before us we were told that each room would cost Rs. 1,100, but actually we find that the room has already cost us Rs. 1,350. If similar excesses are allowed to go on, then the Development Scheme will turn out to be much less attractive than it was on the day when it was first presented to us. Therefore, I want the Council to insist upon our officers not spending a pie on any work unless they have a firm sanctioned estimate for the same. Supposing a bungalow is to be constructed; if the estimate is for Rs. 20,000, and if the expenditure comes to Rs. 21,000, we can immediately go to the officer of the department concerned, and ask him to explain the excess in cost. Then, Sir, as regards the chawls, that have been constructed, I have seen some of them and they are certainly not so bad as they have been represented to be. They are not like dungeons and prisons as has been represented by faddists. As practical men, who know the conditions under which the labouring population is living at present, I must say that the accommodation that we have provided and are providing is very much better than the places where they are living now. Certain improvements are needed. These improvements I understand are going to be made gradually by the department. Last time when I visited these chawls, I made certain suggestions to the Director and a few of the suggestions have already been carried out. One more point I wish to suggest is, that there are no regular windows provided in the rooms at present. For the purposes of ventilation, we have got concrete louvred windows which cannot be either opened or shut. This point should receive the consideration of the department in the construction of future buildings. Then I am inclined to suggest that pavements round chawls might be dispensed with to keep down the cost.

The next point is about the economic rent. The Development Director has given me figures on which this economic rent is based. According to the figures supplied the economic rent comes to Rs. 14-8-0 per room. I have got one suggestion to make with regard to this matter which will tend to diminution of the economic rent. The calculation made takes 7 per cent. as rate of interest during the construction of the chawls and 6 per cent. as rate of interest after construction. After five or six years, the rate of interest will probably come to 5 or 4½ per cent. in place of the present 6 and 7 per cent. Therefore, in order to reduce the economic rent I would ask the Development officers to take in their calculations the rate of interest as 4½ or 5 per cent. only, the deficiency of 1½ per cent. or 2 per cent. being met from the cotton cess proceeds that we have got at our disposal, while the ruling rates of interest are high. This will enable us to place the economic rent considerably lower than the present figure. The new rent will come to about twelve rupees per room and then probably it will be within the capacity of better paid labourers to pay. This is a suggestion that might be considered.

The last point I want to place before the Council is that I am told that there is considerable difficulty at present in getting tenants for chawls already constructed by the department. If that is the fact, then the

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Development Department should construct thirty thousand tenements instead of the fifty thousand tenements contemplated. We have to watch and see how much new accommodation is really needed.

Finally, I would throw out a new suggestion for the housing of the industrial labourers and that is the formation of cooly villages at a distance of fifteen or twenty miles from Bombay. Acquire about 50 acres of land at the price of between Rs. 3,000 and Rs. 5,000 per acre. Let the acquired land be divided into building plots, each acre containing 30 or 40 plots, give each plot to a selected cooly and from a specified hutting allowance given to him let him construct a residence for himself. In this scheme all that the Development Department will have to do is to acquire the site, parcel it out and provide the water supply and sanitary services necessary. If such a scheme is practicable, it may be adopted. Two or three cooly trains should run between the cooly village and the mill or other industrial centre in which the coolies have to work. A scheme like this will be acceptable to the coolies themselves because they will then have pieces of land round their dwellings in which they can grow vegetables, plantain fruits, etc., and their whole life will be under much easier conditions than in the tenement dwellings we are constructing. This is a suggestion I throw out to the Development Department.

These are all the remarks I have got to make on the present occasion.

Mr. NAOROJI M. DUMASIA (Bombay City, South): Sir, nobody claims that the Development Department is perfect, but I submit that it is a plant of tender growth which requires careful nourishing. Criticisms are always helpful provided they are constructive and not destructive. I have listened with careful attention to the speeches made by the honourable members. The honourable member for Thana asked us to cut down the grant by one crore without showing where the cut was to be made and then the honourable member representing the Bombay Mill-owners' Association goes to the other extreme and by way of censure asks us to curtail the grant by Rs. 1,000. I have carefully listened to the speeches in support of this reduction. I find there is not one convincing fact adduced to show that the cut can be effected or that the censure is deserved. Sir, while criticising the Development Department we should not shut our eyes to the fact that it has already accomplished most admirable work. But it is not without defects which are inseparable from every big undertaking in its initial stage and I admit there is room for improvement, but I submit that, as they gather experience, we have no doubt they will revise their plans and remove the defects that may be found.

Sir, an American, Mr. Eddy, has drawn a picture of these Bombay chawls. I won't repeat his words, because it is not only defamation of the Development Department, but also an insult to Bombay. I only say that the picture is overdrawn and it has come from his imagination only. I have seen these chawls: they are capable of improvement, but certainly to say that they are dungeons, that God's light has been shut out and so on, is overdrawing the picture for which there was no justification whatsoever. It seems Mr. Eddy has not seen old chawls which were veritable death-traps and haunts of disease. If, instead of indulging in

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hysterics Mr. Eddy had pointed out what the defects were and how they could be remedied, his remarks would have carried greater weight and would have accomplished his object. As I have said, these chawls are not perfect, they are capable of improvement, and now that the defects have been pointed out, I am sure that the Director of Development will try to remove them.

Sir, I know that there is some dissatisfaction with the working of the Development Board, but much of that discontent is due to the agitation of people with vested interests, and this House should not give any weight to such agitations which have been manipulated out of self-interest and selfish motives. There are certainly grievances about land acquisitions. Some of them are real and many people are hard hit by the operations of the Development Board. These complaints have grown in volume, and I am sure that now that their attention has been drawn to these complaints the Development Board will try to deal with the matter in a sympathetic way and do justice to those who seem to suffer from grievances.

I fully associate myself with the appeal that has been made that the Government should take the public more and more into confidence and the operations of the Development Board should be brought into greater lime-light. If they want to make the operations more successful, if they want to inspire faith in the success of their programmes they should take the public into confidence and invite not only a few men from the Bombay Corporation or from the Millowners' Association to help them, but they should take some expert members from this Council, they should cast their eyes wider and find out some men from the Presidency, and take their advice and guidance in regard to their operations. All eyes are turned to the success or otherwise of this department and Government would do well to seek assistance from whatever quarter it may come. They should not limit the representation in the Board to a limited body, but should make it wider and wider, so that the voice of the people may be heard in their deliberations.

Sir, as I have said, the Development Board is not perfect; like all bodies it has defects; but that is no reason why we should try to throttle it. We should only point out the defects and ask Government to correct them. We should only offer helpful criticism. I cannot support either the motion to curtail the item or the motion to pass a vote of censure, because no facts have been adduced in support of these motions.

Rao Bahadur R. R. KALE (Satara District): Sir, I am not familiar with the details of the department in any way, but after listening to the debate it does appear to me that something should be done to effect an improvement in the old order of things. The honourable member for Thana has told us that even Government's own auditor has pointed out that works have been executed without any estimates and without the necessary safeguards that have been laid down in the Public Works Department Code. The honourable member from Poona, who possesses a knowledge of this subject, has also made complaints. As

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we are interested in the money which belongs to the State, it certainly appears to me that some effective method must be found to take the people into the confidence of the Government. We are told that the Advisory Committee was not apprised of these proposals and as far as the Finance Committee is concerned, I do not also remember that any of these proposals were submitted before them for their consideration. It is a department of Government which certainly ought to be controlled by the Finance Committee, if not by the Advisory Committee which Government themselves have specially appointed to look into this question. If in the course of these two years this state of things has continued and no effective check has been introduced, it seems to me that the time has come when we should ask Government to give us an undertaking at this stage that they will immediately remedy the present state of things by the appointment of an effective body or by submitting all these plans and estimates before the Finance Committee or before the other committee which has been in existence, but which seems, from the remarks of my honourable friend representing the Millowners' Association, to have not at all been taken into confidence and to have been treated with contempt. Therefore unless and until we obtain an undertaking, considering the large sum of money that is involved, it will be our duty to give our vote against the demand.

Mr. V. A. DABHOLKAR: Mr. President, the honourable mover of the amendment for the reduction of a crore of rupees has said in so many words that he does not wish to interfere with the working of the Development Department; but the very amendment will greatly hamper the work of the Development Department if passed and, as a result, the city of Bombay would suffer, firstly for the provision of the 50,000 tenements and secondly for the scheme of the removal of the milch cattle stables which the corporation has been trying to remove to Trombay. The quotation which he read from the speech of Mr. Eddy is rather an exaggeration, because this land on which the chawls are built was taken from the Improvement Trust and the Improvement Trust have got their rules and regulations and these chawls were built in accordance with those rules in point of air and light. Many of the chawls in the city are built in accordance with municipal bye-laws which are not so sanitary. The honourable mover of the motion said that the Improvement Trust chawls built in 1904 were rented for four rupees. But the honourable member forgot to take into consideration the cost of wages and materials in those days. Even now the Improvement Trust has been building chawls, and their economic rent comes almost to the same amount as that of the Development Department, namely Rs. 14-8-0. Not only that, but some employers of labour have built their own chawls for their mill hands and I am just told by the honourable member representing the Millowners' Association that on the chawls that they have built they have to bear a loss of five to six rupees on each room after charging rent to the workers. These employers of labour have been losing over their chawls, and how does the honourable member expect when prices of materials are so high and wages for labour are also high that the Development Department

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will be able to rent the rooms at four rupees ? If these chawls are let to middle classes, they will be occupied immediately.

When the means of transit, Mr. President, in the shape of tram-way on the Worli Road becomes available in course of time, the Development Department will not lose anything over these chawls at all. On the contrary they will make half a rupee on each and every room.

Then my honourable friend representing the Bombay Millowners' Association said that this department should be under a Board like the board of the Improvement Trust and the Port Trust. Now may I ask him what is the economic rent of the chawls built by the Improvement Trust ? There too we cannot afford to keep the rent of the rooms less than fourteen rupees per month, and we are losing something like eight rupees per room over these chawls. Some of the chawls which have been built for the middle classes with double room tenements on the Foras Road have been giving us for one tenement something like Rs. 30. So, this is the rate that is prevailing at present in Bombay.

Then, coming to the working of the Kandivli quarries by the Development Department, I being interested in the working of a stone quarry know how economically these are worked. When they were first started about six months or a year ago, the Development Department was paying to the contractors for loading one ton of stone at Rs. 1-4-0, but now the department had invited fresh tenders and was paying annas 10 for quarrying and loading one ton of stones in a truck.

The Honourable The PRESIDENT : In what sense is the honourable member interested in these quarries ?

Mr. V. A. DABHOLKAR : I am interested in them only as I am working a stone quarry of my own.

The Honourable the PRESIDENT : Has the honourable member anything to do with the quarry contractor or with the Development Department by way of dealings or transactions ? In that case I should warn him as regards voting.

Mr. V. A. DABHOLKAR : I am holding no contracts from the Development Department but as the owner of a quarry I take interest to see how the quarries are worked.

The Honourable the PRESIDENT : That makes it clear that the honourable member has no pecuniary interest in the matter. He is free to discuss and exercise his right of voting.

Mr. V. A. DABHOLKAR : Thank you, Sir, for suggesting the expression. So when the quarries were started, they were giving something like Rs. 1-4-0 a ton and they are taking out three thousand tons a day but at the present rate of 10 annas the department is saving Rs. 2,000 a day. Now as regards the estimates may I know from the honourable member from Poona whether in these days one has any control over circumstances like cost of labour and materials ? In this case, take the instance of the Improvement Trust. When they wanted to take in hand the Worli Scheme, they estimated it at Rs. 60,00,000. But subsequently there was a certain rise in the cost of labour and material and now you

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will find from the administration report that the estimate of sixty lakhs has gone to nearly two crores. We must therefore admit that unless there are normal times estimates will never be accurate.

After recess.

The Honourable the PRESIDENT: Order, order.

Mr. V. A. DABHOLKAR: Then the honourable member for Poona complained about there being pavement on the open space between the two chawls. But he must admit that it is one of the first principles of sanitation that the open spaces between two chawls should be paved. There is only other method of treating this open space and it is by metalting it, but then it creates a recurring charge for annual repairs and so pavement is the best method. This has been done not only in the case of the Directorate chawls but it is done in the case of the Improvement Trust chawls also.

Some of the honourable members have complained that there are no windows to these chawls. But they ought to know that there are sufficient ventilators which serve the absence of windows. It has been found by experience that one of the evil effects of having windows is that the inmates throw out dirt and make the surroundings of the chawl insaniary.

Then the honourable member from Poona said that the Directorate should now build only 30,000 tenements only. But the Municipal Commissioner had, after careful consideration of the situation, suggested 50,000 tenements as barely sufficient, and if the suggestion of the honourable member for Poona is taken up and only 30,000 tenements are built, it will put many of the poor residents to great inconvenience.

Then, as regards the suggestion of the honourable member of having cooly villages at a short distance from Bombay, may I put it to him whether it will be beneficial to them. They shall have to spend in the train at least an hour in the morning and evening before coming to and returning from their places of work. The best method of providing quarters for work people is nearest to their places of work and this method has already proved satisfactory in the case of some mills.

As to the housing of the poor classes, the Directorate has already undertaken the work, and any reduction in this grant will cause great suffering to the people and moreover it may hamper the sanitation and the real wants of the city of Bombay.

Rao Saheb D. P. DESAI (Kaira District): Mr. President, coming as I do from the mofussil, I have not as much interest in the development of Bombay as some of my honourable friends here from Bombay. But, Sir, I am rather concerned with one matter, and that is the cotton cess. I confidently expected that Government would cease to levy this cess as it was iniquitous and as it was levied from the poor for the benefit of labourers employed by millowners, that is, by millowners and others, but as they are still pushing on with their programme of loss, which I am

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afraid precludes any possibility of the cess being abolished in the near future, and which as the honourable member from Thana has shown will increase the total loss by 30 lakhs of rupees. I am afraid under these conditions the cotton cess is not going to be abolished, nay, there is every likelihood of its being increased. That anxiety leads me to request the Honourable the General Member whether it would not be possible for him to stop his building programme and thus to either reduce the cotton cess or to abolish it altogether and relieve the anxiety naturally felt by the agriculturists of this Presidency.

Coming to other matters, Sir, I find that the actual rent, that is the economic rent, far exceeds the capacity of a mill labourer. The mill labourer who is perhaps the most highly paid labourer in Bombay earns about Rs. 30 per month on an average and if we take fifteen rupees as the economic rent of a room in a Development Department chawl, that would leave him fifteen rupees for the needs of his family. That means that Bombay labourers employed in the cotton industry cannot afford to occupy these chawls and then it would be rather trying to both the Government and the public and they will have to find out some escape from this situation. Millowners and Government should in my opinion come to a sort of arrangement for paying the deficit that would result from renting the chawls at a rent cheaper than the economic rent but, Sir, I am opposed to Government becoming their own customers, by renting the chawls of the Development Department, because no trader is his own customer.

The Honourable the PRESIDENT: Is the honourable member striking at the very root of the policy which has created the Development Department? I understand, so far as I have followed, the honourable member to maintain that Government ought not to engage in the trade of building houses. That would mean that there is no room for the Development Department as a department of Government. Is that so?

Rao Saheb D. P. DESAI: No, Sir. My point was that for the accommodation of their police officers and police sepoy they are renting the Development chawls. I was just stating that in order to find out customers for these Development chawls Government should not sacrifice their ordinary revenue to meet the losses of the Development Department.

The Honourable the PRESIDENT: Was not this point raised in another connection in this session and by the honourable member himself?

Rao Saheb D. P. DESAI: Not on this aspect, Sir. It was simply stated that the Development chawls.....

The Honourable the PRESIDENT: Under the head of Police the question was broached by the honourable member when a certain item as regards the rent of these chawls for the accommodation of the police was brought on the estimate.

Rao Saheb D. P. DESAI: No, Sir. I do not remember to have touched upon that point, but some other honourable member may have touched upon that, but not on this aspect.

Sir, I am afraid that it is not advisable for Government to give their money from ordinary revenues to a Government trading department which cannot stand on its own legs. That would be a very bad economic policy in the end. You spend from your ordinary revenues so that the Development Department may be able to carry on. That is a policy which I myself do not like. So I say that the expenditure of the Development Department should now be materially curtailed in order to save us from that catastrophe which I am afraid will come sooner or later from that department, and Government should not resort to some device to help that department.

Mr. KANJI DWARKADAS: Mr. President, I cannot agree with all that Mr. Eddy (whom the honourable member from Thana quoted) says with regard to the Development Department chawls. But I believe that there is very great need of immediate improvement. In this connection I have put questions with regard to the fact that there are no opening and shutting windows in the chawls and no bath-rooms in the rooms. Government replied that "the question of provision of *nhanies* or bath-rooms in the rooms is at present under consideration. Government do not intend at present to do anything with regard to windows until experience has been gained from actual occupation and use of the chawls when they will be in a better position to consider this matter". Now, I should like to know from Government what they mean when they say "until they have gained experience from the actual occupation and use of the chawls". Do they want the mortality in the city to go up? Do they want illness and disease in the city to go up, so that they may become wiser and then try to improve matters? I am afraid Government are not doing their best in this connection. We ought to go by the model police chawls in Bombay. They have provided in them a separate bath-room in each room. Surely, Government must realise that bath-rooms in rooms are absolutely necessary: for, how are the women expected to see to their conveniences at night time otherwise? I do maintain it is absolutely necessary that bath-rooms should be provided in each room.

Also with regard to cooking, some of the water required for cooking purposes has to be thrown away. Do Government expect that women who are cooking inside the room should leave the room every now and then to throw out the water leaving their children behind in the kitchen?

Then with the regard to the opening and shutting windows, one thing which Bombay is suffering from is want of light and air. I have seen these chawls myself. At first sight they appear very good indeed, but once you remain inside the room for some time, you at once realise that they are not everything that could be desired. Government say that they must gain some experience. I would invite most cordially Honourable Members of Government to put themselves into the consciousness of the working classes who are to inhabit these chawls. If they want to try an experiment and to gain real experience, let high officers of Government

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gain that experience by staying in the rooms themselves. Surely this is not too much to ask of them, and one reason why I particularly press this to the notice of Government is that improvement on the lines suggested will not cost very much. If a mistake has been made, let Government frankly admit that they have made a mistake and at once make the necessary improvements.

Another important point is the question of rents. I asked questions in this matter. Government ought to know, for their own "Labour Gazette" which they issue month after month mentions the fact and makes it absolutely clear that the average monthly rent of working classes is anything from Rs. 3-12-0 to Rs. 4-8-0 or Rs. 5-8-0 or in other words about 7 to 8 per cent. of their income. How can Government expect that the working classes for whom these houses are being built should pay rent of even Rs. 10 which they have now fixed? I submit that ten rupees is too much for the working classes to be able to pay as rent and I think Government must seriously reconsider the situation at once if they want the Development Department to be useful to the labouring classes of this city. In order to do that, Government must also consider the question of the reduction of the cost of these chawls. If the Government properly take into confidence people of this city, if the Government invite opinions from non-official bodies like the Bombay Municipal Corporation, I am quite sure a way will be found out in which chawls can be built at a much cheaper figure. I should like to know from the Government whether the high cost of these chawls to the extent of a lakh of rupees is exclusive of the cost of land, water supply, drain-water pipe, etc., or whether the cost of one lakh is due to stores being obtained only from Great Britain and not from other countries where you can get cheaper stores. This matter is being pressed to the notice of Government ever since we came into this Council, namely, the question of the purchase of stores in the cheapest market. I should like to know from the Government what they have to say in this connection.

With regard to the suggestion made by my honourable friend representing the Bombay Millowners' Association, I entirely agree with him that Development Department should be brought more under the control of this Council than it is at present. I mean that it should be a transferred subject and not as at present one of the reserved departments. My honourable friend from Bombay (Mr. Dumasia) who is not now here, said that the argument of the representative of the millowners did not convince him and that there was no real necessity for the suggestion which he made, but what did he himself say? He said that Government should consult non-official members more and more, he said that non-official members should be acquainted with the working of this department and that their advice should be always sought for by the Government. It is nothing but what my honourable friend on my left (Mr. Petit) asked for. We say, Sir, let this House know more about it because after all we are voting all the money and we are responsible to the people of this Presidency for all the money that is spent. The Development Department, as I have said last year, is doing splendid

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work. We do not desire to criticise the Development Department from the point of view of disappointed contractors or speculators in land. Our criticism is absolutely *bona fide* to this extent that we want its object properly fulfilled and the wishes of the people of Bombay properly satisfied.

Mr. S. K. BOLE (Bombay City, North): Sir, I think it would be better for me to confine my remarks as far as possible to the chawls for working classes, as the development scheme is a big one and it is beyond my power to traverse the whole ground with any usefulness. In the first place, I must express my gratitude on behalf of the working classes for constructing these 50 thousand tenements for them. I think it was the duty of the millowners and big factory-owners to make some housing accommodation for their operatives, but they have failed to do that and Government have had to step in and the millowners are now on their legs to criticise Government and asking them to do this thing and that thing. It is true that there are some defects in these chawls, but I think the Director of Development is ever ready to make some improvements and give effect to the recommendations made by certain of the members as regards the chawls. As regards bathrooms, when the matter was brought to the notice of the Director of Development, he made some experiments and asked the members of the advisory committee to pay a visit to those chawls and when the members of the advisory board visited those chawls, they saw certain bathrooms as constructed would serve the purpose of those who reside in those chawls and I think I ought to tell the House that he immediately issued orders for the construction of bathrooms of the type approved by the advisory committee.

Then as regards shutting of sun-light from the residents of these chawls, no doubt I must admit that it is a fact that the windows have not been constructed and thus the sun-light is shut out. There is no doubt about it but I think now that the matter has been brought to the notice of the Director of Development, he has promised that when these chawls are occupied (I mean the upper stories which are not yet occupied) he will look into the complaints of those who occupy the chawls and attend to them as far as possible.

There was another grievance made by my honourable friend from Poona that there are no bamboos for drying clothes inside the rooms. That fact was also brought to the attention of the Director who asked his subordinates to attend to this grievance and when we went there we saw several bamboos put up in those rooms. From my own experience I think I can assert without fear of being challenged that the Director of Development is ever ready to give effect to any recommendations which may be made to him to improve the construction of these chawls.

Now, as regards the rents, I think when these chawls are built mainly for the convenience of the working classes, Government should not expect economic rents from them. It is beyond the reach of the working classes in Bombay, and so they asked Government to let them these chawls at a moderate rent of eight rupees per month, but Government stuck to their previous resolution and did not allow these tenements to

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be occupied by working classes, thinking that there will be many people coming forward to occupy these chawls the rents of which ranged from thirteen to sixteen rupees per month. But now I am glad to say that they have reduced the rent to ten rupees but I think it should be still further reduced to eight rupees. I know as a matter of fact that there are many associations of the depressed classes which will come forward to occupy these chawls, but the high rents prevent them from occupying these rooms. These men have no proper housing accommodation, and they are residing in open places in the suburbs of Bombay. I think it is the duty of the Government to reduce the rent still more. I would ask my rich friends not to come in the way of the working classes. They should not advise Government that if the working class people do not take the rooms, they should be given to the middle classes, who can afford to pay higher rent. These chawls are meant for the working classes, and instead of asking Government to reduce the rents, they should not ask Government to give these rooms to the middle classes who can afford to pay more than eight rupees, that is, thirteen to sixteen rupees as at present charged by Government.

Then, the other point which I want to make is that Government should not let these chawls to the millowners and factory owners. As I have said before, it was the duty of the millowners to build chawls for their operatives. They have not done so, but now some of the millowners are coming forward and asking Government to let the chawls to them for their operatives. If they are let to millowners, then the full economic rent should be charged. Moreover, whenever there is a strike then the millowners might at any moment ask the operatives to vacate the rooms, and then the object of Government in building these chawls for the convenience of the industrial classes would be frustrated. So, I submit that these chawls should be let to the working classes; they should not be let to the millowners and factory owners; they should also not be let to the middle classes, and the rent charged to the working classes should be eight rupees.

Sir LAWLESS HEPPER: Mr. President, I should like briefly to refer to some of the principal points which have been placed before the House which concern the working of the Development Directorate. I do not propose to touch on the question of control referred to by the honourable member representing the Millowners Association. That is a question of Government policy which will no doubt be dealt with by the Honourable Member in charge.

I would like to refer, in the first place, to the general apprehension which seems to exist that the Development Directorate is spending money without having sanctioned estimates. Honourable members representing Thana, Poona City and Satara have all referred to the...

[Dewan Bahadur K. R. BODBOLE (Poona District) made an observation which was inaudible.]

Sir LAWLESS HEPPER: I beg your pardon. They referred to the Audit Report on the accounts of the Bombay Presidency for the year 1921-22. It is pointed out there that in 1921 work on the Back Bay

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Reclamation was being carried on without sanction having been given to a project estimate. But I think it is perfectly well known to the members of this House that the Back Bay Reclamation scheme was started in 1920 on the special sanction of the Secretary of State. At any rate, sanction was given to commence the work and to order the plant a considerable time before the Development Department was formed. The Accountant General also refers to the fact that work was undertaken on a few city schemes, and some suburban schemes, without estimates having been sanctioned, although estimates for individual works, forming part of the schemes, had been sanctioned. But this is really ancient history, and I would refer to the remarks in paragraph 44 of the same report at page 22 where it is stated :

" The project estimates for eight schemes have been sanctioned and the rest are likely to be sanctioned in the near future. It may be pointed out that the eight sanctioned schemes, including the Back Bay Reclamation scheme, which is expected to be sanctioned shortly, are all considered to be financially sound."

Rao Bahadur R. R. KALE : The report also alludes to bungalows for officers.

Sir LAWLESS HEPPER : That was the position in 1921. The position now is that no work is undertaken, and no expenditure is being incurred unless there is a sanctioned estimate.

I think there is a certain amount of misapprehension with regard to the distinction between budget provision and expenditure. Some honourable members seemed to think that because provision is made in the budget, it means that we are going to spend money without a sanctioned estimate. It does not mean that at all. But if it is known that, say next November, the Directorate will have to carry out a certain work, it is only prudent that provision should be made for it in the budget for 1923-24 even if there is no sanctioned estimate at the time the budget is prepared, in order that when the estimate is sanctioned the work can be carried out.

Then, Sir, it was stated by one member, I am afraid I cannot remember who, that the dredging plant had not been used for a long time, and that it was not going to be used for at least another year. I should like to assure the House that the dredging plant will in all probability start work next October. I do not think there is much doubt about that.

I come now to the question of the Industrial housing scheme. I should be the very last to suggest that the chawls being built by the Development Directorate are the ideal form of housing for the working classes. Everybody would like to see workmen housed in two room tenements with a garden round each cottage. But that is not possible under the financial limitations imposed in Bombay by the high cost of land and of construction. The chawl is not an invention of the Development Directorate. It has been evolved after many year's experience on the part of local bodies and private builders, and all we are attempting to do is to try and improve on previous types. In working out the designs the officers of the Directorate have taken the greatest possible pains to provide the most sanitary accommodation

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at the lowest cost. We have also had valuable assistance in this respect from the members of the Advisory Committee. I do not mean to say that the present chawls are not capable of improvement, but I believe the House will not endorse the grossly exaggerated terms in which a gentleman, who spent two days in Bombay, recently criticised the buildings. They may be open to criticism; but I think the criticism ought to be within reason, and put forward by people who have had the opportunity to study the question. The two main points of detail which have been mentioned relate to the provision of *nahanis* and to the question of the windows. *Nahanis* have been provided in the chawls of Naigaum, but not at DeLisle Road or Worli. Under the Cotton Cess Act, the Municipal Corporation have the option of taking over the chawls after 1935. Now the Corporation do not provide *nahanis* in their own chawls, the reason being that the Health Officer is opposed to them on the ground that they tend to produce insanitary conditions. We are dealing here with the habits of the people, which it will take a considerable time to modify, and it is within the knowledge of many honourable members, I should imagine, that the objection is that these *nahanis* are used for purposes other than those for which they are intended. As soon as it was found however that there was serious criticism owing to the non-provision of *nahanis*, the Municipal Commissioner and the Health Officer were consulted. The municipal building rules do not prohibit the use of *nahanis*, although the Health Officer does not approve of them, and after very careful consideration regarding the advisability of such a provision, it was agreed to build *nahanis* in our chawls in future as well as in those already constructed which are without them. Several different designs of *nahanis* were examined by the advisory committee and they have selected a type which will be adopted.

As regards the window opening, I may point out that the rooms in Improvement Trust chawls are 12 ft. by 10 ft. with a verandah 4 ft. by 10 ft. In designing our chawls, we decided to do away with the intervening wall in order to provide a well-ventilated and more commodious room about 16 ft. by 10 ft. In doing away with the verandah in this manner, special attention had to be paid to the design of the window opening. It is common knowledge that the windows of the older types of chawls are usually blocked with rags and gunny and on enquiries being made by the Advisory Committee it was found that the practice arose from a desire to keep out the sun and rain, rather than to stop ventilation. At certain times of the day protection from the sun is absolutely essential and the present design of window opening has been adopted to meet this condition as well as that arising in the monsoon. In view of criticism the Advisory Committee have again considered the matter and have decided that the best thing to do is to wait for a few months and then collect the opinions of the tenants, through our chawl superintendent. After getting these opinions we can consider what further action to take. We feel that the criticism which is of most value is that of the actual occupant of the chawl.

Then, Sir, it was argued that the rent of the Improvement chawls is less than in the case of the Directorate chawls. We have to remember

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in this connection that the position of the Improvement Trust is different from that of the Government. The Improvement Trust build chawls to house the occupants of buildings to be demolished in carrying out their schemes. Unless therefore the rent is kept very low the people cannot be induced to vacate their old quarters and the Improvement Trust are obliged to incur considerable loss on this account if their schemes are to progress. As regards the rent of the Directorate chawls, instructions have been received from Government fixing the rent at a minimum of ten rupees. So far as we have ascertained, the labouring classes are ready to pay this rent.

One other question was with regard to the ten feet strip of paving round the chawls. It is the practice of the occupants to throw rubbish from the windows and it has been found by experience that unless this strip of paving is provided it is impossible to keep the surroundings in a reasonably sanitary condition.

Coming to the remarks made by the honourable member for Thana, in connection with the development of the suburbs, he argued that we are going a great deal too fast and that we are spending very large sums of money, without the prospect of the public coming forward to take up the land. He referred to the schemes at Khar, Ambarnath and Chembur. The Khar scheme consists of 780 plots, and not 900 as stated by the honourable member for Thana. The development of a small portion of this, comprising only 162 plots, has been sanctioned so far, and out of these 162 plots, 89 have already been taken up by co-operative societies. The honourable member implied that plots taken up by co-operative societies under settlements brought Government no profit. But I can assure the honourable member that this is not the case, for Government receives the equivalent of the development rate in cash or in land. In addition Government avoids paying interest on the cost of acquisition and saves the 15 per cent. payable in the case of compulsory acquisition. I quote this case of Khar to show that actual expenditure is being undertaken gradually, as the demand for land justifies it.

Now, in regard to the Ambarnath Scheme, it is quite correct that only three factory sites have been sold, but it is not the intention to do any more development unless and until we have applications for more factory sites. I have recently had the financial prospects of this scheme examined on a very pessimistic basis. The assumption I made was that after the 1st April next we were not going to sell any land at all for five years, and that thereafter we would dispose of the whole of the land in a period of ten years. I further assumed that during the first five of these ten years we would sell the land at Rs. 2-4-0 a square yard for factory sites and Re. 0-6-0 a square yard for housing and during the second five years at Rs. 2-8-0 and Re. 0-8-0 for factory sites and housing respectively. On this basis and assuming interest at seven per cent. throughout, it is found that Government will have made a profit of Rs. 2,78,000 at the end of fifteen years. Now, Sir, there is no reason why Government should only charge Rs. 2-4-0 per square yard for the land. They may do so at present, but as the area becomes developed,

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competition may arise and it is possible that sites may be sold hereafter at a much better rate. I do not see myself that there is really any very great danger of loss being incurred on this scheme.

The other reference was to the Ambarnath water supply, and we were told that it would be quite sufficient to retain the temporary supply and not to construct a permanent water supply. I am afraid that if that suggestion were accepted, we should not be able to sell any more factory sites at all. Those who come to enquire about factory sites always ask "What about water supply?" We say that a permanent supply is being arranged and that it will be available before very long. They go away and say "We will come back and talk about it when the supply is ready". So that, until the water supply is available I am afraid we cannot expect to do very much more in regard to selling factory sites at Ambarnath.

In regard to Chembur which was referred to as an enormous scheme with 3,000 plots, no doubt it is a fact that it will eventually contain 3,000 building plots; but Government have only sanctioned the construction of five roads so far, and development will be restricted until we see what sort of market for land there is there. The development will subsequently proceed strictly in accordance with requirements.

Then, Sir, we were warned about establishments, and told that it was of first importance to be sure that our establishment was not excessive. As a matter of fact our establishment charges come to a little under ten per cent. on the basis of the figures on the budget, taking the expenditure in India only. But these charges include the salaries of the Collector, his Deputy and Assistants, with their establishment, and it also includes a sum of Rs. 1,42,000, being the fees paid to consultants in England. If you take the actual technical staff employed on the works, I do not think that our expenditure on establishment is much over eight per cent. I am quite prepared to give an undertaking that this question will be most carefully watched, but as far as I know it has been brought pretty low already, and we can only manage the amount of work we have in hand by giving fixed conveyance allowances to the majority of our officers contingent on the maintenance by them of means of conveyance, so that works scattered over a wide area can be efficiently supervised by each officer. I think, Sir, there is nothing else I need add.

Mr. H. G. COCKE (European, Presidency): Sir, I think this House is indebted to the honourable member, the Director of Development, for the lucid statement he has given. He has corrected some misapprehensions, particularly those of the honourable member for Thana. I trust that that honourable member will endeavour to correct any false impressions which may exist outside this House with reference to the various branches of the department's work.

With reference to the remark that labourers cannot pay the economic rent of Rs. 14-8-0 per room, I should be interested to know what steps the Development Department are taking to prevent more than one wage-earner occupying any one of their rooms. When I was on the

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Improvement Trust I think it was generally understood that chawls were inhabited by several wage-earners with a result that the actual tenant was in a position to live "rent free" if he did not actually make a profit out of the tenement leased to him. If this is true to-day, the argument that a tenant cannot afford the economic rent of Rs. 14-8-0 rather falls to the ground.

With regard to the point raised by the honourable member representing the Bombay Millowners' Association, that the Development Department should be controlled by an administrative Board like the Improvement Trust, I do not think this feasible or desirable. For better or for worse, the Development Department is a department of Government and this Council has control over its working.

As regards the remark that the working of the Development Department should be brought more into the lime-light, I entirely agree that the public should be kept in full touch with the work done. I presume members of this Council have seen the report issued for the year ended March 1922, which forms a very admirable report indeed. I hope a similar report will be issued for the current year.

Dr. K. E. DADACHANJI (Bombay City, South): I must say, Sir, that I am not in favour of the motion proposed by the honourable member for Thana for a reduction of one crore of rupees. We do not know, Sir, how he proposed to effect that reduction. He has not pointed that out; he has only made general remarks and criticisms. If we reduce the demand by one crore, I am afraid we shall be crippling the whole department and we will be cutting the jugular vein of the department. He has made only some general remarks and has not pointed out in what branches the reduction should be effected. We have heard nothing more from the honourable member except what we hear every day in the town, namely, some stories of some disappointed contractors that are reflected in the chorus of grumblers. But, Sir, before taking any action on these hearsay reports we must bear in mind the fact that the huge programme of this Development Department is not the programme which can be completed in two or three years, but that according to experts in England it will take nearly thirty years before it is completed. This is only the third year and considering the work that the department has accomplished during these three years it has really done very good and useful work.

As regards the chawls that the Development Department is building, they are being built in accordance with the municipal bye-laws. Now the municipal bye-laws prescribe a $30\frac{1}{2}$ degrees angle and the department is following the bye-laws. As regards the absence of windows in these chawls, it has been found by experience that these poor people who occupy these chawls do not know what use to make of these windows and they throw out dirt and rubbish from the windows and thus pollute and render the environments of the chawls insanitary.

As regards the remarks of the gentleman of the Y. M. C. A. quoted by the honourable member from Thana, I do not know whether that gentleman knows that these chawls are meant for people who are accustomed

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to live in slums and that these chawls are far superior as compared with those unventilated slums; that these are the people who have hardly any idea of light and air and that the accommodation provided in these chawls is more than they are accustomed to. Mr. Eddie does not seem to know that the rule of 30½ degrees provides ample light and ventilation.

Considering all these things honourable members will see that the department is working in the right direction. Last year also when this question came up for discussion I said, let us give the department time and let the department work in conjunction with the Improvement Trust and the Bombay Municipality and let us watch the result. It is as yet premature to consider the question of considering it as a transferred subject.

As regards the suggestions made by the honourable member for Poona about housing these coolies in industrial areas just like sanitary villages and called cooly villages, the Improvement Trust is already making an effort in that direction.

As regards the fifty thousand tenements which the department is building we must bear in mind that it has already been found that there is need for them. Simply because the chawls at DeLisle Road and at Worli are not occupied we must not think that there is no demand for accommodation.

As regards economic rent, I do not know what the definition of the honourable member about economic rent is. The Improvement Trust is already sustaining a good deal of loss in point of this economic rent, and if the Development Department is also to be made to suffer a loss like that, let honourable members from mofussil know that the provincial revenue will share this loss. Now economic rent means the ordinary rent which an ordinary labourer can pay and that is not more than seven and eight or nine rupees at most.

Mr. C. M. GANDHI: It is a novel definition.

Dr. K. E. DADACHANJI: Well, that may be. But if that rent cannot be paid by these poor people and if you want to reduce it still further, then let the provincial exchequer suffer for that.

As regards the space available, it has been suggested here and also outside this House that in ten years the population of Bombay will be two millions. I doubt that statement. Some years ago the Health Officer of the Bombay municipality suggested that there should be interim census of the Bombay city and we have acceded to his wishes and the result is that we find that the population of the city has rather decreased, and I, therefore, do not think that in the next ten years the population of Bombay will be two millions.

Under these circumstances, I hope that this House will pass this grant and let us proceed further with our business.

Honourable MEMBERS: Closure, closure.

The Honourable the PRESIDENT: I accept the closure.

Mr. G. B. TRIVEDI (Thana District): Sir, my honourable friend from Poona made a very good condition that our criticisms ought to be respected if they are based on personal knowledge and not on hearsay. I beg to assure this House that whatever I have said, I have said basing my remarks on official reports and on personal investigations. However, I beg to assure this House that I have no vested interest in the matter at all. I am neither a disappointed contractor nor any contractor at all to the Development Department. I own no land which is acquired, and I bring this question to the attention of the House only from the public point of view and from the provincial point of view.

The Honourable the PRESIDENT: No one has made any imputation, I think, against the honourable member.

Mr. G. B. TRIVEDI: The honourable member from Poona (Dewan Bahadur Godbole) said it in a general way.

The Honourable the PRESIDENT: I do not think any personal imputation was made or meant against the honourable member. What was said was, so far as I could gather, that the honourable member had gathered all his information from interested contractors.

Mr. G. B. TRIVEDI: I have not met a contractor the whole of this year. In the beginning when the question of buying in the cheapest market was being considered, I had my information from some contractors. I have no connection with any contractor whatever.

The Honourable the PRESIDENT: The honourable member need not pursue that further. There is nothing improper in getting information from contractors or from any other source. If the information is wrong, it is open to correction here.

Mr. G. B. TRIVEDI: I beg to invite the attention of the Honourable the General Member to the very able lecture that was given by Mr. Joshi, the assistant engineer in the municipality, who has studied this question of housing problem in Bombay and suburbs, and it is he who comes to the same conclusion as myself. He views the situation with great misgiving. He says you have enough of building plots in Bombay city itself, there is no need at present of developing the suburbs, and he says that for a number of years there will be no demand for your building plots to the extent to which you are developing. I take my stand on the expert's opinion, not merely upon my own investigations and inferences.

Then, Sir, as regards the speech of the Honourable the Director of Development, his whole speech was an admission of my own point. He said, "Yes, at Ambernath it is so; and at Kurla it is so". At no place he contradicted my statement except at Khar. He contradicted my statement as regards Khar and he said there were only 700 plots. I have in my hand here the Development Department's own report which says that the plots are 863, of which the Honourable the General Member said in reply to my question that only 104 were taken up and I said that there was a settlement between the owners and the department. There were three building societies in the area and they have settled with

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the Development Department. I want to know from the Honourable the General Member whether he is prepared to contradict that statement that there were three building societies who owned plots there and it was in the settlement of that, that this area was taken up. There were only six new people in this best of suburban developed area. With this, are you going on with more acquiring of land? Are you going to pay money for development where it is not wanted? That is my whole argument, and if this House is convinced that the Development Department is doing the right thing with this absolute monarchy and that it may be allowed to go on in the same way, I am not concerned with the matter. If you think that your money is not going to be wasted or that it is being used rightly for the purpose for which it was intended, then I have nothing to add. But my whole purpose is to say that in the suburbs what you have done so far is all right; now stop there. At Ambernath what you have done is all right. If industrialists want plots at Kalyan tell them we are ready to put up machinery and give you water in three months. If we give you that assurance, can you not stop your water supply expenses? Can you not stop your electricity expenses? That is the whole thing, and I challenge you to say that you cannot cut down this work. You stop your suburban development further. That will give you more money in this very budget of three crores. About housing also, although some of the honourable members have said that Mr. Eddy's quotation was exaggerated, in order to strengthen that quotation I can call the attention of the Honourable the General Member to the remarks of Rev. Andrews, who has spent all his life in India and who has made a special study of the conditions of workmen. He knows the workmen's interests better than anybody else. Is he a sojourner of two days in Bombay? My information is that even Professor Geddes has condemned these chawls that the Development Department has built. A town planning expert like Professor Geddes, who is an authority all over the empire, has condemned these chawls. Let the honourable the General Member take his opinion. But, apart from that, even the honourable member who spoke before me just now said that it is not wise to proceed with the housing scheme at the rate at which you are going. You are putting up one chawl in five days. In spite of this mistake, will you go on with that programme when there is no demand? The working class people, for whom you are building those chawls, do not come forward to take them up and still you go on putting up these chawls. All right: spend the money if you like. But here suspicion is created, a question is raised, and still you are going on with your programme as if your motor car speed cannot be stopped whatever may be the circumstances. Let the public judge and let the House judge the development policy. Sir, I quote here from the speech of the honourable mover of the bill in the old Council. His Excellency himself admitted that the loss on this housing scheme will amount to Rs. 13½ lakhs. And what is it coming to now as a matter of fact? Thirty lakhs instead of thirteen and a half lakhs. Is that right? According to my calculation, His Excellency must have taken a difference of two rupees only between the economic

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rent and the actual rent, and here the honourable member who represents the labour interest said working class men are not satisfied with these chawls. If working men even in the chawls built by millowners get housing accommodation at five rupees per month, then what earthly reason is there for them to come and stay in these beautiful chawls of the Development Department by paying fifteen rupees per room or even ten rupees? That is the whole thing. If the House is satisfied that this policy requires to be looked into by this House, who is interested in the proper spending of this whole money, then they can do this effectively only by accepting my proposal. If the Government accept my proposal of reduction of one crore, then only they are likely to benefit. I am only asking them to pause and to consider and take the public into their confidence. If they refuse them, then I insist that this reduction must be done and further I want another undertaking. At present the advisory committee is not working as a check: they cannot even ask questions which the members of this Council are entitled to. I and you can put questions on the Development Department, but my honourable friend, the nominated member for Bombay (Mr. Lalji Naranji), could not get certain information from the Development Department although he is a member of the Advisory Board. If he could not get it, do you think that the Development Department will listen to the advice given by him? I mean when they have refused him the information, do you think they will be ready to initiate any improvements that may emanate from him? The department says in fact to him "mind your own business, you are to be consulted only on questions which we put before you, you have no power to initiate, you have no power to bring a resolution or to give us advice on your own responsibility". If such is the state of the advisory committee, I think we are justified fully in asking for a reduction by one crore in order to get an undertaking from Government that this House is entitled to have a voice in the proper expenditure of the money and this House has a right to cut this grant by one crore if Government will not listen to us. Let Government give better powers to this advisory committee or say that they will place all their estimates and all their plans before the Finance Committee of this Council or at least consult a committee of this House or consult their own committee. If they do not do that, then we are bound to say that we have no confidence in the arbitrary way in which the department is spending our money. With these words, I beg to resume my seat.

The Honourable Sir CHIMANLAL SETALVAD: Sir, I must say that I am considerably gratified at the course this debate has taken. It has shown one thing, the great interest that this Council is taking in the working of this department. It is certainly a very good sign. I am also most gratified at the sympathetic manner in which, except in one or two notable exceptions, this debate has been conducted and I may assure the House that myself and the department and Government as a whole welcome all criticisms from this honourable House and all suggestions for the better conduct of the affairs of this department. The honourable member, the Director of Development, has dealt with a good number of

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the points that arose in this discussion and I will not therefore traverse the same ground that he has gone over. There are certain matters with which, Sir, I very briefly propose to deal.

The honourable member for Thana seems to have worked himself up to a considerable feeling over this department and his last reply was rather unnecessarily heated having regard to the matters he was dealing with. There is no room for any feeling or heat in a matter of this character. We are dealing with realities, we are dealing with hard facts, we are here to soberly consider what can be done in the best interest of the people. I submit there is no room here for feeling and excitement over a matter of such importance. The honourable member for Thana fell foul of the work of this department with regard to the chawls for the industrial classes, and he characterised them as prison-houses, dungeons and what not. Now, Sir, such extravagant language and such condemnation bred of ignorance may well be indulged in by an American globetrotter, but it certainly does not fit well in the case of a responsible member of this Council. What value to attach to the condemnation by the honourable member and what a gross travesty of facts it is can be gathered by any member of this Council who has taken the trouble to visit those chawls and to compare them with the habitations in which the majority of the labouring classes are now living in Bombay. If you make that comparison I am sure—and I am not indulging in any exaggeration when I say—that you will find these chawls are heaven compared to the hell in which they are living at present. I quite admit that there are various directions in which improvements are possible and the department is quite keen to receive advice and suggestions in various directions and the Director has assured this House that he is taking all these suggestions into consideration and after experience has been gained by the tenants themselves, measures will be taken to put things right if they can be put right.

With regard to industrial housing, I cannot quite comprehend the attitude taken up by various members of this House. One set of members insist on this housing programme being pushed through as quickly as possible and they insist on the full complement of 50,000 single tenements being constructed at a very early date. There are yet others who think this is all a mistake and say that there is no demand and that we must not further proceed with the housing programme at all. But as honourable members will remember, this single tenement housing scheme was adopted by Government at the insistent request of the public of Bombay, of the labouring classes of Bombay and above all of the Bombay municipal corporation of which the member opposite (Dr. Dadachanji) is a prominent member but who now thinks that this housing programme is all a mistake.....

Dr. K. E. DADACHANJI: Experience has taught us.

The Honourable Sir CHIMANLAL SETALVAD: The honourable member speaks of experience. The chawls have only been recently constructed, they will fill in in course of time, and we have not yet gathered sufficient experience to come to a conclusion of the character now

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suggested by the honourable member. Further, in this connection it must be remembered when it is said here that the chawls are not filling in and people are not going in there, what is forgotten, viz., that the real reason why the chawls are not filling in rapidly is the existence of the Rent Act. As long as the Rent Act is in force and the labouring classes are able to stick to their old habitations, insanitary though they may be and overcrowded though they may be and for which they pay four or three rupees rent, it is very difficult to invite them with any prospect of success to come into the Development Department's chawls and to pay ten rupees, although we give them much more sanitary buildings. It is owing to this adventitious cause that these chawls are not filling in as rapidly as one would have expected. After all, it must be remembered that the Rent Act is not a normal statutory provision, it is bound to expire in a short time and when normal conditions are restored, you will find all these chawls filling in.

Then, further, it was said and it was repeated very vociferously by the honourable member for Thana that the provincial revenue should not be made to lose 30 lakhs by the difference between the economic rent and the ten rupee rent that we propose to charge. I have had calculations made, and I find that there is no chance of anything like such a loss at all. At present we are making Rs. 18½ lakhs on the cotton cess since two years, and the chawls have only now sprung up. So, we have not yet utilised the whole of that cess for the purposes for which it was intended. It will be a considerable time before the whole of the Rs. 18 lakhs can be absorbed by this difference in rent; so that there will be considerable accumulations out of this cess income for several years which will aid us in paying this difference. (An Honourable Member: Is it invested?) It will be invested, if necessary. I think a separate account of the cotton cess has been kept, and it will be fully accounted for. Then, further, it must be remembered, and it was rightly pointed out by the honourable member for Poona district, that the present rate of interest that we are charging in these calculations, 6½ or 7 per cent. will not be the rate of interest that will obtain for all time, and that it is expected that in a very few years the rate of interest will considerably come down. If that is so, the economic rent of these chawls will come down considerably. But, according to the calculations that we have made, there would be nothing like the loss that the honourable member for Thana apprehends and we will be able to manage the thing entirely by the cotton cess that we are getting for this purpose, and in the result we will secure a lasting benefit to the sanitary condition of this city. Then, it was said that there will be over-crowding in these chawls, but we have taken precautions against that by providing that one of the terms of the lease shall be that only one family will be allowed to occupy one room, a family being taken to consist of five adults and no more.

With regard to the criticism made that the development operations were going on at break-neck pace, the honourable member for Thana has chosen to repeat that charge, although he was told all the facts and was assured that we were not going ahead of the demand, and that every

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precaution is taken to see that only such expenditure is incurred as is justifiable by the expected demand.

Then, Sir, I will deal with the point that was made by two or three members with regard to the laying down of the proposition that no money should be spent on any project till there were sanctioned estimates for such projects, and in that connection reference was made to the report of the Accountant General which was placed in the hands of the Public Accounts Committee. It has already been explained by the Director that most of that criticism relates to a period anterior to the formation of the Development Department in November 1921, and partly to certain expenditure incurred after the Development Department was formed in its initial stages.

Rao Bahadur R. R. KALE : What about the Bandra-Ghodbunder Road ?

The Honourable Sir CHIMANLAL SETALVAD : Estimates for all projects have now been sanctioned. And I can assure the Council that no money, not a single pie, is being spent on any project now with regard to which there is no sanctioned estimate. As I reminded the Council before, you have a system of pre-audit in this department which was one of the conditions imposed by the Government of India and the Secretary of State when this department was sanctioned, and he sees to it that not a single pie is paid out, unless there is a sanctioned estimate for that expenditure. But the confusion that has arisen in the minds of some members is this, that they have failed to distinguish between budget provision and sanctioned estimate. As pointed out by the Director, there may be an estimate under preparation for works that are to be done during the ensuing year but in the budget that you are bringing before the Council you must make provision for the expected expenditure during the year. You cannot wait to make budget provision till the estimates are sanctioned. Although the budget provision is made, the money will not be expended, and is not expended till the estimates for any particular project are sanctioned. It is the same thing as any private individual will do. Suppose a man wants to construct a particular building during the next year. He, no doubt, as a wise man, sets about making provision for funds for that purpose, but it does not follow that because he makes provision for it, he spends it till the estimates are made and he is satisfied that the estimated expenditure is the right one to incur.

Then, Sir, I do not propose, as I said, to follow the detailed criticism offered by various members, but I will now deal with one or two general questions of policy that were raised with regard to this department. Complaints were made about the functions of the Advisory Committee and suggestions were offered that the Advisory Committee should in some manner be given administrative powers. This is how I roughly describe the suggestion of the honourable member representing the Millowners' Association. Complaint was made by the honourable member from Thana that the Advisory Committee was merely a figure-head, that they were not taken into confidence, not allowed to ask questions, and so on and so forth. But I can only tell the Council that if any member of the

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Advisory Committee chooses to put questions regarding quarrels between two contractors, or regarding strictly departmental disciplinary matters as a particular engineer or a particular officer abusing *A* or *B* when he appeared before him or things like that, surely these are not matters for which the advisory committee was constituted.

(Mr. KANJI DWARKADAS made an observation which was inaudible.)

The Honourable Sir CHIMANLAL SETALVAD : I have described generally the nature of the questions with regard to the matter that the honourable member for Thana referred to. I may tell the House that the advisory committee is consulted on all matters of importance, and all important plans and estimates are placed before them. Their advice is taken with regard to vital matters, for instance, the fixing of rents, the construction of chawls, and all that sort of thing, the needs of the population, and so on.

Mr. JEHANGIR B. PETIT : Are they followed ?

The Honourable Sir CHIMANLAL SETALVAD : They are followed unless they are found to be impracticable.

The honourable member representing the Bombay Millowners' Association wants to invest this Advisory Committee with some sort of administrative powers. A little reflection will show that the proposal is impracticable and unadvisable. What is the position now ? You have now a department of Government controlling the establishment and carrying out the works. This Council votes the expenditure and money is found by loans on the credit of the provincial revenues and the establishment is appointed by Government. What the honourable member wants is that the department and its officers should obey the orders of the Advisory Committee. That is what it comes to. If you invest the Advisory Committee with administrative powers, it means that the officers of the department should obey the orders of the Advisory Committee, an honorary one, gathered together for their general knowledge and experience of the city. You have merely to state that proposition to see how impracticable it is. Their knowledge and experience of the city may be very good in the way of giving advice. But will it be wise to entrust the committee with the executive control of the department and the control of finance ? The proposition is to be only stated to be rejected. The only way in which it is possible to do a thing of that sort is to call into existence a statutory body like the Improvement Trust, the municipal corporation, Port Trust, or any other body of that sort. A little reflection will make it clear to the honourable members that that also is not a sound course to take at the present stage. What is the position at present ? You have the control over the Government, which controls the department ; you vote funds for its purpose and they are obtained by loans on the credit of the provincial revenues. Now, if a statutory body is to be created and to that body is handed over this department, what will happen ? This House will lose all control over it, and that statutory body will have absolute control. Now, you are voting on every pie of money that is

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spent by the department ; you can enforce your will in financial matters and in giving directions in matters in which you think action should be taken. Once you have a statutory body like the Improvement Trust all the control of this Council is gone. But not only that. Even after all power is taken away from this House and from Government, you will still have to find the money to the tune of crores and crores of rupees for expenditure, which is estimated to amount to Rs. 30,00,00,000. Will that statutory body be able to find the money on its credit or merely on the security of their schemes ? That is out of the question. You will therefore have still to find the money on the credit of the provincial revenues, while the control on the expenditure will be in other hands. Is it advisable, or is it safe for this Council to create a body of this description ? The provincial Government and provincial revenues would have to make themselves responsible for the heavy loans. Having raised the loans on your credit is it safe to hand over the money to the statutory body to spend it in any manner they like ? These are the difficulties which you have to face and which you have to consider. The suggestion made is not one which can be lightly accepted nor is it easy of accomplishment. Various insuperable difficulties there are. I trust the House will take the same view that the present system is really the right one in the interests of the control of the Council. Otherwise, as I have said, you have to make yourself responsible for the loan and have no voice or control over the department, once handed over to a statutory body. I implore honourable members not to be carried away by a suggestion which looks plausible at first sight but which is altogether impracticable and undesirable. Mr. President, I do not say for one moment that the department should not take the public into its confidence. I unhesitatingly agree with the view that the department should take the public more and more into its confidence. We have striven to do so and we are willing to go further in that direction in any manner which this House deems desirable. The honourable member for Poona district said that we should have on the advisory committee more members of this Council. This proposal will receive the earnest attention of the Government. I may say that the Government are quite alive, not only anxious, that this Council and the public should take a more sustained interest in the working of this department. The Government will ever welcome the co-operation of this House and the public and benefit by the advice that may be offered by them. I implore the House not to do anything which will imperil the proper working of this department especially in its initial stages when you have to go cautiously and in a responsible manner. Put the whole responsibility on Government, and let the House control them, and advise them in such manner as it deems fit and desirable. That is the only rational way and safe way in which this department can be conducted.

Question put and lost.

Mr. JEIANGIR B. PETIT : What about my motion for a reduction of Rs. 1,000 ?

The Honourable the PRESIDENT: The honourable member has already made a speech.

Mr. JEHANGIR B. PETIT: I have already made my speech in connection with the previous motion. I shall merely move my motion, Sir. I accordingly move:

"That the total demand for the Development Department be reduced by Rs. 1,000."

Question put and lost.

The Honourable the PRESIDENT: We have finished the demand for the Development Department. Before we go on to the next business, I have to make an announcement to the Council. I have just now received from the Secretariat, marked urgent, a communication sending me a copy of the judgment of the Commissioner in Sind in the case of Khan Saheb Bijarani under the Regulation of 1892 which formed the subject of debate on an adjournment motion a few days ago. It will be laid on the table for the information of honourable members.

The Honourable Sir CHIMANLAL SETALVAD: Sir, I beg to ask that the demand as reduced may now be put. The demand as reduced is for Rs. 2,92,39,000.

Demand as amended put and granted.

Mr. IBRAHIM S. HAJI (Bombay City): Sir, may I ask with reference to the statement you made just now whether a debate will be allowed on that statement?

The Honourable the PRESIDENT: There can be no debate upon that statement, unless it comes in the form of a motion under the Standing Orders and according to the Rules.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Then, there may be a motion for adjournment?

The Honourable the PRESIDENT: The honourable member surely does not require my advice. I think I have sufficiently indicated the course he may take if he likes under the Rules and Standing Orders.

The Honourable Mr. H. S. LAWRENCE: Mr. President, when the demand for Public Health was moved, a question arose with regard to item 244 in the Blue Book, the appointment of Mechanical Engineer to Government, and in response to the feeling of the House, Government stated that they would examine the question once more whether or no this appointment was a non-votable appointment; and I wish now to state to the House that this question has been examined further by Government, and they are fully confirmed in the view which was then stated that this post had been in existence since 1912. It was created by the Secretary of State in 1912 and it has continued, in full validity, up to now. For an interval it was left vacant, and the circumstances in which it was left vacant will interest the House. When the Department of Industries was established, the Director of Industries applied for the services of the officer who was then holding the post of Mechanical Engineer, in the view that his transfer to the Directorate of Industries would give a wider scope to his work, and the Director of Industries hoped to introduce a big scheme of training candidates in mechanical engineering. Now that funds do not permit of the continuance of the Department of

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Industries on the ambitious scale that was formerly intended, it has been decided to transfer this officer, from the post of Deputy Director of Industries to the Public Health Department, to fill once more the post of Mechanical Engineer to Government. And now, Sir, there is no increase of cost involved. There is no increase of the pay of the officer in question. The pay proposed for the Mechanical Engineer is the pay to which he would have risen in the ordinary course if he had continued in his post of Mechanical Engineer and it is also the pay which he has been drawing for the last four years in the appointment of Deputy Director of Industries. There is no change whatsoever in the pay and there is no increase in the cost.

Now, Sir, I do not know whether you will permit me to discuss at this stage the value of this post of Mechanical Engineer. It would more properly come perhaps if any member in the course of this discussion should call that in question, and the Honourable the Minister in charge would be in a position to justify the need for this post of Mechanical Engineer. It is a post which has been recognised to be absolutely necessary for the protection of the properties of this Government for the last.....

Rao Bahadur G. K. CHITALE : To a point of order, Sir. If the post is non-votable no discussion will be allowed, and we will have only a one-sided statement from the Honourable the Finance Member.

The Honourable the PRESIDENT : The question is certainly not one for debate, but I gather that Government wish to explain to the House why the post has been decided to be non-votable. After the Government benches have made any statement they have to make for the information of the House, questions or remarks by way of enquiries may be made ; but no debate can be allowed on a non-votable matter.

Mr. KANJI DWARKADAS : If it is a non-votable item, it is absolutely within the province of Government to do anything they like, and it is not the business of the Council to worry about it. The whole responsibility is on the Government.

The Honourable the PRESIDENT : It is a matter on which, whatever the result may be, the non-official benches would perhaps like to know on what grounds Government have decided it to be non-votable. After the Government benches have explained, questions may be put or remarks offered, provided this does not grow into a regular debate. My object is as far as possible to see all cause for misapprehension removed and that the House has all facts before it to understand the official position in the matter.

The Honourable Mr. H. S. LAWRENCE : Mr. President, I am not going into every detail of this aspect of the case which infringes the constitutional conscience of some of the members sitting opposite. I only wish to make it perfectly clear to the House that Government have considered very carefully the feelings that were expressed in this House the other day, and it is with a great sense of responsibility that Government have decided that the post is absolutely necessary for the protection of the

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public property of this Government, exceeding in value a crore of rupees. It may not be ordinarily understood that the water supply schemes, drainage works, and vast amount of machinery, in regard to the preservation and efficient working of which the Mechanical Engineer is responsible to Government, exceed in value one crore of rupees. Now from that very large figure, Sir, I think this House will recognize that this sum which we propose to spend is really a very minute atom of insurance. Sir, with regard to the point as to the item actually being non-votable, we have had considerable discussion and with your permission I will request the Honourable the General Member to deal with the legal point.

The Honourable Sir CHIMANLAL SETALVAD : Mr. President, I will very shortly state to the Council why this item is non-votable. The post of Mechanical Engineer was created by the Secretary of State on the 5th of January 1912, and it having been so created by the Secretary of State, it is obviously a non-votable item, and that appointment has never been abolished. It is still there. What happened in 1919 was that the then holder being required for another post in another department this particular appointment was not filled.

Mr. JEHANGIR B. PETIT : I want to ask whether this appointment sanctioned by the Secretary of State was for a period of five years only.

The Honourable Sir CHIMANLAL SETALVAD : The appointment was not sanctioned for a particular period but the incumbent that was brought out for this appointment was brought on three years' contract. The appointment has been created and it does not matter if the person appointed to fill up the post was appointed for a period of three years. When he was drafted in 1919 for the exigencies of Government to work in the other department, the appointment that was sanctioned by the Secretary of State was still continued, it continues now and is in force. Now the exigencies of the public service make it necessary that there ought to be some man to take up the work of inspection of machinery, and all that Government want to do is to make this man to do this work. Therefore, the position stands that the appointment having been so created by the Secretary of State, is and has always remained, non-votable. Government are sorry that by mistake the item was put down in the budget as a new item but there is no creation of a new appointment at all. The appointment has been there ever since 1912, and is still there now ; only Government have not filled that appointment because it was considered necessary that the appointment should not be filled. The character, therefore, of the appointment is obviously non-votable, and that is the conclusion to which His Excellency the Governor has come under the powers conferred on him by section 72 D (4) of the Government of India Act and His Excellency's decision under that section is final.

Mr. JEHANGIR B. PETIT : Mr. President, I wish to know who attended to the duties of this post of Mechanical Engineer to Government and supervised the plants and machinery belonging to the Bombay

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Government whilst the former incumbent of this post was in the occupation of another post and was not there. And, if no one kept the supervision, why is it that the necessity for it has suddenly arisen ?

The DEPUTY PRESIDENT : Will you not ask one question at a time ?

Mr. P. J. MEAD : I think I shall be able to answer the questions asked by my honourable friend from Bombay. This workshop at Dapuri and Mr. Thiselton Dyer, the officer in charge, who had organized this workshop, were transferred to the new Department of Industry and the department was asked to take over the duties of the Mechanical Engineer to Government.

The DEPUTY PRESIDENT : Who looked after the water works, plants, etc. ? That is the next question.

Mr. P. J. MEAD : All the mechanical advice that had to be supplied was still given by the Mechanical Engineer.

Mr. JEHANGIR B. PETIT : I see that such mechanical advice as was necessary from time to time was given by one or the other of the gentlemen concerned. But what about.....

Mr. P. J. MEAD : There is only one gentleman.

Mr. JEHANGIR B. PETIT : Were all these works supervised at that time ? Were they visited and personally inspected by anyone ? If they were not, then I wish to know, Sir, how the necessity for such supervision has suddenly arisen ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Mr. President, the Mechanical Engineer's post was created in 1912 and continued till 1919. During that interval the Mechanical Engineer was in charge of the Dapuri Workshop in addition to his other duties as Mechanical Engineer. The Industries Department was created in 1918, and the Dapuri Workshop and the Central Stores belonging to the Public Works Department were transferred to the Industries Department. Now one of the duties of the Mechanical Engineer, amongst other duties which I will enumerate hereafter, was the inspection of the pumping plants. When Mr. Thiselton Dyer was transferred to the Industries Department, part of the work of inspection of the pumping plants was done by him, and part of the work was done by private firms. The private firms wanted about Rs. 10,000 for a single inspection. It was therefore found more economical to employ a full-time Mechanical Engineer than to spend Rs. 10,000 for a single inspection. But while we were contemplating the appointment of a Mechanical Engineer, in the interests of economy, the Industrial Department in the meantime reduced its programme and proposed to return the Dapuri Workshop and the Executive Engineer in charge of it to the Public Works Department. We have found it more economical to abolish the post of an Executive Engineer drawing Rs. 1,000 a month, and thus make a saving of Rs. 12,000, not to go to private firms and pay Rs. 10,000 for a single inspection of our pumping plants, and to have instead a Mechanical Engineer who will be a full-time man, with his head-quarters at Dapuri, and will look

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after that workshop, do the inspection of the various Government and local bodies' pumping plants, and attend to several other duties as well. If the House desires, I will enumerate the duties of the post.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Mr. President, I want this point made clear, as to how the Government managed to have the supervision and inspection of their plants made and to have expert advice about them between 1919 and to-day, when this gentleman occupied a post in some other department.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: An endeavour was made to get private firms to do so.

Mr. JEHANGIR B. PETIT: If an endeavour was made to get private firms to do so.....

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: It was partially done and partially abandoned, as very high rates were asked.

Mr. JEHANGIR B. PETIT: I understand that it was partially done and partially abandoned because of the very high rates which were demanded. The point which I wish to urge upon this House is this: if it was not found necessary in that interval to get an expert to do all these things, how and why has such a necessity suddenly arisen? If the Government tell us that in their opinion it is necessary to have an expert for supervising these valuable plants and also that this gentleman is competent to do that work, I for one am prepared to accept that position, because I think that plants of this value and importance must be supervised by an expert. If the Government take up this attitude, I have nothing to say. But the Government ought to make their position quite clear and not create a suspicion in the mind of the Council that an attempt is being made to find a position for this gentleman, because he is now out of office. If an assurance such as I have asked for is given, I for one will support the proposal of Government, because I recognise that plants of the value of a couple of crores of rupees must be periodically supervised by a competent person, with a view to their being kept in a good and efficient condition.

The Honourable Sir IBRAHIM RAHIMTOOLA: Mr. President, in answer to the honourable member representing the Bombay Millowners' Association, I would say this: A Mechanical Engineer was attached to the Director of Industries and this work of inspection also formed part of the duties of the Director of Industries. Therefore, the Mechanical Engineer who was on the staff of the Director of Industries carried out all the work of inspection necessary during that period, not in his individual capacity as Mechanical Engineer but as Deputy Director of Industries.....

Mr. JEHANGIR B. PETIT: Then, where was the necessity of asking private firms to give quotations?

The Honourable Sir IBRAHIM RAHIMTOOLA: That was because the question of continuing the Industries Department was under considera-

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tion. It was therefore necessary to consider as to what should be done in the event of the Industries Department being abolished. If the department was abolished, the Deputy Director of Industries, who was a Mechanical Engineer, would have to go. That being so, it had to be decided whether the post of a Mechanical Engineer, which existed before the Industries Department was established, should be brought on the cadre again, or whether the work should be entrusted to private agency. An effort was made to ascertain which would be the cheaper course. The Honourable Minister found after enquiries that getting the work done by private agency was far more expensive, and therefore this course has been decided upon.

Rao Saheb HARILAL D. DESAI (Ahmedabad City) : May I enquire whether the Government had agreed to appoint Mr. Thiselton Dyer as Mechanical Engineer to Government ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Yes.

Rao Saheb HARILAL D. DESAI : On a contract system or as a permanent appointment ? Was a contract entered into or likely to be entered into ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : On a contract system. I think a contract was entered into.

Rao Saheb HARILAL D. DESAI : For how many years ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The appointment was on a temporary basis, that is, on a contract system ; but I do not know for how many years it was.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : As far as I can see, Sir, the post of Mechanical Engineer to Government was sanctioned for a period of years.

The Honourable Sir CHIMANLAL SETALVAD : The appointment was sanctioned without any limit of time. Mr. Thiselton Dyer was brought out on a five years' contract.

Rao Bahadur G. K. CHITALE : Very well ; the post was permanently created, but the particular man that was appointed was appointed for a particular period. Did the Government fix a definite scale of pay or grade for this officer ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : They are all specialised officers drawing the same pay.

Rao Bahadur G. K. CHITALE : I want to know whether Mr. Thiselton Dyer was to get a scheduled pay, for instance, whether he should get Rs. 50 promotion each year, or Rs. 100 or what, rising up to what, and who fixed that schedule ?

The Honourable Mr. H. S. LAWRENCE : May I answer, Sir ?

The Honourable the PRESIDENT : Yes.

The Honourable Mr. H. S. LAWRENCE : In 1911, when the Government of Bombay wrote to the Secretary of State on the subject, they

[Mr. H. S. Lawrence]

asked that the terms of the appointment should be notified as being probably rising up to Rs. 2,000. In the agreement that was made with this particular officer it was laid down that he should begin on Rs. 1,100 per mensem and remain on that salary for the first three years and should he be retained in service after that period, he should draw Rs. 1,150 per mensem in the fourth year, and then he should rise by annual increments of Rs. 50 up to Rs. 1,750. That was dated 1912. Then some years later he was advanced to the grade of Superintending Engineer and in the grade of Superintending Engineer his pay was Rs. 1,750 rising with increments of Rs. 100 up to Rs. 2,150. That is the grade in which he is now standing and that is the pay which he has held since 1915.

Rao Bahadur G. K. CHITALE: Is the cadre of Superintending Engineers not fixed?

The Honourable Mr. H. S. LAWRENCE: This was a special appointment sanctioned by the Secretary of State.

Rao Bahadur G. K. CHITALE: But was it sanctioned by the Secretary of State as a post of Superintending Engineer? It was not.

It does appear to me, Sir, that there are exaggerations and exaggerations. Now, let us look at the remarks column in the budget. It says: "It will thus be seen that the Government interest at stake varies from Rs. 7½ to 10½ lakhs and in order to safeguard their interest the services of a Mechanical Engineer are necessary." Well, it may vary to anything. The Honourable the Finance Member puts that item only at one crore. I do not know what may happen to-morrow. Of course, this appointment is considered a non-votable item and we cannot say anything about the appointment itself. But to my mind there is one more point and it is this. Even the Development Department which is importing machinery worth lakhs and lakhs of rupees is engaging a mechanical engineer at Rs. 750 per month. You will find that in the figures. I hope the Director of Development will bear me out when I say that he has got a mechanical engineer whom, although they have got such expensive machinery in their control, he is paying only Rs. 750 per month. (An Honourable Member: He is supervising only road rollers and engines.) Well, even road rollers and engines are worth much more than what this officer is expected to look after.

Mr. KANJI DWARKADAS: Mr. President, I have more than one difficulty. The Honourable the General Member said that since 1919 this appointment has not been filled up. I should like to know whether it is now binding on Government to have this post filled up because the Secretary of State had once sanctioned the appointment.

The Honourable Sir CHIMANLAL SETALVAD: If Government consider it necessary to have that appointment in the interest of their work, that appointment must be continued.

Mr. KANJIDWARKADAS: But, I now see, Sir, from the statements by the Government Members that different explanations are given for the necessity of continuing this post.

Rao Saheb D. P. DESAI : Are not all the appointments of Superintending Engineers made by the Secretary of State ? Formerly, all appointments of over Rs. 250 were practically created by the Secretary of State.

The Honourable the PRESIDENT : We have to deal with the existing law—the Government of India Act passed in 1919 by Parliament.

Rao Saheb D. P. DESAI : My point is that from the control of this Council this appointment is being removed on this ground that the post was created by the Secretary of State. My point is that the Secretary of State has created a good number of posts—almost all the posts above Rs. 250 a month.....

Rao Bahadur G. K. CHITALE : What is the exact sanctioned strength of the cadre of Superintending Engineers ?

The Honourable the PRESIDENT : I think we have had enough of this sort of question and answer. We have been shunted off the main line.

Rao Bahadur G. K. CHITALE : I did not get any reply to my question from the Honourable the Finance Member. I again ask him the same question.

The Honourable Mr. H. S. LAWRENCE : I submit, Sir, it is irrelevant.

Rao Bahadur G. K. CHITALE : It may be irrelevant because the Honourable Member cannot answer it.

Dewan Bahadur K. R. GODBOLE : I want to address the House on this special appointment.

The Honourable the PRESIDENT : I am afraid there can be no address leading to a debate on this special appointment as it is held non-votable by His Excellency the Governor and his decision is final by law.

There is a motion by the honourable member for Bombay (Mr. Surve) asking for a reduction of the total demand by one rupee. But according to my previous ruling it would be out of order, unless it is intended as a vote of censure or by way of protest against some policy relating to this vote.

Rao Bahadur G. K. CHITALE : It is by way of a vote of censure.

The Honourable the PRESIDENT : The vote of censure must be with regard to the conduct of a particular officer or some departmental policy. I cited from "May's Parliamentary Practice" : page 483 (12th edition), the rule that "the reduction of a grant or item must be of a substantial, and not of a trifling amount".

Demand for Rs. 18,92,500, under the head, 33, Public Health (Transferred).

The Honourable Dr. R. P. PARANJPYE : I move, Sir, for a total demand of Rs. 18,92,500 under head 33 "Public Health" (transferred).

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, I should think that this amount should not be allowed for the following reasons. The expenditure in connection with this department is steadily rising.

[Rao Bahadur G. K. Chitale]

which renders it necessary for this House to scrutinise this grant very carefully. When I asked Government what was the total strength in the cadre of Superintending Engineers, I was told that that question was irrelevant, that is to say, Government had no answer to give in reply to my specific question. In the Public Works Department there are certain posts which are held by Superintending Engineers and there are certain posts created with the sanction of higher authority. However, even on the merits we were told that the officer in question, namely, Mechanical Engineer to Government, if continued in his service in that capacity, would have carried an increment of Rs. 50 and would have been drawing by now about Rs. 1,750.....

The Honourable the PRESIDENT : If an item is non-votable, I am afraid I cannot allow any discussion on it.

Rao Bahadur G. K. CHITALE : I am only instancing this particular item in order to show how the money is being ill-spent and I am trying to show that even though he would on an average and in the ordinary course have drawn Rs. 1,750 only, Government now ask for Rs. 200 more to make his salary, etc., Rs. 2,500 by way of travelling allowances. To my mind this is simply nothing more or less than continuing a particular officer in view and giving him as high a salary as possible under the circumstances.

Another point is this, that it baffles my imagination as to what practical work this officer is going to do. So far as I know anything about it, the duties of this particular officer should be to carry out repairs to any big plant and machinery and so on, but what he actually does is to go to a place where he is called, give an opinion that a particular part is gone out of order and wants replacement and so on, with the result that the municipality or local board seeking his expert advice is perforce compelled to import the technical mechanical help in order to put the machinery right. This Mechanical Engineer does not do the work himself but leaves it for others to do. All these high officers of Government seem to have plenty of advice to offer but when the actual working of it comes they never do so themselves and they say it is not their business. So, all the money spent by any local body goes for nothing practically.

Another thing is this, that we have under this head several items, for instance improvement of drainage in Poona and other matters. We have mismanaged this previously and to our great cost some officer was pitchforked and against the will of the people a "competent" officer was given to the Poona municipality for drainage who mismanaged the whole affair. That officer used to be considered the only expert in the whole of India as far as drainage systems were concerned and he was imported and thrust on the drainage works of Poona. What kind of work he has done everybody knows and for which work we have been paying not only in thousands but in lakhs. The whole scheme cost I believe 30 lakhs.

Now, in the Public Health Department we have got a Director and Assistant Directors only, but nothing at the bottom. What they do is to travel about, earn their travelling allowance and when they go round they tell the sub-assistant surgeons that some material is useless, some places

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[Rao Bahadur G. K. Chitale]

are malarial places or breeding places of some other diseases and they thus fill in their diaries and draw the travelling allowances. At the utmost they manage only such things as fairs. For instance, they manage the fair at Pandharpur. I do not want to discourage that particular work, but I say those are things which will appeal to Government, but as regards the rest of the public, the people in the districts are not affected in the least by their activities. Upon all these grounds, I should think that the House would be well advised in rejecting the whole of the Public Health grant.

The Honourable the PRESIDENT : It is seven o'clock. To-morrow there will be non-official business, and we meet at 12 noon and shall sit till 4 p.m.

The Council is adjourned to 12 noon to-morrow, Tuesday the 13th March 1923.

Tuesday, the 13th March 1923.

The Council re-assembled at the Town Hall, Bombay, at 12 noon on Tuesday, the 13th March 1923, the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

Present :

ABDUL KADIR KHAN ABDUL AZIZ KHAN, Mr.
 ADDYMAN, Mr. J.
 ADHAV, Mr. P. N.
 BATLIWALA, Dr. S. S.
 BEDREKAR, Khan Bahadur I. M.
 BELL, Mr. R. D.
 BHATE, Mr. G. C.
 BHURGRI, Mr. J. M.
 BHUTTO, Khan Bahadur S. N.
 BIJARANI, Khan Saheb S. K.
 BOLE, Mr. S. K.
 BOZDAR, WADERO Khan Saheb K. G.
 BULLOCKE, Mr. A. GREVILLE
 CADELL, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. F.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Mr. V. A.
 DADACHANJI, Dr. K. E.
 DALAL, Mr. D. B.
 DESAI, Rao Saheb HARILAL D.
 DESAI, Rao Saheb DADUBHAI P.
 DRAKHAN, WADERO MAHOMED PANAR
 DUBHASHE, Mr. SHANKAR BALKRISHNA
 DUMASIA, Mr. NAOROJI M.
 DWARKADAS, Mr. KANJI
 FERREIRA, Mr. D. J.
 GANDHI, Mr. C. M.
 GARUD, Rao Bahadur S. D.
 GHULAM HUSSAIN, The Honourable Khan Bahadur SHAIKH
 GODAD, Khan Saheb ABDULLA AVJAL
 GODBOLE, Dewan Bahadur K. R.
 GULAMHUSEN, Mr. SULTANALI SALEMANJI

HAJI, Mr. IBRAHIM S.
 HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA
 HAVELIVALA, Mr. M. A.
 HAYWARD, The Honourable Mr. M. H. W.
 HEPPER, Sir LAWLESS
 HULKOTI, Mr. CHANNAPPA CHANVIRAPPA
 JADHAV, Mr. B. V.
 KALBHOR, Mr. G. M.
 KALE, Rao Bahadur R. R.
 KER, Mr. J. C.
 LALBHAJ AMBARAM, Mr.
 LAWRENCE, The Honourable Mr. H. S.
 LIGADE, Mr. S. P.
 LORY, Mr. F. B. P.
 MACNAGHTEN, Sir HENRY
 MANSURI, Khan Saheb A. M.
 MEAD, Mr. P. J.
 MEHTA, The Honourable Mr. C. V.
 MODI, Sardar Davar T. K.
 MOHOMED SALAHUDDIN K., Mr.
 MONTGOMERIE, Mr. A.
 MURPHY, Mr. S. J.
 MUTALIK, Sardar V. N.
 NILKANTH, Rao Bahadur R. M.
 NIMBALKAR, Mr. K. B.
 OJHA, Mr. DIPCHAND T.
 PAHALAJANI, Mr. B. G.
 PARANJPYE, The Honourable Dr. R. P.
 PATEL, Mr. B. P.
 PATEL, Mr. J. B.
 PAWAR, Shrimant J. A.
 PETIT, Mr. JEHANGIR B.
 PRADHAN, Mr. M. W.
 PROES, Mr. E. M.
 RAHIMTOOLA, The Honourable Sir IBRAHIM
 ROTHFELD, Mr. O.
 SAHERWALA, Khan Saheb I. A.
 SALGAR, Mr. R. G.
 SETALVAD, The Honourable Sir CHIMANLAL

SHEPHERD, Mr. W. C.
 SHIRRAS, Mr. G. FINDLAY
 SINDORE, Mr. H. N.
 SURVE, Mr. A. N.
 THOMAS, Mr. G. A.
 TRIVEDI, Mr. G. B.
 VICHARE, Rao Bahadur D. A.

The Honourable the PRESIDENT : Order, order.

PRESENTATION OF PETITIONS.

Mr. NAOROJI M. DUMASIA (Bombay City, South) : Mr. President, I have been asked to present a memorial from the Zoroastrian Association of Bombay. It is addressed to the President, and it contains a copy of a memorial addressed to His Excellency the Governor in Council and his reply. I beg to request that the petition be placed on the table. The petition prays for an exemption from the payment of the amount of compensation fixed by the Presidency Magistrate in respect of the recent riots in Bombay, and I ask for permission to allow the petition to be placed on the table.

Petition ordered to be laid on the table.

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

Question again proposed :

“ This Council recommends to Government not to recover the amount of money— which is to be recovered—from the citizens of Bombay in connection with the disturbances that took place in November 1921 at the time of the Royal visit. ”

Mr. A. N. SURVE (Bombay City, North) : Mr. President, objection was raised as to the form of the resolution. It was said that I had not suggested the source out of which the compensation was to be awarded, and another honourable member said that the amount of compensation should be paid out of the Swaraj Fund. I thank those honourable members for their obliging suggestions, but I am sorry I cannot accept them, because no one here has the power to order any private association to pay the amount of compensation out of its moneys. I have not suggested the source from which the compensation is to be paid, because, in the first place, Government have many sources, and I have left it to them to find out from which particular source this amount should be met. Secondly, if I were to make any suggestion as to the source, I would be creating a charge upon public revenue, which I am prohibited from doing under the Government of India Act. Therefore, I have left it to Government to find out the source.

It is said that rioting will be encouraged if compensation is not levied. If that is true, then its contrary must be false, and such a levy must put a stop to all rioting, but unfortunately our experience is otherwise. In spite of the levy several disturbances have occurred in the past few years which proves conclusively that the award of compensation does not act as a deterrent.

There has been a certain amount of misconception about my object in moving the resolution. It is thought that I am very hard-hearted, and I do not want to give compensation to those who have suffered.

[Mr. A. N. Surve]

It is not so. I have every sympathy for those who have suffered, and I really do wish that they should get full compensation. But, the honourable member for Bombay, South, has stated, that the amounts fixed by the magistrate are never fully recovered. Distress warrants after distress warrants are issued, but they are returned unexecuted, and the sufferers do not get the full amount awarded to them. If in spite of this experience the Government insist that the compensation should come out of the pockets of the citizens of Bombay, then I am afraid that the sufferers will not get the compensation which is awarded to them. There is another disadvantage also. There are some people to whom the processes of law do not reach; and in consequence they are not compelled to pay; in this way, therefore, the punishment does not fall upon everyone equally. The reason why this compensation should be borne by Government is that it did not do its duty of maintaining the police force at its sanctioned strength. In the fourth list of questions and answers of this session, the honourable member for Bombay City, North, asked: Will Government be pleased to state whether the deficiency of seven officers and.....

The Honourable the PRESIDENT: May I remind the honourable member that he is not to introduce any new matter in his reply but should deal with the criticisms which have been made, unless any new matter is necessary as having been invited directly by the speeches which have been made in criticism of his motion.

Mr. A. N. SURVE: I am not introducing any new matter, but I am only pointing out that the deficiency still continues. That is my point.

The Honourable the PRESIDENT: That was said in the first speech and need not be repeated.

Mr. A. N. SURVE: This amount is not levied because the real culprits have not been punished. Trials were held and hundreds of them have been adjudged guilty and sent to jail. For their misdeeds honest and innocent persons are going to be punished vicariously. If such a course is pursued, would it be justice or its negation? Those honourable members who have spoken against my resolution are exempted from payment of compensation by reason of their titles or residence; therefore their criticism needs no reply.

Then the last point which I have to bring to the notice of the House is the unfair tactics that were used to stifle the discussion on my resolution which charged Government with neglect of duty. Those honourable members who were present when I moved my resolution will have noted that at first a point of order was raised by the Honourable the Home Member that there was not a quorum in the House. Then, when the non-official members began to come in, he made signs to the members occupying the Government benches to leave the Hall who accordingly did so. But it was fortunate that the manœuvre proved unsuccessful. This discloses the lamentable attitude the Government take when its defects are pointed out to them with a view to their removal. I have nothing further to add. I request the House to accept the resolution moved by me.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, communal responsibility of this kind is nothing new and has been recognised by all communities and nations and even long before the British rule in India. It was in fact an ordinary means of maintaining order whether in the Bombay Presidency or other parts of India. The principle is that when a disturbance has taken place and it is impossible to point out the particular individuals responsible, it is proper that everyone should take his share in making good the damage that has occurred. That is the idea underlying this provision in the City Police Act.

It has been suggested that, because the police were unable to cope with the riots, the whole burden should be borne by provincial revenues, that the people of Bombay should not bear it, but that the provincial revenues generally should bear it, because they have not contributed enough money to maintain sufficient police in Bombay. That is in effect the suggestion that the expense should fall on Government. The police were no doubt not able to cope with the riots ; they were so serious that the police had to requisition the help of the naval and military forces present in Bombay. The honourable member suggests that, because the police were unable to do more than they did, that the provincial revenues should bear the whole burden. But he has not advanced any convincing reason for accepting such a proposal and he can hardly expect an extra police force equal to those naval and military forces to be permanently maintained by the Government.

The Chief Presidency Magistrate under the powers vested in him made careful enquiry into the matter and decided judicially what compensation should be paid to the people who suffered loss and by whom that compensation should be paid. The Chief Presidency Magistrate's proceedings were reviewed and approved by the High Court. It has also to be remembered that under the law, when compensation has been awarded in this way by the magistrates, no civil suits can be brought by the unfortunate sufferers to recover their loss. If we are to interfere with the proceedings of the magistrate at this stage, the result will be that the unfortunate sufferers will be unable to do anything whatever to recover their loss. It has finally to be remembered that a great part of the compensation has already been collected. That is a further reason why no interference should be permitted at this stage on the part of Government.

I do not think honourable members will take seriously the suggestion that the absence of a quorum on any particular private motion should be a ground for blaming the Government. It is well understood in all legislatures that the members interested in a particular motion must themselves see that there are sufficient members present to form the quorum. If there are not sufficient private members interested in the particular matter, that is no reason why the deficiency should be made good from the official benches. If there is no quorum, it indicates the fault rather of the honourable member in charge of the particular private resolution ; and the fault cannot reasonably be laid on the official head of the Government.

I submit, Sir, for all these reasons that it would not be proper that this resolution should be accepted by the House.

Question put and lost.

Mr. B. V. JADHAV : Sir, the resolution which I have to submit to this House is this :

"That for the purpose of reducing the excessively high proportion of the advanced communities among the untrained vernacular teachers in the Central and Southern Divisions, this Council recommends to His Excellency the Governor acting with his Minister to pass an order to give during the next ten years preference to the duly qualified candidates belonging to the non-Brahmin backward communities including the Marathas and the depressed classes at the time of making temporary and permanent appointments in the two Divisions."

The Honourable the PRESIDENT : Has not this question been debated ?

Mr. B. V. JADHAV : A resolution with regard to the trained teachers was debated upon last year ; this resolution relates to untrained teachers.

The Bombay Presidency is composed of four divisions : Sind, the Northern, the Central and the Southern. In the case of Sind and that of Gujarati speaking people of the Northern Division this resolution does not apply. They have not got this grievance at all and I do not know that they are interested in it. But, unfortunately for the Central and Southern Divisions, and as far as the district of Thana is concerned, the conditions are quite different. In these two divisions the educational advancement has been the monopoly of a few fortunate communities, while the other communities are left in the background. Nearly 100 per cent. of the boys of the school going age of the advanced communities attend a school, while not more than 10 per cent. of the boys of school going age of the backward communities have entered the portals of the village schools. Literacy among them is very low and their condition in spite of the 150 years of British rule has not improved much. The doors of the school are open to them no doubt and there is no direct prohibition for these boys to go and receive education, but the social conditions are such that very few of the boys of the backward classes could enter those schools and take advantage of the education that was offered to all. The result is the vast amount of illiteracy that we see all around. Even though schools have been working thirty or forty years in some villages, we do not find even half a dozen belonging to these communities in each of those villages who could read and write in their own vernacular ; but the advanced communities taking education in the same schools have received not only education in the vernacular but have graduated at the university and are in the learned professions. There are various reasons for this, and I need not go into them for the present. One of the most important reasons is that the teaching staff is wholly recruited from the advanced communities who cared more for the education of their own class and were not anxious or solicitous about the advancement of others. I do not blame them for that, because they did what was natural. Blood is thicker than water. One reason for this preponderance of the advanced communities in the teaching staff is that the superior staff is also almost wholly recruited from them. So, even if a few candidates from the backward communities applied for posts as village teachers it was but rarely that they were ever successful. The deputy educational inspectors and the assistant educational inspectors generally managed not to find them fit or not to find their applications when the appointments were filled, with the result that even now the proportion of the advanced communities in the

[Mr. B. V. Jadhav]

untrained branch of the educational service is a very heavy one. We find that their proportion in the untrained branch is out of all proportion to their numbers in the total population. The population of the advanced communities is less than 10 per cent. of the total population of the Presidency, while their proportion in the untrained branch of the educational service is more than 70 per cent. This is rather anomalous, and it is the duty of Government to take steps to reduce this abnormally high proportion of the advanced communities in the untrained vernacular branch of the service.

This question is not confined to the Bombay Presidency alone, but the Madras Presidency and the Central Provinces are interested in it. A couple of days ago a similar resolution was moved in the Legislative Assembly. It ran thus :

"That in making appointments to offices under its direct control the Central Government should ordinarily, where the qualifications of candidates are adequate, give preference to those classes who are not well represented in the service, due regard being had to provincial considerations."

This takes into consideration all the services, while the present resolution before the House affects only the untrained branch of the educational service. That resolution was debated in the Legislative Assembly and the Assembly at last adopted an amendment :

"That in making new recruitment for services under the control of the Central Government, steps should be taken to secure that the services were not unduly overweighted with representatives of any one community or province."

The Legislative Assembly have, therefore, accepted the principle that no service ought to be unduly overweighted with representatives of any one community. This anomaly is now acknowledged and the Legislative Assembly has decided that the anomaly should be done away with as quickly as possible. Now as regards my resolution, the proportion of the advanced communities in the untrained branch of the service is so very high that it is urgently necessary that the proportion ought to be reduced as quickly as possible. I do not want, Sir, that the services of teachers now in employ should be dispensed with. I would not recommend that. But what I want to urge is that in making future appointments, preference should be given to the duly qualified candidates belonging to the non-Brahmin backward communities. I am not urging here that any and every candidate of the non-Brahmin backward communities should be appointed, but I only want that duly qualified members of non-Brahmin backward communities, including the Marathas and the depressed classes, should be appointed when temporary or permanent posts are to be filled up. It is found, Sir, generally that first of all temporary posts are filled in and those who have been in those temporary places for 4, 5 or 6 months are confirmed in permanent posts. I urge, therefore, that even for temporary posts candidates of the non-Brahmin backward communities should be given preference. The deputy educational inspectors frustrate the intentions of Government by making appointments of advanced communities first of all to temporary appointments and then giving the permanent posts to them. So, my request is that even at the time of making temporary appointments preference should be given to members of the backward communities.

[Mr. B. V. Jadhav]

The Educational Department, Sir, has been accustomed to define the word "backward" in a very queer way. Instead of defining "backward communities" as communities who have an overwhelming percentage of illiteracy among them, they have defined it in quite another way irrespective of the advance of education or literacy in the communities. In this way they have arbitrarily excluded certain communities from that category. My request, therefore, is a very modest one. I do not request Government to pass a rule for all time to come. I ask this indulgence only for ten years and not more, and if such orders are passed and are properly brought into effect, then I think the unduly overweighted service of the Educational Department by representatives of the advanced communities will be remedied, and I think for the first ten years the members of the backward communities will have more facilities to come in. The Honourable Minister may bring forward an objection by saying that in the Educational Department the appointments and transferences and such other functions as regards untrained vernacular teachers are soon to be transferred to the control of the district local boards. That, Sir, is true. Under the new Act a school board is to be established and that school board is to manage all these things. But then, Sir, all the districts are not equally developed and one does not know that in the district local boards of particular districts the preponderance of the advanced communities will be materially affected. In certain districts, Sir, the backward communities are in a majority, but in some districts it will be some five or ten years more before they can aspire to have any authority or voice on the local board. Till then, if the school boards of the district local boards are left a free choice to make appointments of whomsoever they like, it is but natural to expect that in those districts where the majority or where the preponderating vote in the district local board is with the advanced communities, the future untrained teachers will be recruited from those classes and the proportion of the untrained teachers from the advanced communities in districts will not diminish but may perhaps increase. Therefore, Sir, this resolution is quite necessary to guard against that danger. Government have been very solicitous for the advancement of the backward communities and in one way or another they are doing their best to advance their interests. But, Sir, it has been found that their objects are not always carried out by those whose duty it is to carry them out, and therefore it is quite necessary to urge upon Government to pass a resolution which will be binding upon those who have to make those appointments. With these words I commend the resolution to the acceptance of the House.

Mr. G. B. TRIVEDI (Thana District): Sir, I fully sympathise with the object of this resolution. It is but natural for people who are low in the grade of advancement of the community as a whole to feel that they should get every opportunity to go upward, and it is but right that advanced communities should sympathise with such a desire and should do everything in their power to remove the obstructions in the way. Government also, rising above distinctions of castes and communities, ought to sympathise with such a demand. On that principle, Sir, I hope this

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House will sympathise with the spirit of the demand and look at the demand only from the practical point of view. In general we have to sympathise with such a demand and, as I said on a former occasion, Sir, this Presidency having once accepted such a demand of our Mahomedan brothers fifteen years ago, now cannot go back and say "We will give it only to the Mahomedans and not to other communities". If any community requires that help it is the backward community, because, although our Mahomedan brothers were backward in education, they were not backward in the social position or of wealth. They commanded everything else but education. But in the case of the backward communities, especially in the Central and Southern Divisions, they are not only backward in education but in every other way, and therefore there is greater necessity for such a demand being granted if practicable. But, Sir, with this general agreement I now proceed to consider this resolution which makes a demand for a higher proportion of untrained vernacular teachers from backward communities in our primary schools.

Now, in the first place, I do grant that looking to the present figures, the backward communities have not that proportion of untrained teachers which their proportion to the whole community entitles them to have. I mean, they say "We are about 80 per cent. of the population in the Central and Southern Divisions and yet we have only 10 per cent. out of the untrained teachers". Now, I do not accept the proposition that a Brahmin or a teacher of a higher class will not give the same teaching facilities to pupils of the backward community. I have never yet come across an instance and I have yet to be convinced that a teacher, because he belongs to a higher class, has that communal spirit which says "I shall teach only the advanced class students and not the backward class students". I have yet to be convinced. I do not accept the principle that a teacher makes a distinction in teaching; in service it may so, but teaching is a noble profession and as yet I have not come across any instance in which teachers from the upper classes have been proved or found to have not given the same facilities of receiving education to pupils from the backward classes as the facilities given to boys or girls from the upper classes. Yet I do admit that it will give the backward communities some satisfaction if you increase the proportion of backward class untrained teachers, because socially they will go amongst their people and induce them to send their children to school. That will be an incentive to the backward class teachers to induce people of their communities to benefit by the educational facilities given by the State and local bodies.

I admit there is something in the complaint that the superior staff, namely, deputy inspectors, may be prejudiced in favour of people of their own communities. Similar prejudice does not exist, so far as I know, in the case of teachers. Of course, I have had no personal experience about this, but in any case in order to remove that suspicion it may be a prudent step to have one or two more deputy inspectors specially in those districts where the backward classes are really backward in matters of education. I am quite against the introduction of the communal

[Mr. G. B. Trivedi]

principle in the lower grade of teachers, as otherwise it will result in shutting out the upper classes if any such watertight compartments are created. If you give preference to the backward classes alone, then you will be shutting out the advanced classes. You may, of course, lay down certain proportions, say 25 per cent. and so on, but where you give preference always to particular communities, then that leads to shutting out of other people, which certainly is not at all desirable. We have admitted the principle of giving special facilities to these backward communities in our schools, in our colleges and in the matter of scholarships, but never have we given any countenance to the demand that preference should be given to backward communities. We sitting here as legislators must look at the whole question from the national and higher point of view, and not from a sectional standpoint.

This resolution, though it differs in language, does not differ in principle from a previous resolution moved by the honourable member at Poona, in regard to the admissions into training colleges. That resolution was negatived by this Council and now the honourable mover has brought in another resolution couched in different phraseology but containing identical principle. While admitting that some percentage must be reserved for the backward classes, the Council rejected the demand that preference should be given to them, as this demand was based on a very vicious principle, and for that reason I oppose the resolution.

Mr. C. M. GANDHI (Surat City) : I move the closure, Sir.

The Honourable the PRESIDENT : I accept the closure.

Mr. B. V. JADHAV : Sir, the House, it appears, is unwilling to hear the cry of the down-trodden classes, because I find that a closure has been moved.....

The Honourable the PRESIDENT : The honourable member must be warned that no honourable member has any right to complain of the closure when it has been accepted by the Chair. I accepted it when I saw none rose to catch my eye.

Mr. B. V. JADHAV : I am very sorry, Sir. There is only one point which the honourable member from Thana has made in his remarks and for which I am very much obliged to him, namely, the sympathy he has been kind enough to show on behalf of the backward communities, but he has thought fit to oppose this resolution on the ground that it is not practicable. The way he suggests is that there can be more appointments in the grade of the deputy educational inspectors from the backward communities. I would be very glad if that could be secured, but I am assured and I am satisfied that the introduction of the backward communities in the higher grades of service will take some time, for there are already men who are there and who have put in some years of service, and they cannot be superseded by new men. Therefore I never claimed that the members of the backward communities should be placed over the heads of their seniors. My humble request is that at the time of making new appointments preference should be given to duly qualified candidates from the backward communities,

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so that they will not come in the way of people who are already in service. But even that seems to be very unpalatable to the honourable member and the way he suggests is, I think, impracticable in the eyes of the Educational Department—and rightly so—and therefore the sympathy of the honourable gentleman means that, of course, it is impossible for us to get introductions into the higher services at once and so, he says, that it is impracticable to have the principle introduced in the lower grades of service where in my humble opinion it is perfectly practicable.

The other objection he raises is that of shutting out some communities from admission to the service. For the last 100 years 90 per cent. of the population has been practically shut out, although there were no express rules to that effect, and even the idea of shutting out ten per cent. of the population for only ten years is considered unpalatable by the honourable gentleman from Thana. With all his sympathies, I say this is not practicable. Everybody knows that conditions are so very grave in the Central Division that I think the passing of such a rule is quite necessary if something is to be done for the advancement of the backward communities.

The Honourable Dr. R. P. PARANJPYE : Mr. President, when last sessions a similar resolution was brought before this honourable Council by the honourable member, I said that the introduction of such resolutions emphasising the communal distinctions between the different parts and portions of the population of this Presidency had best be avoided as far as possible. The honourable member in the course of his remarks had, so far as I could see, not a single point to make against the policy of Government. He admitted that since the British Government began to direct the educational affairs of the people there has been no direct prohibition against the classes whom the honourable member represents. This is at least admitted as a fact by my honourable friend ; so that the small number of literate people from this class cannot certainly be imputed to any action—direct or indirect action—by the Department of Public Instruction. He appeared to say that the teachers being Brahmins or belonging to the higher classes did not care for the other classes. As my honourable friend, the honourable member for Thana, said, I would like the honourable member to bring forward instances in which these Brahmin teachers have gone on a campaign of propagandism in their own community. At least if he would bring forward any instances in which Brahmin teachers have conducted any propaganda among the Brahmins to send their children to school and that they did not do the same thing in the case of the backward communities, then I might say that his complaint may have been to a great extent justified.

Now, Sir, I have not heard of any instances of this kind, and until the honourable member brings forward any instances, he cannot attribute the small number of children belonging to the backward classes in his community to the existence of these Brahmin teachers. I quite admit that more teachers from these classes themselves will add to and bring an increasing number of children from these classes, but still he will find

[Dr. R. P. Paranjpye]

that even if all the teachers are from the backward classes, he cannot get rid of the economic and other considerations that to a great extent keep their children from education. It is not simply the teachers that are everything. There are these economic considerations which create the necessity of their making the use of the services of their children at home, and various other similar reasons can be mentioned to explain why the number of children of this class in the schools is comparatively small. I myself have not found that the Brahmin teachers generally discourage these children from coming to schools. I have not found any instances of that kind, although occasionally I find in the newspapers some complaints, but when I make inquiries about such instances I find that in most of these instances the facts are altogether distorted. I go into every instance that appears in the newspapers very carefully and I find that the facts have been generally distorted.

The Honourable member has admitted that Government has been doing at least something for the encouragement of education among these classes. Special scholarships have been given.....

Mr. S. P. LIGADE (in Marathi) : But the state of affairs in the villages.....

The Honourable the PRESIDENT: Order. order. The honourable member for Sholapur (Mr. Ligade) has no right to make a speech at this stage. If he desires to make a personal explanation, he can do so, provided the Minister who is in possession of the House gives way.

Mr. S. P. LIGADE: Brahmin teachers adopt such methods of punishment that the children get frightened and do not attend the schools.

The Honourable Dr. R. P. PARANJPYE: If I recall my school days I may say that I have myself been occasionally caned and probably most other honourable members also. As regards bodily punishment in schools, it has to be discouraged, but there is a proverb in Marathi, *chhadilage chhum chhum vidya yeyee zhum zhum*, and that I suppose is followed sometimes, and personally I believe that idea is still fairly prevalent.

Mr. President, the honourable mover has himself admitted that Government is doing at least something for these classes and certainly a good deal more than they are doing for the advanced classes. Scholarships have been instituted in all grades of education, colleges, and secondary and primary schools. And Government will do even more in this direction, and I do not think that the honourable member can say that Government is not liberal in fixing the scales of these scholarships for the backward classes.

Now, Sir, the honourable member wants to stop the recruitment of teachers from the Brahmins and advanced classes for being trained in the training colleges. But I will show that he has practically answered this resolution himself. Immediately, the control of education is to be handed over to the local boards. The appointment of these new teachers is now to be the work of the local bodies and I do not know whether the honourable member would like the Government to interfere in every detail of this administration of these local bodies. We have given them

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the powers. The honourable member himself has admitted and everybody acknowledges that only five per cent. of the people belong to the advanced classes and 95 to the backward classes, and although the number of voters may not perhaps be quite in the same proportion, at least 70 per cent. of them will belong to the backward classes. So, if a majority of their representatives are on the local boards, they can give a great deal of help to these backward classes in any way they like. The honourable member has got the power in his own hands and I hope he will use it properly and do everything in this matter of these teachers. The resolution that he mentions as having been passed by the Legislative Assembly a few days ago itself refers to appointments under the direct control of Government. The control of Government in the matter of the appointment of teachers is no longer to be direct. Government are going to leave that control to the local bodies, and therefore, Sir, I would implore the honourable member to do nothing which will further exacerbate the feelings of various classes of people by pressing this resolution. There are ways of putting a resolution or setting out a fact. You may say that A is cleverer than B or that B is more foolish than A. In the same way, if the honourable member had put the resolution in the form of increasing the proportion of the backward classes among the teachers, that would have been rather better than reducing the proportion of the teachers of the higher classes. Of course, it amounts to the same thing, but the one sounds much nicer than the other.

I would say this finally, that the resolution at present is entirely out of place. According to the new Act, the matter has gone out of our hands. We do not wish, unless there is any gross mismanagement, to interfere with the management of educational affairs by the local bodies. The honourable member has now got to go and teach the electorates of these local bodies, and get what he wants. I do not think, therefore, that the House should accept the resolution, and I would earnestly request the honourable member to withdraw it.

Resolution put and lost, 10 honourable members standing up for the Ayes and 33 for the Noes.

Ayes :

Mr. P. N. Adhav.

Rao Bahadur D. A. Vichare.

Mr. G. M. Kalbhor.

Shrimant J. A. Pawar.

Mr. S. P. Ligade.

Mr. K. B. Nimbalkar.

Mr. H. N. Sindore.

Mr. S. K. Bole.

Mr. B. V. Jadhav.

Mr. B. P. Pate'.

Noes :

Mr. G. B. Trivedi.
 Rao Bahadur R. M. Nilkanth.
 Mr. Naoroji M. Dumasia.
 Mr. D. B. Dalal.
 Mr. C. M. Gandhi.
 Rao Bahadur R. R. Kale.
 Mr. G. C. Bhate.
 Dr. K. E. Dadachanji.
 Mr. V. A. Dabholkar.
 Rao Bahadur G. K. Chitale.
 Rao Saheb D. P. Desai.
 Mr. Dipchand T. Ojha.
 Sardar V. N. Mutalik.
 Rao Bahadur S. D. Garud.
 The Hon'ble Mr. M. H. W. Hayward.
 The Hon'ble Sir Ibrahim Rahimtoola.
 The Hon'ble Mr. H. S. Lawrence.
 The Hon'ble Dr. R. P. Paranjpye.
 The Hon'ble Mr. C. V. Mehta.
 The Hon'ble Khan Bahadur Shaikh Ghulam Hussain.
 Mr. O. Rothfeld.
 Mr. G. A. Thomas.
 Mr. E. M. Proes.
 Mr. J. C. Ker.
 Mr. F. B. P. Lory.
 Mr. M. W. Pradhan.
 Mr. W. C. Shepherd.
 Mr. S. J. Murphy.
 Mr. R. D. Bell.
 Mr. P. J. Mead.
 Mr. G. Findlay Shirras.
 Rao Saheb Harilal D. Desai.
 Mr. Lalbhai Ambaram.

The Honourable the PRESIDENT : Before we pass on to the next motion of resolutions, the Council will allow me to take up the question of the election of the Finance Committee and of the Public Accounts Committee. I wanted to have it at 12 o'clock, but just at that time the Finance Member had not come and there was a rather thin attendance. For the convenience of the House and in order to get rid of the partly discussed motion of the honourable member for Bombay (Mr. Surve), I took up that motion first. The Council will allow me now to proceed with the election of the Finance Committee first and then of the Public Accounts Committee.

The Honourable Mr. H. S. LAWRENCE : Mr. President, I move

" That this House proceed to elect twelve members to sit upon a Finance Committee in consultation with the Members of the Executive Council and Ministers and four members nominated by Government, and that the period of service of this Finance Committee conclude with the conclusion of the next budget meeting."

[Mr. H. S. Lawrence]

I do not think it is necessary for me to say much in support of this motion. The Finance Committee has proved of great value in the course of last year, and I propose that this House do agree to re-elect another Finance Committee.

Mr. C. M. GANDHI (Surat City) : Sir, the life of this Council will be over by January 1924, and how can the Finance Committee sit till March 1924 ?

The Honourable Mr. H. S. LAWRENCE : Surely, Sir, a body appointed by this House must necessarily go out of function as soon as this House goes out of function. There is no objection to substitute the words " for the life of this Council. "

The Honourable Dr. R. P. PARANJPYE : The words " or the presentation of the next budget whichever is earlier " may be added.

Question proposed :

" That this House proceed to elect twelve members to sit upon a Finance Committee in consultation with the Members of the Executive Council and Ministers and four members nominated by Government, and that the period of service of this Finance Committee conclude with the life of this Council or the presentation of the next budget whichever occurs first."

Motion put and carried.

The Honourable the PRESIDENT : I will give the same directions that I gave the last two years. The election shall be by ballot. Ballot papers will be supplied to every honourable member. Honourable members should put a cross against the names of those honourable members for whom they wish to vote. There should be no signature, and every honourable member voting should give only one vote to his candidate. No cumulative vote is allowed.

The scrutinisers will be Dr. K. E. Dadachanji and Mr. C. M. Gandhi. The result of the ballot will be declared to-morrow.

The Honourable the PRESIDENT : Let us now proceed to the election of the Public Accounts Committee. Public Accounts Committee nominations will be according to the rule for the election which I read out :—

" Each voter shall have one vote, but may vote for as many candidates as he pleases by writing the figures 1, 2, 3, 8 opposite the names of those candidates in the order of his preference."

The scrutinisers will be Dr. R. P. Paranjpye and Mr. Kanji Dwarkadas.

Discussion of matters of general public interest resumed.

Rao Saheb HARILAL D. DESAI (Ahmedabad City) : Sir, the resolution which I wish to move runs as follows :

" This Council recommends that Government be pleased to rule that in municipal districts where by-laws have been framed with the sanction of Government under section 48, clauses (n), (o), (p), (r) and (s) of the Bombay District Municipal Act III of 1901, the control of the revenue authorities under the Land Revenue Code and the rules thereunder in so far as building operations are concerned should be withdrawn as superfluous."

This resolution refers to agricultural land which is sought to be used for building purposes. Honourable members are aware that under

[Rao Saheb Harilal D. Desai]

section 65 of the Land Revenue Code it is provided that if any occupant wishes to use his holding or any part thereof to any other purpose, he has to obtain the permission of the Collector in the first instance and under section 67 of the same Code the Collector while granting permission imposes terms or conditions along with the permission given for converting an agricultural plot to non-agricultural purposes.

(At this stage several honourable members were leaving the hall one by one).

The Honourable the PRESIDENT: I ought to warn honourable members that one by one they are leaving the hall and if I am called upon to take a count and there is no quorum, then I shall have to adjourn and the whole non-official business will fall through.

Rao Saheb HARILAL D. DESAI: I was pointing out to the House that the permission given under section 65 of the Land Revenue Code has certain conditions and terms attached thereto for building operations. Now, these rules are given in the Government manual of land revenue rules at page 108, which gives the form of the lease to be given, and at page 112 we have the schedule of building regulations. So far as a particular piece of land is situated in a non-municipal area there is no difficulty, but when there are agricultural lands situated in municipal areas, then difficulty arises, because there are these building regulations attached to the permission by the Collector under section 67 and there are also building regulations of the municipality within the area in which the particular land is situated. And it has been found in practical working that whereas on broad principles the by-laws of municipalities and the building regulations under section 67 are identical, in material and particular details they differ, and it is where they differ that a difficulty arises owing to the dual control under which a person who wishes to build on a land devoted to agricultural purpose is subjected. We find in the form in which the permission is given a condition attached as follows:—

"And he shall in regard thereto duly comply in every respect with the building regulations contained in the schedule hereto annexed."

Now, as regards these building regulations, the municipal by-laws of several municipalities differ. The municipal by-laws are framed under section 48 of the District Municipal Act and have the force of law because they are approved of by Government or the Commissioner. But there are very serious discrepancies or contradictions in the various by-laws of municipalities as compared with those which are imposed under section 67. I may just mention a few. In the building regulations with regard, say, to provision about a privy, while the Government regulations require that there shall be one privy for every 20 persons, the Bandra municipal by-law requires one for every 12 persons and the Ahmedabad municipal by-law requires one for every 30 persons. In the case of plinth, while the schedule requires that it should be at least two feet above the ground level, there is a difference about it in Bandra by-laws as well as those of Ahmedabad. So also as regard the height of rooms, and even as regards structural arrangements of privies, cess-pools and construction thereof there are different rules. One instance

[Rao Saheb Harilal D. Desai]

particularly happened in the Bandra municipality some years ago where one Mr. Dhurandhar obtained permission from the Assistant Collector to convert an agricultural piece to building purposes. He got permission from him to locate a privy which he put on a public road. Then he went to the municipality, and the chief officer thought that under section 3 of the District Municipal Act it would be a nuisance, but he was faced with the difficulty of having to go against the orders of the Assistant Collector. Now, such difficulties often occur, and in the case of municipalities which have regular by-laws under section 48, there could be no difficulty if after giving permission for converting an agricultural piece to non-agricultural purposes the Collector did not impose any conditions with reference to municipal areas but left it to the municipal regulations themselves.

I gave notice of this resolution in March 1921 and I may venture to say that the Honourable the Revenue Member then told me that there was no objection on his behalf in accepting it, but it was not reached. It has not been reached these two years, though at every session it was on the agenda. This is a non-controversial matter and I think the Honourable the Leader of the House will see his way to accept this, because thereby there would be no difficulty with reference to non-municipal areas and, as regards municipal areas, this clash of dual authority will be avoided, and there will be no real difficulty in having building regulations enforced.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, Government recognise the force of the arguments that my honourable friend has brought forward and realise that considerable difficulty may arise where two sets of bye-laws are in operation in the same area for the construction of buildings. Government are not clear, however, as to how the entire removal of the control of the Collector will actually work in practice, and therefore they are prepared to accept the resolution on the distinct understanding that executive effect will be given to it for a period of two years. After the result of the experiment is known, Government will decide what should be the permanent policy in this regard. I hope that will satisfy the honourable mover.

Rao Saheb HARILAL D. DESAI : I thank the Honourable the Leader of the House for accepting my resolution.

Resolution put and carried.

Mr. KANJI DWARKADAS : Mr. President, the resolution which stands in my name runs thus :—

“ This Council recommends to the Governor in Council the introduction of legislation at the next session of this Council on the lines of the unanimous report of the Industrial Disputes Committee.”

Mr. President, I shall be very brief. In July 1921 I moved a resolution in this Council to which my honourable friend representing the Mill-owners' Association moved an amendment which I accepted, and Government acting on that resolution appointed a committee with terms of reference which were quite wide enough, namely, “ to consider and

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report on the practicability or otherwise of creating machinery for the prevention and early settlement of industrial disputes". The Government could not have found a better chairman than Sir Stanley Reed. That committee held more than fifteen meetings and brought out a unanimous report. When it is remembered that on this committee were members of such divergent views as Sir Stanley Reed, my honourable friend to the left (Mr. Petit), Mr. J. A. Kay (then Chairman of the Mill-owners' Association), Sir Henry Macnaghten (then Chairman of the Bombay Chamber of Commerce), my humble self, Mr. Mahomedbhoy Currimbhoy (Partner in the firm of Currimbhoy Ebrahim and Sons and *ex-Sheriff* of Bombay), Mr. S. K. Bole, Mr. G. K. Devadhar and Mr. Lalji Naranji (then Chairman of the Indian Merchants' Chamber and Bureau, the significance and importance of a unanimous report is very clear. It is very gratifying indeed that the committee brought out a unanimous report which was submitted to Government just twelve months ago. The committee has also given a draft bill and in the third part of the report they refer specially to the question which is covered by my resolution, namely, legislation for the settlement of industrial disputes. I do not think it is necessary for me to go into the merits of the question at this stage. The committee has submitted its report and it is now before the Government. Unkind critics of Government (I am not one of them) always allege that Government are always in favour of the appointment of committees and appoint committees with a view to shelve the questions involved. Knowing full well the personnel of the Government of Bombay, I refuse to believe that in this case it was any intention of Government to shelve the question, for it should be remembered that at the very time I moved this resolution in July 1921, the then Home Secretary (Hon'ble Mr. Crerar) said on behalf of Government that that was not the first time that Government were considering the question, but that that question has been before the Government of Bombay ever since His Excellency came to Bombay as the Governor of Bombay, at the end of 1918. And before my resolution had come, His Excellency himself had appointed an informal committee with Sir Stanley Reed as chairman and with prominent citizens like yourself (the President) and many others to serve on that committee. That committee's recommendations were mainly two, the creation of Labour Office and the creation of Conciliation Boards. Government at that point accepted the first suggestion and fortunately for this Presidency at once started the Labour Office. The second question was left for further consideration. My resolution was discussed and passed, and this committee was appointed. This committee, as I have said, made a unanimous report which has now been with the Government and the public of Bombay Presidency for the last twelve months.

I am therefore very much surprised, Sir, to see that so far we have had no legislation brought in into this Council by the Government. All the time I have been feeling that in moving this resolution I am trying to convert the converted and if ever I had any doubts on this subject, these

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doubts vanished when I listened to the splendid speech at last night's dinner—I am referring to His Excellency's speech at the corporation dinner. It was full of sympathy for labour interests and the labouring classes, and therefore I am surprised all the more why Government have not so far brought this legislation into this Council. What is their difficulty? What is it that comes in their way? We have got a very well fitted Labour Office; we have got the honourable member the Director of the Labour Office who has all the information collected from all parts of the world; we have got a splendid library which would help him and all the other Members of Government and anybody else who wants to look into these books. Why should Government delay in bringing forward this very necessary legislation—legislation recommended by a committee specially appointed by Government—legislation recommended by such people whose names I have just now mentioned to this honourable House? I know it is a very difficult question, this question of settlement of labour disputes, but the experience of the West, the experience of the working of legislation in Great Britain, in Canada, in France and in Australia is very, very helpful to us. The committee went into the question very thoroughly; the committee considered the Lemieux Act of Canada; the committee considered the Conciliation Act of 1896, the Industrial Courts Act of 1919 of Great Britain, and the Australian Act; and the committee then came to the conclusion that it will be best for this Presidency to adopt the general terms of the legislation prevailing in Great Britain. Therefore the committee, and the credit (if I may, Sir, for a moment digress with your permission) of all this unanimous report is due to the very able chairman, Sir Stanley Reed. In view of the fact that he is shortly leaving this country for good, I may with your permission, Sir, refer to the great services he has rendered to this country. He loves India. Sir Stanley Reed has loved India and has proved it by his actions. Very sincerely does Sir Stanley Reed love India as much as the most patriotic Indian does. If he has not been able to agree with all that the Indians demand, it is an honest difference of opinion. In serving India, Sir, he has served the interests of the whole Empire. England has reason to be proud of having brought out a son like him and India will always be proud of the friendship that Sir Stanley Reed has given to this country. Let us hope that when he retires to England he will have ample opportunities of rendering further services to this country and he can rest assured that the best wishes of the countrymen of this great country of India will always be with him.

Coming back to the subject under debate, this committee has recommended principally a legislation on the lines of the Conciliation Act of 1896, and of the Industrial Courts Act of 1919. I ask Government to give me an assurance that they will be able to introduce legislation at the very next session, so that the work begun by this Council in 1921 may be completed before the expiry of the term of this first reformed Council. If the reformed Councils of this country have done nothing else,—they have as a matter of fact done splendid work—they have at least passed during

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the course of the last two or three years Acts which will be a source of great blessing to the working classes. For in taking stock of all the splendid work that the reformed Councils have done it must be remembered that for this work that they have done, the people of this country will always be grateful and will have reason to be grateful for the work that the Councils have done, especially in connection with the labour legislation passed through the last two years and a half in the central legislature—I am referring specially to the Workmen's Compensation Act and the amendment of the Factory Act and various other measures. And I now ask Government to add one more piece of legislation, and I hope they will seize this opportunity and give the assurance which I have asked for.

Mr. A. N. SURVE (Bombay City, North): Sir, I rise to support the resolution and my grounds for doing so are that labour in Bombay is ignorant and is unorganized, and it easily falls a prey to the agitation set up by some interested parties. It very often happens that these people go on strike and very often do not know for what they have gone on strike. The result is that they find in many instances that they had no good grounds for striking work. Therefore, when there is a strike brought about by the agitation of interested parties, it is the labourers that suffer. Therefore it is necessary that Government should legislate on the lines suggested by the Industrial Disputes Committee. It is the policy of Government to protect through legislation certain classes of people who are particularly liable to deception and unfair dealing, seamen and agriculturists of the Deccan are so protected. Labour in this Presidency stands on the same footing therefore it is necessary that steps be taken to protect them. For these reasons I have very great pleasure in supporting the resolution moved by my honourable friend and request Government to introduce a bill as early as possible.

The Honourable Mr. M. H. W. HAYWARD: Mr. President, the committee which was appointed to consider this matter submitted a very valuable report which was acknowledged and published in April 1922. The committee's report included a number of suggestions mainly as regard employers of labour which could only be given effect to by giving due publicity to them and by leaving them to be settled by the employers of labour. The committee's report also included, however, valuable suggestions as to legislation and that legislation of course has to be considered by Government. The committee's suggestions as to this matter were mainly for the establishment of courts of inquiry and courts of conciliation—courts of inquiry to ascertain the actual facts in dispute, so that parties to the dispute might be in a better position to negotiate for settlement, and subsidiary to that, courts of conciliation to be brought into force should the parties themselves be unable on the facts to arrive at a settlement. The recommendations proceeded mainly on the Industrial Courts Acts in force in other parts of the world.

My honourable friend who has brought this resolution appears to regard these labour questions as exceedingly easy and questions which ought to be decided off-hand in a few weeks or months. I cannot, I am

[Mr. M. H. W. Hayward]

afraid, share his opinion upon that matter. I consider myself that these labour questions are some of the most intricate and difficult questions which can come before any Government. We have the history of labour legislation in other countries which has indicated the dangers of precipitate legislation and shown us the reason for proceeding with caution in adopting here legislation which has only been reached after several unsuccessful experiments in other places of the world, before endeavouring to adopt in this country similar legislation to that introduced in western countries. We have at the same time anxiously considered the question of legislation in all its bearings. The matter has not been finally decided, but I think I may say this that there is a decided inclination towards courts of inquiry and courts of conciliation. But the details necessarily require time to work out in order to adapt them properly to the exact requirements of this country.

There is another reason why it is not easy to proceed at once with legislation and that is the tendency of several other forms of labour legislation, such as compensation for injuries, trade unions and so forth and the impossibility of proceeding without obtaining the concurrence and sanction of the Government of India.

So, I may say that the position stands like this at present, that we are anxious to get to legislation as soon as practicable, as soon as satisfied as to the details necessary to secure justice to both parties, to labour and to employers, with a reasonable probability of success. I must, therefore, ask the indulgence of honourable members. In this difficult matter and for the necessary time to prepare our proposals and to obtain the concurrence of the Government of India in them. I cannot very well accept a resolution which asks us specifically to introduce legislation exactly as recommended by the committee. It will be on those lines, no doubt. But there will necessarily be variations. I could not, moreover, give any undertaking that that legislation will be introduced in the next session. We must have time at least to get the concurrence of the Government of India. But I can assure the House that the matter is receiving the very anxious consideration of this Government, and every attempt will be made to introduce legislation as early as possible, after obtaining the concurrence of the Government of India.

Mr. J. ADDYMAN (Bombay City) : Mr. President, I wish strongly to support the motion of my honourable friend the member for Labour, because with all respect to the Honourable the Home Member, I do feel that in this matter there has been what I consider unnecessary delay. It is now twelve months since the report of the Industrial Disputes Committee was sent in to Government ; yet, nothing definite, nothing practical, appears to have been done to bring about a more satisfactory state of things with regard to labour in the city of Bombay. For some years, Sir, we have been, as it were, sitting on the top of a volcano, not knowing when an eruption might take place. On two occasions an eruption has taken place, with most disastrous results not only to the industry, but to the entire community of this city. We are again to-day in the same position. Even though a most excellent recommendation has been

[Mr. J. Addyman]

placed before Government, here we are to-day in the same position of uncertainty, and at any moment the next eruption might take place, with the same disastrous results which occurred four years ago. In supporting this motion, I do impress upon Government the importance of this matter, from the point of view of both the public and labour. What is asked for is an impartial body, which can attract to itself both the employer and labour, listen to the evidence of both, and decide in fairness to both parties. The year 1923 is now passing away, and we are told by the Honourable the Home Member that nothing yet can be done to establish either a court of enquiry or a court of conciliation. I submit, Sir, that the condition of things is most unsatisfactory, and I do appeal to Government to face the position (at this stage the honourable member was inaudible), because an impartial tribunal can be at once appealed to and can give a decision in favour of that party which is in the right. On these grounds I support the motion.

Mr. KANJI DWARKADAS: Mr. President, I am very grateful to the honourable member representing the European community for his support to my resolution. His speech has just reminded me of the serious situation that may soon arise at Ahmedabad, in view of the fact that the employers of labour there are threatening to take very hasty action for which they may have to repent at a later stage. The attention of Government will have soon to be drawn to this matter, and it is all the more necessary that legislation of this type should be pushed through. When I say "pushed through", I do not mean that we should do things in a hurry, but twelve months is 52 weeks' time and not a few weeks as the Honourable Member meant to suggest, and Government themselves said two years ago that this serious question was being considered by them for a very long time. So, according to their own statement, Government are considering this question of the settlement of industrial disputes for the last three years—a pretty long time in which to come to some decision. However, I am very much obliged to the Honourable the Home Member for the assurance that he has given to me and to this House that this question has not escaped the notice of the Government and that it has not been shelved. This Council is going to expire at the end of this year, the term of office of the present Governor who has taken so much interest in labour affairs is coming to an end, and I wish that he should have the satisfaction that during his time this important legislation be passed. This legislation is very important, is very necessary, and I am very glad indeed that the Honourable the Home Member and the Government of Bombay are seriously considering in what form the legislation should be introduced. In view of this assurance, I beg leave of the House to withdraw my resolution.

Question put and leave granted.

Rao Bahadur S. D. GARUD (West Khandesh District): Mr. President, the resolution which stands in my name reads as follows:

"This Council recommends to His Excellency the Governor in Council that toll bars on all provincial roads be abolished."

[Rao Bahadur S. D. Garud]

Sir, a clever writer in "The leading paper of Asia" recently described this attempt to get the toll bars abolished as an endeavour to pick burrs from the hem of a skirt. She classed these toll bars as a petty grievance, but I submit, Sir, that these have now become almost a major grievance in the mofussil. In the first place, this tax is often collected from peoples who have no money to pay, and secondly a large portion of the tax so collected is spent in maintaining the contractors and their large establishments. Direct taxations of this petty character are annoying and harassing, and they have often to be collected from people who have no ready money to pay. Besides, practically every person is trying to avoid payment at toll bars, because, after all, there is no risk in trying to avoid this payment. In the case of other direct taxation like income tax and land revenue there is a great deal of risk attaching to such an action, but in this particular case, the attempt can be made without any risk, and often succeeds. Few motor cars can be compelled to pay these tolls, because they can pass the tolls so quickly that there is no effective means of stopping them. Some owners of cars who are conscientious men probably pay afterwards their conscience money somewhere else and some no doubt dutifully pay the toll tax, but the generality of them break the rules by not paying the tolls. In the case of cars on hire, it becomes the interest of the traveller to escape paying the tolls. In the mofussil it is mostly collected from owners of bullock carts who take fuel or other articles to head-quarter towns for sale. These persons pay the tolls. This annoyance was brought to the notice of Government and they abolished the tolls and compensated the district local boards for the loss. In view of the financial stringency, this tax has been revived in the interest of the finance of the Presidency. Now we have a prosperous budget and a good balance; and I see no reason why this tax should still be continued. The toll-tax is giving a great deal of trouble in the mofussil, and it frequently gives rise to hot debates on fine points of law which have to be summarily settled. For instance there is a pattawalla in a taxi car or a patel in a hired cart or the passengers in a car or the bullocks of a cart are changed when re-passing the toll bar. Are these conveyances entitled to exemption? There are several such cases.

So, there is nothing surprising in the fact that it is causing the greatest annoyance in the mofussil. Recently I had occasion to travel in a motor-car with a member of Government. At the toll gate we were asked to pay the tolls. The toll-keeper was told that it was a car on Government duty. He did not believe it and the argument began to wax hot. So we paid the toll and got rid of the trouble.

The Honourable Sir IBRAHIM RAHIMTOOLA: What was the amount of toll?

Rao Bahadur S. D. GARUD: Two rupees.

The Honourable Sir IBRAHIM RAHIMTOOLA: How long did the argument take place?

Rao Bahadur S. D. GARUD: It was a very hot argument.

The Honourable the PRESIDENT : The Leader of the House enquires how long the argument took place.

Rao Bahadur S. D. GARUD : The argument lasted about fifteen minutes. It was no good arguing with the toll bar keeper who evidently smoked ganja. When argument takes place with them, there is always a tendency to appeal to force. In such cases they have always two or three men at hand to help them. This toll-tax is causing a great deal of hardship. Now, Government are in a position to forego the revenue from this source, which is, after all, not very considerable. I hope Government will see their way to abolish this tax once and for all. I may assure Government that the district local boards will be willing to abolish the tolls on their roads. The Honourable Minister in charge told us that the distance between two tolls is 10 miles. But I may inform him that at any rate in Khandesh it is not so. The distance is only two miles. From Dhulia to Amalner there are three toll bars in less than ten miles. Then the charge at Government toll bars is twice that at local board toll bars on the same road. The tolls charged in the Khandesh district are twice those charged in the Nasik district. The Honourable Minister told us that the charges would be equalised ; but nothing has been done in that direction. I submit the rural population is already heavily taxed, and it is only fair that it should be relieved from this additional burden. In the case of the residents of Bombay and its suburbs Government are anxious to see that they are not charged any tolls and compensate local boards when they agree not to impose any tolls. The same leniency will, I hope, be extended to the mofussil. I hope Government will take a sympathetic view and abolish this toll-tax.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, I am sorry I cannot support the resolution which has been brought forward by my honourable friend from Dhulia. The policy of the Government has been to hand over the provincial roads to district local boards. Of course, these toll bars are an annoyance for people who want to fly past them, but honest-minded folk always stop their cars and pay their tolls. I do not think that on this ground the toll bars should be abolished.

If the provincial revenues are in a position to bear the compensation that will have to be paid to the district local boards if these tolls are abolished,—the compensation may come to two or three lakhs,—then I might support the abolition. I have travelled through parts of the Khandesh district, but I have not come across tolls at such short distance as the honourable mover mentioned. Of course, when district local boards and municipalities are working against one another, such tolls at short distances are possible. But we must remember that the expenditure on these roads is very large. Instead of abolishing the toll bars I would rather ask the general tax payers to bear a part of their expenditure. Unless the provincial revenues come to the help of district local boards, there is no hope of further progress in construction of roads. We cannot bear further expenditure unless some portion of it is taken off our hands.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I support the resolution. The resolution as worded is harmless. Government are trying to get revenue without looking to the nature of the means. My honourable

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friend from Ahmednagar has a large number of roads in his charge, and I challenge him to say that the people who pay these tolls are satisfied with the levy of these tolls. If he consults the people of his district, I am sure that they will all say that it is a nuisance. Then, another point is that the levy is summarily imposed, the contractors do not go exactly by rules and it is not possible for these poor people to go to the civil courts. Then, again, the amount of fee on tolls has been greatly increased, by 50 per cent. at least if not more. Then, there are several tolls stationed on the same road, and this causes real hardship. Agriculturists coming and going to their fields are put to a lot of trouble and expense there and such other irregularities have brought about such loss and hardship that I think that the sooner they are abolished the better would it be to the general tax-payer.

Now, I find at page 77 'Blue Book' that the provincial revenues from civil works was 20 lakhs, 87 thousand in 1921-22, but for 1923-24 it is estimated at Rs. 13,64,000; that is, the revenue after the introduction of tolls has fallen and this shows that the Government are not able to get the economic rent on the buildings they have put up for their officers or rather have reduced them appreciably and the Honourable Member wishes to make up for the loss sustained here by introducing toll bars on the roads, the revenue from which as shown above does not at all compensate the loss. With these words I support the resolution moved by the honourable member from Khandesh.

Mr. G. B. TRIVEDI (Thana District): Sir, necessity knows no law. Government finding themselves in tightness of money have reverted to the vexatious process of levying tolls which harass the poor people. There is no doubt about it. But it may not be clear to members who stay in urban areas how people are harassed in the rural areas. The very fact that Government some years ago abolished the tolls for the reason that they were a harassment to people by direct taxation is an argument in support of this resolution. But now Government want to change it because they have no money. Now, I do admit that you must have taxation, but then always the taxation which harasses the poor should be avoided. You know, Sir, what opposition the proposal of raising salt tax has created throughout the country. Now I ask the Honourable Minister, does he not consider that this taxation is a direct taxation which entails great hardship on the poor man who runs his cart for his wages in the rural areas? He may get revenue out of the urban people who buy his wares, but that does not meet the situation. There is that feeling in the mind of the poor man living in rural areas that he is being taxed and harassed for using the roads. Now, if Government accepted the principle five years ago and abolished the toll, what earthly reason is there for re-imposing it and especially when your finances are improving and when you are going to hand over by and by your provincial roads to local boards? If you want to do that, then you ought not to do anything that would harass the poor people unnecessarily. With these words I support the resolution.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Sir, I wish to support the resolution. This toll has been a source of great harassment to the public and to the poor. At Ahmedabad the toll is so situated that people who are going out after all their daily toil and worry of the day have to pay a very heavy tax if they want to enjoy the free atmosphere. Sir, it is generally believed by the people that the Government is getting poorer and is on the verge of bankruptcy. The feeling on account of this toll, though a very small item as it may appear, is very much going to the discredit of the Government. It is, therefore, essentially necessary that this toll should be done away with at an early date, and so many of my other honourable friends have voiced the same chorus and I think the Honourable Minister for Local Self-Government will withdraw this toll tax.

Mr. V. A. DABHOLKAR : I move the closure, Sir.

The Honourable the PRESIDENT : I accept the closure.

Rao Bahadur S. D. GARUD (West Khandesh District) : Sir, I was surprised at the attitude which the honourable member for Ahmednagar took upon this question. I am sure it will never commend itself to his constituents before whom he has shortly to go. He tells us that there is no difference in rates charged. I am sure he does not know the facts of the case at all. There is one rate in the Nasik district, and another in the West Khandesh district, and I personally know there is a difference in rates. Then, he says, that the persons who are called upon to pay the tax recover it from the consumers. I am afraid his knowledge of the mofussil is now getting slack. The burden does not fall on the consumer; it falls on the poor man himself. These poor people ply their carts for hire. Has the rate for hire increased? No, it has not. Have Government who are the largest employers of hired carts increased their rate in view of the imposition of tolls? They have not. Now, I have given two kinds of instances where there has been no increase in the rates for hire on account of the levy of tolls, and the same holds good in the case of consumers. Rates for hire do not fluctuate readily, and the general public does not pay anything more on account of the imposition of tolls.

Then, Sir, with regard to the minimum distance between two toll bars let me assure my honourable friend that there are sometimes three or four toll bars in less than ten miles. If a man comes to Dhulia he will find a toll bar at one end of the town, a toll bar at another end of the town, and as soon as he crosses this toll bar he finds himself on a district local board road and there is a toll bar set up by the district local board; All these toll bars are so near Dhulia in all directions that if a man wants to cross Dhulia, on his way he has to pay at four toll bars in about twenty miles. I submit this is a great hardship.....

Rao Bahadur R. R. KALE (Satara District) : It has just occurred to me as a point of order and I want to have a ruling from the Chair whether this cannot come under your ruling as regards recommendations.....

The Honourable the PRESIDENT : The honourable member does not seem to have borne in mind that I gave a ruling on the point the other

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day, when I read from May. If the honourable member wishes me again to read it, I shall do so.

Rao Bahadur R. R. KALE : On a grant for secondary education, Sir, you gave a ruling and I thought.....

The Honourable the PRESIDENT : I ruled then that the motion was out of order because of the decision of the Council that there should be a cut of 66 lakhs extending over all the departments including the Educational and I gave no final ruling on any other point, for it was not necessary. As to the point of order now raised that the present resolution is inadmissible for want of recommendation from the Governor, the rule, as stated in May's Parliamentary Practice, on page 469, is :—

“ A motion to alleviate the burdens upon the people is not within the scope of the standing orders relating to the imposition of charges upon the people. ”

This rule applies to our procedure under the Government of India Act. If this resolution requires the Governor's recommendation at all, it must be either under section 80 C or under section 72 D (c). The former does not apply because section 80 C is limited to “ any measure ”, i.e., a legislative measure, which this resolution is not. The latter does not apply because it relates to motions for the appropriation of any revenues or other moneys for any purpose. This resolution is not a motion for any appropriation or for creating a charge on the revenues. It is competent to Government to lighten the burden of a tax or cess upon its subjects, provided the law empowers them in that behalf and if no legislation is required therefor. The resolution is, therefore, in order.

Rao Bahadur S. D. GARUD : I am sorry, Sir, that the honourable member from Satara was caught napping. This is a mere recommendation to Government.

The Honourable the PRESIDENT : Honourable members will be pleased to bear in mind that it is not quite correct to regard the resolutions of the House in that light, i.e., as mere recommendations as if they have no weight. Our resolutions have the same weight with reference to our Government that a resolution passed in the House of Commons has with reference to the British Cabinet. Although it has no binding effect as a law upon the Government, it stands as a judgment of the House until rescinded : May 267 ; and it would be open to the Council with due regard to the Standing Orders and Rules to move on a proper occasion a vote of censure on Government for not giving effect to the recommendation as, for instance, by a motion for adjournment of the House.

Rao Bahadur S. D. GARUD : I hope I have shown that the tax does not fall on the consumers, that the minimum distance between two toll-bars is frequently less than ten miles and that in practice it causes a great deal of annoyance. These toll-bars are worked by men who are known only for their grabbing tendencies and all the questions that crop up are usually summarily settled, not in courts of law, but on the spot and at once by hot arguments and sometimes by fists. It is true that as the honourable member for Nagar said, these disputes are never taken to courts, but it cannot be gainsaid that these toll-bars cause endless

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annoyance, and trouble and inconvenience to poor people. In several instances even persons who are exempted, such as agricultural people, are charged the toll fees and I know of several instances where these people have paid the charges without making any complaint whatsoever. The toll bar keepers depend upon the summary settlement of the questions as soon as they arise and I am sure if the honourable member for Nagar moves about in his district and makes proper enquiries, he will find that these toll bars do cause endless inconvenience and annoyance and waste of time to the people concerned. I thank the honourable members who have very kindly supported the resolution. That only shows that there is a consensus of opinion in this House that this annoyance should be removed once and for all, that district local boards should be asked in their turn to remove this annoyance from their own roads.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Sir, I have listened carefully to the speeches which have been delivered by honourable members on this subject and admit that a good deal can be said both for the abolition of these tolls and against it, but I do not wish to waste the time of this Council by going into details. I must, however, make it clear to this House that it was not financial stringency that induced Government to reimpose toll bars on provincial roads, but it was in deference to the wishes of some of the leading members of this House that Government reimposed tolls. In 1908 Government adopted the policy of the abolition of tolls on provincial roads and extended the principle in 1914 to the district local boards and compensated them. If you turn up the proceedings of the first budget meeting of the reformed Council in 1921-22, you will find that there was a provision for compensation to district local boards for this purpose and there were several motions if I rightly remember, for omitting that provision. Those motions were withdrawn on the clear undertaking which I gave the House that I would consider the whole question of reimposition of toll bars. In fact at that time honourable members of this House protested against the provision. Now, having once ordered the reimposition of tolls on district local boards, Government were in a peculiar position because there were tolls on district local board roads while there were no tolls on provincial roads, and Government were therefore obliged to levy tolls on provincial roads. I may tell the House that our income from the provincial toll bars is about six lakhs of rupees. The discussion in this Council, however, shows that there is a very strong feeling in favour of the abolition of these tolls, and I, therefore, give an assurance to the honourable mover of the resolution that Government will undertake gradually to abolish these tolls. With this assurance, I oppose the resolution.

Rao Bahadur S. D. GARUD : I wish to ask Government to accept the resolution with the slight modification that they will carry out the intentions of this resolution gradually.

The Honourable the PRESIDENT : There is no force in passing a resolution with a modification of that kind. The proper course is for the honourable mover to ask for leave to withdraw the motion on the

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assurance given by the Honourable Minister that steps will be taken gradually to realise his object.

Rao Bahadur S. D. GARUD : I beg leave to withdraw my resolution on the assurance given by the Honourable the Minister for Local Self-government that he will take steps gradually to abolish these tolls.

Resolution by leave withdrawn on the understanding that Government will gradually take steps to abolish the tolls on provincial roads.

The Honourable the PRESIDENT: I wish to announce to the House the result of the voting on the election to the Finance Committee. The following twelve members of the House have been elected :—

| | | | |
|-----------------------------|----|----|-----------|
| Mr. B. G. Pahalajani | .. | .. | 26 votes. |
| Rao Bahadur G. K. Chitale | .. | .. | 21 " |
| Rao Saheb D. P. Desai | .. | .. | 21 " |
| Mr. J. B. Patel | .. | .. | 20 " |
| Rao Bahadur R. R. Kale | .. | .. | 20 " |
| Dewan Bahadur K. R. Godbole | .. | .. | 19 " |
| Mr. Kanji Dwarkadas | .. | .. | 19 " |
| Mr. G. B. Trivedi | .. | .. | 19 " |
| Mr. Ibrahim S. Haji | .. | .. | 17 " |
| Mr. Mohomed Salahuddin | .. | .. | 17 " |
| Sardar V. N. Mutalik | .. | .. | 17 " |
| Rao Bahadur S. D. Garud | .. | .. | 17 " |

Mr. R. G. SALGAR (Sholapur City) (Addressed the House in Marathi) : Mr, President, the resolution that I want to move runs as follows :—

"This Council recommends to His Excellency the Governor in Council that the second revision settlement of the Malsiras taluka in the Sholapur district for the year 1920-21 should be suspended altogether till the Nira Right Bank canal comes into actual use for the agriculturists and the Barsi Light Railway actually begins to work in the taluka."

The reason for my bringing in this resolution is that when I visited the sacred place of Pandharpur the people of Malsiras taluka called upon me and placed before me the following grievances; that the taluka of Malsiras is a famine-stricken taluka, that the recent revision survey settlement of that taluka is unjust, that the Collector of the district was approached in the matter without any effect and they, therefore, requested me to place this matter before Government. Thereafter I sent in certain interpellations, the replies to which appear in Vol. VII, Part II, of the Official Report of this Council. I also read the papers regarding the second revision survey of this taluka, and I was satisfied that the recent revision survey has been unjust and that the cultivators of the taluka deserve redress of their grievances, and that is the reason why I have moved this resolution.

There are in all sixty-nine villages in this taluka, out of which twelve are inam villages and fifty-seven are khalsa villages.

The assistant settlement officer has divided the taluka into two groups as was done before this revision survey, and the Collector has confirmed this revision into two lots. It will be quite obvious from the report of the Settlement Commissioner that even in the matter of such importance as

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the division of the lands into groups, the officers of Government depend upon each other, and this neglect of duty on their part results in great loss to the people.

I will quote an extract from the report of the assistant settlement commissioner in order to prove that there is scarcity of drinking water in this taluka. The assistant settlement officer in his report at page 1 paragraph 3 says :

"There is a great dearth of water in this taluka even for drinking purposes. The sub-soil water cannot be reached at practicable depth. Flowing water is rarely seen, as most of the streams are liable to dry up from the season of cold weather and travellers have to forece their demand of wa er to quench their thirst and to keep water with them while en route to and from Pandharpur and Singnapur which are pilgrim centres."

In confirmation of this I will quote the number of wells and their condition, also from the assistant settlement officer's report at page 5, paragraph 17.

| For what use, | | 1st Revision, | 1919. |
|---------------|-------|---------------|-------|
| Irrigation | .. .. | 1,313 | 2,045 |
| Drinking | .. .. | 54 | 172 |
| Out of repair | .. .. | 501 | 534 |

From this it is plain that the people intend to dig wells for the use of agriculture, but as sub-soil water cannot be reached at appreciable depth their labour and money is spent in vain and so many wells are out of repair. Now honourable members can judge for themselves how much water there may be in the wells which are in use. Notwithstanding this deplorable state of affairs, it is a great pity that Government officials recommend the enhancement of assessment, only on the ground of the number of wells having been increased.

Let us now consider what is the real state of the land in this taluka ? Two rivers run on the borders of this taluka ; the soil by the side of the banks of these rivers is considered to be the best soil and it remains wet throughout the year, but only a few number of acres consists of such soil. The rest of the lands are all rocky lands and such lands are useful only if there is good and timely rain, because such lands have no capacity to retain moisture. But rains in this taluka are only seasonal and scarce, and they are of no use to this land. The result is that there is always famine. The total lands in the taluka consist of 3,10,820 acres and out of these 2,19,274 acres are cultivable land.

If the lands in this taluka had been fertile, the agricultural cattle of this taluka would not have decreased by 30 per cent. In the same manner if there had been seasonal rains and good fodder, milch cattle would not have decreased by 34 per cent. If there is an increase of anything, it is of bullock carts. It is quite plain from this that the people being unable to earn their livelihood by means of agriculture have taken to running bullock carts on hire. Taking all these things into consideration, it is an admitted fact that this taluka is a famine-stricken taluka. In appendix G will be found a statement of the value of the land in this taluka.

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| Lot No. | | | Acres. | Cost per acre. | Wat Cost. |
|---------|----|----|--------|----------------|-----------|
| 1 | .. | .. | 100 | 20 | 2,000 |
| 2 | .. | .. | 100 | 9 | 900 |

At the rate of 6 per cent. the interest on lot No. 1 amounts to Rs. 120 and the assessment according to the revision settlement of 1890-91 amounts to Rs. 125. The interest on lot No. 2 amounts to Rs. 54 and the revenue assessment to Rs. 110. It is obvious from this that in order to pay the assessment on both the lands, the landlords have to pay out of their own pocket. As people find these lands unprofitable they sell them. The rates of the previous revision survey settlement also were based on the understanding that the cost of the land had been increased. The assistant settlement officer has also reported that the value of the lands in Malsiras is equal to the value of the lands in Barsi and Karmala talukas, but that the yield of these lands is less. Now we cannot say what is the reason of this, and from this it is plain that the officers of that time have not made their report in a straightforward manner. Their main intention was to increase the assessment by showing that the value of the land had anyhow increased. As the agriculturists have to pay their assessment without getting anything out of the lands, they give up their lands and go out somewhere in search of employment and Government has to suffer in the way of giving them remissions. The yield of the land in 1890-91 and in 1920-21 is the same. My submission is that Government should put faith in the report of that officer only who goes round the whole taluka at the time of settling the revision settlement and makes a report to Government after seeing the real state of affairs. But in the matter of the revision survey settlement of this taluka, this does not appear to have been done, because it will appear that the reports of the assistant settlement officer, Mr. Mirikar, and of the Collector, Mr. Bharucha, do not appear to have been taken into consideration at all, as it is quite plain from the reports of these two officers that the taluka is not at present in a position to pay the enhanced assessment. I, therefore, emphatically submit that the revision settlement of Malsiras taluka is unjust and that therefore, unless and until the Barsi Light Railway and the Nira Right Bank canal are brought into use, the revision survey of this taluka should be held in abeyance.

Rao Saheb D. P. DESAI (Kaira District): Sir, I support the resolution moved by my honourable friend from Sholapur. I am opposed to settlements on top prices. In fact I am generally opposed to revision settlements of talukas not only because economically they are unsound but because at the time of revision settlement the officers hardly take the exact yield of the soil and profits and costs into consideration and they think that the revision settlements are simply for the sole purpose of enhancing the assessment without going into the real state of affairs.

But what is surprising is this that while the local officer is moderate in his estimates and has proposed a moderate increase, the Commissioner, Central Division, and the Settlement Commissioner have increased the assessment by 30 per cent. The Government Resolution increasing the rates says:—

[Rao Saheb D. P. Desai]

"He himself has shown that the rise in prices since the last Settlement is 280 per cent. yet he proposes a rise of only 10 per cent. in the assessments. The Commissioner C. D. and the Settlement Commissioner propose an increase of 33 per cent. This is the most which is possible under the present rules and it is certainly the least which is reasonable under the circumstances."

This shows that they would have even increased it to more if it were possible. It is for such expressions that I say that the sole intention in revisions is to increase the assessments. In this instance instead of moderating the proposals of the assistant settlement officer they have gone a step further. It is a pity.

The settlement officer of Malsiras taluka is somewhat reasonable, but the estimate which he prepared after gathering all the facts on the spot is set aside by Government. If you go through the pages, it will be found that the labour charges have increased, the cost of labour to the agriculturists has increased, and that has increased not because of any increase in the value of agricultural produce, but because of the Nira Right Bank Canal and factories. It is because the labourers were diverted to canal works and industrial places, and so the wages for agriculture had risen making a clean cut in the profits of agriculturists. The cost of production is not properly worked up and even granting that the war had benefited him were there not famine years to counteract these few years of profit? The fact that remissions were given in 13 out of 28 years amply shows that the taluka must be excessively liable to famines as shown by the assistant settlement officer. In my opinion if in the current lease there are many famines no increase should be made at revision as the ryots require to be compensated for losses incurred during the currency of a lease so if you look to the rainfall of the taluka you will invariably find that whenever there was a famine the prices of food and grain have risen bringing heavy losses to the cultivators. Comparing the rainfall statement with the price table you will find, Sir, that insufficient rainfall or excessive rainfall has brought up the prices in the succeeding year.

On these grounds, I would request the Honourable the Leader of the House to examine the history of the Malsiras taluka and come to the conclusion that it is not right to increase the assessment. Of course, if Government carry out some work like irrigation or railways, then of course, specially as regards irrigation, there is every justification for an increase of assessment and that would be a distinct irrigation charge. I do not believe, however, that a railway should be considered for increase of assessment because its tendency is to level up the prices and gives as well as takes away benefits; also the agriculturists sell their produce at their doors, and the merchant who buys from them has to pay the ever increasing transport charges and transfers these increased costs of railway transport on to the shoulders of the cultivators. So it is doubtful whether the railway should be taken as a sufficient reason for increase. As for the facility of a railway journey they do not care much for the facilities of railway travel for themselves as they have little money to spare for such objects. But so far as irrigation is concerned, I do believe that that fact should be taken into consideration, and when the Nira Canal is extended into Malsiras, then the assessment may be increased.

Rao Bahadur S. D. GARUD (West Khandesh District) : Mr. President, I beg to support the resolution which has been moved by my honourable friend the member for Sholapur city. The report of the survey settlement officer says that there is no case for an enhancement of the assessment. Enhancement should not take place, because there is a substantial rise in prices. Enhancement of assessment should only take place if the productivity of land is increased. A mere rise in prices or in value of land may take place for several reasons which certainly have nothing to do with the productivity of the land. I submit the Government will consider the case and at least postpone the enhancement of assessment till a considerable portion of the taluka is irrigated.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, in keeping with the traditions this resolution has been brought before this House none too soon. I am only sorry that it should have been brought in such a thin House. This is a question which requires an explanation from either side. This House will remember the policy enunciated by the Leader of the House in a speech which he made on the 7th October 1922. He stated that the Government was very anxious to know the views of the House and to give it such consideration as the Government could give. He enunciated the principle that in any given case if the revision settlement as made by the settlement officer of Government was not satisfactory, then the honourable members can raise that specific issue. The question of amending legislation is a difficult and complex question. So, let it go. The only other course is to bring in a resolution which will give an opportunity to Government to reconsider the question. In this particular case the revision settlement has been found unsatisfactory and brought to the notice of the Council by the honourable member for Sholapur. I am only sorry that both the official and non-official benches are thin. However, we must take things as they are. What do we find here ? I have studied the question at closer quarters and I must say that I received very great assistance from the honourable the Chief Secretary when he was a Collector. In this case we have officers on the spot in favour of retaining the old rate. That is a point in our favour against Government. The first settlement officer was the deputy collector who was there for many years who, knowing the local conditions came to the deliberate conclusion that 10 per cent. increase should be taken on the ground that the taluka is in a transitional stage and has experienced many difficulties during the last 30 years. He, however, made a reasonable suggestion that in view of the potentialities of irrigation and railways this settlement should not be for more than a period of 10 years. That is to say, the Government officer on the spot admits that the general agricultural prosperity is not good ; the population has not increased to any appreciable extent ; that cattle and agricultural resources show a decrease of 20 per cent. land is lying fallow in increasing proportion that there has been 4 lakhs of remission. He then says that this state of affairs is due to the absence of adequate rainfall and want of transport facilities. What do the higher officers state ? They say that on account of the increase in prices the taluka should be assessed 33 per cent. higher ; that the Nira Canal irrigation works would be roughly

[Rao Bahadur G. K. Chitale]

completed in 10 years and the Pandharpur-Lonand railway also would be completed within that time; and that therefore the revision settlement should be for 10 years. Even the Settlement Commissioner and the Revenue Commissioner recommended that the settlement may be made for 30 years and that an all round increase of 33 per cent., the maximum rate, should be levied. Both these officers of Government recommended that it should be for the full period. The Government having regard to these recommendations thought fit to accept the maximum increase and rejected the proposal with regard to the period and reduced it to 10 against the unanimous opinion of all its officers. The officers on the spot are in sympathy with the people; they know the conditions of the people. The Settlement Commissioner and the Revenue Commissioner recommend 33 per cent. increase for the full period of 30 years; but the Government want the full rate but for 10 years only. I do not think the Government is right in the first place in accepting the full assessment and then cutting down the period to ten years, setting aside the recommendation of those two Government officers. This seems to me unreasonable on the part of Government without the least regard to the condition of the people of the locality. Mere rise of prices in a few years is not a sufficient test, because as I said in one of my speeches, in Sholapur, Ahmednagar, part of Poona and Satara and Bijapur, the conditions are almost the same in all the talukas, and all the talukas must take notice from this that the full assessment will be taken and that the settlement will not be for thirty years but for a much shorter period. High officers of Government who are acquainted with the conditions have gone into all the sides of the question and here is Government accepting the increased assessment but rejecting the period for which it was recommended and insisting on a shorter period. That is a position from which Government ought to extricate themselves, and I shall be very glad to know that the Leader of the House will reconsider the matter in the light of the remarks made here.

Mr. S. P. LIGADE (Sholapur District) (Addressed the House in Marathi): Mr. President, in supporting this resolution I wish to make one remark. The salaries of Government servants have been revised and the Government is in need of more money. Instead of taxing the poor ryots to make up the deficit Government should turn to other measures, of which, I am sure, there are many. It is advisable not to revise the assessment on a land as long as there is no change whatsoever in the productivity of that land. In the present case, it will be clear that revision will be of no use as whatever amount Government get by the increase in assessment will have to be given back in the shape of suspensions and remissions. I beg to bring to the notice of this House that since 1886 the agriculturists in this part of the district have been paying assessment to Government not from the produce of their agricultural land but from wages earned as labourers outside the taluka. The figures in the report itself will show that the amount of remissions and suspensions is bigger than the amount of collections. It is stated that recently many wells have been

[Mr. S. P. Ligade]

sunk, but I may state here that many of them have dried. These wells have been sunk out of money obtained by labour in outside places and by tagavi loan taken from the Government. If this part had been fertile there was no necessity to make these improvements, but even these improvements have proved useless for want of rain. This tract has been subject to famine since 1833, but the havoc wrought since 1896 has been greater. This statement of mine is well supported by the opinion expressed in the book "Krishikarma Shastra" that this part of the country is always subject to famines. As the creditors enter in the documents a greater amount than they actually lend, the prices of the lands seem to be higher than they actually are. It is true that the labourers and the sawkars do pay high prices for land, but the actual cultivators cannot pay this. Although there was some profit derived by the agriculturists during the last two years, this year they have lost completely. Although the control of exports has been removed, still prices of corn and labour have not gone down. The cities which are employing machinery prosper and the villages are becoming thinner and agriculture suffers.

In these circumstances, I strongly support the honourable member for Sholapur city and request this House to recommend to His Excellency the Governor in Council to suspend the second revision settlement of the Malsiras taluka till the Nira Right Bank Canal and the Barsi Light Railway actually begin to work in the taluka.

Mr. B. V. JADHAV: Sir, I beg to support the resolution brought forward by the honourable member for Sholapur city. The case for revision from the Government point of view has been based on a report of the Settlement Commissioner, and it puts forward only one ground and that is that the price of land has risen. May I remind the House, Sir, that this rise in price was mainly due to the war conditions? On account of the demand for food grains during the war, prices had risen all over in this Presidency, but that rise has now gone down and is still going down. There is another reason, Sir, as to why the price of land is shown so high. It is a well known fact that in the Malsiras taluka there was a scarcity many times during the past few years and consequently the agriculturists there are in chronic indebtedness. The operations of the Deccan Agriculturists Relief Act have made the lending classes very careful in their investment. They would not lend money on mortgages and will not enter into any transaction except complete sales and even then the prices are generally shown at an increased rate. An out and out purchaser is not sure of his title and has to be careful that in case the court decided the transaction to be in reality a mortgage he should not be a loser but a gainer and therefore the prices are put even two or three times the actual prices. That is one of the reasons for the rise in price of land in the Malsiras taluka. Therefore, the enhancement in the assessment on the single ground of rise in price of land is not a good policy. The taluka will benefit by the Nira Right Bank Canal and then the famine conditions will disappear. But the improvement cannot be expected for some years and hence the request that rates should not be increased before

[Mr. B. V. Jadhav]

the canal actually begins to give water and the Pandharpur-Lonand Railway begins to work.

Mr. P. N. ADHAV (Satara District): Sir, I rise to support the resolution moved by my honourable friend from Sholapur. I am surprised to find in the case of Malsiras taluka, instead of there being a reduction at the revision settlement, that there should be a rise. There are very good and strong grounds for a reduction of assessment instead of an increase, because that part of the district of Sholapur is notorious for scarcity and famine. Generally we have got more years of scarcity than years of plenty of harvest in many parts of Sholapur, Ahmednagar and eastern parts of Satara district. It is remarked that the condition of the people has improved, but I am surprised to read that statement. How can the condition of the people be considered improved in years of scarcity? The report goes on to say that people have improved when almost every year there is famine. If it is said that the prices of grain have improved, it is no gain to the people who never reap their crops, and especially so when you take into consideration that the agriculturist at present whether he has reaped his crop or not, has to pay higher prices for agricultural labour, agricultural implements, for cattle and everything else. The price of land is no criterion to raise the assessment, in the present case because the poor agriculturist, however industrious and economical he may be, has nothing to gain by any amount of industry he puts in. He has to cling to his land to keep his holding of even a few acres, as long as he can pay assessment rather than starve or lose his land. Under these circumstances, I suggest to the honourable House that the resolution should be accepted by it. With these words I support the resolution.

The Honourable Mr. H. S. LAWRENCE: Mr. President, I think the House will realise that this is one of those complicated and intricate cases which it is exceedingly difficult to form a reasoned judgment upon without a careful study of the papers. So far as I know, this is the first time that a revision settlement report has come up for discussion in this Council or that any discussion whatever has been held on the principles of a revision settlement. It is not very difficult, whenever there is any question of increasing taxation, to stir up sentiment against the proposed taxation and to arouse a feeling of sympathy for the unfortunate people who are about to be taxed. That, Sir, is one of the most elementary psychological instincts of humanity, and I am quite aware that this House must naturally feel some sympathy for the unfortunate people whose taxation it is proposed to raise. But, Sir, all questions of revision settlement are matters which require the investigation of statistics over a long period. I have here the report in question, which shows, according to the original report by Mr. Mirikar, assistant settlement officer, that prices had risen to a very great extent,—not, as the last honourable member said with some emphasis prices due to the war, but prices which prevailed before the war. The figures here go back to 1887 and by 1917 prices had risen nearly 100 per cent. Subsequently during the war prices rose to nearly 300 per cent., but the comparison of these

[Mr. H. S. Lawrence]

figures with the earlier figures is the more important item for consideration. At page 7 of this report figures are given for years 1887 to 1895, 1905 to 1917, and the comparison is made between those two periods and later on the figures for 1918-19 are shown.

Then, Sir, the appendices, which are very detailed and voluminous, indicate that the value of land has gone up very considerably in spite of the difficult circumstances of this tract. No doubt this is one of the poorer tracts of the Deccan and you do not expect to see land either being sold for large sums of money or being rented at any considerable sum, but in the original settlement rates allowance was made for the poverty and sterility of this tract, so much so that the average assessment is, I think, Re. 0-6-8 and certainly under seven annas and the proposed increase is now two annas per acre. Even with this increase the assessment per acre will be under nine annas.

There is one very important circumstance which cannot be lost sight of and that is the change in the system of revenue by which remissions and suspensions have been introduced into this area subsequent to the original settlement. The original settlement dates back to 1891. It was between 1900 and 1905 that an enormous change was made in the system of our revenue settlement. Previous to that time, 1900, there was no system of suspensions or remissions. The assessment was deliberately put at a very low figure with the intention of teaching the ryot thrift in the hope that he would save in good years so as to meet the whole revenue assessment of bad years. When this Presidency was visited by a series of very bad years of famine from 1897 onwards, Government came to the conclusion that the circumstances of the ryot did not enable him to meet constant recurring years of scarcity and that it was necessary to introduce a system of suspensions and remissions to such an extent that you will find it recorded here that four lakhs of rupees remissions were granted and remissions were given continuously for eight years. Now, Sir, any one who has studied the question of revenue assessment, as the honourable member from Nagar has, will appreciate what an enormous difference that single factor makes to the question of the incidence of the revenue assessment. If a man has to pay seven annas per acre every year whether he gets a crop or does not get a crop, and if he has this burden accumulated year after year when he has had no crop, then obviously he is in a very different and a very unfavourable economic situation from that man who is asked to pay nine annas a year but who, when the crops fail, is given a total remission or a remission of one-half according to the value of the crop of this nine annas assessment....

The Honourable the PRESIDENT: As the matter is a very important one, would it not be better if the Honourable the Finance Member would continue his speech the day after tomorrow?

The Honourable Mr. H. S. LAWRENCE: It is an extremely important question and I should like to speak at some considerable length upon it.

The Honourable the PRESIDENT: It would, therefore, be much better to adjourn now and to resume the debate the day after tomorrow.

[The President]

Before doing so, however, I wish to announce the result of the election to the Public Accounts Committee. The following honourable members have been elected to the Public Accounts Committee :—

Rao Bahadur G. K. Chitale.

Mr. B. G. Pahalajani.

Mr. Mohomed Salahuddin.

Dewan Bahadur K. R. Godbole.

Mr. B. V. Jadhav.

Mr. M. W. Pradhan.

Mr. A. N. Surve.

Sardar V. N. Mutalik.

Rao Saheb HARILAL D. DESAI : I would like to suggest, Sir, that we should meet tomorrow at 12 noon.

The Honourable Sir IBRAHIM RAHIMTOOLA : I agree to that, Sir, provided, of course, we adjourn at 5 p.m. tomorrow.

The Honourable the PRESIDENT : The debate on the honourable member Mr. Salgar's resolution will be resumed on Thursday, the 15th March 1923. The Council is now adjourned to 12 noon tomorrow, Wednesday the 14th March 1923.

Wednesday, 14th March 1923.

The Council reassembled at the Town Hall, Bombay, on Wednesday, the 14th March 1923, at 12 noon, the Honourable the President, Sr Narayan Ganesh Chandavarkar, Kt., LL.D., presiding.

Present :

ABDUL KADIR KHAN ABDUL AZIZ KHAN, Mr.
 ADDYMAN, Mr. J.
 ADHAV, Mr. P. N.
 BATLIWALA, Dr. S. S.
 BEDREKAR, Khan Bahadur I. M.
 BELL, Mr. R. D.
 BHATE, Mr. G. C.
 BHUTTO, Khan Bahadur S. N.
 BIJARANI, Khan Saheb S. K.
 BIRADAR, Sardar M. A.
 BOLE, Mr. S. K.
 BOZDAR, WADERO Khan Saheb K. G.
 BULLOCKE, Mr. A. GREVILLE
 CADELL, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. F.
 COCKE, Mr. H. G.
 COOPER, Khan Bahadur D. B.
 DABHOLKAR, Mr. V. A.
 DADACHANJI, Dr. K. E.
 DALAL, Mr. D. B.
 DESAI, Rao Saheb HARILAL D.
 DESAI, Rao Saheb DADUBHAI P.
 DRAKHAN, WADERO MAHOMED PANAH
 DUBHASHE, Mr. SHANKAR BALKRISHNA
 DUMASIA, Mr. NAOROJI M.
 DWARKADAS, Mr. KANJI
 FERREIRA, Mr. D. J.
 GARUD, Rao Bahadur S. D.
 GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH
 GODAD, Khan Saheb ABDULLA AVJAL
 GODBOLE, Dewan Bahadur K. R.

GULAMHUSEN, Mr. SULTANALI SALEMANJI
HAJI, Mr. IBRAHIM S.
HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA
HAVELIVALA, Mr. M. A.
HAYWARD, The Hon'ble Mr. M. H. W.
HEPPER, Sir LAWLESS
HULKOTI, Mr. CHANNAPPA CHANVIRAPPA
JADHAV, Mr. B. V.
KALDHOR, Mr. G. M.
KALE, Rao Bahadur R. R.
KER, Mr. J. C.
LALBHAJ AMBARAM, Mr.
LAWRENCE, The Hon'ble Mr. H. S.
LIGADE, Mr. S. P.
LORY, Mr. F. B. P.
MACNAGHTEN, Sir HENRY
MANSURI, Khan Saheb A. M.
MEAD, Mr. P. J.
MEHTA, The Hon'ble Mr. C. V.
MODI, Sardar Davar T. K.
MOHOMED SALAHUDDIN K., Mr.
MONTGOMERIE, Mr. A.
MURPHY, Mr. S. J.
MUTALIK, Sardar V. N.
NILKANTH, Rao Bahadur R. M.
NIMBALKAR, Mr. K. B.
OJHA, Mr. DIPCHAND T.
PAHALAJANI, Mr. B. G.
PARANJPYE, The Hon'ble Dr. R. P.
PATEL, Mr. B. P.
PATEL, Mr. J. B.
PAWAR, Shrimant J. A.
PETIT, Mr. JEANGIR B.
PRADHAN, Mr. M. W.
PROES, Mr. E. M.
RAHINTOOLA, The Hon'ble Sir IBRAHIM
ROTHFELD, Mr. O.
SAHERWALA, Khan Saheb I. A.
SALGAR, Mr. R. G.

SAYED, Mr. MAHOMED KAMAL SHAH
 SETALVAD, The Hon'ble Sir CHIMANLAL
 SHEPHERD, Mr. W. C.
 SHIRRAS, Mr. G. FINDLAY
 SINDORE, Mr. H. N.
 THOMAS, Mr. G. A.
 TRIVEDI, Mr. G. B.
 VICHARE, Rao Bahadur D. A.
 WOODS, Mr. E. E.

The Honourable the PRESIDENT: Question proposed: Total demand under 33, Public Health (Transferred) Rs. 18,92,500.

Mr. G. C. BHATE (Kolaba District): Sir, I wish to know whether the demand is for item 15, Public Health Rs. 19,20,000, or whether it is for item 26, Public Health Rs. 4,05,000, or whether it is a consolidated demand.

The Honourable the PRESIDENT: It is a consolidated demand.

Mr. G. C. BHATE: But there are two items of Public Health, 15 and 26.

The Honourable Mr. M. H. W. HAYWARD: The demand is under the main Division A, expenditure from revenue, that is 15, Public Health, and the other is under the other main Division B, expenditure charged to capital, that is 26, Public Health. The one is revenue and the other is capital.

Mr. B. G. PAHALAJANI (Western Sind): Sir, there is no quorum.

The Honourable the PRESIDENT: I may remind the House that as this is the last day of budget grants, there can be no question of count and quorum. The rules compel me to put all outstanding questions to the vote at 5 p.m. without any debate. In that respect our rule reproduces the practice in the House of Commons, where on one occasion attention having been called to a want of quorum on the last day of supply the Chair observed:—

"Under the orders of the House, it is not possible to take any action which would prevent supply being finished by 10 o'clock. I therefore cannot take any action on the honourable gentleman's intervention"....."No motion for count can be made on the last day of supply. On this the last day of the Committee of Supplies, it has already been ruled that it is not in order to interrupt the proceedings by a motion for count and there can be no motion for the adjournment of the House either".

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Mr. President, speaking on this demand, I must say that the expenditure on public health does not really serve the objects which we have in view. Most of the money in this department is swallowed up by establishment. We are told that the Mechanical Engineer to Government is to be included under this head. I really do not understand what the Mechanical Engineer has got to do with public health, except perhaps that he has to look after some sanitary plant. His work is really in connection with two or three separate heads. We are told that he has to do some work in connection with the Dapuri workshop, that he has to inspect the

[Sardar V. N. Mutalik]

machinery which is in possession of Government, and that he has also to inspect all the plant which is in possession of the Public Works Department. The question is whether all this work should be taken up together and the expenditure charged to public health. By adopting this course, I think we are only deceiving the public; we maintain a department at very great cost—we spend about Rs. 18 lakhs on it—and the work of the officers of the department is not restricted to the department itself, but to so many other departments. Therefore, it stands to reason that we ought to recover from the other departments proportionately for the work done for them, and we must spend more money on other matters connected with public health. But what are we doing in fact? I was saying, Sir, that when these officers work for other departments, those departments ought to pay for it proportionately, and the expenditure on public health should be increased in proportion.

As regards the work of this department many of the municipalities get absolutely no help from the department. Probably those municipalities which manage to have some influence with Government get some grants. Speaking for Satara city, I beg to point that for the last ten or twelve years we are crying out for a settling tank as an absolute necessity for the public health. The supply of drinking water runs in an open channel for about 18 miles, and it is always polluted by the surrounding villagers as well as by animals, both domestic and wild, because the channel passes in some parts through forest areas. I do not exactly know what Government's view of the matter is, but when I was in the municipality we made a representation, and we found that it did not receive any attention at the hands of Government.

We ought to spend money on such items where the health of the people is concerned. When we approach the local authorities we are told that they have no funds. It may be said now that the local bodies are to spend money on these items; but I must say even they will not be in a position to spend money on such matters in proper proportion. As an instance, I can quote there are public fairs held on Jaranda in the Satara district. People flock to the place in thousands. We find there the sanitary conditions are very bad, and still nobody to care for them. Some volunteers with public service spirit are willing to take up the work. They certainly do all that they can, but they cannot afford to incur the expenses that might be necessary for it. If they approach the local authorities for grant of money they are told that they have not sufficient funds. So, it is necessary to provide grants for these local bodies to enable them to make grants to such purposes which are required for the improvement of public health. I hope the sanitation of rural areas will be looked to.

Rao Saheb D. P. DESAI (Kaira District): Sir, provision for Public Health has been year after year decreasing, from 32 lakhs and a half, in 1921-23 it has come to 22-30 for the ensuing year. The Honourable the Minister has neglected to look after this department as he should. Again in the accounts of 1921-22 the provision for grants was Rs. 16,95,000; in the budget estimate of 1922-23 it was Rs. 6,24,000;

[Rao Saheb D. P. Desai]

in the revised estimate of 1922-23 it was however raised to Rs. 7,21,000 ; but in the budget estimate of 1923-24 it is again reduced to Rs. 6,29,000. The reduction of grants to local bodies is a disappointing feature. Sir, it has been brought to the notice of Government times without number that the grants for village water supply and sanitation are quite inadequate but no attention appears to have been given on this account, as it will appear that only 1 lakh and twenty thousand (Rs. 1,20,000) are given for the water supply. In 1920-21 it was more but somehow or other under the reformed Council it has been reduced to this small amount. What is the use of having a large and costly staff if you cannot carry out these beneficent functions which could be performed by liberal grants to local bodies like local boards, sanitary committees and panchayats. I cannot understand why such items should be starved. There are so many villages in the Presidency which have not got the facilities of water-supply. And unless proper provision is made many of the villages will continue to remain without drinking water.

Mr. C. C. HULKOTI (Dharwar District) : Sir, I would like to draw the attention of the Council first of all to the reduced grants made to village sanitary committees. At page 168 they will find that the grants for 1922-23 were Rs. 86,000, but the provision in the budget for the current year is only Rs. 70,000. On the same page honourable members will see that last year a provision of Rs. 1,15,000 was made under the head "Grant-in-aid to Municipalities for Sanitary projects," but in this budget the provision is absolutely nil. In the year 1921-22 the provision was still greater than in 1922-23, being Rs. 2,24,409. Under the head "Grants for Local Bodies for Sanitary projects" a provision of Rs. 2,76,688 was made in 1921-22 ; in 1922-23 it was reduced to Rs. 4,000 ; and in this budget the provision has altogether been dropped. Thus the House will notice that grants to local bodies under Public Health have been gradually done away with almost.

Then I wish to point out the contributions made by local bodies for vaccination establishments : A very large sum of Rs. 1,74,896 is contributed by local boards and municipalities for local vaccination establishments and Rs. 39,166 is recovered from them as contributions for the vaccine institute. These are very heavy contributions levied from municipalities, and in addition to these, these bodies have to contribute some amount as cost of the vaccine supplied to them.

One more point I wish to bring to the notice of the Council is about the sale of anti-plague vaccine. In the case of my own municipality, when plague broke out this year we had to buy the vaccine and an unexpected expenditure of nearly Rs. 2,000 had to be incurred, with the result that expenditure on other useful objects had to be stopped. What I wish to point out to the Honourable the Minister in charge is that anti-plague vaccine should be supplied to the local bodies free. And steps should be taken to provide for more liberal grants to local bodies, especially in view of the fact that the finances of almost all local bodies in the Presidency are in a very unsatisfactory condition. With these remarks I resume my seat.

Dewan Bahadur K. R. GODBOLE (Poona District): Mr. President, I wish to offer a few remarks on the demand for this budget grant. I happen to be a member of the Sanitary Board of this Presidency and am the only non-official member of that board. Hitherto we used to receive for the board, grants of about one lakh of rupees every year, for distribution amongst the various sanitary requirements that come up before the board. Small sanitary schemes come up for discussion in the board, and the policy of Government hitherto has been to empower the board to give grants for these schemes from the funds placed at their disposal. I can assure the Council that these grants have been very useful in improving sanitation in the whole of the Presidency. The other day in the district of Poona there was a question brought up for improving the water supply of a pilgrim place called Dehu. The village has funds of its own to a small extent and wanted the Government to supplement their funds by a grant of Rs. 4,000 or Rs. 5,000. We approached the Sanitary Board; and the Sanitary Board were quite willing to give the grant, but they told us that there was no money placed at their disposal by Government. I pray therefore that the Minister in charge of Public Health will be pleased to place at the disposal of the Sanitary Board a grant of a lakh or fifty thousand rupees for distribution to minor sanitary schemes. This is one point that I wanted to raise.

The other point is that I see very little use for some high-salaried officers in this department. I am referring to the deputy directors of public health. These officers go about various parts of the Presidency, make remarks from time to time, draw a lot of travelling allowance, and send reports to district local boards and municipalities as regards possible improvements. These reports are all right; and the suggestions made are excellent. They are repeated from year to year, but the local bodies have got no funds, and they say "We have seen these reports, but we are unable to carry out any of the suggestions for want of funds". Year after year reports are made, but they practically remain dead letters. I therefore earnestly pray that the Minister in charge will see whether these officers of Government are needed. They are excellent officers, but the question is whether they are needed in the present financial condition of the local bodies. In the district local board which I am administering we have received a number of reports as regards the improvement of village water supply, but our usual reply has been that we have no funds to carry out the schemes. I think therefore that these deputy directors may be done away with. The Director of Public Health assisted by a personal assistant and perhaps by one deputy director will meet all requirements of this Presidency. The funds released by reduction of expenditure on the deputy directors of public health can be placed as grants at the disposal of the Sanitary Board.

As regards the Mechanical Engineer to Government, about which so much talk has taken place in this Council, I can tell the Council from personal knowledge that the present individual who is going to occupy that position is a man of eminent attainments and is very well suited for the appointment. If the proposal of Government is that this officer should be kept in charge of the Dapuri workshops and that in addition

[Dewan Bahadur K. R. Godbole]

to his duties in connection with that workshop, he should advise Government from time to time in connection with the mechanical installations that will have to be put up in this Presidency, I think that the proposal is good and it should be accepted by the Council.

It should be accepted by the Council on the further understanding that this Mechanical Engineer to Government will in addition to supervising Dapuri workshops advise Government as regards existing mechanical installations also. I might tell the Council that the treatment which these installations have received at the hands of several municipalities is deplorable and there must be some authority in this Presidency to give technical advice as to what is needed to keep the machinery in good order and to get the best work out of the same. A mechanical engineer is required in this Presidency and I think the proposal is right. The point is whether the salary should be fixed as high as has been fixed by Government. The officer was brought.....

The Honourable the PRESIDENT: I am afraid this is going off the votable line. The item, I understand, is non-votable, and if it is non-votable, it is non-discussable. I have allowed it to be discussed in order to remove a misunderstanding. But is it any use now renewing the discussion and going off the proper track ?

Dewan Bahadur K. R. GODBOLE: I do not want to add anything further, Sir, and resume my seat after repeating that a mechanical engineer is necessary.

Mr. J. C. KER: Mr. President, the honourable member from Ahmednagar in moving the omission of this demand brought forward two complaints, one in connection with the appointment of the Mechanical Engineer to Government, and the other on the ground that work of the officers of the Public Health Department is mainly of a spectacular character. With regard to the Mechanical Engineer's appointment I will have something to say later, but with regard to the other complaint about the public health officers, I would point out that it is on occasions of fairs and pilgrimages and similar occasions that these public health officers have to perform their duty. The House will remember that the duty which a public health officer has to do is quite different from that of the ordinary doctor. A doctor's duty is to attend to one patient at a time at the time of his illness. A public health officer, however, does not do the duty of an ordinary doctor; he has to attend not to the disease of a single person or of a few persons, but to the diseases of the crowds which gather on occasions of fairs, pilgrimages, and so on. That is the chief part of the duty of a public health officer. If the honourable member had been able to tell the House that these public health officers were in the habit of doing private work or private practice and neglecting their proper work, that would be a strong case against the public health officers, but the honourable member's own remarks show that they are not doing that, but are attending to their proper duty of looking after the health of the huge crowds of people who congregate at various places in large numbers all over the Presidency on the occasions of fairs and pilgrimages.

[Mr. J. C. Ker]

The next point is the criticism made by the honourable Sardar from Satara, who said that the expenditure on Public Health does not really serve the objects we have in view, and that most of the money is swallowed up by establishment; but this criticism is not borne out by the figures given in the civil estimates for this year and next year.

The criticism of the work of these public health officers, coming at this time, is rather curious, after what happened in Poona some months ago, when many honourable members of this House pointed out what good work these officers of the Public Health Department had been doing in connection with fairs at Nasik, Pandharpur and other places; on that occasion the House was satisfied that their salaries should be increased, so the criticism which comes now is rather remarkable.

I am glad that the honourable member from Poona (Dewan Bahadur Godbole) drew attention to the eminent attainments of the officer whom it is proposed to appoint as Mechanical Engineer to Government. The Honourable Dewan Bahadur is an engineer himself, indeed he is the engineering expert of this House, and I think the House may well accept his opinion that this officer is entirely suited for the post, and that the appointment is likely to prove beneficial to Government and the public.

Mr. B. G. PAHALAJANI (Western Sind): Mr. President, as regards the provision under Public Health, there should have been no difficulty in curtailing the expenditure of this department. There has been an attempt at increasing the expenditure on salaries, and appointments. Before this, the Consulting Surveyor to Government was on the Land Revenue establishment of the Government, but now we find the Consulting Surveyor to Government brought on Public Health. The figures for Consulting Surveyor for last year will be found on page 55 of the last year's budget. What strikes any casual reader is that an attempt has been made in this year's budget to introduce a very large number of assistants and deputy consulting surveyors to Government. We have got one Consulting Surveyor; then comes one assistant consulting surveyor; then one deputy assistant consulting surveyor; then one senior assistant to Consulting Surveyor; then another senior assistant to Consulting Surveyor for 9 months on Rs. 340 and on Rs. 360 for 3 months. That is to say, three appointments, deputy assistant consulting surveyor, senior assistant to Consulting Surveyor and another senior assistant to Consulting Surveyor, are added to the provision. Against this, under the revised estimate we find nothing. If you refer to page 55 of the last year's budget, you will find one Consulting Surveyor, one assistant consulting surveyor, one assistant and deputy consulting surveyor and one temporary appointment of an assistant to Consulting Surveyor; so that, in the present year, instead of making an attempt at decreasing the number of appointments and reducing the expenditure, we have now, Sir, three more assistants, deputy assistant, senior assistant and senior assistant to the Consulting Surveyor.

Then, with regard to Sanitary Department staff, I may inform the honourable House that, so far as the engineers are concerned, the duties of the Sanitary Engineer and his staff are connected with civil buildings.

[Mr. B. G. Pahalajani]

What happens at present is that the Sanitary Engineer has got his own establishment of two Executive Engineers and four Assistant Engineers for the purpose of carrying out schemes. Their duty is to prepare schemes only. The whole work of execution of those schemes is being done at present by the P. W. D. Engineers in charge of civil buildings, so that while the Sanitary Engineer has got six assistants and an establishment which costs Rs. 1,30,000, the opinion of all the Superintending Engineers on this point is that as this work is usually done by the civil buildings branch of the Public Works Department and the Sanitary Engineer's establishment does only the work of preparing the schemes, his Executive Engineers should be considerably reduced because he has no executive work to do. I think that is a very correct view about the whole situation, because it is unnecessary to keep a large establishment of sanitary engineers together with the necessary subordinate staff when the only work to be done is of preparing schemes and when that work and even the work of preparing plans and estimates also is not done by the Sanitary Engineer's office or his establishment but by the civil buildings branch of the P. W. D. I state on first hand information that the plans and estimates also of all schemes, whether they are waterworks or drainage, are prepared in the P. W. D. sub-divisional officers' offices : the Sanitary Engineer and his Assistants do not prepare these schemes. Under those circumstances, is it fair at all to have such a large number of executive officers under the Sanitary Engineer? If his existence is necessary for the purpose of advising Government or municipalities or local bodies, let him be retained, but so far as his establishment is concerned, it ought to be reduced to the minimum just enough to enable him to function, especially when all the executive part of the duties is being done by the P. W. D.

These are the two matters on which I invite the Honourable Minister in charge to bestow some consideration and to find out whether he cannot save us at least a lakh of rupees upon these two departments without the slightest difficulty and without in the slightest degree impairing the efficiency of either department.

Rao Bahadur R. M. NILKANTH (Ahmedabad District) : Sir, in the interests of public health it is necessary that wherever there are water works for the use of the public there should be arrangements for the bacteriological analysis of the water to be made periodically. True it is that we have the bacteriological laboratory at Parel which does the actual testing of water samples of which are submitted to it, but the service rendered by this laboratory is not of much practical use to mofussil towns, for by the time the result of the analysis is intimated, which is fifteen days after sample is taken and sent, conditions at the water works have changed. The Ahmedabad municipality requested Government to establish such a Public Health Laboratory at Ahmedabad. The establishment of a laboratory for Ahmedabad was agreed to by Government on the condition that half of its cost was borne by the Ahmedabad municipality. The municipality accepted the condition,

[Rao Bahadur R. M. Nilkanth]

but at the eleventh hour Government intimated their inability to undertake the scheme, in consequence of financial stringency. Such a laboratory is urgently needed not only at Ahmedabad but at various large centres where there are water works, and it is hoped Government will establish such laboratories at an early date.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Mr. President, the Department of Public Health is partly in my charge and partly in charge of my honourable friend to my left, the Honourable Dr. R. P. Paranjpye. I would like to deal with the several objections that have been raised to this grant. First I will deal with the provision for village water supply. There is a provision of Rs. 1,20,000 in the budget for village water supply, and Government have not received any complaint that people want to utilise all the money and want more. The reason is that this is a grant from Government, and local bodies have to assist any party that may want to dig wells. I am afraid it is the local bodies who do not wish to contribute their share and therefore people do not come forward to ask for village sanitary grants. I do not think that any local body has yet made a complaint to Government that their sanitary village grant is inadequate and that they want more or that they have utilised it for the purpose of digging wells, because they have to contribute only a part themselves and a part is contributed by the private individuals who wish to sink wells.

Another complaint as regards the Public Health Department is one made by the honourable member for Kaira. He says this year the amount is Rs. 6,29,000, but if he were to look at the budget more carefully than he appears to have done he would find Rs. 2,75,000 earmarked for Poona drainage from loan. The honourable members of this Council should also consider the fact that before the reforms we used to get a recurring grant from the Government of India for this purpose, but that after the reorganisation of the finances that grant has ceased and we have to provide now all the money out of provincial funds. However, I will be only too happy if this Council sanctions larger grants for this purpose for the future.

Local bodies get a grant for the appointment of sanitary inspectors and sub-inspectors.

Now coming to the Sanitary Department, about which my honourable friend from Sukkur complained, I must at the outset inform this Council that last year I made a reduction in that department of over a lakh of rupees and I am trying my best to reduce that department as much as possible. It is not the case, as represented by the honourable member for Sukkur, that the work of this department is only confined to the preparation of schemes for sanitary projects. The department not only prepares the schemes but also supervises the execution of those schemes and it is plain that the same establishment cannot supervise two or three schemes at the same time.

Coming to the most contentious point, namely, the appointment of the Mechanical Engineer, I must at the outset inform the Council that I or anyone of my honourable colleagues will be the last person to be a

[Khan Bahadur Shaikh Ghulam Hussain]

party to any superfluous appointment whether newly created or already existing. The Mechanical Engineer has to carry out very important duties. His duties are not merely confined to paper advice as the honourable member for Nagar told us. No doubt, that is partly the case as he has to give advice on matters relating to machinery. But he has also to prepare plans and estimates and specifications of the various kinds of machinery that are required, to inspect valuable machinery, to dismantle it, to point out defects, and to suggest remedies. Our machinery is valued at over a crore of rupees, and this engineer actually trains apprentices for this purpose. He teaches them how to erect it and shows them how the different parts work. Then he prepares rapid filtration schemes and supervises the construction of water supply works. This officer is often consulted by the Public Works Department and other departments regarding the different kinds of machinery and plants used for sanitary and other purposes, and is also in charge of the central Dapuri workshops where he is training people in mechanical engineering. Besides, the medical, excise, agricultural and steam boilers departments also make use of his services at times. He is a member of the Sanitary Board, and the very fact that he is competent enough to help and advise so many departments and is so very useful justifies his appointment. Now it is not necessary to bring in any racial question in connection with this appointment. We have tried this officer by putting him in charge of so many concerns. The Dapuri workshop itself, which is at present in charge of this officer, was formerly in charge of an Executive Engineer whom we used to pay Rs. 1,000, but we have now abolished that post and saved that amount. For the inspection of plant and machinery which this officer is doing at present, private firms used to charge us about Rs. 10,000 for single inspections. We do require periodical inspection of our valuable plants at least twice a year, and that means Rs. 32,000. And now all that work is being done by this officer. I therefore think it is good economy to have this officer.

All the objections to this appointment are raised merely because Government have shown this item as non-votable. But I must inform honourable members that the question whether an item is votable or not is regulated by the Act. That matter is outside the control of Ministers. I think honourable members of this Council, if they are anxious to make the salary of every officer votable, must get the Government of India Act amended. Personally, I would like the salary of every one to be votable.

The Honourable the PRESIDENT: Honourable members must have noted that a similar point arose in the Legislative Assembly yesterday. An item which was put to vote last year was under the direction of the Governor General taken away from the votable items this year. These matters are controlled by law which provides that, if any doubt arises, the final authority to decide whether an item is non-votable is, for us, His Excellency the Governor and not the Governor in Council, and as regards the higher legislature, the Governor General.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : I am afraid if the House follows the advice of my friend the honourable member for Ahmednagar, honourable members would stultify themselves, if after having voted for the various items composing this demand, they now at the last moment turn round and vote against this item.

What I meant to say, Sir, was that as the House previously voted in favour of the retention of the various items under this grant, I do not think it is now legal to throw out this item. I would therefore request honourable members to consider the whole question, and I hope the materials that I have placed before them will be sufficient to induce the House to pass this item.

Mr. M. A. HAVELIVALA : I move a closure, Sir.

The Honourable the PRESIDENT : I accept the closure.

The Honourable Dr. R. P. PARANJPYE : Mr. President, for this Department of Public Health there are two Ministers responsible, myself and my honourable friend on my right, and he has discussed most of the questions that have been raised in this debate and I do not consider that it is necessary for me to go over these various points again.

My honourable friends have spoken against the deputy directors of public health, and I might only point out that for the whole Presidency there are five deputy directors of public health, and I think their charges are sufficiently big. It is said that they do not do any work. But if honourable members will look at the various reports published by Government they will find that they have done exceedingly good work indeed. Take for instance the question of the Sinhastha fair at Nasik. My honourable friend from Ahmednagar said that this work was work of a spectacular kind as the fair is held once in ten years. Now that may be so, but the number of people who attended the last fair all the year round amounted to several lakhs of people and it was only two years ago that the fair was celebrated, and it is owing to the organization of the officers concerned that we escaped this celebration of this great fair without any appreciable epidemic. I think there were not more than 30 or 40 deaths from epidemic diseases, and I believe it was only the organization of the officers concerned that enabled the Presidency to escape from a serious epidemic. In the same way, Sir, we have managed the very large fairs at Pandharpur. Formerly these fairs used to be centres for the dissemination of all epidemic diseases. All this has now practically disappeared. The perfect organization with which these fairs are organized will by themselves be sufficient justification for the existence of the officers that organized these enormous public fairs.

Mr. President, the honourable member for Ahmedabad referred to the proposal for the public health laboratory at Ahmedabad. We went into the question of this laboratory and we have administratively approved of the proposal of starting of this laboratory, but that will cost Government itself about Rs. 10,000 to Rs. 12,000 in addition to the contribution offered by the municipality itself and it was found that we

[Dr. R. P. Paranjpye]

cannot enter upon that just this year. But I may assure the honourable member that as soon as Government is able to find the money necessary, the question of starting that laboratory will be taken in hand.

Honourable members are opposed to these advisory officers as they think they have very little work. But that is so perhaps because people are not quite so familiar with the advice on technical and scientific matters. My honourable friends who are legal luminaries know quite well the heavy price that has to be paid for some advice on legal matters, and that we have certain people being paid without giving any advice at all in the form of retainers and refreshers. But here in the case of these officers, they are people who possess expert knowledge which is of very great use in our saving enormous expenditure in certain contingencies, and I do not think that the amount of money that we spend in this manner as a kind of insurance against disease is badly spent at all.

If a single epidemic of cholera or plague is saved by this organisation, I think the Presidency is well repaid for all the advice that these people give. Of course, the actual work done by them may be small, but I might mention to honourable members the anecdote of a man who was called in to mend some slight damage to a costly machinery and he charged £20 for the work. The owner of the machinery complained about having to pay so much for the very little that was done, *viz.*, putting in a screw; then a fresh bill was made out in which the cost of the screw was put down at 6 pence and the cost of knowing where to put the screw at £19-19-6. In fact, what is the kind of view that we ought to take with regard to the advice of these experts. Of course, I quite agree that the officers that we employ should be proper and competent for the work, and I am glad to note the opinion of my honourable friend from Poona about the competency of the Mechanical Engineer to Government. After all, there may be discussion as to the head under which this expenditure is to be put, but in any case the money has got to come out of the total revenues of this Presidency. It is an important matter of principle as to under which head the expenditure is to be shown, but, after all, it does not matter to the taxpayer of the Presidency whether it is to come out of one pocket or another, or whether one man is to disburse it or another; it is a matter of principle, and from a constitutional point of view it may be an important question.

My honourable friends from Sukkur and Ahmednagar are for retrenchment in this department. Apparently, they have made certain suggestions for economies and retrenchments in the Public Health Department, and I may assure honourable members that those suggestions will be carefully considered. It is not our intention to spend money needlessly, and if we find there are any directions in which retrenchment can be made, we will examine all possible avenues for the purpose. With these words, I hope the Council will pass the grant for Public Health.

Question put that

The total demand for Rs. 18,92,500, under the head 33, Public Health, be granted and agreed to.

Demand for Rs. 4 05,000, 26, Public Health (Capital outlay).

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Mr. President, I beg to ask for a grant of Rs. 4,05,000 for 26, Public Health, capital outlay on improvements on Public Health.

Question put and agreed to.

Demand for Rs. 10,31,000, under General Administration.

The Honourable Mr. H. S. LAWRENCE : Mr. President, Demand No. 28 is for Rs. 1,09,02,000 for Public Works Department. It has recently been decided to divide that item up under each of the separate heads, and out of that sum I wish to ask for a sum of Rs. 10,31,000, and the other Members and Ministers will move for their individual items making up that total.

The Honourable the PRESIDENT : Under what head does the Finance Member's demand come ?

The Honourable Mr. H. S. LAWRENCE : Under General Administration.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President I beg to move

"That item No. B-51, lump allotment for officers' bungalows, Rs. 10,00,000 be omitted."

It appears that a lump demand of Rs. 10 lakhs is required in connection with building quarters for certain officers, and we have not been given the slightest clue as to which officers are going to be provided for, and to ask the House to vote such a large amount away without any further information is not fair.

The Honourable the PRESIDENT : The honourable member is speaking on the total demand. We must first of all get through the motions for reduction. Then on the total demand these remarks may be made.

The Honourable Mr. M. H. W. HAYWARD : I think the honourable member is speaking to the second item in the new printed list ; it is numbered B-51.

The Honourable the PRESIDENT : Is he not speaking to A-1 ?

The Honourable Mr. M. H. W. HAYWARD : I do not think he is speaking to A-1.

The Honourable the PRESIDENT : If the honourable member will begin with his motion, I shall know where and how we stand.

Rao Bahadur G. K. CHITALE : I do not move the first.

The Honourable the PRESIDENT : Which am I to take up ?

Rao Bahadur G. K. CHITALE : Item No. B-51 for Rs. 10 lakhs.

Sir, I move

"That item B-51, lump allotment of Rs. 10,00,000 for officers' bungalows, be omitted."

As regards this demand for 10 lakhs, it is not fair for this House to pass a lump allotment for such a big sum as Rs. 10,00,000. The House is entitled to know all the details of the scheme, especially in view of the

[Rao Bahadur G. K. Chitale]

fact, if my impression is correct, that in Karachi a certain contractor has come forward to construct buildings for Government officers, on a flat rate of 6 per cent. I speak subject to correction; the honourable Chief Secretary told so to this House or the Finance Committee. I do not know what has become of that arrangement: I am not also sure whether, speaking from a strict constitutional point of view, a lump provision of this character can even be passed by this Council. Last year, a lump provision was being made for primary education in view of the fact that legislation was coming. I was then told that a lump provision of that kind was not admissible. So, on a question of principle, this House ought not to vote a lump provision of that character. So far as I know, this question was not raised in the Finance Committee. The proceedings of the Finance Committee will show that they were not taken into confidence on this question. In reply to a pointed reference by me, I was told that there was a committee appointed by Government which was looking into the question. Even if that committee is looking into the question, this House ought to have its report before it for consideration. I hope the Honourable the Finance Member will be able to explain the situation about this.

Mr. P. J. MEAD : Mr. President, my honourable friend from Ahmednagar has rightly pointed out that it is not advisable on the part of the House to pass this item, unless it is explained how it is proposed to spend this 10 lakhs of rupees. The situation of which those members of the House who are on the Housing Committee are aware is as follows : We met to discuss where bungalows are required for Government officers, what scale of accommodation should be provided and in what order the work should be undertaken. The provision of about eleven lakhs in all we considered to be urgent. This was made up of (1) Thana bungalows to be purchased, altered or constructed; (2) flats on the Bird Cage site at Colaba; and (3) two bungalows in Poona. I pointed out in the committee that Government had still to consider the suggested proposals and in particular the retention of Thana as head-quarters and that therefore this allocation was provisional. I will, therefore, ask the House provisionally to allow this item, which is the minimum required, on the distinct understanding that the Housing Committee will be fully consulted before any money is spent and this House will be informed of the exact scheme as finally approved and the amount of the new accommodation that will be provided.

A question was asked regarding a proposal to construct bungalows on a hire purchase system for Government officers in Karachi. The suggestion was to offer the contractor a rental for 15 years based on interest and sinking fund charges on the capital cost. I may inform the Council that the proposals are still under consideration, but if and when the scheme materialises, the expenditure will be charged to revenue.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : Sir, I quite agree with my honourable friend for Ahmednagar that unless there is a definite estimate before the House, it will not be fair on the part of the House to sanction the grant. The explanation of the honourable Chief

[Sardar V. N. Mutalik]

Secretary comes to this : that the Government will take into consideration all the recommendations of the Housing Committee, and that this House is to transfer all its powers of control in the matter to the executive Government and the Housing Committee. I have full confidence in Government, but my whole point is that the recommendations of the Housing Committee should be subjected to the consideration of this House, because members of this House will have suggestions to make on these recommendations and the rights of this House should not be encroached upon. In the first session in 1921 this House accepted the principle to build houses for Government officials of high position. I don't want to go behind the policy adopted. I perfectly agree that bungalows for Government officers are necessary. But what I want to insist upon is that the scheme should be placed before the House. I understand now that the scheme is yet to come. If so, then the money will not be required now. In all probability we shall have a session in July, where a supplementary grant for this amount can be made. We have accepted the principle, and I do not want to go back on that understanding. But I think it is only fair to this House that these grants should come up subsequently as supplementary grants and not at this stage. My objection to this grant is to the way in which it has been placed and not to the amount itself. The House should not sanction a blank cheque, and ought to stand upon its own rights and responsibilities.

Dewan Bahadur K. R. GODBOLE (Poona District): Sir, I may explain to this House the position of the Housing Committee, of which I am a member. This is simply an advisory committee which has been constituted to settle the type and amount of accommodation that is to be provided for officers in the different parts of the Presidency. There is on that committee the Chief Secretary to Government as chairman, and we have representatives from each Division of the Presidency and from the Bombay city. The honourable member for Bombay City (South) is a member ; personally I am a member ; my honourable friend representing Karachi city is the third member ; and the fourth member is the honourable member from Ahmedabad. We are the four members of the Housing Committee and we advise Government as regards the housing requirements which are placed before us by Government. We advise as regards the types of houses that ought to be constructed and the number of houses that are to be provided in particular localities. We approve of the types and the number and after that our business is over. The committee decides that a housing scheme is necessary for a particular locality and that a particular type is suitable, and after that its responsibility ceases.

The honourable mover and the honourable Sardar are quite right in urging that a general grant of this description should not be given to Government, that the Council should have the power of vote on each scheme and should insist upon knowing what particular amount is going to be spent on what particular bungalows and in what particular town. After Government have made up their minds as to the number of

[Dewan Bahadur K. R. Godbole]

bungalows that have to be constructed in each locality they should get the Council's vote on each item of expenditure.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, we had a discussion about this question in March 1921, when a demand for 20 lakhs was cut down to 7½ lakhs. At that time the Deputy President of the House asked the then Leader of the House :

“ Will the Honourable the Finance Member kindly tell us whether he is prepared to reduce the amount to 7½ lakhs and also to agree that the matter should be worked out by a committee on the basis of economic rent being charged from the officers who are expected to occupy them ? ”

A compromise was arrived at and a committee was agreed to be appointed to go into the question of housing. At the end of the discussion, the Deputy President agreed to withdraw the motion “ on the basis that the demand is reduced to Rs. 7,50,000 and that a committee is appointed to look into the whole question generally, with a view to the early construction of such houses as may prove to be required. At that time it was said that the High Court Judges stood urgently in need of houses, and on the representation of the Honourable the Finance Member that four houses costing Rs. 1,25,000 each would be required for the Judges, this Council agreed to the provision of 7½ lakhs. The Housing Committee which according to the agreement arrived at was to go into the question of economic rent, I learn, has come into existence. But we are now at the end of our period of life as members, and yet we have nothing to let the Council know that the Housing Committee has exercised its power or that the Government have taken the advice of the committee, or that the committee has arrived at any decision whatever. In these circumstances it would not be fair to this Council to ask them to vote a fresh demand of ten lakhs, without placing before them the decision arrived at by the Housing Committee which will enable them to know whether their advice was taken by the Government. It means that the Housing Committee has done nothing that can enlighten this Council as regards a vote on this subject ; its power has not been asserted ; or what effect its decision has had on Government in this connection, has not been disclosed. Sir, we are told now by the Government that there is nothing definite done by the Housing Committee. Now, Sir, is it fair that a sum of ten lakhs should be demanded for the purpose of carrying out a scheme about the economic side of which we know nothing ?

In a matter of this kind, Sir, the House will remember what the honourable member Mr. Cowasji Jehangir urged on another occasion, that Government should place before us another portion of the cost, namely the cost of the land for these buildings. At the rate of ten rupees per square yard, the cost for land for each building—I am speaking of the houses for High Court Judges—would be Rs. 25,000. Adding to it Rs. 1,25,000, the cost of building, we get the cost of each house to be about Rs. 1,50,000. On the basis of 6 or 6½ per cent. interest that Government will be paying, the amount that ought to be charged as economic rent for each building will be Rs. 15,000 a year or Rs. 1,400 a month. Now, is this Government prepared to charge their officers Rs. 1,400 per month ? If

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the Government is not prepared to charge the full economic rent, is this Council prepared to allow Government to debit to the exchequer that loss arising out of the difference between the rent fixed and the interest that they have to pay on the loan? If the highest rent is to be determined by the 10 per cent. ratio, even from a High Court Judge, you cannot recover more than Rs. 400 as rent. If the other basis of calculations is to be taken into consideration, then you cannot take more than Rs. 1,000. Under these circumstances, the Government must find a way of housing its officers and at the same time obviating the loss which this Presidency would suffer, and which this House pointed out last time. The Deputy President suggested and the whole House accepted that a Committee should examine the question. The matter was shelved. At that time the question had to be thrown off and the matter was compromised, and the evil day was postponed. But the evil day is returning to-day and we are actually asked to consider whether that question should be gone into without being given the full details and an opportunity to go into all the details. If Government is not in a position to lay any facts or to lay any solution of the difficulties placed by this House at that time, then it is hardly fair for the Government to take us in this way and to tell us to give a lump grant on a matter on which the House is not prepared with all the facts and figures, nor is the House Committee prepared, nor is any one prepared. I would, therefore, submit, Sir, that there are so many difficulties in this question of housing the officers and so many difficulties in regard to the inequality of the rent to be charged to the different officers living in bungalows and houses which are being built now, the inequality that prevents a fair return on the value of the cost of the buildings, which is now one crore at present,—I mean all these matters have to be threshed out in a regular committee, that we cannot be in justice asked to vote away 10 lakhs at once: I know of instances in which officers occupying bungalows of value have been paying far less rent than officers who are occupying new flats and smaller bungalows. I mean the whole economic question has to be gone into carefully and I submit that the Honourable the Finance Member should go into this matter and should not compel this House to go to vote or determine on a question of which even he himself or the Chief Secretary is not in a position to give details. If this my appeal succeeds, I think he can wait till more details are brought forward, till the House is in a position to know all about the economic value, and then the House will be in a mood to consider the whole question and arrive at a fair decision.

Mr. DIPCHAND T. OJHA (Karachi City): Mr. President, I venture as a member representing Karachi city to say that I was present at one of the meetings of the Housing Committee during the session held at Poona. A committee meeting was held before that meeting and proceedings were laid before the committee for views and opinion. While I was present, Sir, the matter was very fully discussed. It is a mistake to say that the Housing Committee did nothing and that all the details and all the necessary information was not before the committee at that meeting. The Housing Committee at that meeting discussed some of

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the questions which came up with the information that was then available. It was pointed out by the chairman of that committee, the Chief Secretary, that the Government first of all wanted to take such quarters or places in hand where buildings were absolutely necessary for the officers concerned. It was also considered at that meeting of the committee what kind of buildings or bungalows should be erected for different kinds of officers. Plans had been prepared. The honourable member Dewan Bahadur Godbole who was a member—he was at one time an Executive Engineer and a Superintending Engineer—looked into the plans. I myself looked into the plans, and after we gave our approval to the plans we proceeded to consider where the buildings should be constructed. It is a mistake to say that this question is surrounded with so many difficulties, and that therefore there should be no provision in the budget. Of course, if the honourable members require that all the details should be mentioned to them, that is a different matter. But the difficulties brought forward by the honourable member for Sukkur were brought forward before the committee, and the question of the sites and the allowances to be given to the officers was duly considered and it was also considered whether or not the present rate of rent should be increased and what rent should be taken from the occupiers of the houses so that an interest at the rate of six per cent. may be obtained on the capital outlay. I am giving all this information as the members of this House may desire to have it and in order to avoid any impression being created that no information was placed before the committee. It is, therefore, Sir, that I venture to place all the facts before the Council.

Then, the question of erecting buildings whether by contract or departmentally was also fully considered. But all these matters were left over to be considered by the department thereafter. But it is also necessary to point out that this lump sum of Rs. 10,00,000 has not been put in, in my opinion, without due consideration. It is necessary that some lump provision should be made and it is also necessary that the Council should be informed about the details. But, before the details are placed before the Council or any scheme is launched, it was necessary that a provision should be made in the budget for building quarters at different centres. I want to quote an instance—of my own city of Karachi—to show that the whole matter was not considered in a slipshod manner by the Housing Committee. When the question of Karachi came on, plans of buildings had been made and they were all considered. But, then, I myself raised the question whether or not it was absolutely necessary that Government should spend a large amount on buildings for officers in Karachi itself. I pointed out to the chairman that there were bungalows available at Karachi, though not for officers of the Imperial Service, at least for officers in the Provincial Service. If the members of the Provincial Service chose to live in particular parts of the city, I pointed out that Government on their account should not undergo unnecessary expenditure. Some Provincial Service officers, as well as some Imperial Service officers, are getting an allowance for house rent, and I pointed out that if that allowance in the shape of house rent could be utilised to secure housing

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accommodation for those officers in certain quarters at Karachi where bungalows were available, there would be no necessity for erecting any bungalows for such officers in the city of Karachi. The result of that was, as I understand it, a reference was made to the Superintending Engineer, Public Works Department, Karachi, to report to Government whether or not, as pointed out by me, bungalows were available at Karachi and whether they would suit particular kinds of officials and what would be the rent, etc. I believe, so far as my information goes, some bungalows were mentioned by the Superintending Engineer for the information of the Chairman of the Housing Committee, and I think—though I stand subject to correction—that that matter has been engaging the attention of the Chief Secretary and Chairman of the Housing Committee. I believe it is on that account that for the time being this proposal has been dropped. I submit that the matter should be further enquired into by the Chairman of the Housing Committee so far as Karachi is concerned and, if that is done, probably a large amount of money will be saved and the officers will be able to rent houses within the limit of the house rent allowances made to them. If, however, the officers choose to live in particular quarters which from their point of view are the most convenient places to live in and where they can command all sorts of facilities, amusements and so on, then Government should not be put to a loss of money more than the ten per cent. limit laid down as the economic rent. I submit therefore that the Housing Committee will accept the suggestion made that they should not put this Council or this Government to the necessity of losing money unnecessarily. With these remarks I hope that the lump provision of ten lakhs will not be unnecessarily wasted by the Government. I therefore support the grant of ten lakhs being retained in the budget to be spent carefully and on necessary quarters as the urgency of securing housing accommodation for our officers is recognized as far as Ahmedabad, Poona and other cities are concerned.

Mr. E. M. PROES: Mr. President, I too am a member of the Housing Committee and I fully endorse all that the honourable member for Karachi has said with regard to the work of the Housing Committee. We have had a good many meetings both in Poona and here discussing this question. The Housing Committee has also discussed and considered the economic rent question now brought up by the honourable member for Sukkur, but it must not be forgotten that we are up against the fundamental rule which lays down that an officer cannot be charged more than the economic rent or ten per cent. of his salary, whichever is less. That is a hard and fast rule which we cannot break through. Therefore, the only thing that the Housing Committee could do was not to try and alter that rule but to try and reduce accommodation so as to bring the cost down to a minimum and thereby reducing the loss to Government, under this fundamental rule, as far as possible. For that purpose various designs for bungalows have been considered by the Housing Committee and on one occasion we went so far as to measure the room in which we were sitting to see whether the dimensions of the rooms proposed could not be further reduced accordingly. I think the honourable members of the

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Housing Committee will remember the instances in which we have reduced the accommodation proposed for officers to the absolute minimum in order to put Government to as small a loss as possible, Government being tied down to the ten per cent. salary limit. The minimum accommodation allowed for a district officer has been two bed-rooms, one drawing room and one dining room, which I do not think can be considered at all excessive, considering the status of the officers we have to provide houses for. It is considerably less than what we used to give in years gone by, and that was agreed upon by the Housing Committee.

Further, the Housing Committee at its last meeting, at which the honourable member for Karachi was not present, discussed the question of bungalows for Thana. Thana, as honourable members may know, is a very unhealthy place and bungalows hardly exist. The majority of Government officers who have to live there therefore live in hired accommodation. This matter was fully considered by the Housing Committee. Besides considering the question of bungalows for Thana, the committee considered the urgent need of some cheaper form of flats in Bombay, namely, at Colaba, for officers on smaller pay who at present find it very difficult to get accommodation. The third proposal in order of urgency was considered to be at Poona where housing accommodation is also very scarce, as many honourable members know, especially those who asked me to try and get accommodation for them there for the next session. Therefore, it has been proposed to ask for these ten lakhs in order to provide houses at Colaba, that is, Bombay, Poona and Thana. The question of Karachi will not be touched upon for the present; so we do not want to go into that just now, but the other proposals are considered most urgent. After all, we must house our officers and we all know that they have to be located in certain places. No officer of Government is, I believe, anxious to come to Bombay on account of this scarcity of houses and therefore we must find accommodation for them. Government may be put to a loss, but what can we do? The average officers' pay does not admit of being charged more than the ten per cent. limit. So I recommend to this House that the work of the Housing Committee may be looked upon as having been very satisfactory and as having gone thoroughly into this economic rent question and that the minimum accommodation only has been decided upon. Honourable members will realise that the housing question is really a very acute one and I submit to the House that ten lakhs is the absolute minimum amount required this year for providing much needed accommodation.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): May I know, Sir, from the honourable member just for which officers is this accommodation intended to be provided?

Mr. E. M. PROES: Without going into details, I may tell the House that roughly speaking, as regards Thana the accommodation proposed is for the District Collector, the District Judge, the District Superintendent of Police, the Executive Engineer, the Assistant Engineer, two Assistant Collectors, and in the case of two bungalows at Poona, I may tell the honourable members that although these two bungalows

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will not be enough to go round for all officers without houses, we intend reserving them for the two most deserving cases out of the great number of officers who will still be without any accommodation at that place. In the case of the proposed flats at Bombay, *i. e.*, at Colaba, they will be for officers such as the Shipping Master and Inspectors of Smoke Nuisances and officers on salaries ranging from Rs. 800 to Rs. 1,200 who cannot afford to live in bungalows on Malabar Hill where living is much more expensive and this class of officer has had nothing provided so far under our scheme and it is therefore desirable that accommodation for them should be provided in flats at Colaba.

Rao Saheb D. P. DESAI (Kaira District): Sir, the authors of the fundamental rules, published during a period of high prices, while laying down ten per cent. as the economic rent which may be charged to Government officers, must have considered that ten per cent. was enough for the purpose of providing good and comfortable houses or bungalows before fixing that limit. Under this arrangement the higher the officer the better the house accommodation for him and the operation is automatic. We therefore cannot set that limit aside in any way. So I should think that the houses to be provided for Government officers should be constructed in such a way that the actual rental value will not exceed the ten per cent. allowed by the fundamental rules. That is one course. The other course is if Government officers want better arrangements and larger accommodation than offered by ten per cent. rental, then it is better for them to wait till prices of materials are reduced and then in my opinion they would have the advantage of having one more drawing room or sleeping room, but until that time of low prices I should think comforts allowed by ten per cent. rental must be borne and no attempt should be made to give higher comforts than those allowed for under the rules, which rules, having been promulgated only recently, must have taken proper arrangements into consideration. We cannot therefore afford to build these bungalows to suit the individual conveniences of officers, and so, I should think, the House would do well by reducing this item.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association): Mr. President, I do not think that it is quite fair to the House that it should be called upon to sanction a grant of as much as Rs. 10,00,000 without detailed estimates and other particulars, explaining how the Government propose to spend this big sum, and why the necessity has suddenly arisen to erect quarters for officials when all these years such special quarters had not been found necessary for them. As we are all aware, Sir, owing to the present financial crisis and trade depression in the Presidency, the scarcity of residential quarters is fast disappearing and is soon likely to become a thing of the past. I am quite sure, Sir, that we are within sight of a period of normal conditions, when residential quarters will be had for much smaller sums than used to be the case during the last two or three years.

We must also remember, Sir, that building materials and consequently the cost of erecting residential structures are fast falling. The necessary consequence will be that the economic rent of properties which are used

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as residential quarters, is bound to fall simultaneously to a very appreciable extent. If that is the case, I am perfectly certain none would realise better than the Executive Engineer's department of the Government of Bombay, that it is unwise to ask the Council at such a time to help the Government in undertaking responsibilities to the extent of Rs. 10,00,000 for erecting residential quarters for their highly paid officials. And I say this without prejudice to my contention that I fail to see how the necessity for having these residential quarters of our own has suddenly arisen when all these years and even during the period of the greatest stringency such a want had not been felt.

I am afraid, Mr. President, that, judging by the kind of buildings the Government are in the habit of erecting as residential quarters for their officials, it will not be possible for them to obtain a rent from the occupants thereof which may be equal to the economic rent. The other alternative, provided for in the rules, *viz.*, a rent of ten per cent. of the salary, will have accordingly to be charged, which must necessarily result in a loss to the provincial exchequer. I do not therefore understand why we should be in such a hurry to build such costly residences at a time when we know that they are bound to result in a loss.

I have always failed to comprehend why steps are not being taken in this country to accommodate our highly-paid officers in suitable flats, properly constructed for the purpose. I do not understand why in India it is always expected that high officials of Government should live in separate bungalows with big compounds and otherwise maintain a standard of living out of all proportion to their means. If in England and in other parts of the world highly paid officials, charged with equal responsibilities, can live in flats and maintain themselves on a simpler scale, I fail to see why that standard should not apply to our officials, similarly situated. The whole source of the trouble, to my mind, arises out of the fact that the officials here have purposely adopted for themselves an artificial and extravagant mode of living, far in excess of that which they could ever get or reasonably expect under similar circumstances in any other part of the world. Owing perhaps to mistaken and exaggerated ideas of prestige or of their official importance, they have accustomed themselves to move about in motor cars and live in big bungalows with spacious compounds. In every other respect, they have set before themselves a standard of living far in excess of their legitimate requirements. I think the time has come for the Government to seriously impress upon the minds of their officers the absolute and urgent necessity of cutting their coat according to their cloth. I do not think this can be done by the Government better than by refusing to encourage their extravagant and wasteful habits. And the Council can help both by declining to supply them with the people's money to waste in the manner in which it is intended to be done in the item before us.

I do not think there is any case of urgency at the present moment. I do not think the House ought to sanction this grant without at least considering the details thereof. The House is entitled to know for whom these residences are required, why they are required, what each of them

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will cost, what rent is proposed to be charged for them and on what basis, whether they will result in a profit or a loss, and to what extent, and all other important details of a similar character, which should have been placed before the House before it was called upon to sanction this item.

The report of the Housing Committee upon which stress has been laid is not before us. We do not know what the actual needs are and what specific amounts are to be spent on each of these buildings. I think, without these details, the House will be well advised in refusing to sanction the item, which, in my opinion, is in the nature of a blank cheque. For these reasons, I hope the House will support the motion for the omission of the item.

Mr. G. A. THOMAS: Mr. President, while I have sympathy with the view that has been expressed by several non-official honourable members of this House, as regards their hesitation in voting a grant, of which full details are not before the House, I would earnestly request them to put their faith in Government and to trust them not to spend lavishly on house accommodation of their officers, and I also request them to put their faith in the Housing Committee appointed with the object of putting a direct check upon the Government expenditure in this direction.

I want to say a word or two about the remarks made by the honourable member for Bombay that there was no urgency in this matter. Speaking for Thana I would say that there is the greatest urgency possible. It is some sixteen or seventeen years since I had the misfortune to serve in that district. I well remember the day that I first went there. I arrived there late in the evening with a wife and child; there was absolutely no house in which I could take shelter, and it was only through the courtesy of one officer that I found accommodation only for two or three weeks, while another officer living on the Parsik hill accommodated me for another two months after which I was turned out. At that time there were only two or three dilapidated old houses available for officers in Thana, while there were two or three bungalows situated on the Parsik hill about four miles from the town of Thana. No doubt Parsik hill is a beautiful place to live on commanding a very fascinating view all round. But you cannot live on mere scenery. You must have other conveniences. When I was there it was found to be unhealthy. One officer of Government died there of fever and another officer lost his wife. At the foot of the hill there was a village which was literally wiped out by malaria. Then Government abandoned the Parsik bungalows and fell back upon Thana. Now as regards the present accommodation in Thana, there are only a few dilapidated bungalows in which officers have to share accommodation with rats and mosquitoes. Almost every officer sent to Thana makes it his first endeavour to escape. Year after year the cry has been raised "Give us accommodation". So far, however, Government have turned a deaf ear to their laments, and the reason for that is that since the early part of this century Government have been endeavouring to find a new headquarters for Thana district. I think that a dozen or more places have from time to time been suggested and discarded for one reason

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or another. It has recently been decided that, taking all things into consideration, Thana itself must continue to be the headquarters of the district. This decision has been arrived at chiefly on grounds of economy. It is impossible for several years to come to spend the money which is necessary to establishment a new headquarters at any other place, and therefore Government have come to the conclusion that Thana itself must be the headquarters. Therefore, there is no longer any reason to turn a deaf ear to the grievances of the officers stationed there, and I think Government should have some consideration for the health of their officers and do their utmost to provide suitable accommodation at the earliest possible date. The accommodation is of the smallest possible description; nine new bungalows are to be built and three or four bungalows are to be acquired. The net cost is roughly estimated at Rs. 6½ lakhs, and I wish the House would regard this as really a matter of pressing urgency and sanction this grant so far as Thana is concerned, without waiting for the details which will certainly be supplied to the House at the earliest possible date.

Mr. KANJI DWARKADAS : Sir, I move the closure.

The Honourable the PRESIDENT : I accept the closure and call upon the honourable mover to reply.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President, I very much wish that I could see eye to eye with the honourable member opposite who has just resumed his seat, but this is such a vicious principle that if I were once to accept it, there would be more and more grants of the same nature, and Government might ask for even Rs. 14 crores, without supplying the House with any sort of details. However, that is the principle which I am fighting for. There is one more point, and that is that ever since this Council was constituted, I have been endeavouring to get information with regard to this matter, either in the Finance Committee or in any other committee wherein I could relevantly bring in this question. I have been trying to ascertain how much property Government has built for its officers, how much rent it is recovering, and how much is the total loss which the provincial revenue is called upon to bear. I asked that question in the Finance Committee of 1922, and I repeated that question in this year's Finance Committee also. Many things were promised, a list was promised, but nothing has been forthcoming so far. That is one point which is against Government; I think we are entitled to know the details. Then, Sir, another vicious point is this: some of my honourable friends appear to think that whenever a committee is appointed for any purpose, the responsibility of this House ceases. I believe that is a claim which this House cannot for a moment accede to. For instance, I asked one of the honourable members who was along with me in the Finance Committee whether the Housing Committee will ever endeavour to ascertain this information; he said that they made no such attempt. That is the position which this House has to face. We cannot know what the revenues of the province have to pay for the housing of officers.

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I am quite prepared to concede the claim that certain officers require housing accommodation, and there might be a few cases where it is necessary. But I find that in this connection the important policy laid down by Sir George Curtis (our late Leader of the House) is being departed from. In 1921 he said in the Council that so far as the higher officials are concerned you are wasting your higher officials if you do not give them suitable accommodation. He mentioned the instance of a High Court Judge and said :

"If a High Court Judge is expected to go and live in a hotel or in a back room anywhere, his judgments will not be the models of legal learning and lucidity that we know they are when conditions under which they live are favourable."

But we are now asked to provide accommodation even for factory inspectors. Surely, there must be some limit. I could quite understand Government stating that it is necessary to accommodate Collectors, Sessions Judges and other higher officials in good houses, but I cannot agree to the principle being stretched to such an extent as to lay down that even factory inspectors should be provided with housing accommodation. I want to know exactly what our responsibility is going to be. At that rate, there might be a thousand officers of Government requiring accommodation, here, there and everywhere. Then, the principle was also enunciated that this housing policy requires minute watching. It sometimes happens that certain localities spring up into prominence, and where plenty of houses are built, and to suggest that Government should provide accommodation for their officers at such places would not be right. The programme should be such that the details will be constant from year to year, and then the Finance Committee and this House would be able to keep a watch on it. If that cannot be done, I do not know for what else the House exists. I am not against housing accommodation being provided to the higher Government officials ; I do not desire that these officers should be asked to waste away their health in bad surroundings, but to ask for a blank cheque for Rs. 10 lakhs without giving us the details, with due deference to the members of the Housing Committee, is not fair to this House. It may be that this House might be able to persuade the committee to adopt the view that even though houses may be necessary for the higher officers of Government, who have to work for ten hours a day, it may not be necessary in the case of factory inspectors, and then we might be able to persuade the Government not to erect such houses. As regards the sites also, if the details are placed before us, we might be able to suggest some other sites. The fundamental principle is that we must be provided with full details. If housing accommodation is necessary, by all means provide for it, but to ask for a blank cheque like this, as I have said, is not fair.

Here, I must also give expression to the view which prevails in the minds of Government officers themselves. They say that no distinction is made, that in the case of certain officers the deduction of 10 per cent. comes to a small figure, while in the case of a new arrival it works out to a higher figure, and he has got no choice but to pay, because the Accountant General is relentless and deducts the amount from his pay. There is a grievance in that respect which requires to be looked into by the

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Government itself, and it is just possible that if the whole question is threshed out, some means could be discovered by which these rents might be equalised. Therefore, I think nothing will be lost if Government take the Finance Committee into their confidence. At the same time, I must say that I insist upon the right of every member of this House of having an opportunity of not only looking to the plans and estimates but everything else before we vote even a rupee for this purpose.

I looked into the plans and estimates of the police buildings, and every facility was given to me to understand and satisfy myself about the scheme. The House will see that I am going to withdraw all my motions for reduction with regard to that. But to give a blank cheque I cannot bring myself to do.

The Honourable Mr. H. S. LAWRENCE: Sir, the debate on this question has shown that the House is of one mind with regard to the essential principle underlying this demand that the public interest requires that Government officers should be provided with residential quarters. On that fundamental principle I think there is no difference of opinion. The foundation of the principle accepted by Government is this; that it is not desirable that officers of Government should be brought into relation with landlords and persons possessing power which might have the effect of influencing any of their decisions. Sir, I do not think that this risk is probably less valid when applied to the lower grade of officers than when it is applied to the higher grade of officers, obviously the contrary is the case. If there is any danger of officers straying away from a rigid sense of duty by any relation which may have been created between themselves and the owners of houses, the danger is undoubtedly greater in the officers of lower status. For that reason, therefore, I think this House will not draw distinctions but would prefer that Government should in fact provide houses for all officers who are put into a position of authority.

The honourable member for Ahmednagar was perfectly right in expressing his anxiety on the point that the details of the scheme and its eventual cost have not been put before the House. I think, however, his anxiety is somewhat greater than the fact necessitated. The House has been informed before of the total number of officers,—in the All-India Services there are about 500 and including the provincial services there will be less than 1,000 and the majority are already housed. The fear of the honourable member that 1,000 remain to be housed is therefore excessive.

The honourable member for Ahmednagar made some complaint that certain questions he put had not been answered. I am not aware of any such question that has been put down on paper; perhaps, he referred to some conversation in the Finance Committee. The answer that was given then was to this effect: That this question was definitely referred to the Housing Committee, and that the Housing Committee will make a report, and then they will be able to place before the House the accurate figures. The honourable member representing the Bombay Millowners' Association has rightly pressed upon the House the desirability of due

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economy in the construction of these houses and disapproved of extravagance. I do not think in the proposals that are being considered by the Housing Committee there is any extravagance in the matter of compounds or of the size of the rooms or of the buildings that are proposed to be constructed. In fact, the House has had a definite assurance from several members of Housing Committee on that point.

The final issue raised by some members is the objection to the entry of a provision of 10 lakhs before the details are ready for discussion by this House. In the case of Thana Government have not yet come to any definite conclusion whether Thana is to be kept as the headquarters station. I submit, therefore, there is no breach of rule or custom in the House sanctioning this amount; and the House can rest assured that there will be no waste. The honourable member, the Chief Secretary, has already given the assurance that the House will be consulted before the expenditure is made. On these grounds, I submit this House may accept the demand.

Question put. House divided : Ayes, 17; Noes 43. Motion lost.

Division No. 7.

Ayes.

ABDUL KADIR KHAN ABDUL AZIZ
KHAN, Mr.
BATLIWALA, Dr. S. S.
BHATE, Mr. G. C.
CHITALE, Rao Bahadur G. K.
DESAI, Rao Saheb HARILAL D.
DESAI, Rao Saheb DADUBHAI P.
DWARAKADAS, Mr. KANJI
GULAMHUSEN, Mr. SULTANALI SALE-
MANJI

HALKATTI, Rao Saheb PHAKIRAPPA
GURUBASAPPA
KALE, Rao Bahadur R. R.
MUTALIK, Sardar V. N.
PAHALAJANI, Mr. B. G.
PATEL, Mr. B. P.
PATEL, Mr. J. B.
PETIT, Mr. JEHANGIR B.
SALGAR, Mr. R. G.
TRIVEDI, Mr. G. B.

Tellers for the Ayes : Mr. JEHANGIR B. PETIT and Rao Saheb D. P. DESAI

Noes.

ADDYMAN, Mr. J.
ADHAV, Mr. P. N.
BELL, Mr. R. D.
BHUTTO, Khan Bahadur S. N.
BOZDAR, WADERO Khan Saheb K. G.
BULLOCKE, Mr. A. GREVILLE
CADELL, Mr. P. R.
CLAYTON, Mr. F.
COCKE, Mr. H. G.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Mr. V. A.
DADACHANJI, Dr. K. E.
DUBHASHE, Mr. SHANKAR BALKRISHNA
GHTLAM HUSSAIN, The Hon'ble Khan
Bahadur SHAIKH
HAJI, Mr. IBRAHIM S.
HAYWARD, The Hon'ble Mr. M. H. W.
HEPPER, Sir LAWLESS
KALBHOR, Mr. G. M.
KIE, Mr. J. C.
LALBHAI AMBARAN, Mr.
LAWRENCE, The Hon'ble Mr. H. S.

LIGADE, Mr. S. P.
LORY, Mr. F. B. P.
MACNAGHTEN, Sir HENRY
MANSURI, Khan Saheb A. M.
MEAD, Mr. P. J.
MEHTA, The Hon'ble Mr. C. V.
MODI, ardar Davar i. K.
MONTGOMERIE, Mr. A.
MURPHY, Mr. S. J.
NILKANTH, Rao Bahadur R. M.
NIMBALKAR, Mr. K. B.
PARANJPEY, The Hon'ble Dr. R. P.
PRADHAN, Mr. M. W.
PROES, Mr. E. M.
RAHIMTOOLA, The Hon'ble Sir IBRAHIM
Rothfeld, Mr. O.
SAYED, Mr. MAHOMED KAMAL SHAH
SETALVAD, The Hon'ble Sir CHIMANLAL
SHEPHERD, Mr. W. C.
SHIRRAS, Mr. G. FINDLAY
THOMAS, Mr. G. A.
WOODS, Mr. E. E.

Tellers for the Noes : Mr. F. CLAYTON and Mr. E. M. PROES.

The Honourable the PRESIDENT : I presume the House would like to have half an hour's interval for tea. So we adjourn now and resume at three o'clock.

After recess.

The Honourable Mr. M. H. W. HAYWARD : I think, Sir, there ought to be a formal motion by the Honourable the Finance Member for the total demand. I formally move the total demand for him of Rs. 10,31,500.

Question put

That a total demand of Rs. 10,31,500 under General Administration, capital outlay for civil works, P.W.D., be granted, and agreed to.

Demand for Rs. 51,28,400 under the head Administration of Justice, Jails and Police.

The Honourable Mr. M. H. W. HAYWARD : I rise, Sir, to request a grant of Rs. 51,28,400 for the Home Department under the same major heading. I will only make a few explanatory remarks. The lump demand includes Courts of Justice Rs. 17,00,000, Jails Rs. 14,39,000 and Police Rs. 19,89,400—total Rs. 51,28,400.

I will, with your permission, Sir, first make a few explanatory remarks on the item Courts of Justice Rs. 17,00,000. It includes three urgent items, marked in the Blue Book as B-4, B-5 and B-6. B-4 is shown in the Blue Book as "Judicial Commissioner's Court—Rs. 43,00,000", and the demand is shown as Rs. 10,00,000. The plans and estimates have however been under revision and we are now advised that sufficient accommodation suitable for the court can be had for probably a far lesser sum, namely, about Rs. 30,00,000, and it is proposed to ask this year for only Rs. 5,00,000 as it is thought that Rs. 5,00,000 will probably be about as much as can be spent during the coming year.

The scheme for the Chief Court for Sind depends on this provision being granted by the House. The Bill for the Chief Court has been under consideration for some time, has been drafted, and has only been held up for the necessary building for a Chief Court. It is quite impossible to proceed with the appointment of the necessary extra judge either for the Judicial Commissioner's Court or for the Chief Court without having buildings in which they might do their work. It is urgently necessary that these buildings which have been required ever since 1909 should be provided as early as possible. Against an expenditure of some Rs. 30,00,000, it is estimated that the old site, which is a very valuable one, in the commercial quarter of the town next to the railway, will bring in a sum of something like Rs. 7,00,000 to Rs. 12,00,000 thus materially reducing the cost of the court. But that is not all. This is a part only of a scheme for the development of Karachi which will bring in a great deal more than the cost not only of the courts but of all the other public buildings required in Karachi. It will result, after the land required for all these buildings is deducted, in an area of 106 acres being available for development and the value of these has been estimated at as much as two crores of rupees; so that, there is every prospect of the entire scheme not only not costing anything, but

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bringing in a substantial sum to provincial revenues. The delay in developing this valuable site means loss of money because it means loss of interest. It means a loss of some Rs. 12,00,000 a year calculated at 6 per cent. on the two crores. The scheme is, therefore, urgent not only for the courts, but for the development of Karachi and the general gains to provincial revenues.

The second item B-5 is for courts at Poona District and Sessions Court, Small Causes Court, and First and Second Class Subordinate Courts. The scheme was originally estimated to cost something like Rs. 20,00,000 or Rs. 30,00,000. Plans and estimates have however been under strict revision and we are now advised that it will not cost more than Rs. 15,00,000. A sum of Rs. 10,00,000 is entered there in the Blue Book. That Rs. 10,00,000 ought to be Rs. 15,00,000; that is the latest advice we have. We are asking this year for a sum of Rs. 5,00,000. The urgency of the work is that the railway has to pass through the compound of the present sessions court. They have already acquired a part of the land and they are asking for more. It is, therefore, absolutely necessary to find a new court. (At this stage Dewan Bahadur Godbole was on the point of asking a question.) I shall be glad to answer any question which any honourable member may ask after the statement has been made. The Small Causes Court and the First and Second Class Subordinate Courts were located in the old palace of the Peshwas, in the Shanawar Wada. They were situated there in unsightly modern structures and those buildings have now been demolished in order to free this ancient site of these unsightly modern buildings and to restore as a public monument this ornamental old palace of the Peshwas. They were turned out in the streets and only found accommodation by the kindness of the Education Minister in the Visram Bagh. He is very anxious to get back his Visram Bagh for educational purposes. We are under promise to get out of it as quick as we can. It is also not a suitable place for courts. Therefore, it is very urgent that we should proceed to build as soon as possible. The site selected is a convenient site close to the Shaikh Sulla Bridge over the river, convenient to the public and all others frequenting the courts as all the courts will be together side by side. The value of the old sites will be set against the cost of this building and looking to the fact that this is to house the court of the District and Sessions Judge, the Agent for the Sardars in the Deccan and to include the Small Causes Courts, the First Class Subordinate Courts, Second Class Subordinate Courts, the sum is not an extravagant one for all these buildings.

The third item relates to courts for Nadiad. These are also urgently required in order to carry out the scheme of creating a separate judicial district for Kaira, which has been sanctioned ever since September 1921 by the Secretary of State.

Those are the three items under the heading of Administration of Justice.

Rao Bahadur G. K. CHITALE (Ahmednagar District): I should like to say a few remarks on the three items taken together, about the 17 lakhs for these three items.

The Honourable the PRESIDENT : I cannot allow that as each item must be put separately.

The Honourable Mr. M. H. W. HAYWARD : I should be glad to hear what the honourable member for Nagar has to say about the 17 lakhs.

Rao Bahadur G. K. CHITALE : If the sum of 25 lakhs is needed, then on the principle I initiated the item of ten lakhs should be reduced by five lakhs.

The Honourable Mr. M. H. W. HAYWARD : Yes, it will be reduced when I ask for the whole demand.

I should now like to offer a few remarks on jails. The item of jails is Rs. 14,39,000. B-7 is the new jail at Arthur Road. It is a very urgent matter. The Common Prison and the House of Correction have been for many years almost a public scandal and this is to provide for prisoners from them. The scheme will practically provide its own sinking fund because we hope, as soon as we have built the new prison, to sell the old sites for a sum equal to the amount spent on the new prison. The other three items B-8, 9 and 10 are for tubercle wards in order to provide means of segregating suspected and real tubercular cases from other prisoners to prevent spread of infection, and this is in accordance with the very strong recommendations of the recent Jails Committee. Those are the only items under Jails.

Now, I shall allude to the Police Department. I shall divide this into two, the Bombay city police and the mofussil police. Items B-11 to 21 are items for the city police of Bombay. There are a few other items which are closely connected with Bombay—Nos. 22 and 23. Those items from 11 to 23 amount roughly to 14½ lakhs, 13½ lakhs for Bombay proper and another lakh for the suburban district. The scheme is for the complete housing of the city police of Bombay. We have already housed some 2,250 men and there remains housing to be provided for 1,450. The schemes in progress already provide for 350 of those. The schemes include the completed Matunga police station, the DeLisle Road chawls just hired from the Development Department and the new Dadar police station to be erected on the Naigaum property of the Improvement Trust. Deducting that 350, we have to provide for 1,100 men. Out of the budget grants here we propose to provide for another 450. That leaves another 650 which will be provided by another scheme of the Improvement Trust. When we have completed all these, then we shall have practically housed the whole of the police. There will be a few other small items to come later, but practically this brings us within sight of the completion of the schemes so that members need not fear that these will be followed by any other enormous demands for the city of Bombay police. There are one or two items which are not strictly for housing such as the improvement to the police hospital. That is a very urgent matter which is very closely allied with the efficiency of the city police force.

The other items from Nos. 24 to 39 are for mofussil police. Here too we have been careful to select only the really urgent items. We have already made great progress in providing accommodation for the mofussil police and about two-thirds of the work has been done and about one-third

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remains and it has been estimated to come to about a crore of rupees. The figures were mentioned by the Honourable the Finance Member in his opening speech on the budget. We are only asking now for a small sum of 5½ for the mofussil police and that is only for the really urgent works. Some of them are very similar to these allowed in Bombay such as for instance the Ahmedabad city where we want to provide housing accommodation for the constables in the city so as to be on the spot in the case of need and not scattered and to be available when serious riots occur.

Then again Item No. 31 is a particularly urgent one, Poona cantonment police station. It is not really a station at all. There is no adequate accommodation for receiving reports and making investigations, nor are there proper cells for the safe custody of prisoners. The room for them has dwarf walls and the only method of securing them is by handcuffing them to a ring in the floor. The work is very urgent. The wants of Poona city are very similar to those of other big cities, and it is necessary to find accommodation for policemen on the spot where they might be available when required.

Then Item No. 32 is another instance of an urgent case where, namely, at Manmad, the old police lines had to be vacated as a portion of the buildings collapsed and two people were killed. We do not want to kill any more people.

Item No. 35 is also a case of urgency. We have been evicted by the railway company and we have got to find new quarters.

Items Nos. 36 to 38 relate to quarters for the Karachi police and they are another case of urgent necessity. We have provided for the city of Karachi a police force separate from the district police. It is very urgently necessary to provide quarters for the police in Karachi city.

With these few remarks, Sir, I lay this demand before the House.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, as regards the provision for the accommodation of Bombay city police, I have no remarks to offer. I must appreciate the help given by the Police Commissioner in Bombay. I went over the several sites with my honourable friend from Poona and satisfied myself on the spot that the accommodation is necessary, and I am very glad to say that I withdraw my objections as regards the Bombay city police. However, as regards the quarters for railway police at Dadar, I wish only to make one or two suggestions for the consideration of the Honourable the Home Member. There we are providing for the housing of two railway police inspectors and five sergeants, that is, for seven police officers in all, and for that purpose we are incurring an expenditure of about two lakhs of rupees. Now having regard to the cost of materials and the status of the people for whom we are providing accommodation, such sort of lavish accommodation to my mind is not necessary. I say so because I am confirmed in that opinion by the honourable member for Poona who along with the Police Commissioner accompanied me. The accommodation which is at present provided for sub-inspectors in the quarters which have been already constructed is quite enough. I am quite satisfied with that accommodation and I am

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not quite sure whether the plans for these proposed buildings at Dadar in question have been properly looked into, from that point of view, and *prima facie* at present the expense of Rs. 30,000 would be too lavish in my opinion. I make that suggestion for another reason also, namely, that I know that the plans vary on the ideas of the plan makers and there is no co-ordination. We discussed that point with the Commissioner of Police. He said this accommodation was provided for but that he did not mind if the plans could be varied so as to cost a little less amount. I think these plans and estimates must have been prepared at least a year or six months ago and if the plans and estimates are revised now in the light of these remarks we perhaps might be able to make some saving.

As regards some of the other buildings in the mofussil, I find speaking also from that broad principle that accommodation for constables and sergeants has been estimated at Rs. 1,200 and in some cases it has been estimated at Rs. 3,000. I would request the Honourable the Home Member to do his best and see that the least amount is spent in these buildings. But on the whole I may say that I have no objections to these items.

Dewan Bahadur K. R. GODBOLE (Poona District): Mr. President, I agree with the remarks made by the honourable member from Ahmednagar. I have satisfied myself personally that the accommodation, which is to be provided for the Bombay police, is really needed and should be provided as soon as possible. There are two points however, to which I want to ask the attention of the Honourable the Home Member and one of them relates to item No. B-19; that is a provision of Rs. 1,00,000 for the provision of electric installation in the quarters occupied by the officers of Bombay city police force and for the lighting of passages in the police chawls. As regards the lighting of passages in the police chawls the provision is all right. But the question that I want to raise is whether we are going to spend public funds for the lighting of the quarters occupied by police officers. For the high cost of living which includes lighting also, we have revised their salaries and I do not think in the case of officers this Council will be justified in sanctioning the provision of lights free of charge. Therefore I want to ask the Honourable the Home Member whether the lighting charges should not be paid by the officers themselves.

Then in the case of quarters for several police men in the mofussil, I find that the existing lines are proposed to be pulled down and replaced by new ones in some places, I refer to item No. B-26. In this item it is stated that the existing accommodation is inadequate. It is therefore proposed to reconstruct and enlarge the existing insanitary quarters. Similarly as regards West Khandesh, Item No. 35, it is stated that the existing rooms are without any sort of convenience and require to be reconstructed. The point that I want to make is that since the cost of construction is very high at present, instead of pulling down the existing buildings that we have, it would be better to repair and add to them only, and thus make them habitable. It does not matter if some of these buildings are not according to the modern standards which are

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costly. The old buildings ought to be allowed to stand and only the additional accommodation which is immediately necessary at present should be provided, the object being to reduce loan expenditure. In four or five years the building cost is likely to go down by ten per cent. The old buildings should therefore be continued and not demolished immediately. I hope the Honourable the Home Member will attend to this question, before he allows the grants given to be actually spent.

Mr. C. C. HULKOTI (Dharwar District): Mr. President, I would like to make only one remark in connection with the buildings proposed to be built at Dharwar some time ago, with a view to locate the District and Sub-judge's courts in a more convenient place, i.e., within the precincts of the Collector's compound at Dharwar. I find now, to my great disappointment, that there is no provision in the budget for the session court buildings nor for the sub-judge's court building. I think the plans and estimates were ready over two years ago, and I had already sent in an interpellation enquiring when the buildings will be taken up for construction. Unfortunately, Government have so far done nothing. The accommodation for the District and Sessions court is quite inconvenient and insufficient. There is always an additional Sessions Judge who has to work in Dharwar, and he has absolutely no suitable accommodation at all for his work. He has to hold his office in the District Court. As regards the sub-judge's court, there are at present two first class and one senior second class sub-judges working at Dharwar, and one of them is often accommodated in the record room or in some part of the pleaders' room, to the great inconvenience of the pleaders. I hope the Honourable Member in charge will take into consideration these facts and try to provide for these buildings during the current year. I hope financial stringency will not come in the way of my district only, when many others have been provided for.

Rao Saheb D. P. DESAI (Kaira District): Mr. President, I do not think it is appropriate to spend from borrowed money on this class of public works, which bring us no return and which would cost us an annually recurring charge, for repairs. However, as the opinion of many of my honourable colleagues appears to be that these buildings may be constructed from borrowed capital, I think they may be allowed. At the same time, I believe that the Public Works agency with their costly plans is not the one for the construction of these buildings. They are always accustomed to put up first class buildings, and I do not think it is desirable that people who have to undergo or rather who must be accustomed to all sorts of hardships should be made to reside in first class buildings. I think second class buildings would do very well for their purposes, and if that is done, I should have no objection to their construction even from borrowed capital. I do realise the necessity of locating the force in suitable and convenient places when they are off duty, as it will lead to their efficiency, but if it does not at the same time lead to a reduction in their strength, then it becomes very costly. It is urged that the existing police force cannot cope with the increasing demands of the Bombay city. We were told that there were several

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vacancies in the ranks owing to the want of housing arrangements for them and in order to make up that deficiency we should provide enough housing accommodation. But if houses are provided, these vacancies need not be filled up as the present strength being made more efficient will be quite able to meet all requirements. In my opinion, therefore, some statement ought to come from the Honourable the Home Member whether the provision of these houses will lead to a reduction in their strength or not.

One more point is that I understood from explanations of some items that the Honourable the Home Member is going to dismantle some of the existing police lines, and new ones of a new type are going to be put up in their place. I should think that the old police lines could if absolutely necessary be repaired. This would save us a great deal of expenditure. If this sort of frequent changing of the type of buildings is to go on and the existing ones to be demolished I am afraid a future Home Member or a future public health officer might consider that the lines that are now being put up are not fit for the force to live in, and new ones should be put up. So, I think, before putting up entirely new buildings, the existing lines where they exist should be repaired as far as possible.

Again, Sir, I think these lines should be built in such a way as would conduce to the security and safety of the inhabitants of the neighbourhood residing there. I have found that lines are constructed on unstrategic sites. They are being put up near railway stations and fashionable localities as if these are the true localities for such a purpose. This should not be the case. They should be rather near the danger spots, that is, near the places from where the trouble is expected.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I will refer briefly to the remarks of honourable members. I entirely sympathise with the honourable member from Dharwar as to the Session and District Courts of Dharwar. I have inspected those quarters there, and I have realised the very urgent need for new courts. We have secured an excellent new site, but we have not got the money yet to build on it. I do not think it right, at the present time, to ask for more money from the House for the purpose, but with the honourable member's support I hope to come forward successful on some future occasion and obtain the money for that important work.

With regard to the Dadar buildings, I cannot remember exactly to have seen those plans myself, but I have made a note of the objection taken, and I will have the plans up, go through them again, take expert advice on them, and see whether they conform to our city standards or whether we cannot save money on them. I may say here generally with regard to the works in the city of Bombay that we have been fortunate in obtaining the co-operation of the Development Department. Though under the terms of their constitution they cannot actually construct the buildings for us, they have offered to help us to get good contractors and the required materials as cheap as possible, so that I hope we

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shall be able to construct the buildings at cheaper rates with the help of the Development Department.

With regard to the proposed buildings, and in particular the buildings referred to by the honourable member for Poona district, I will examine the plans and satisfy myself that they are necessary items before any money is actually spent upon them. We have had several of these schemes before us since 1907, without possibility of putting them into execution, some with the unfortunate results noted at Manmad. But the schemes entered have been carefully selected after his tour by the Inspector General of Police.

As regards the suggestions made by the honourable member for Kaira, I wish to inform the House that we are going into all these schemes and considering the question where buildings are essential in each particular district, and what is the extent of accommodation that will be necessary in view of the reorganisation of the police. We have also noticed variations in the cost of construction from district to district and we have called for explanations why in certain districts the cost is more while in other districts it is less. We also have before us the question of revising on standard plans.

I should mention to the House that all these projects are subject to provision of sinking fund and interest....

Dewan Bahadur K. R. GODBOLE : In how many years ?

The Honourable Mr. M. H. W. HAYWARD : The sinking fund has been calculated on a fifteen years' basis for non-productive works and a 30 years' basis for productive works. I hope on these understandings the House will pass this demand less five lakhs for the Home Department.

Question put :

"That the demand of Rs. 46,28,400 under the head of capital outlay for Civil Works, Public Works Department for Justice, Jails and Police be granted." and agreed to.

Demand for Rs. 42,000 under the head Capital Outlay, P.W.D. Forests.

The Honourable Mr. C. V. MEHTA : Sir, I move for a grant of Rs. 42,000 under head capital outlay, P. W. D. Forests.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, I move :

"That under the head of capital outlay for Civil Works, Public Works Department Forests item B-1, provision for Rs. 17,000 for bungalow at Jalgaon for Sub-divisional Forest Officer be omitted."

My objection to this item is that this officer is below the rank of the Divisional Forest Officer, and further there are house sites available in Jalgaon now. I do not know whether this expenditure is at all necessary and if so, whether it is so very urgent. Moreover a few weeks back I had occasion to visit the place, and I saw numerous buildings of up-to-date style springing up there. Whatever necessity there might have been before I do not think it exists now. Under these circumstances I am rather opposed to spending this money.

Another objection is this : we have to stop somewhere. It will be an ideal Government perhaps when the Government undertakes to provide houses for all its officers, but to my mind such an ideal is far off.

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I also suspect that this estimate is rather very old. It appears to me that this estimate must have been prepared years ago, and in that case we have to be rather very careful. Estimates prepared two years back would be very costly, and if this amount is sanctioned special care should be taken that it is not misspent as there is a room for curtailment.

The Honourable Mr. C. V. MEHTA : Mr. President, I just want to say that special enquiries were made to see whether we could not rent a house at Jalgaon, and after two or three specific enquiries we were told that it was impossible to get a house. With regard to the question of the cost, the salary of the sub-divisional officer is Rs. 417. When the Public Works Department were asked to see whether the cost could not be reduced, this is what they say :

"The cost cannot be reduced as the accommodation provided is the minimum that could be given for an officer of the standing of sub-divisional forest officer. It will be seen from the Divisional Forest Officer's letter . . . that the scale of pay for the sub-divisional officers is to be revised very shortly."

All I mean to say, Sir, is that special attempts were made to see, in the first place, whether a house could be rented by Government, and, in the second place, whether accommodation could be reduced, and to both these enquiries we got negative replies.

Rao Bahadur G. K. CHITALE : May I know when these enquiries were made ?

The Honourable Mr. C. V. MEHTA : Government's resolution is dated 22nd February 1922, and the letter I have quoted from is from the Superintending Engineer, dated 17th July 1921.

Rao Bahadur G. K. CHITALE : What I mean to suggest to the Honourable the Minister is that all these plans and estimates have been hanging fire for many months ; Government's enquiry was made in 1921, and the conditions obtaining in 1921 have now disappeared. Whatever grounds there might have been for providing a house in 1921, do not exist now. I know that in the building plots set aside, several buildings have been coming up, and they are well ventilated. Therefore, when we are in financial stringency, I think it would be bad policy to rush in for the construction of a house thought necessary in 1921.

The Honourable Mr. C. V. MEHTA : I will only say, Sir, that the estimate was Rs. 17,380 and Government have cut it down to Rs. 17,000 ; but I have no objection to sending a request to the Public Works Department that if the cost could be further reduced it should be done. From repeated enquiries I am convinced that it is not possible to rent a private house.

Question put and lost.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, I beg to move :

"That under the head 'Capital Outlay, Civil Works, Public Works Department Forests' omit item No B-2 Rs. 25,000 (Office and quarters for the Divisional Forest Officer, Shikarpur, and outhouses for peons)."

I make the motion formally in order to know exactly where we stand.

Mr. B. G. PAHALAJANI (Western Sind): With regard to this item, I may bring to the notice of the Honourable Minister in charge that the post of the Divisional Forest Officer, for whose office and quarters provision is asked for, is likely to be abolished, because the Chief Conservator of Forests has declared that the Government should close one of the divisions. There are three divisions, of which two can be amalgamated. If that is so, and if the appointment is itself to be dispensed with, I do not think it is necessary to sanction this Rs. 25,000 for the office and quarters of the Divisional Forest Officer, who is not likely to remain any longer on the establishment. I would submit to the Honourable the Minister that he should first of all decide whether this post should be retained, and if he decides to retain the post, then he can ask for a grant for the bungalow. Out of the three officers, one is already housed in a splendid bungalow and another is going to be housed, and when the abolition of the post of the third officer is in contemplation it is for consideration whether Rs. 25,000 should be granted for housing a third officer. If the Honourable Minister makes up his mind to abolish the post, then he has no need to come up for this grant.

The Honourable Mr. C. V. MEHTA: Mr. President, it is not yet decided that the Shikarpur Forest Division in Sind should be abolished. It is perfectly true that such a step suggested itself to me on my recent visit to Sind, but I am still waiting for a full report. As a matter of fact, the Conservator in Sind has stated very definitely that he does not advise the abolition of the Shikarpur Forest Division in Sind, and the reasons he gives are strong and I do not know that Government will come to the conclusion to abolish the division. But in any case, there is no other place available in those parts, except the bungalow that is now being occupied and which has been leased from the Church Missionary Society. Two years ago the honourable member from Sukkur stated that other bungalows were available. He was asked whether he would very kindly suggest what other bungalows were available there and no suggestion from him was forthcoming so far as I am aware. But with regard to this particular bungalow belonging to the Church Missionary Society, every year we receive a notice to vacate. They say they want the bungalow for themselves and they cannot possibly let us have it for any period of time. It is by persuasion that they have allowed our officer to live there. We are under negotiation with that Society. We ask them to let us have this bungalow from year to year. I have not yet had a definite reply. If we get a favourable reply from the Society, we shall not spend the amount which we propose to provide for this building. But otherwise I am afraid there is no other solution but to put up the buildings.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Mr. President, I am not satisfied as to the necessity for this provision and think the money should not be spent.

Question put and lost.

Question put that

Total demand under Capital Outlay for Civil Works, Public Works Department, Rs. 42,000, forests, be granted and agreed to.

The Honourable Dr. R. P. PARANJPYE : I wish to move, Sir, for a grant of Rs. 1,00,000 from Loans on the head "Education" for the item mentioned in the printed paper, namely, the expansion of the College of Engineering, Poona.

Question put and agreed to.

Demand for Rs. 11,88,000 for expenditure from loans on Civil Works for Medical Department.

The Honourable Dr. R. P. PARANJPYE : I now beg to ask for a grant of Rs. 11,88,000 for expenditure from Loans on Civil Works for Medical Department.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, I move

"That item No. B-44 (Blue Book, page 279.), construction of new buildings for St. George's Hospital, be omitted."

Mr. President, as regards this item, I wish to enquire about the Government's commitments. It is stated in the remarks column that "the cost of the new building will be recouped by the sale of the site and buildings so that the net expense to Government will be nil". It is a very tempting offer, but after having once accepted the principle of spending Rs. 8,00,000, supposing this offer does not materialise, as it may happen that the building of an up-to-date new hospital may take some time, the values of land and buildings may in the meantime fall, and whatever the estimates may be, they may not materialise, and therefore, as we are now making a provision of Rs. 8,00,000, the House ought to be very careful and ought to have all the information possible in the initial stage itself, because once we give our word to Government to spend the Rs. 8,00,000, then it would not be proper for this Council to withdraw it. I would, therefore, like to know exactly how our commitments stand towards the building of a new up-to-date hospital to replace the St. George's Hospital.

The Honourable Dr. R. P. PARANJPYE : Mr. President, in order to cut short the discussion, I would like to make a brief explanatory statement. The present St. George's Hospital is reported to be in a very bad condition. Malaria is very severe there. A large number of nurses and staff are always on the sick list and in fact some patients actually catch some other disease than what they went into the hospital to be cured for. It was, therefore, suggested that the hospital should be removed from that place and built on a more healthy and suitable site. A collateral proposal was also made that the management of this hospital should be handed over to a registered association composed of the communities for whom this hospital is maintained, they to undertake all the expenditure over and above the Rs. 1,50,000 that Government receive from the municipality for the maintenance of this hospital. At present, the maintenance costs something like Rs. 3,00,000 and over, and the sum which Government receive from the Bombay municipal corporation, according to agreement made with them under the Police Charges Act, is approximately Rs. 1,50,000. An association is likely to be formed to take over this hospital and, therefore, the remaining expenses of Rs. 1,50,000 or more, in fact, approximately Rs. 2,00,000, will be borne by the association. However, that is a separate question.

[Dr. R. P. Paranjpye].

But it is considered necessary, if it is at all possible, to remove the hospital from its present insanitary surrounding and build it on a more suitable and healthy site at another place. On a rough estimate it is expected that this can be done without Government having to spend anything at all, for the land on which the hospital is at present situated is very valuable indeed and it is probable that the G. I. P. Railway will require that land for their own purposes. If we sell that land to the G. I. P. Railway and out of the proceeds of that land build a hospital at another cheaper and also a more healthy site it is probable that we shall not only build a hospital at a better and a more healthy place, with all the necessary appliances, but that it will leave Government with a good margin of something like Rs. 20,00,000. Of course, the association which I mentioned expected also that Government should not have this profit out of the transaction and that the whole of it should be used for an endowment for the hospital. Government, however, have refused to accept that contention.

As provision has to be made for the loan transactions of this Government for the whole of the next year, although the complete scheme is not yet finally settled, we have made a provision only of a sum that is likely to be required during the coming year. I shall undertake to give the Council all the details before the Government actually begin the scheme. The whole of the new hospital—I am speaking from memory—on rough figures will cost something like Rs. 50,00,000 to Rs. 60,00,000, and this land, on which the present hospital is situated, and which is very valuable, is not to be sold by private contract to various builders in the market, but is to be sold by Government to a semi-Government body like the G. I. P. Railway and, unless we have got a firm offer for the purchase, the proposal will not be taken in hand. At any rate, all the details of the scheme will be placed before the Council and the fullest information will be given to them. The amount is placed in these figures in order that we must know exactly how much approximately we shall require to spend in the coming year by getting a loan from the Government of India. The amount is placed in these figures in order that we must know exactly how much approximately we shall require by getting loans from the Government of India. That is why the amount is here. I have just mentioned certain rough points of the scheme and the whole information will be placed before the Council together with relevant papers in due time.

We have got after all to tell the Government of India what are our loan requirements just now when they go in for their loans programme and therefore they must know from this Government what approximately is the demand that the Bombay Government is going to make on them for the loans. That is why we have shown the approximate figure. As I have mentioned, we shall not go in for a new scheme unless it is practically settled that it will pay itself and that there is no loss to Government. The site is of value to the G. I. P. Railway with whom a settlement will be arrived at and so I hope the Council will not object to this provisional entry of the sum of eight lakhs in these figures.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association) : Sir, I wish to know whether the Government undertake neither to commence operations nor to incur any expenditure without taking the Council into their confidence and unless the House has been given an opportunity of discussing all the details of that transaction even if it is possible to transfer the site to the G. I. P. Railway. Are we to understand from the Honourable the Minister in charge that the Government will do so in any case ? Or does the Honourable Minister merely give the Council an undertaking that the work will not be commenced unless Government are satisfied that it will pay for itself without causing any loss to the provincial exchequer ? I do not think the Honourable Minister's remarks on that point are very clear to me. There is another point on which I hold very strong views and it is this : that this scheme should not be undertaken by the Government unless they are in a position to receive money in cash, whether it be from the G. I. P. Railway or from anybody else. It is essential that Government should see that they do not undertake this huge expenditure, however good and necessary it may be from a certain standpoint, unless they receive money in hard cash. If by some chance the prospect of selling the site and buildings of the Hospital to the G. I. P. Railway drops and the Government propose to make merely a transfer entry in their books by handing the property over to some other department by a mere book entry and then expect the Council to sanction an expenditure of this huge sum out of provincial revenue, I have no hesitation in saying that the House will never agree to such a procedure. I think the Council should be clearly told that that is not the intention of Government. Unless we have got money in cash, I think it would not be fair to impose this burden upon the provincial revenues merely in the interest of one section of the public, however important and necessary that may be ; and I should like to have a word in explanation from the Honourable the Minister in charge. I do hope that the Honourable Minister will make this point quite clear and give the House the necessary assurance in that behalf.

The Honourable Dr. R. P. PARANJPYE : There is no idea of using this site for any Government purpose unless we can show a scheme which will meet its way by receiving cash in return.

Rao Bahadur G. K. CHITALE : I beg leave to withdraw my motion.

Question put and leave granted.

Question put

"That under Capital Outlay for Civil Works, Public Works Department, Medical Rs. 11,88,000 be granted."

and agreed to.

Demand Rs. 33,72,075, under the head capital outlay for Civil Works, Public Works Department, Miscellaneous Department.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : I move, Sir, for a grant of Rs. 33,72,075. Out of this, Rs. 27,70,575 are to be spent on works in progress as shown at page 95 of the Blue Book, 60-Civil Works, and Rs. 6,01,500 on new works as shown there.

Question put

"That under capital outlay for civil works, Public Works Department, Miscellaneous Departments, the grant be made of Rs. 33,72,075."

and agreed to.

Demand for Rs. 3,20,000 under the head 60A—Other Provincial Expenditure not charged to Revenue (Transferred).

The Honourable Mr. C. V. MEHTA: Sir, I beg to ask for a grant of Rs. 3,20,000 for head 60A—Other Provincial Expenditure not charged to Revenue (Transferred), pages 264-265, Blue Book.

Mr. G. C. BHATE (Kolaba District): I beg to move

"That item No. 331, Budget Schedule, page 264, Blue Book, Payment of Compensation for distillery plant, Rs. 2,00,000, be omitted."

It is not clear from the remarks column what are the clear terms made with the contractor, whether it is absolutely necessary that this compensation is to be paid under the terms of the contract. It appears that the Dhulia distillery is to be closed after the 31st of March 1923 as we have already spent last year a good deal of amount over the Acetone Factory at Nasik, and as the distillery is to be stopped the contractor is to be paid Rs. 2,00,000. I would like to know what are the terms of the contract and whether it is necessary that the distillery should be stopped and we should pay the contractor Rs. 2,00,000.

The Honourable Mr. C. V. MEHTA: Sir, I may mention that the Nasik factory is in working order and that is the reason why the Dhulia distillery is to be closed. The area that is served by the Dhulia distillery will now be served by the Nasik factory. The terms of the contract are distinctly that as soon as the contract is determined the distillery is to be taken over by the Government and the contractor is to be paid. The plant is valued and the valuation in this case comes to two lakhs of rupees which is to be paid by Government.

Sardar V. N. MUTALIK: May I know why the contractor is to be paid two lakhs of rupees?

The Honourable Mr. C. V. MEHTA: The distillery has been in existence for 25 to 30 years and the depreciation of the plant has been taken into account in arriving at this figure, and also the additions that the contractor made during this period.

Mr. G. B. TRIVEDI: Will the Honourable Minister give some detailed explanation about the working of the Acetone Factory?

The Honourable Mr. C. V. MEHTA: I have no objection to do that provided the question is allowed.

The Honourable the PRESIDENT: That is not question time, but it is debating time. If the honourable member for Thana should raise certain points and then say that there is no information as to them, the Honourable Minister might see his way to give it.

The Honourable Mr. C. V. MEHTA: The Nasik factory is doing well, so much so that it has had to be closed for certain periods because there was too full a stock of liquor. The figures that I gave to the Council before

[Mr. C. V. Mehta]

the factory was purchased are being well worked up to and that is why the other distilleries are to be closed.

Mr. G. C. BHATE : I beg leave to withdraw the motion.

Question put and leave granted.

Question put that

The total demand for Rs. 3,20,000 be granted and agreed to.

Demand for Rs. 7,83,81,000 under the head Loans and Advances bearing interest.

The Honourable Mr. H. S. LAWRENCE : Sir, I move for a grant of Rs. 7,83,81,000 for loans and advances bearing interest.

The details will be found at page 90 of the Blue Book.

Question put and agreed to.

Demand for Rs. 14,000 under the head expenditure in England, Secretary of State.

The Honourable Mr. H. S. LAWRENCE : Sir, I move for a grant of Rs. 14,000, expenditure in England ; Secretary of State, item No. 32, 14, Reserved ; 4, Transferred.

Question put and agreed to.

Demand for Rs. 5,46,000 (Reserved) and Rs. 4,82,000 (Transferred) on behalf of the High Commissioner.

The Honourable Mr. H. S. LAWRENCE : Sir, I rise to move for a demand of Rs. 5,46,000 (Reserved) and Rs. 4,82,000 (Transferred) on behalf of the High Commissioner.

Question put and agreed to.

The Honourable Mr. H. S. LAWRENCE : Sir, that concludes the demands for grants.

Rao Saheb HARILAL D. DESAI (Ahmedabad City) : Sir, I move

"That the time for submitting the report of the select committee on Standing Orders to be amended, be extended till the 31st of July next upon the ground that the select committee has not been able to receive certain information which is being collected from the other Legislative Councils."

We have not been able to receive the information called for from outside and therefore it is necessary that the time should be extended.

Question put and agreed to.

Dewan Bahadur K. R. GODBOLE (Poona District) : Mr. President, before the House adjourns I wish to ask your permission to bring a resolution appreciating the services of the Honourable the Leader of the House who is going to leave us. I will move this resolution after tea-time to-morrow.

The Honourable the PRESIDENT : Very well.

The Council is now adjourned and will meet at 2 p.m. to-morrow, Thursday, the 15th March 1923.

The Council re-assembled at the Town Hall, Bombay, on Thursday, the 15th March 1923, at 2 p.m., the Honourable the President, Sir NARAYAN GANESH CHANDAVARKAR, Kt., LL.D., presiding.

Present :

ADHAV, Mr. P. N.
BATLIWALA, Dr. S. S.
BEDREKAR, Khan Bahadur I. M.
BHATE, Mr. G. C.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Saheb S. K.
BIRADAR, Sardar M. A.
BOLE, Mr. S. K.
CADELL, Mr. P. R.
CHITALE, Rao Bahadur G. K.
CLAYTON, Mr. F.
COCKE, Mr. H. G.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Mr. V. A.
DADACHANJI, Dr. K. E.
DALAL, Mr. D. B.
DESAI, Rao Saheb HARILAL D.
DESAI, Rao Saheb DADUBHAI P.
DUBHASHE, Mr. SHANKAR BALKRISHNA
DUMASIA, Mr. NAOROJI M.
DWARKADAS, Mr. KANJI
FERNANDES, Major C.
FERREIRA, Mr. D. J.
GANDHI, Mr. C. M.
GARUD, Rao Bahadur S. D.
GHULAM HUSSAIN, The Hon'ble Khan Bahadur SHAIKH
GODBOLE, Dewan Bahadur K. R.
GULAMHUSEN, Mr. SULTANALI SALEMANJI
HAJI, Mr. IBRAHIM S.
HALKATTI, Rao Saheb PHAKIRAPPA GURUBASAPPA
HAVELIVALA, Mr. M. A.
HAYWARD, The Hon'ble Mr. M. H. W.
HEPPER, Sir LAWLESS

HULKOTI, Mr. CHANNAPPA CHANVIRAPPA
JADHAV, Mr. B. V.
JUVEKAR, Mr. D. G.
KALBHOR, Mr. G. M.
KALE, Rao Bahadur R. R.
KER, Mr. J. C.
LALBHAI AMBARAM, Mr.
LAWRENCE, The Hon'ble Mr. H. S.
LORY, Mr. F. B. P.
MANSURI, Khan Saheb A. M.
MACNAGHTEN, Sir HENRY
MEAD, Mr. P. J.
MEHTA, The Hon'ble Mr. C. V.
MODI, Sardar Davar T. K.
MOHOMED SALAHUDDIN K., Mr.
MONTGOMERIE, Mr. A.
MURPHY, Mr. S. J.
MUTALIK, Sardar V. N.
NILKANTH, Rao Bahadur R. M.
NIMBALKAR, Mr. K. B.
OJHA, Mr. DIPCHAND T.
PAHALAJANI, Mr. B. G.
PARANJPYE, The Hon'ble Dr. R. P.
PATEL, Mr. B. P.
PATEL, Mr. J. B.
PAWAR, Shrimant J. A.
PETIT, Mr. JEHANGIR B.
PRADHAN, Mr. M. W.
PROES, Mr. E. M.
RAHIMTOOLA, The Hon'ble Sir IBRAHIM
ROTHFELD, Mr. O.
SAHERWALA, Khan Saheb I. A.
SALGAR, Mr. R. G.
SETALVAD, The Hon'ble Sir CHIMANLAL
SHEPHERD, Mr. W. C.
SHIRRAS, Mr. G. FINDLAY
SURVE, Mr. A. N.
THOMAS, Mr. G. A.
TRIVEDI, Mr. G. B.

VICHARE, Rao Bahadur D. A.

WOODS, Mr. E. E.

The Honourable the PRESIDENT : Order, order. Questions.

VACCINATORS.

Mr. P. N. ADHAV (Satara District) : (a) How many Brahmin and non-Brahmin candidates were trained for the vaccinators' posts at their own cost in 1920, Belgaum class ?

(b) How many of them are still without employment, (i) Brahmins ; (ii) non-Brahmins ?

(c) How many non-Brahmin candidates are taken in service permanently since the Belgaum batch came out in 1920 ?

(d) What is the percentage on an average non-Brahmin to Brahmin vaccinators in the Division under the Assistant Director of Public Health, Poona ?

(e) How many non-qualified candidates, Brahmins, are entertained in service since the Belgaum class, first batch, came out ?

The Honourable Dr. R. P. PARANJPYE : (a) Five and one respectively.

(b) (i) None ; (ii) One.

(c) Seven.

(d) Twenty-one

(e) Two.

GRAZING FEES.

Mr. P. N. ADHAV (Satara District) : (a) Will Government be pleased to state the number of villages in the Patan taluka which were forced to pay grazing dues as tax irrespective of whether the cattle ever grazed in the forest or not ?

(b) Are grazing dues levied as a tax or are the payments made by cattle owners for service rendered ?

The Honourable Mr. C. V. MEHTA : Information has been called for.

BABULBANS AND MANGO TOPES IN SATARA DISTRICT.

Mr. P. N. ADHAV (Satara District) : Will Government be pleased to state the area under babulbans and mango topes within radius of ten miles of the Satara city under Forest jurisdiction ?

The Honourable Mr. C. V. MEHTA : Information has been called for.

AFFORESTATION IN SATARA DISTRICT.

Mr. P. N. ADHAV (Satara District) : (a) Will Government be pleased to state the area proposed to be acquired to be afforested and the number of persons to be affected in the proposal in Patan taluq of Satara district ?

(b) Is it a fact that the occupants of the area under reference have been paying assessment all the while ?

The Honourable Mr. C. V. MEHTA : (a) The question is under investigation.

(b) Yes.

FUEL RATES.

Mr. P. N. ADHAV (Satara District) : (a) Is Government aware that babul and other fuel is sold at prohibitive prices, as high as Rs. 35 to Rs. 40 per khandi ? If not, will Government be pleased to give prices of fuel in Satara district as it ruled in 1892 and 1923 ?

(b) Will Government be pleased to quote the rate at which fuel is supplied to officers and for the men visiting Mahableshtar from Forest depôts ?

The Honourable Mr. C. V. MEHTA : Information has been called for.

FOREST OFFICERS.

Mr. P. N. ADHAV (Satara District) : (a) How many Forest officers (on the Provincial list), trained in India, having passed the language test, are available and fit to hold charge of divisions and yet are placed as Assistants or Sub-Divisional officers in the Presidency ?

(b) How many officers trained in Great Britain and Ireland are placed in charge of divisions before their having passed any language examination and before the expiry of the prescribed period of probation ?

The Honourable Mr. C. V. MEHTA : Information has been called for.

FORESTS IN SATARA DISTRICT.

Mr. P. N. ADHAV (Satara District) : Will Government be pleased to state—(a) the average net yield per acre under forest for the last ten years in Satara Forest Division ;

(b) area for which there is sanctioned working plan ;

(c) protected forests ;

(d) area fit for grazing only ?

The Honourable Mr. C. V. MEHTA : (a) A statement* is placed on the Council table.

(b) 80 square miles.

(c) 1 square mile 18 acres.

(d) 472 square miles.

FIREWOOD IN KOLABA DISTRICT.

Mr. G. C. BHATE (Kolaba District) : Will Government be pleased to state :—

(a) whether it is a fact that in the case of some of the contracts to cut forest portions, given this year in the Kolaba district, no provision is made regarding the supply of firewood to the general public ?

(b) If so, has any other method been adopted to remedy the consequent inconvenience ?

The Honourable Mr. C. V. MEHTA : Information has been called for.

GURCHARAN AREA IN KOLABA DISTRICT.

Mr. G. C. BHATE (Kolaba District) : Will the Government be pleased to state—

(a) what was the area of Gurcharan in the Kolaba district, (i) at the time of the original survey ;

(ii) at present ? and

(b) if there is any decrease, to what it is due ?

The Honourable Mr. C. V. MEHTA : Information has been called for.

RAILWAY ACCIDENTS ON THE B. B. & C. I. RAILWAY.

Rao Saheb D. P. DESAI (Kaira District) : (a) Will Government be pleased to state the number of accidents to passengers while travelling between the stations of Barejadi and Ahmedabad on the B. B. and C. I. Railway during each of the months from January 1922 ?

(b) Will Government be pleased to state whether the said accidents are caused by the fact of the insufficient distance between the two tracks of the railway line between the above two stations ?

The Honourable Sir IBRAHIM RAHIMTOOLA : (a) The following is the list of accidents :—

| Date. | Between or at stations. | Accident. |
|------------------|-------------------------|--------------------------------|
| 5th April 1922 | Barejadi | 2 Passengers injured. |
| 16th April 1922 | Barejadi | 1 Passenger injured. |
| 27th April 1922 | Ahmedabad and Barejadi | 1 III Class passenger injured. |
| 7th June 1922 | Do. do. | 3 Do. |
| 13th June 1922 | Barejadi yard | 3 Do. |
| 15th June 1922 | Vatva and Barejadi | 4 Do. |
| 22nd August 1922 | Ahmedabad and Vatva | 1 Do. |
| 26th August 1922 | Barejadi and Vatva | 1 Do. |
| 28th August 1922 | Ahmedabad and Barejadi | 1 Do. |
| 28th August 1922 | Vatva and Barejadi | 1 Do. |

(b) Yes. The distance between the two tracks is insufficient but the accidents were due to the common habit of passengers leaning out of windows from trains in spite of warning against it.

IRRIGATION CHARGES ON THE KHARI CUT CANALS IN AHMEDABAD DISTRICT.

Rao Saheb D. P. DESAI (Kaira District) : (a) Will Government be pleased to state whether the villages situated on the Khari Cut Canals in Ahmedabad district have to pay over and above the old rice assessment of rupees seven per acre, a special irrigation assessment of rupees seven per acre for kharif and an additional assessment of five rupees per acre for rabi even if no water is issued for rabi cultivation ?

(b) If the answer be yes, is it a fact that the above kharif and rabi irrigation charges are levied even in good years, that is, in years of satisfactory rainfall ?

(c) If the answer be in the affirmative, will Government be pleased to state for what additional benefits these irrigation charges are levied in good years in these Khari Cut villages of the Ahmedabad district ?

(d) Will Government be pleased to state what are the jirayat, subsoil and khari rates of these Khari Cut villages in the Ahmedabad district ?

(e) Will Government be pleased to state—

(i) Whether it is a fact that the rabi rate of rupees five mentioned above is being levied only since the last two years and was never levied before, and

(ii) whether it is a fact that the Khari Cut canals have been raised to class second though no additional amount was spent on these canals ?

(iii) if the reply to the above be in the affirmative, will Government be pleased to state the reasons for imposing the additional rabi rate of rupees five per acre on these Khari Cut villages of the Ahmedabad district ?

The Honourable Sir CHIMANLAL SETALVAD : The information has been called for.

AGRICULTURAL PRODUCTION IN SIND AND IN KAIRA DISTRICT.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state whether the field trials of agricultural production and cost per acre are taken in Sind as in the rest of this Presidency by their agricultural overseers? If so, will Government be pleased to state what is the last five years' average yield of bajri, jowar and rice per acre of an average field in the irrigated sections of Sind and what is the cost of production of these foodstuffs to the cultivator and what proportion does the value of this produce, based on the present prices of food-stuffs, bear to the consolidated land revenue of the fields investigated by the above officers ?

(b) Will Government be pleased to submit similar information for Borsad, Kapadvanj, Thasra, Nadiad and Anand talukas of the Kaira district ?

The Honourable Mr. C. V. MEHTA: Crop tests are made in Sind every five years by the Agricultural Department in connection with the preparation of figures of normal outturn.

Figures of average yield are not available.

Up to date figures of cost of cultivation are also not available.

It is not possible to work out the proportion of value of crops to land revenue.

(b) Information for the five talukas is not available.

CULTIVATION OF JOWARI.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state whether their attention has been drawn to statement B at page 128 of the Annual Report of the Department of Agriculture for the year 1920-21; if so, will Government be pleased to state what steps have been taken to introduce the varieties and the process of cultivation of jowari which yield from six to seven hundred rupees of profit per acre ?

The Honourable Mr. C. V. MEHTA : Yes.

The varieties of jowari mentioned in the statement are those ordinarily grown in Gujarat. The exceptional yield reported is due to many reasons, the principal of which are—

- (1) most of the farm land was almost virgin soil,
- (2) the particular season was very favourable for crops planted at the proper time, while those planted later fared very badly,
- (3) an indefinite amount of cattle manure was available owing to the existence of a large herd at Chharodi.

Varieties of jowari of proved special value are being recommended in areas where they are not known.

Rao Saheb D. P. DESAI : The cost as put down in the report at page 128 is almost similar in all cases ; so it appears that they were all sown on the same day ; otherwise the cost would be different.

The Honourable Mr. C. V. MEHTA : I think the honourable member will find that there are slight differences.

Rao Saheb D. P. DESAI : I mean the first six varieties in which the cost of production is perhaps the same, i.e., Re. 0-14-7.

APPLICATION FOR IRRIGATION WATER.

Rao Saheb D. P. DESAI (Kaira District) : Will Government be pleased to state whether it is a fact that applications made for irrigation water during the month of May are sanctioned after the kharif crop is actually harvested ? If the reply be in the affirmative, will Government be pleased to state the reasons for adopting this procedure in the case of these Khari Cut villages of the Ahmedabad district ?

The Honourable Sir CHIMANLAL SETALVAD : The information has been called for.

RESEARCH EXPERT IN PLANT PATHOLOGY.

Rao Saheb D. P. DESAI (Kaira District) : (a) Will Government be pleased to state whether it is a fact that the Research Expert in Plant Pathology (Mr. Ajrekar) has been recently transferred to the Educational Department after sixteen years' work in the Agricultural Department ? If the reply to this be in the affirmative, will Government be pleased to state reasons for it ?

(b) Will Government be pleased to place on table the conclusions of Mr. Ajrekar regarding his investigations of potato disease ?

(c) Will Government be pleased to state what work has been done by the Potato Committee and what expenditure has been incurred by the said committee from the David Sassoon and provincial funds ?

(d) Will Government be pleased to place on table the list of persons forming the Potato Committee ?

The Honourable Mr. C. V. MEHTA : (a) Yes. Mr. Ajrekar was transferred to the Educational Department at his own request and was taken up by that Department because he was the most suited of all the

applicants for the post of Professor of Botany at the Gujarat College. The Agricultural Department had no objection to part with him as there was another trained officer to take his place.

(b) Information has been called for.

(c) The committee was appointed by the Director of Agriculture to help him in directing and managing research and propaganda work in connection with potato cultivation. The amounts spent by the Deputy Director of Agriculture under the direction of the Committee were as follows :—

| | | | | | Rs. |
|------|----|----|----|----|-------|
| 1920 | .. | .. | .. | .. | 2,744 |
| 1921 | .. | .. | .. | .. | 7,395 |
| 1922 | .. | .. | .. | .. | 7,197 |

The whole amount was obtained from the Trustees of the Sir Sassoon David Trust Fund and no expenditure was incurred from provincial revenues.

(d) The constitution of the committee was as follows :—

- (1) Dr. H. H. Mann (or in his absence Dr. W. Burns), Chairman,
- (2) Dr. W. Burns, Economic Botanist to Government,
- (3) Rao Saheb M. L. Kulkarni (or Mr. P. C. Patil), Deputy Director of Agriculture,
- (4) Mr. A. B. Modak of the Union Agency.

PENSION CONTRIBUTION ON SALARIES OF TEACHERS UNDER LOCAL BODIES.

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Will Government be pleased to state (a) whether the scale of pension contribution on the salaries of teachers lent for service under local bodies has been lately altered?

(b) Whether the pension contribution to be paid by local bodies will in future be enhanced than under the old scale?

(c) If the answer to (b) be in the affirmative, by how many per cent. more will the enhancement result over the total pension contribution according to the old scale?

The Honourable Dr. R. P. PARANJPYE: (a), (b) and (c). The question of recalculating the rates of pension contribution is still under the consideration of the Government of India.

FORESTS IN WEST KHANDESH DISTRICT.

Rao Bahadur S. D. GARUD (West Khandesh District): Will Government be pleased to state (a) the total area under forests in each taluka of the West Khandesh District, (b) its income, and (c) expenditure?

The Honourable Mr. C. V. MEHTA: Information has been called for.

BHATGHAR DAM.

Mr. G. B. TRIVEDI on behalf of Mr. V. R. GUPTA (Poona City): (a) Will the Government be pleased to state when the new dam work at

Bhatghar in Poona district commenced, and what compensation for acquisition of lands to be submerged was paid ?

(b) Will the Government be pleased to state if stones for the new Lloyd Dam were taken out and collected from private fields ? If so, what compensation has been paid to the owners for the stones ?

(c) Will the Government be pleased to state if it is true that stones for the said dam were taken from private *bandhs* (*bandhs* in paddy rice fields) and that the stones were stored in cultivable lands ? If so, what compensation is paid for the same ? Have they kept separate accounts of the stones taken from each field and *bandh* ?

(d) Will the Government be pleased to state if any notice of the construction of the new dam was given to the public, and when ? Will the Government be pleased to state if stones were dug out even from paddy producing fields ? What compensation is paid for the same ?

(e) Will the Government be pleased to state if quarries were being dug for the last eight or nine years in private lands without any payment to the owners ?

(f) Will the Government be pleased to state if any agreement has been entered into with the Chief Saheb of Bhore about the irrigation work, and if it has been, will they place it on the Council table ?

(g) Will the Government be pleased to state if they will fix the approximate amounts of compensation to be paid to the ryots in the vicinity of the dam for lands, stones and damages ?

The Honourable Sir CHIMANLAL SETALVAD: (a) Work on the Lloyd Dam at Bhatghar was commenced in 1913. No compensation has been paid up-to-date for lands that will be submerged by the lake.

(b) Yes, after obtaining permission of the Bhor State authorities. No compensation for the stones has been paid to the cultivators as the mineral rights are vested in the State.

(c) Generally speaking, the reply to the first portion is in the negative. It is, however, true that in a few cases Wadar contractors have damaged private *bandhs* for which they are liable. As regards storing stones in culturable lands, this has been done in some cases where no other space was available and compensation at annas eight per 100 Rft. or per 100 Cft. of stone has been offered in all such cases and has been accepted except by members of the 'Velwand Khore Hakka Sanvarakshak Mandal', a Society formed with the object of practising *Satyagraha*. Negotiations with these persons are in progress. The reply to the last portion is in the negative. Accounts of the stones taken from each village have been kept.

(d) Notice regarding the proposed construction of the work was given to the public in a Press Note on the Nira Right Bank Canal project issued under Public Works Department No. W.I.—7243, dated 10th August 1912. The replies to the second and third portions are in the negative.

(e) Please see reply to portion (b) above.

(f) No. The matter is under negotiation.

(g) Compensation for the lands to be acquired will be paid as soon as the requisite sanction of the Secretary of State is obtained. A special land acquisition officer will be appointed if necessary for this purpose. As regards compensation for stones and damages, please see replies to portions (b) and (c) above.

REFRIGERATOR FOR J. J. HOSPITAL.

Mr. M. A. HAVELIVALA (Bombay City) : Is it a fact that, for want of funds for the renewal of the plant, the refrigerator for keeping corpses for the J. J. Hospital, the Grant Medical College and coroner's inquests has not been in use since the 1st October last ?

The Honourable Dr. R. P. PARANJPYE : The refrigerator has not been in working order since September last. Repairs are being effected and it is hoped that it will soon be working again.

FOREST COLLEGE AT DHARWAR.

Mr. C. C. HULKOTI (Dharwar District) : Will the Government be pleased to state what was the amount spent on inauguration and running up to date of the Forest College at Dharwar, and will the Government be pleased to state why the same was abolished ?

The Honourable Mr. C. V. MEHTA : Information is being obtained.

DESPATCH OF TIMBER TO ENGLAND.

Mr. C. C. HULKOTI (Dharwar District) : (a) Will the Government be pleased to state how many tons of teak, matti and other species of timber were despatched to England for sale by Messrs. Howard Brothers, London, and what was the expenditure on transport of this timber to England, and what was the amount realised by the sale of such timber in England ? And what is the quantity that is remained unsold and what was the amount of the ground rent and commission paid in respect of this timber ?

(b) Will the Government be pleased to state what was the net result of this transaction, and if it ended in loss, what was the actual loss ?

The Honourable Mr. C. V. MEHTA : (a) A statement* furnishing the information is placed on the Council table.

(b) The quantity so far sold is slightly less than one-fourth of the total quantity sent. This is due to trade depression. Even so, in the case of certain fancy timbers the prices realised are many times the current prices in this country. Until the transactions are complete it is not possible to say what the total profit will be.

REDUCTION OF FOREST OFFICIALS.

Mr. C. C. HULKOTI (Dharwar District) : Will the Government be pleased to state owing to the retrenchment how many forest officials and servants were reduced, giving the number of each class of incumbents of different designations and the amount saved to Government thereby ?

The Honourable Mr. C. V. MEHTA : A statement† furnishing the required information is placed on the Council table.

* *Vide Appendix V.*

† *Vide Appendix U.*

WATER FOR PERENNIAL CROPS FROM FIRST CLASS IRRIGATION TANKS.

Mr. C. C. HULKOTI (Dharwar District): (a) Is it a fact that a Government Resolution No. W. I. 1317 dated the 20th May 1909, is issued by the Bombay Government prohibiting flow of water from the first class tanks in the Dharwar district to the perennial crops within one-fourth mile of the village site? If so, for what period in the year the prohibition continues?

(b) How many first class tanks are there in the Dharwar irrigation district, and is the prohibition referred to in the above question in force in respect of all the first class tanks in the Dharwar district?

(c) Is it a fact that the irrigation water charges are recovered as usual, in spite of the fact that the owners of lands in that area are not allowed to use water for some months in the year?

The Honourable Sir CHIMANLAL SETALVAD:

(a) Yes. From 15th February to 15th June.

(b) Six. The prohibition applies to all the six tanks.

(c) The rates charged are very low and have been fixed with the due regard to the fact that tank water is withheld from cultivators for four months in the year.

PAY OF CLERKS IN JUDICIAL DEPARTMENT.

Rao Bahadur R. R. KALE (Satara District): (a) Will the Government be pleased to state—

(i) when the starting pay of the clerical staff in the different departments was sanctioned at Rs. 20 per mensem and when the same was given effect to in the various departments such as Revenue, Forest, Education, Police, Engineering and Judicial?

(ii) whether it is a fact that this starting minimum was fixed for the Judicial Department later than the other departments and that resulted in a loss of Rs. 5 per mensem to the clerks in the Judicial Department as compared with other departments?

(iii) whether it is a fact that orders have been issued to take the starting pay at Rs. 20 per mensem for all official calculations except for the purpose of granting the increments, in which case the service is to be counted as one of Rs. 15 per mensem as pay?

(iv) Is the Government aware that as a result of the orders mentioned in (iii) the clerks in Judicial Department whose minimum pay was fixed at Rs. 20 rather late are not getting even one increment as in other departments though their service on the pay of Rs. 15 was more than three years? If so, do Government propose to take steps to remove this inequality?

(b) Will the Government be pleased to state—

(i) if it is a fact that while giving effect to the new scale of pay in the Judicial Department one increment was given to all the old non-qualified clerks thus fixing their pay uniformly at Rs. 35 while the qualified old clerks did not get any such increment and thus got a pay of Rs. 40, i.e., of a new recruit only?

(ii) If so, will Government consider the advisability of removing this inequality?

Honourable Mr. M. H. W. HAYWARD: Information is being obtained.

CONVICTIONS UNDER SECTION 107, CRIMINAL PROCEDURE CODE, AND SECTION 124A, INDIAN PENAL CODE, IN SIND.

Mr. DIPCHAND T. OJHA on behalf of Mr. G. H. KASSIM (Karachi City): Will Government be pleased to state how many persons have been convicted by the Courts in Sind for offences under Section 107, Criminal Procedure Code, and Section 124A, Indian Penal Code, during the last 12 months?

The Honourable Mr. M. H. W. HAYWARD: The information is being obtained.

APPLICATION OF TOWN PLANNING ACT TO DHANDEGHAR IN SATARA DISTRICT.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars): Will Government be pleased to state (a) Whether the consent of the holder of the alienated village of Dhandeghar in peta Malcompeth in Satara District was obtained before bringing the village under the Town Planning Act in 1917?

(b) Whether any steps were taken to safeguard the rights and privileges of the inamdar and, if so, what?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN:

(a) No.

(b) It was for the inamdar to take steps under the Town Planning Act to safeguard his rights and privileges.

LISTED POSTS IN PROVINCIAL CIVIL SERVICE.

Mr. B. G. PAHALAJANI (Western Sind): (a) Will the Government be pleased to state if the Government has received instructions from the Government of India in or about August 1921 to increase the number of listed posts (on the executive side) Provincial Civil Service to one-sixth of the superior posts at once or in near future?

(b) Did it receive instructions to raise it to one-fourth by giving newly created posts to Provincial Civil Service and by increasing leave reserve from 4 to 7 per cent.

(c) If so, have the Government taken any action on it since the receipt of them during the last 18 months?

(d) What is the actual ratio at present of the listed appointments?

(e) Will the Government state how many superior appointments have been added to the cadre since August 1921 and which?

(f) How many of these have been given to the Provincial Civil Service men?

(g) What is the increase of proportion in the listed appointments since August 1921?

The Honourable Mr. M. H. W. HAYWARD: (a) No.

(b) No.

(c) Does not arise.

(d) Superior posts 75. Listed posts 5.

(e) None.

(f) Does not arise.

(g) None.

Mr. B. G. PAHALAJANI: Will Government please state if the resolution of the Legislative Assembly regarding the increase in the number of listed posts has been communicated to this Government?

The Honourable Mr. M. H. W. HAYWARD: I cannot answer that without notice.

NEW IRRIGATION WORKS.

Mr. B. P. PATEL (Ahmedabad District): Will Government be pleased to lay on the table the information as to what new irrigation works have been undertaken and the expenditure incurred thereon after the late famine of 1899 as measures against recurring famine in Northern Division?

The Honourable Sir CHIMANLAL SETALVAD: The information has been called for.

PRIMARY TEACHERS.

Mr. B. P. PATEL (Ahmedabad District): (a) Will Government be pleased to state what time scales of pay are sanctioned or are intended to be sanctioned in view of the minima fixed by Government for the primary teachers recently?

(b) Will Government be pleased to state whether the primary teachers are given the benefit of the Fundamental Rules; if not, why?

The Honourable Dr. R. P. PARANJPYE:

(a) This part has been answered.

(b) The question of giving the primary school teachers the benefit of the Fundamental Rules is under consideration.

VILLAGE CHORAS IN THE PANCH MAHALS DISTRICT.

Khan Saheb I. A. SAHERWALA (Northern Division): (a) How many village choros in the Panch Mahals district require repairs as being in a dilapidated condition?

(b) What action have Government taken or intend to take to repair them?

The Honourable Sir IBRAHIM RAHIMTOOLA: Information has been called for.

TODDY LICENSES IN THE PANCH MAHALS DISTRICT.

Khan Saheb I. A. SAHERWALA (Northern Division): Will Government be pleased to say—

(a) What revenue did they derive in each of the last five years from toddy licenses in Kalol taluka and Halol mahal in the Panch Mahals District?

(b) What expenditure did they incur in those years on the establishment to realise that revenue?

The Honourable Mr. C. V. MEHTA: Information has been called for.

FORESTS IN PANCH MAHALS DISTRICT.

Khan Saheb I. A. SAHERWALA (Northern Division): Will Government be pleased to say for the Panch Mahals District—(a) The area per taluka under forest;

(b) The forest area per taluka under management by the Revenue Department;

(c) The revenue derived by the two departments separately in the year 1921-22;

(d) The amount of cattle grazing fees received per taluka in 1921-22;

(e) The establishment charges at the taluka and the district headquarter for the forest administration?

The Honourable Mr. C. V. MEHTA: Information has been called for.

NUMBER OF CRIMINAL CASES PENDING IN THE CRIMINAL COURTS AT SHOLAPUR CITY.

Mr. R. G. SALGAR (Sholapur City): Will the Government be pleased to state how many criminal cases are pending in the criminal courts at Sholapur city at the end of 31st August 1922 triable by the first class magistrate?

The Honourable Mr. M. H. W. HAYWARD: Two.

CRIMINAL TRIBES SETTLEMENT.

Mr. R. G. SALGAR (Sholapur City): Will the Government be pleased to state—

(a) Whether in the Criminal Tribes Settlements in this Presidency the girls of marriageable age who have attained puberty since two or three years, belonging to the caste of Mang Garudis, Kaikadis and Ganthi Chhodis are kept unmarried against their will and some though married are kept separate from their husbands and parents respectively?

(b) Whether there are any complaints in this matter from the persons concerned and if so with what results?

(c) Whether the Criminal Tribes Settlement at Sholapur contains Bhats, Kaikadis and Mang Garudis from the Native States and if so what steps are taken by the Government to allow them to go to their country if they desire to do so?

(d) What is the daily time table of the education and work given to such girls referred to in (a) above kept at Hubli, Dharwar and Baramati?

The Honourable Mr. M. H. W. HAYWARD: (a) In the great majority of cases the parents make their own arrangements about the marriage of their children and the time when their daughters are sent to their husbands. In a very few cases where the parents are of specially bad character and record, the girls have been separated from their families. There are none of a suitable age to marry at present in any of the Children's Homes.

(b) The parents however wish for the return of these latter children, but owing to the exceptionally bad records of the parents it is not advis-

able to send the children back to their homes for the present. The man who is most insistent for the return of his daughter is a drunkard having two convictions. He lives as far as possible on the proceeds of thefts committed by his two wives. One of these has four convictions and the other two convictions. The girl had been forced to steal by her parents, so that by the time she was 11 years of age she had been caught stealing several times by the Settlement staff and warned and had been convicted twice by the magistrates for theft. She has done well since she has been separated from her parents and placed in Baramati Home.

(c) Some of the Criminal Tribes before coming to a Settlement were accustomed to wander sometimes in British territory and at other times in Native State territory, and it is impossible to say with exactness to which territory they belong. No application for transfer from a Settlement established in the Bombay Presidency to a Settlement established in a Native State or in any other Presidency has been made, but there is no objection to granting such permission, should it be asked. It is not feasible to permit them to wander freely as formerly until they show signs of reformation.

(d) The girls separated from their parents are in the Bijapur, Hubli and Baramati Homes. They attend the Settlement day schools at these places, and help in the household duties of the homes. There are however three other girls belonging to settlements and living in Dharwar who have been sent with their parents' consent to the Dharwar Female Training College. They have the same curriculum there as the other students of the college.

FOREST LAND IN SHOLAPUR DISTRICT.

Mr. R. G. SALGAR (Sholapur City): Will the Government be pleased to state—

(a) How many acres of land is there under forest in Sholapur district?

(b) how many military persons have applied to give them the lands out of this forest and with what result ?

(c) how many private persons to give them these lands which is remaining after giving to the military persons and with what results ?

The Honourable Mr. C. V. MEHTA : Information has been called for.

STONES FROM FOREST LANDS.

Mr. R. G. SALGAR (Sholapur City): (a) Will the Government be pleased to state what is the cost paid by the people at Igatpuri in taking out stones from the forest lands and from the land under the Revenue Department per brass ?

(b) If there is any difference, what are the reasons for the same ?

The Honourable Mr. C. V. MEHTA : Information has been called for.

ACREAGE OF FOREST IN DHARWAR DISTRICT.

Mr. R. G. SALGAR (Sholapur City):

(a) Will the Government be pleased to state what is the acreage of forest at Halijal in Dharwar district ?

(b) What is the total expenditure per acre and the income derived thereby in the last thirty years ?

(c) What will be the assessment per acre if this forest land is given for agricultural purposes ?

(d) What is the assessment now paid by the agriculturists per acre in the said village for agricultural land surrounding the forest ?

(e) What is the time taken by timber tree fit to be sold since it was sowed ?

The Honourable Mr. C. V. MEHTA :

(a) Presumably the member refers to Haliyal in the Kanara district. The total area under forest in the Haliyal taluka is 2,11,742 acres.

(b) A statement* showing the revenue and expenditure of forest areas in the Haliyal taluka for the last 5 years is placed on the Council table.

(c) It is impossible to say as the land is forest and not fit for agricultural purposes.

(d) As it is presumed that the member refers to the Haliyal taluka the question is not clear. Even in the case of a village the assessment on different survey numbers surrounding forest must be different.

(e) Is not understood.

AUCTION SALE OF LICENSES FOR TODDY BOOTHS IN RATNAGIRI DISTRICT.

Mr. A. N. SURVE (Bombay City, North) : (a) Have Government advertised the sale of licenses of tree-foot booths by auction in the Ratnagiri district ?

(b) What causes led Government to introduce the auction in place of fixed-fee system in regard to tree-foot booths ?

(c) Will Government kindly prepare a table indicating—

(i) the license fees charged in respect of trees not exceeding 25 and 50 at the time the tree-foot booth system was introduced in the Ratnagiri district ;

(ii) the subsequent rises in the fees together with the dates ;

(iii) the maximum number of trees assigned to any single booth ;

(iv) conditions in respect of the situation of the trees with reference to the tree-foot booth ?

(d) Is it true that at the last issue of these licenses, fees according to different scales were received in different talukas of the Ratnagiri district for the licenses ?

(e) What are the reasons of this differentiation ?

The Honourable Mr. C. V. MEHTA : Information has been called for.

GUL MANUFACTURE IN THANA DISTRICT.

Mr. G. B. TRIVEDI (Thana District) : Will Government be pleased to state—

(a) Whether the rules for the tapping of toddy trees for gul making in Umbergaon petha, Thana district, suspended in August 1921, have been revised and published ?

(b) Has there been any gul manufacture from toddy for the last two years ?

(c) How many toddy trees in the Umbergaon petha were tapped in 1920, 1921 and 1922 ?

(d) How many approximately were left untapped in those years ?

(e) Did Government receive any application from the public to utilise the surplus trees in other ways ?

(f) Has that application been granted ? If not for what reasons ?

The Honourable Mr. C. V. MEHTA : (a) No. Revised rules will be issued shortly.

(b) No.

(c) 31,135 trees were tapped in the season of 1920-21 and 23,463 in 1921-22.

(d) About 2½ lakhs.

(e) No.

(f) Does not arise.

POSTS OF UNDER-SECRETARIES.

Mr. G. B. TRIVEDI (Thana District) : Will Government be pleased to state—

(a) how many vacancies of the posts of under-secretaries occurred during the last two years ?

(b) how many of them were given to Indians in the Imperial grade of services ?

(c) have they considered the advisability of giving all such vacancies in future to Indians ?

The Honourable Sir CHIMANLAL SETALVAD : (a), (b) and (c) The two under-secretaryships in the Civil Secretariat have been abolished—one in 1921 and the other in 1922.

ARMS LICENSES IN THE BOMBAY SUBURBAN DISTRICT.

Mr. G. B. TRIVEDI (Thana District) : Will Government be pleased to state (a) how many owners of bungalows and land-owners in the Suburban district applied for licenses of arms in 1922 ; (b) how many were refused and for what reasons and who are the applicants.

The Honourable Mr. M. H. W. HAYWARD : The information is being obtained.

BUILDING MATERIALS FOR DEVELOPMENT DEPARTMENT.

Mr. G. B. TRIVEDI (Thana District) : Will Government be pleased to state—

(a) What exact arrangements they have made to obtain different kinds of building materials required for the Development Department ?

(b) How do the prices of these articles obtained departmentally compare with those tendered by contracts ?

(c) Is it the intention of the department to supply these building materials to the public at cheaper rates than market prices ; if so, when will it be possible to do so ?

The Honourable Sir CHIMANLAL SETALVAD : (a) Attention is invited to paragraphs 27-29 of the Report on the working of the Development Department for the period ending 31st March 1921, and paragraphs 53-57 of the Report for the year ending 31st March 1922. There has been no material change in the arrangements therein detailed.

(b) All materials are either purchased from contractors or imported through the High Commissioner. No comparison of the kind suggested is therefore possible.

(c) The matter is under the consideration of Government.

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

Question proposed :

"This Council recommends to His Excellency the Governor in Council that the Second Revision Settlement of the Malsiras taluka in the Sholapur district for the year 1920-1921 should be suspended altogether till the Nira Right Bank Canal comes into actual use for the agriculturists and the Barsi Light Railway actually begins to work in the taluka."

The Honourable Mr. H. S. LAWRENCE : Mr. President, when the Council rose the other day, I was pointing out some of the factors which require consideration in judging the propriety of an increase of revenue assessment. I do not think it is seriously disputed that when prices rise, it is the duty of Government to secure a proportion of the increased value of agricultural produce for the benefit of the tax-payer at large : nor is it seriously disputed that in this case prices have risen enormously, and that this increase is fully justified on the merits. But it may be worth while to give a very simple mathematical statement, which I know from frequent discussion is not universally recognised.

Mention has been made of the 33 per cent. limit of enhancement and the suggestion is made that any increase which approaches this 33 per cent. limit is a harsh increase. Sir, let us consider this simple mathematical sum, and assume some very easy figures. Let us assume that the value of the produce of a certain farm was Rs. 100 at the time when the assessment was fixed thirty years ago, and the assessment is Rs. 10. Let us assume that the price has risen 100 per cent. ; the value of the produce is then Rs. 200. If the assessment is raised to the full limit of 33 per cent. then the ryot will pay Rs. 13-5-4. Before the prices had risen he had a residue in his hands of Rs. 90. When prices have risen 100 per cent., even after deducting the 33 per cent. increase, he has in his hands Rs. 186-10-8. From this sum he meets the cost of cultivation, and I admit of course that when prices have risen the cost of cultivation also must have risen to some degree. I submit that this view of the problem requires the fullest consideration.

Much has been made of the fact that Government had disregarded the opinion of the local officers. Matters of revision of assessment require wide experience for the purpose of comparison with similar circumstances in other tracts, experience which is necessarily beyond the scope of the junior officers. It has, therefore, long been the practice in Bombay to expect junior officers merely to record actual facts and statistics, and to form such judgment as is within their competence on those facts and statistics. But the decision of the superior officers with a wide experience and of Government is very seldom, owing to the complexities of the problem, in accord with the immature opinions of a junior settlement officer.

[Mr. H. S. Lawrence]

In this case, however, we find that Government have set aside the recommendation of the Settlement Commissioner and the Revenue Commissioner on one point. Government have sanctioned the revision for a period of ten years, while these officers recommended that the revision period should be thirty years. As I read the papers the cause for the decision of Government was their desire to reconsider the whole circumstances of the tract at the end of ten years, for this particular reason that the circumstances of that tract may be modified by the extension of irrigation and the railway. There is nothing to show that there was any intention of making any considerable increase at the end of these ten years. Some doubt had been expressed whether prices would retain the high level which they had reached at the time that the settlement officers made their reports, and while Government do in fact reduce assessments during the currency of a settlement when they have been found to be oppressive, yet it was their desire to make it obligatory to bring the case of this tract forward for reconsideration at the end of ten years, instead of waiting until the deterioration of the tract or the outcry of the ryots required a special revision. It must be clearly understood that the guarantee of thirty years is given entirely in the interest of the ryot against an increase of assessment and it is not to guarantee that there shall be no decrease. In fact in certain places settlements have been revised with a view to decrease assessment during the period of currency. The period of assessment, Sir, is the main point at issue, and as I said before I do not suppose that this House is seriously concerned with the major proposal that revisions of assessment should not be undertaken in the interest of the general tax-payer.

Mr. R. G. SALGAR (Sholapur City) (Addressed the House in Marathi): Mr. President, it is necessary to explain some points put forward by the Honourable the Finance Member while opposing the resolution.

The first point he makes is that the price of corn has risen by 300 per cent., and therefore the State should have a share of that rise. But you will find, and it is also an admitted fact, that this taluka is the most famine-stricken, and the Government is obliged to grant remissions and suspensions now and then. In the circumstances it is quite obvious that the taluka has not any actual production of crops. Supposing that the prices are very high still what advantage can an agriculturist of this taluka derive when he has not a single seer of corn produced in his own land? In the absence of any actual advantage to the agriculturist the rise in price of corn does not at all affect the taluka.

The second point raised by the Honourable the Finance Member is that the State must have a share when the price of land has gone up very high. As Mr. Bharucha reports, some of the merchants relying on the hope given by the Government that the Nira Right Bank Canal and the Barsi Light Railway are to work very shortly in the taluka, are induced to give more price to the lands. This rise in price is not due to any profit on the produce derived now, but is solely due to the hopes for the future. This is just like a wagering transaction. Just as a

[Mr. R. G. Salgar]

wagerer in Bombay market raises or lowers the prices simply relying on a wire from England or America and thereby suffers loss, the merchants have bought land in this taluka on the strength of a future profit. Otherwise, there is no actual present profit on the produce. Besides the report of Mr. Mirikar under the head "value of land" is clear enough to show that the prices have become high only in three or four villages on account of the richer quality of the soil. This much is enough to convince the House that the value of the land is increased if at all not on account of actual profit now being got, but on account of future expectations.

Now I shall read paragraph 25 of Mr. Mirikar's report for the information of the House regarding the maximum rates :

"On the north, the Malsiras taluka is surrounded by the villages in the Indapur taluka with the Nira river between. The second revision settlement was introduced in the Indapur taluka in 1912-13. The rates sanctioned for the villages adjoining Malsiras are Re. 1-0-0 and Rs. 1-2-0 only. A rate of Rs. 1-4-0 was first sanctioned for these villages, but it was found very high. Lower rates were therefore proposed and sanctioned by the Government. The existing rate in the Malsiras taluka is already Rs. 1-4-0.

On the southern side of the Malsiras taluka, there is the Man taluka of the Satara district with the Singapur hills between. The villages of the Man taluka stand on a plateau. The position of the villages in the Malsiras near the hills is quite different. The existing rates in the adjoining villages in the Man taluka are Rs. 1-7-0 and Rs. 1-4-0. In the villages in the Malsiras taluka near the hills the existing rate is Rs. 1-3-0. The construction of the Nira Right Bank Canal is in progress and it is believed that the work will not be completed for more than 10 or 15 years. Even 20 years will be required to enjoy the produce from irrigation. The Barsi Light Railway line also is to be extended from Pandharpur to Lonand *via* Alaluz and Malsiras, etc., and the work will be taken up in hand shortly. These two factors, when complete, will tend to improve the material condition of the people considerably."

This statement will fully satisfy the House that the new settlement rates are unjustly very high.

Besides honourable members will fully realise the fact that the rise in value of lands chiefly depends upon the increase in produce. But here my honourable colleagues will find that there is neither an increase in produce nor an extension of cultivation.

In 1890-91, the percentage of barren soil was 12 and now it has become 21. This fact will convince this Council that the lands are not fertile and the taluka is quite famine-stricken.

The Honourable the Finance Member says that the practice of giving suspensions and remissions was brought into use by the Government only from 1900, and that that policy was not in existence in 1890-91. But I would like to draw the attention of the Honourable the Finance Member and also of this House to the report of the revision settlement of this taluka in 1890-91 in which it is clearly stated that the Government had to give a remission of Rs. 5,000 even before 1890-91. This fact alone is sufficient to show that the settlement of 1890-91 is very unjust and extremely high. Now, I shall read out the numbers of suspensions and remissions from 1890-91 to 1920-21 as given in the report (Reads out Appendix K, page 31 of the Report).

The people of this taluka go to distant cities like Bombay, earn money by labour and pay the Government dues. It is said that the people easily give the assessment (suspended) but it is paid out of the produce of

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labour in the cities and not out of the produce of the land. A merchant sells goods in his shop to a man at a high price, assuring him that if he cannot sell the goods on the basis of that high price, he would be given a remission. The same is the case here—to raise the assessment to the highest pitch and if the people cannot pay, then give suspensions and remissions.

As the early rains are very uncertain the people in this taluka are in the habit of keeping their lands reserved for rabi crops. Honourable members know very well that there are many advantages from early rains to the agriculturists. The cattle get grass and the agriculturists get the kharif crops for their maintenance, and the rabi crops can be utilized for paying assessment and other dues. But I am sorry to say that this taluka has no such good luck on account of failure of early rains.

In the month of October 1922, a resolution was moved in this Council to the effect that whenever a revision settlement is to be made it should be made with the sanction of the Council. In replying on that resolution the Honourable the Leader of the House stated that if any injustice was done while making the settlement it was open to any honourable member to question its propriety and that a due consideration would be given to the points urged. I hope the Honourable the Leader of the House will help me now by keeping his promise this time.

I think I have taxed the patience of the Council too much and I beg honourable members of this House in the name of the poor agriculturists of the Malsiras taluka to recommend unanimously to His Excellency to postpone the settlement of 1920-21 till the Nira Right Bank Canal and Barsi Light Railway get into actual working order in the taluka.

The Honourable Sir IBRAHIM RAHIMTOOLA : Mr. President, I remember perfectly well that I asked the Council to bring forward specific instances in which land revenue settlement had been carried out in a manner which did not appear satisfactory to any honourable member and I therefore welcome the present proposal in order to enable the question to be fully discussed. The difficulty in connection with this matter is this. During the course of a long period, principles of land revenue settlements have been laid down for the guidance of revenue officers who are trained for the work. I can quite understand that there would be differences of opinion amongst the officers of Government whose duty it is to see that land revenue at the time of every settlement is pitched at such a figure as is reasonable in the interests of the general tax-payer and at the same time it is human nature that those agriculturists who are required to pay increased assessment to the State would feel themselves dissatisfied and consider that the revenue officers are trying to get out of them much more than is justified. This conflict cannot but endure so long as the present system continues. The provincial exchequer has to depend for its revenues to a considerable extent upon this source and a certain amount of increased revenue every year is essentially needed to meet the growing expenditure.

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The honourable member from Kaira naturally asked that all revision should be abolished. I presume what he meant was that land should be settled permanently and that the large number of revenue officers who are now engaged in carrying on the land administration of the province should be disbanded and a happy family arrangement should be made by which the agriculturists should continue in complete occupation of lands without any liability beyond what is being levied at present. From the political point of view, a great deal could be said in favour of permanent settlements. Economically also, the condition of the agriculturists would materially improve and there would be greater inducement for the expenditure of capital in carrying out improvements in cultivation and agriculture. But the main issue is being overlooked: How is the administration of the province to be carried on? Where are the funds to be obtained which must be received in order to be able to carry on the administration of the province? If any honourable member would work out a scheme which would show that the agriculturists who would be much better off, under a permanent settlement, should directly contribute increasing amounts to make up for the loss of the growing source of revenue by other means, in the form of taxation which may be more suitable to them, I am inclined to think that Government would be very glad to consider those alternatives. But so long as the main issue of the revenue needs of the province is not taken into consideration, a question of this character can hardly be regarded as a matter of practical politics.

Now, Sir, we come to the question of the present settlement which has been brought to the notice of Government. I remember that during the many years that I was a non-official member of this Council a large number of debates took place in connection with land revenue policy and there were always conflicting views on the non-official and the official sides. I did not then take much interest in that question because I had not the remotest idea at the time that a time would come when on behalf of Government I would be in charge of the Revenue Department. But the position, Sir, was this: Government always contended that the basic principle on which assessments were fixed was an average yield of a certain number of years. They said that the areas under settlement were examined from past experience as regards their productivity and a rate was fixed on the average productivity of the soil. It was anticipated that during the years when crops were plentiful the agriculturists should effect a saving and should invest it in order to meet the deficiency of lean years. It was contended, on the other hand, by the non-official members that the agriculturists were both poor and ignorant, that they did not save during good years, and therefore there was no reserve for lean years. This controversy went on for a considerable number of years and I find that a new system has now been introduced in order to meet that difficulty. Government are regulating their assessments on certain principles of remissions and suspensions. That is to say, the saving which it was intended should remain with the agriculturists to meet the deficiency of lean years is now being replaced by a liberal policy of remissions and suspensions. During lean years land revenue is either suspended or remitted, and, if suspended, it is subsequently remitted if a case is made

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out. Now, dealing with the present case, the honourable mover has himself drawn attention to Appendix "A" of the report, and I would invite those interested in this question to glance over that statement. It shows that the amounts of remissions have been very large in this area. In one year, 1901-02, so much as Rs. 81,000 and odd was remitted. Now, when I tell the Council that the total demand from this taluka was only Rs. 98,000 and odd, they will appreciate the large proportion that was actually remitted. Out of Rs. 98,000 total demand, so much as Rs. 81,000 was remitted. The statement further shows that large amounts were also remitted during other years. In some years only small amounts like Rs. 1,625 were remitted. The policy which is now pursued is that in case an area shows unfavourable results of productivity, Government liberally remit the assessment, so that the new system which has been brought into operation is being given effect to in a liberal spirit. You could not have it both ways, Mr. President. Honourable members must remember that they could either adopt the old system, under which a uniform assessment was levied with the idea that the agriculturists themselves should save during good years to meet the deficiencies of lean years, or they could have the new system, under which during lean years substantial remissions and suspensions are granted. The latter system is now in operation and I am personally inclined to think that it is a great improvement on the old system, having regard to the condition of the agriculturists.

Sir, honourable members will perhaps be interested to know what are the facts of the case. The total area in this taluka is about 212,000 acres. The total revised assessment is about Rs. 1,25,000, showing an increase of Rs. 29,000. If you work that out on the total area of 212,000 acres it gives an increase of about $2\frac{1}{2}$ annas on an average per acre. I do not think any honourable member would be inclined to think that that increase is so high as to justify any action on the part of this House. It is perfectly true that the maximum rates have been increased from Rs. 1-4-0 and Rs. 1-3-0 to Rs. 1-10-0. For rice lands the rate has been increased from Rs. 6 per acre to Rs. 8 per acre, but the net result of this increase is an average increase of $2\frac{1}{2}$ annas for the whole taluka. I do not think that honourable members can feel that this is an extravagant increase. I have already told the honourable House that Government have to reply upon their expert officers who carry out minute investigations before any revised basis is accepted. The facts as I have stated indicate that this assessment has not been revised on a basis which could be reasonably objected to.

There is, however, one point to which attention has been drawn during the debate and which I think has considerable force behind it. The honourable mover has drawn attention to the fact that while the policy of Government has been to provide for the revised assessment to be operative for a period of 30 years, in this case while the full maximum increase of 33 per cent. has been levied the period of settlement has been fixed at only ten years. The reasons why the period was fixed at ten years have been stated in the report and have been explained by the

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Honourable the Finance Member. Within the next ten years it is expected that the Nira Right Bank canal will provide irrigation to this area. The Barsi Light Railway is expected to be completed by that time and both these reasons will operate to afford relief to the taluka and the condition of the agriculturists will greatly improve. It is but natural that Government should expect that when these new conditions are introduced the general tax-payer should benefit by further increased assessment. It has been however argued that when settlements are ordinarily fixed for 30 years, if circumstances transpire which operate adversely upon the ryots, the full revised assessment is continued to be levied and that on the same principle they should get the benefit of any favourable circumstances which may arise during the same period. I will only point out that these are not the favourable circumstances which ordinarily arise. The fact is that at heavy capital cost irrigation works are being carried out and heavy capital cost is also needed to construct the railway; that the general tax-payer who provides these funds ought to benefit by the result of these operations. In spite of these facts if honourable members so desire and if they express a decided view in the matter, Government will be prepared to consider whether they should not give the benefit to this taluka of the full period of 30 years. That is a direction in which Government will be quite prepared to consider affording relief. If this is the view I may assure the House that Government will give this matter of extending the period from 10 to 30 years their best consideration so that during the later period of 30 years the agriculturists will secure without any further revision the full benefit of these two measures of irrigation and railway communication. That is what Government will be prepared to consider.

There is one subject, however, to which I must refer in conclusion. It has been admitted that the value of produce has gone up, that prices have gone up by 280 per cent. that the value of land in this area has enormously increased. In the face of these two facts which are not disputed, I should like to ask whether an average increase of 2½ annas per acre is excessive in any way. I hope honourable members will realise that Government are regulating the land revenue policy in a manner which appears to them to be perfectly fair to agriculturists. I hope in view of the assurance that I have given the honourable mover will withdraw the resolution.

Mr. R. G. SALGAR : If Government give that assurance I am ready to withdraw my resolution.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, I could not have put it in a better way. Government must act in their corporate capacity. I have told the Council that Government will very favourably consider the question of extending the period to 30 years, but I cannot definitely commit Government without consultation.

Question put : House divided : Ayes 32, Noes 27. Motion carried.

Division No. 8.

Ayes.

ADHAV, Mr. P. N.
 BHATE, Mr. G. C.
 BHUTTO, Khan Bahadur S. N.
 BIRADAR, Sardar M. A.
 BOLE, Mr. S. K.
 CHITALE, Rao Bahadur G. K.
 COOPER, Khan Bahadur D. B.
 DADACHANJI, Dr. K. E.
 DESAI, Rao Saheb HARILAL D.
 DESAI, Rao Saheb DADUBHAI P.
 DUBHASHE, Mr. SHANKAR BALKRISHNA
 DWARKADAS, Mr. KANJI
 GARUD, Rao Bahadur S. D.
 GODBOLE, Dewan Bahadur K. R.
 GULAMHUSEN, Mr. SULTANALI SALE-
 MANJI
 HALKATTI, Rao Saheb PHAKIRAPPA
 GURUBASAPPA

HULKOTI, Mr. CHANNAPPA CHANVI-
 RAPPA
 LALBHAI AMBARAM, Mr.
 LIGADE, Mr. S. P.
 MOHAMED SALAHUDDIN K., Mr.
 NIMBALKAR, Mr. K. B.
 OJHA, Mr. DIPCHAND T.
 PAHALAJANI, Mr. B. G.
 PATEL, Mr. B. P.
 PATEL, Mr. J. B.
 PAWAR, Shrimant J. A.
 PETTIT, Mr. JEHANGIR B.
 SAHERWALA, Khan Saheb I. A.
 SALGAR, Mr. R. G.
 SURVE, Mr. A. N.
 TRIVEDI, Mr. G. B.
 VICHARE, Rao Bahadur D. A.

Tellers for the Ayes.—Mr. K. B. NIMBALKAR and Rao Saheb DADUBHAI P. DESAI.

Noes.

BATLIWALA, Dr. S. S.
 BELL, Mr. R. D.
 CADELL, Mr. P. R.
 COCKE, Mr. H. G.
 DABHOLKAR, Mr. V. A.
 FERREIRA, Mr. D. J.
 GHULAM HUSSAIN, The Honourable
 Khan Bahadur SHAIKH
 HAYWARD, The Honourable Mr. M.H.W.
 KER, Mr. J. C.
 LAWRENCE, The Honourable Mr. H. S.
 LORY, Mr. F. B. P.
 MANSURI, Khan Saheb A. M.
 MEAD, Mr. P. J.
 MEHTA, The Honourable Mr. C. V.

MONTGOMERIE, Mr. A.
 MURPHY, Mr. S. J.
 MUTALIK, Sardar V. N.
 NILKANTH, Rao Bahadur R. M.
 PARANJPYE, The Honourable Dr. R. P.
 PRADHAN, Mr. M. W.
 PROES, Mr. E. M.
 RAHIMTOOLA, The Honourable Sir IBRA-
 HIM
 SETALVAD, The Honourable Sir CHIMAN-
 LAL
 SHEPHERD, Mr. W. C.
 SHIRRAS, Mr. G. FINDLAY
 THOMAS, Mr. G. A.
 WOODS, Mr. E. E.

Tellers for the Noes.—Mr. R. D. BELL and Mr. M. W. PRADHAN.

Rao Bahadur R. R. KALE (Satara District): Mr. President, the resolution which stands in my name reads thus :

This Council recommends to the Government that in view of the uncertain and unsettled state of law relating to public, charitable and religious trusts and endowments (existing and future) in this Presidency and in view of the need of ensuring proper and necessary safeguards to protect such trusts and endowments, the Government should at an early date introduce legislation making provision for—

- (a) the registration of existing and future endowments and trusts declared for public, charitable and religious purposes ;
- (b) the submission of audited accounts of such trusts ;
- (c) making the trustees or managers of such trusts liable in the same manner as trustees under the Trust Act of 1882 ;
- (d) securing the trust properties and incomes thereof to the objects of the trusts ;
- (e) the creation of district or other boards for the control and supervision of such trusts and endowments ;
- (f) and for such other matters as may be necessary for preventing the alienations and misapplication of such properties.

I propose to divide the subject matter of this resolution into five parts : first, the present condition of these trusts and the need of reform in the system of their administration ; secondly, the past and present attitude of Government on this question ; thirdly, the new Act passed by the Government of India, viz., the Act of 1920 ; fourthly, the present state

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of the law and the need for further legislation; and lastly, the lines on which legislation should be undertaken. The first four parts constitute as it were the preamble or reasons for the proposed legislation.

As regards the first point about the present condition of these religious and charitable trusts, honourable members are aware that the people of this country have been well-known for a long time for their charitable nature, and various endowments for charitable and religious purposes which have been constituted in almost every village, if not town. Also sufficient funds have been provided for the conduct of these various institutions. It is a matter of common knowledge that a large number of these institutions are mismanaged and the incomes of these institutions have not been properly applied for the purposes for which they are intended. We, therefore, want control, a real control, over the managers and trustees of these institutions who have been entrusted with the management of these various institutions. We, at the same time, want to take power to remove the trustees or managers if they are found to be misconducting themselves. We have allowed more than a century to go by without taking any action in this matter. Now, Sir, that we have got a popular Government, it seems to me that the long standing complaint should be removed partially at least by recourse to fresh legislation. It is a matter of regret that the Government has made no adequate provision by way of legislation in this matter. Before the old Act was passed, there was some control over the charitable institutions so far as Madras and Bengal were concerned, but under Act XX of 1863, even this partial control was removed and these institutions were transferred to private bodies. Now, Sir, since that time attempts have been made to induce the Government of India to reconsider their policy of non-interference in this matter. There has been voluminous correspondence carried on between those interested in these institutions and the local Governments, and the Government of India and the Secretary of State also. Attempts were made to introduce bills in the Imperial Legislative Council by Dewan Bahadur Ananthacharlu and Dr. Rash Behari Ghosh; and then an attempt was made in this very Council by the present Leader of the House who was then a non-official member, in the year 1911, to bring forward a bill for the purpose of registration of public charitable institutions. But, Sir, the attitude of Government, in spite of these attempts, had remained steadfast. That attitude has been summed up by Sir Charles Atkison in the minute which was drafted by him in 1880; and that is clear from the proceedings of the Government of India for that year. I do not wish to go into a detailed examination of the reasons which influenced the Government to adopt that policy.

The Honourable the PRESIDENT: All this historical survey may be relevant; but I understand that the Government of India has announced its policy recently in the Legislative Assembly that it is a matter for each provincial legislature to consider. Just at present a bill on this subject is pending in the Madras Legislative Council. The matter is thus within the competence and discretion of the provincial councils and

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provincial governments. Is it necessary then to take a historical survey? We have to deal with the existing phase of the question.

Rao Bahadur R. R. KALE: The Chair has anticipated me. The next sentence I was going to say was that the attitude of the Government of India has changed, and therefore it was a matter for congratulation that they had changed their policy which would be evident from their having passed the Act of 1919. The Act which was passed in 1919, is however only a skeleton. Sir William Vincent said in the course of the debate on that bill that being an Imperial bill its scope was limited, because different provinces had advanced to different stages. Therefore, what I submit is that they have laid down an outline and left it open to the provincial legislatures to bring in their own bills to suit local requirements. We have therefore arrived at a stage at which an attempt should be made by the local Government to undertake legislation suited to our province.

The Honourable the PRESIDENT: I was not referring to that particular speech. I was referring to the pronouncement of the policy of the Government of India leaving this matter to the competence of provincial Governments, made by the Honourable the Home Member of the Government of India at a sitting of the Legislative Assembly during its session in last January or February.

Rao Bahadur R. R. KALE: The whole point is that local legislatures have been left to frame their own bills. I submit therefore that as the attitude of the Government of India has changed and other provinces like Madras have actually introduced a bill—I do not know whether it has been finally passed in Madras—it is but right and proper that this Presidency should make a beginning in this direction. That the present law is not sufficient to accomplish the purpose we have in view is, I think, undisputed. The matter was debated in this Council when the bill of the Honourable the Leader of the House was introduced, and I do not wish to take up the time of the Council by going into a detailed examination of the present enactments on the subject. But I should like to quote the opinion of the Advocate General which was then given after an examination of the various Acts, the Act of 1890 and others. This is what he said:

“The conclusion is that there is no legal provision at present which is sufficient and adequate to deal with the state of evil that exists in relation to charity.”

The Act of 1890 relating to charities is limited and it is only a permissible legislation: it permits new endowments to be constituted and permits Government to take over charge of the funds of endowments, but there is no compulsion or obligation for the purpose of enforcing a correct audit of the accounts of these endowments. That being so, my submission is that the time has now arrived when a step should be taken in the direction of framing a law, complete in itself, to accomplish the purpose we have in view.

After having detailed the reasons for undertaking legislation, I will now proceed to point out the directions in which the new law is required.

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First, I shall take “(a) the registration of existing and future endowments and trusts declared for public, charitable and religious purposes”. You will see from this, Sir, that the legislation I ask Government to introduce is limited to public trusts and will not affect any private trusts. I know that a man may set up a temple for his own use and give access to the public to worship, and such an institution will not be touched by the kind of legislation I propose. My point is that the trust must be devoted for a public purpose. The introduction of the words “religious trusts” may create alarm in the minds of some people who generally raise the cry of religion in danger. My submission, Sir, is that the two questions, social and religious, are so intermixed so far at least as the Hindus are concerned—I do not know about other communities—that it is very difficult to distinguish between the two, and our ideas of charity are in almost all cases religious and not purely social. Therefore, it is necessary to include religious trusts as well. In fact the exclusion of these trusts was one of the defects that was pointed out in the bill of the Honourable Sir Ibrahim Rahimtoola. His bill was confined purely to public charitable trusts, and it was pointed out that it would be insufficient and ineffective as it would be very difficult to select what were purely secular trusts. For this reason it is necessary to include also religious trusts, provided they are of a public nature.

As regards these trusts what is required is that their instruments should first of all be registered, so that the public and the Government may know what particular endowments and institutions are public and registered, and what are the particular conditions of an endowment. Therefore, my first point is that they should be registered. My second point is that their accounts should be audited. In the case of such trusts this is a necessary safeguard. At present their accounts are not known; in some cases no accounts are kept whatsoever; there is no check upon the accounts, and there is no obligation on the managers of the trusts to submit any statement of accounts to any authority, and nobody knows how the amounts are spent in the name of religion. I need not go further into this question, but I will only say that in many cases large endowments are not applied to the purposes for which the donors gave them. Therefore in the interests of the public it is absolutely necessary that some provision should be made for the purpose of auditing the accounts of such trusts.

Thirdly, it is necessary that the trustees or managers of such trusts should be made liable as trustees in the same manner as trustees under the Trust Act of 1882. You will see that the present Trust Act of 1882 makes private trustees liable, *i.e.*, persons who are working private trust properties are brought under the operation of the Trust Act, but so far as trustees or managers of public trusts are concerned, that Act exempts them from the operation of any liability. This is also a very important point. I do not see why trustees of public trusts, endowed for charitable or religious purposes, should not be brought under the operation of the Trust Act. No doubt it may be said that the Act was passed in 1882 when the policy of Government was not to interfere. I am

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quite conscious of the reasons which must have led the legislature of those days to exempt public trustees from the operation of the Trust Act because a hue and cry might have been made in the name of danger to religion by temple managers and others as they were to be called to account and so on, but a considerable change has come over the country and now I do not think that there will be any feeling against the trustees of public charities being brought under the working of the Trust Act.

Fourthly, it is necessary that the income of all trust properties should be secured to the objects of the trusts. You will see this is also a very important point, because in a large number of cases trust properties have been actually given away or sold away, or money has been raised on the securities of such properties, they have been mortgaged, decrees have been obtained and sales have taken place through the law courts even and the properties have gone into the hands of total strangers; the trusts are not fulfilling the objects for which these properties were given by the donors. Is it not necessary that Government should come forward in the interest of the public to prevent such kinds of transactions? I know it may be said that by old alienations people may have obtained certain rights and titles and such alienations should not be disturbed. Quite so; it may be quite reasonable as old alienations may have taken place in very ancient times and may not be interfered with. I quite admit that something of that kind will have to be put into the Act in order to safeguard the vested interests, but here I may point out.....

The Honourable the PRESIDENT: The question whether the legislation suggested in the resolution should be retrospective raises, I am afraid, a definite issue by itself. The honourable member need not enlarge upon that point.

Rao Bahadur R. R. KALE: I may point out that the Bombay Hereditary Offices Act does operate retrospectively upon alienations.

The Honourable the PRESIDENT: The honourable member in the terms of his resolution does not recommend any legislation of a retrospective character in this case. If he had done that the resolution would have raised two definite issues and so contravened the Standing Orders.

Rao Bahadur R. R. KALE: That is a matter of detail, but so far as I am personally concerned, I would certainly like to give power to Government or to officers of Government or the civil courts who may be on the spot to go into this question and give power to set aside alienations in proper cases.

The Honourable the PRESIDENT: Set aside under what authority? By legislation or by going to a court of law?

Rao Bahadur R. R. KALE: By going to a court of law, of course.

The Honourable the PRESIDENT: That authority still exists; anybody can even now go to a court of law and file a suit and say that a particular alienation was unauthorised and that therefore the property must go back to the endowers.

Rao Bahadur R. R. KALE : That depends upon the Limitation Act.

The Honourable the PRESIDENT : Therefore it is that I want to have it made clear how the question of alienation coming back to the endowment is within the terms of this resolution.

Rao Bahadur R. R. KALE : That is in fact one of the points with which legislation should deal, because, if Government have thought it proper to provide against alienations in the case of watan properties, properties which are not in a watan family or which have left the watan family for some reason or other, such properties can be got back irrespective of the period of limitation.

The Honourable the PRESIDENT : The honourable member I hope will not bring in the Watan Act because it is not relevant to a subject like this. The watan tenure is created in virtue of the sole right of the Sovereign's paramount power to create watans ; Government is directly interested in them as the fountain thereof, so to say, whereas it is not the case as regards religious endowments. Watans are necessarily by virtue of their nature created by the King ; religious endowments are not so created. Watans are alienations from the sovereign power. There is no relevance between the two.

Rao Bahadur R. R. KALE : I was only pointing out an instance.

The Honourable the PRESIDENT : Unfortunately the instance is not apposite.

Rao Bahadur R. R. KALE : It may not be quite apposite, but I am only pointing out the direction in which legislation can be undertaken. As matters stand at present there is no provision for compelling the proper use of the income for the trust properties such as temples. It is not necessary to disturb the possession of the party holding the properties in trust, but there must be some provision in law which would compel the income derived from trust properties to be utilised in furtherance of the main objects of the trust. Here I am only pointing out the directions in which legislation should be passed so that religious and charitable trust properties can be to a certain extent interfered with so as to secure the income of such properties to the objects of the trusts.

Then, Sir, there comes a very important provision about the creation of district or other boards for the control and supervision of such endowments. I think it is absolutely necessary that there should be an agency by which particular district boards belonging to particular religious communities should be constituted so that they may be in a position to look into the condition of such endowments so far as their interests are concerned and to see how far the trustees are managing their endowments properly or bring them to account in proper cases, and for that purpose I think it will be desirable and necessary to constitute boards in which this power may be vested. That is however a matter of detail, and I leave it to be considered when a bill is brought into this Council. At present I will only give one more reason why such legislation should be brought forward by Government. I may mention that I had sent up a bill to this Government, but I was told that the sanction of the Government of India would be necessary. Then I thought that the Government of

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Bombay might be able to obtain that sanction, but I was told that Government could not ask for such permission on behalf of a non-official member but the non-official member himself ought to get the Government of India's sanction. Then I submitted my application to the Government of India for the purpose of obtaining the necessary sanction. Now it is nearly a year since that application has been submitted with a full statement of the objects and reasons, but what I find is that the Government of India are still moving in the old groove. They have sent the bill to various districts and taluka towns also and opinions have been asked for. Now, Sir, my point is that this is a procedure which might have been justified under the old constitution, when no doubt our Councils were not fully representative of the people and therefore it was necessary, before leave being given to a member to introduce a bill, to ascertain public opinion on that wide scale. But now, Sir, that the constitution is changed and that all kinds of interests are represented in the Council, is it necessary, I ask, before giving sanction, to spend time and trouble in ascertaining public opinion first, before sanction or leave is given to introduce a bill? Of course, after the sanction is given, there is the procedure laid down whereby copies of the bill will be circulated and objections and opinions invited, and they can be heard, and also we can discuss the matter with various people, and so on. But my submission is that this delay and expenditure involved in calling for opinions even for the purpose of allowing a private member to introduce a bill acts as a clog on the legislative powers which are given to a provincial Legislative Council under the Government of India Act. I had similar experience in regard to another matter—I am not going to dilate upon it—but in another matter affecting the interests of this province, I may be allowed to mention....

The Honourable the PRESIDENT: I am afraid we are now drifting into another question altogether—the delay with which the Government of India deals with bills.

Rao Bahadur R. R. KALE: I was only pointing out, Sir, the necessity of Government itself undertaking legislation as they have not the same difficulty as a private member has. Apart from the want of machinery at the private members' disposal, which want the Government have not got, there is this impediment in the private member proceeding with the formation and introduction of a bill. So, Sir, I think I have sufficiently made out a case for a bill of this kind being brought in the Council by the Government.

Now, I would say a word about certain communities which may not want this legislation at all; for instance, the Indian Christian community. There is the Succession Act, for instance, which contains provisions or clauses sufficient to safeguard the interests of the Indian Christians and other communities. I submit, Sir, that a clause may be introduced in the bill by which particular communities or particular areas may be exempted from the operation of the bill. I know it is a matter which concerns various religions and communities, and it might be objected to by those who may not think it desirable to constitute these boards or other bodies such as I have suggested. I submit, Sir, that that can be

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safeguarded by limiting the operation of the bill or by giving power to the local Government, as has been done in the case of several enactments, to exempt from the operation of the bill particular communities or particular areas which might be under the operation of other laws. I therefore think.....

The Honourable the PRESIDENT: The honourable member has exceeded his thirty minutes and he will remember that there are only about fifteen minutes more for the discussion of this resolution. At half past four we take another motion, as settled.

Rao Bahadur R. R. KALE: So I will finish. I think I have said enough and hope the Council will be pleased and the Government will be pleased to accept this resolution.

The Honourable the PRESIDENT: May I put it to the House that, if Government at this stage will indicate its views upon the subject, it may cut the discussion short. Otherwise this resolution, if it remain part-heard, will prove abortive, and cannot be reopened for a year under the Standing Orders, should this session be prorogued.

The Honourable Sir IBRAHIM RAHIMTOOLA: I had intended getting up as soon as you had put the resolution before the House.

Sir, the question is of sufficient importance to justify considerable discussion. The first point that I should like to invite the attention of the House to is that the honourable mover will find it difficult to get any substantial support in favour of Government interference with charitable and religious endowments. It was under the Act of 1863, to which the honourable mover has referred, that certain revenue boards headed by the Collector were constituted to deal with religious endowments. There was considerable agitation against that course and Government had ultimately to decide to abandon all control in regard to such endowments. When I say that the honourable mover will not get much support in favour of Government interference, I should not be misunderstood to mean that he will not get adequate support in his endeavour to introduce some measure of control over charitable endowments and the manner in which they are administered at present. There has been an almost unanimous feeling amongst the Indian people in favour of some form of control over charitable and religious endowments. That feeling has resulted in various attempts being made in the past both in the Imperial and Provincial Legislatures at the introduction of private bills, but unfortunately none of those efforts have proved fruitful. Circumstances then existed under which Government were in a majority in almost all the Legislative Councils and the policy of Government of non-interference with religious matters operated against any legislation being passed against very strong opposition from vested interests. It was under those conditions that I brought forward a very harmless bill in order to make a beginning with exercising some form of indirect public control over charitable endowments, and I had to examine the question in all its aspects. I came to the conclusion that the best course would be to take the line of least resistance. Even in my efforts on those lines, with the

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full support of the Bombay Government, the Bombay Legislative Council and the Bombay public, I was unable to get through my bill. The Government of India stopped any further move in that direction, and though the bill had received the first reading and a practically unanimous report of the select committee, it had ultimately to be abandoned under the orders of the Government of India. As the honourable mover has rightly pointed out, circumstances have now changed and a largely non-official element is sitting in the Councils. The responsibility of a measure of this kind will not now lie with Government, but with the non-official majority. That non-official opinion will warmly support the honourable mover, I have no doubt, but the policy of Government in regard to non-interference with religious matters remains unchanged. If non-official members desire to introduce legislation and with the support of a non-official vote carry it through the legislature, no objection can possibly be taken. Honourable members will realise that immediately they try to control by means of Government intervention any religious endowments connected with temples, mosques and similar religious institutions, there will be considerable opposition from vested interests. I hope honourable members will recognise the difficult position in which Government will find themselves if they initiated any legislation in such matters in the face of their definite policy of non-interference with religious matters.

Rao Bahadur R. R. KALE: The policy about having only the non-official vote on questions like this has been changed as it was said the other day by Sir William Vincent.

The Honourable Sir IBRAHIM RAHIMTOOLA: I am unaware, Sir, of Sir William Vincent's statement, but I know this.....

The Honourable the PRESIDENT: When Sir William Vincent said so and Sir Malcolm Hailey made the pronouncement on the subject, so far as I remember what they meant was that it is a matter for the provincial legislatures of each province to consider. The issue still remains and that is what the Honourable Leader of the House is saying, namely, the question whether the thing should be initiated by Government or by private members.

The Honourable Sir IBRAHIM RAHIMTOOLA: My point is this that I know of the agitation that was started throughout India when the first effort to introduce legislation in the Imperial Legislative Council on the subject of charitable endowments was made by a Madras honourable member. I had to study all this when I brought forward my bill, and I am now speaking from memory. In all these parts of India there are very powerful religious organizations controlling vast trusts, connected with temples. There are also large trusts attached to mosques, and it will be apparent to honourable members that in view of the definite policy of Government of non-interference with religious matters they could not be expected to initiate legislation in a direction of this character. To my mind, it is not at all necessary that the House as it is now constituted under the reforms should frame resolutions on the

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lines that the honourable mover has done. Honourable members can by a non-official vote alone carry any legislation that they think is required in the best interests of the province, and as I have said before, I do not think the honourable mover will find any difficulty in getting the support of this Council. At the same time, I trust that honourable members will realize the difficulties of Government in initiating a measure which is likely to be misunderstood by the large orthodox religious element in the population. I am glad that the honourable mover has moved in that direction. He has drafted a bill and he has submitted it to the Government of India for sanction. If the Government of India are taking the precaution in a matter of this kind of collecting opinions from all possible quarters, I think their action ought to be commended instead of being criticised, because in a question like this they take the responsibility of giving their sanction to a measure which is likely to be misunderstood on religious grounds. If therefore they are taking the precaution of ascertaining public opinion by references to various districts and various talukas, they are in my opinion acting in the right direction. I may however tell the honourable mover that if at any time, he or any other member of this House feels that the Government of India are unduly delaying the work of the provincial legislature, they have got an obvious remedy of drawing the attention of that authority to that delay by interpellations through their representatives in the central legislature, and if necessary by moving a resolution. The constitutional position is so changed that non-official members have now acquired considerable power if they know how to use it. I therefore ask the honourable mover to be content with the discussion that has taken place, and to pursue the course which he has himself adopted, of expediting the Government of India and introducing the legislation in his own name. It will be far more creditable to the honourable mover to do so.

There is another aspect of the question to which, in conclusion, I should like to draw attention. The honourable mover has indicated the various directions in which Government should provide legislation. Who could be better qualified to draft that bill than the honourable mover himself, who has studied and gone deeply into the various aspects of the question? I do not wholly agree with the several aspects of the measure that he is bringing forward. I want him to consider what will be the effect if such serious responsibilities are proposed to be thrown upon the trustees. Great difficulties will be experienced in finding suitable trustees to accept the position. These aspects of the question can well be discussed when the measure is before the House. On the present occasion, I would only ask the honourable mover to be content with the discussion which has taken place and to pursue the course which he has himself adopted, namely, get the Government of India to expedite their sanction and to bring in legislation himself.

The Honourable the PRESIDENT: With reference to the last point made by the Honourable Leader of the House as regards the Government of India being asked to expedite the matter, is it not the case that even supposing this Council agrees to this resolution and this Government is

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called upon to consider the propriety of bringing in such a bill on its own responsibility, the constitutional practice will be to invite opinions from all different sources in order to see whether the bill should be brought by this Government on its own responsibility or not ?

The Honourable Sir IBRAHIM RAHIMTOOLA : May I say, Sir, that when I introduced the bill I took the precaution to elicit public opinion ? The Honourable mover can do that if he likes. The constitutional position, as I understand it, is that supposing the House passes any resolution of this kind, inviting Government to introduce legislation, it is merely recommendatory, and Government will have to consider whether they will take the responsibility of doing so. If they decide to take the responsibility, then they will have to draft the bill. In the first instance, they will circulate it among their own officers and non-official bodies and get their opinions. If they are satisfied that it has public support they may decide to introduce it ; they will have to refer it to the Government of India for their sanction, and until that sanction is received the bill could not be brought forward before the House. That is the procedure.

The Honourable the PRESIDENT : I referred to it in order to show that the difficulty arising from the Government of India circulating the bill for opinion, to which the honourable mover has referred, will not be got rid of by this recommendation, and raises a definite issue by itself.

Rao Bahadur R. R. KALE : The difficulties of Government have no doubt been put forward, but the difficulties of a private member are still greater in the matter of introducing bills.

The Honourable the PRESIDENT : That is not the question. The honourable member will be perfectly at liberty in saying all that in reply, but just at present I want to know whether he presses his resolution or he would withdraw it under the circumstances explained by the Leader of the House.

Rao Bahadur R. R. KALE : I have to say something.

The Honourable the PRESIDENT : The debate on the resolution will be resumed after the disposal of the motion which will be taken up at half past four, and of which notice has been given to me by the honourable member for Poona (Dewan Bahadur Godbole).

After Recess.

Dewan Bahadur K. R. GODBOLE (Poona District) : Mr. President, the resolution which I wish to place before the Council reads thus :

" This Council places on record its expression of regret at the great loss it has sustained by the retirement of the Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E., owing to the expiry of his term of office as a Member of the Government of Bombay and the sense of high appreciation of the valuable services he has rendered and the conspicuous ability with which he has discharged his duties as a Member of this Council, as the Leader of the House and as an Executive Councillor of the Government of Bombay."

I do not think that this resolution will require many words or a lengthy speech on my part to commend itself to the members of this Council, because we are all aware of the excellence of the work that has been done by the Honourable the Leader of this House. When I commenced making enquiries as to the earlier portion of the Honourable Leader's

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public work, I was very much surprised to learn that he has had no university training, no university degrees, and no training in law. An outsider would certainly expect from the way in which he has been conducting business in this Council that he came here equipped with high university qualifications and with legal knowledge acquired in the profession. To my surprise, however, I found that such was not the case. It seems that he is a man of business who, during the course of his career, has taken full advantage of the opportunities that have been offered to him from time to time and has made the best use of them. I find that he entered public life in 1892 as a member of the Bombay city municipal corporation in the thirtieth year of his age and has continued his connection with that municipal corporation for the last 26 years. It was only when he was appointed to the Government of Bombay that he resigned his seat on the Bombay city municipal corporation. He has fully justified the general belief that work in the municipal corporation here is excellent preparation for public life. The Bombay municipal corporation has given us leading politicians of the type of the late Sir Pherozshah Mehta, Sir Dinshaw Wacha and the late Sir Vithaldas Thackersey and others, and our friend Sir Ibrahim Rahimtoola is of the same genus. As I said, he was connected with the Bombay municipality up to 1918. The other public body for which he has done work in Bombay is the Improvement Trust which he entered in 1898. We all know that the Bombay city municipality deals with very large schemes and deals with almost all problems which come up for consideration by Government also. The Bombay municipality deals with large schemes of loans, finances and taxation, with electorates and representation, and with large public works like roads, tramways, water supply, house building and town planning. They have also before them problems regarding medical relief and education. The Bombay municipality has to consider these large questions. Its members therefore naturally acquire great experience which makes them very valuable members of the local and the Viceregal Councils. Sir Ibrahim during his connection with the municipality and the Improvement Trust gained intimate acquaintance with the large problems to which I have referred. He also acquired there exceptional powers of debate, which formed an admirable equipment for public work in the Councils, both here and in Delhi and Simla. He has been in the local Legislative Council since 1899, in which year he first entered this Council. He has been connected with this Council for the whole of the subsequent period, with the exception of a small break from 1916 to 1918, during which break he represented the Bombay Presidency in the Viceregal Council. So, either here or in the Council of the Government of India he has been doing Council work continuously during the last 23 years, including in that period his work as a Member of the Executive Council of His Excellency the Governor of Bombay. Out of these 23 years, he has been working as a non-official for 18 years and as an official for 5 years. He has been doing Council work in the Councils as constituted according to the old régime, in Councils formed in accordance with the Morley-Minto Reforms, and also in the Council

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constituted under the Reforms of 1919. His experience in Council work is unique, and we all know that his work has been of a very high order. The special qualities which he has displayed in his Council work are known to us all. I might briefly refer to them here. The first of them is his mastery of the subject with which he deals. He never attempts to speak upon a subject unless he has made a full study of it in all its bearings. The second quality is his conspicuous power of debate and clear expression, which he has obtained in the public work that he has been doing in Bombay and elsewhere. The third quality is his tact, which enables him to judge when to speak and when not to speak. We all know that when he places his points before the Council, he does so with all the force at his disposal, and in order to impress them he often has to repeat them, but he does that repetition in such a manner as to pass the notice of even an acute president like our President. The last point that I wish to refer to is, that in the discussion of public questions, he has the tact of separating the principal portions from minor and inconsequential details. After grappling with the main question, he would give the subsidiary issues their proper place. We have realised how successfully he has been doing his work in the Councils on account of these special qualities. We have had very good experience of his powers of debate and his powers of persuasion during the discussion of one of the bills that he brought before this Council. I am referring to the Village Panchayat Bill. On that occasion most of the non-official members were not prepared to accept the bill as drafted unless some judicial powers were given to the panchayats. When the non-official members took that attitude, he placed the good points of the bill he had brought forward in such a forcible manner as to lead us to understand that we were gaining a good deal from the measure and that what we wanted would be coming in the future ; and somehow or other he made us accept the bill with whole-hearted unanimity. That was all due to his power of debate. As a member of Government and as Leader of the House he has shown exceptional tact and ability in dealing with situations arising from time to time. He has yielded to non-official opinion whenever necessary but has yielded with very good grace, which did not compromise the Government prestige. I will not dwell at length with his Council work such as the bills, resolutions and other measures in discussing which he has taken a leading part. I might casually mention here however that the first private bill in this Council brought under the Minto-Morley Reforms was introduced by him. It was passed by the local Government. The bill introduced was on "Registration of Charities". Though passed by the local Council it was held up by the Government of India as they wanted to enact an all-India measure.

As a member of Government from 1918 to 1923, he was in charge of the portfolios of Education and Local Self-government before the reforms ; and after the reforms he was in charge of one of the most important departments of Government, namely the Revenue Department, which has been held by the senior members of the Civil Service to be a peculiar field of their own. Sir Ibrahim has been administering this department

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and by the way in which he has done the work of this department, he has proved to the satisfaction of every one that Indians with ability and experience and a right understanding of the ordinary problems of life and citizenship can very safely be entrusted with the functions of Government in this Presidency and elsewhere. My friends the senior members of this Council belonging to the Civil Service need not think that the problems of Government are beyond the reach of Indians of proved ability and experience. Sir Ibrahim has proved beyond the shadow of doubt that Indians are capable of administering the affairs of Government in all its departments.

I find from the report of last night's speeches in connection with a function in honour of Sir Ibrahim that a senior member of the Civil Service admitted that official members of experience gained in the several departments felt as children before Sir Ibrahim. In my opinion this is a very good compliment, coming as it does from a gentleman of the status of the honourable the Chief Secretary. Then, Sir, His Excellency when he addressed the House at the commencement of the present session, used words in connection with Sir Ibrahim which will bear repetition. With your permission I will read a small extract from His Excellency's speech :

"I and my Government have constantly profited from his (Sir Ibrahim's) quick intellect, his ripe experience of public life and the knowledge he has gained of public feeling at moments of difficulty. This Council will lose a leader of unusual ability and of conspicuous power of debate. All these qualities so conspicuously possessed by Sir Ibrahim will make him indeed difficult to replace. And in the deliberations both of this House and of my Executive Council their loss will be seriously felt."

This extract is a valuable testimony coming as it does from the head of the Government of this Presidency appreciating the work of our friend. I fully endorse the expression of His Excellency as regards Sir Ibrahim's Council work and I have no doubt all my honourable colleagues here will do the same.

Before concluding I might just mention a few other directions in which the Honourable the Leader of the House has been doing public work. We all know that he served as the chairman of the Fiscal Commission in which he has been doing work that is greatly in the interests of this country. He has also been doing very valuable work for the uplift of his own community, the Mahomedans. I am told that at present he is the vice-president of the Anjuman-i-Islam and president of the Islam Gymkhana. He is ultimately connected with several other local Mahomedan institutions. The public work of Sir Ibrahim in all directions has been highly appreciated by both Government and the public. The Government have honoured him from time to time. I might just mention the distinctions that have been conferred upon him. He was made a J. P. in 1894 ; the Sheriff of Bombay in 1904 ; a C.I.E. in 1907 ; a knighthood was conferred on him in December 1911 ; and he was appointed a fellow of the Bombay University in 1904. All these honours are richly deserved by him, and we all hope that he will enjoy the honours for a long time to come and that his future work will bring him higher and greater honour.

We all know that after his retirement from the Executive Council Sir Ibrahim is not going to rest in idleness. He is not going to remain—in

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fact he cannot remain—without doing public work. We expect from him very much higher work than he has been doing, on account of the insight that he has obtained in public affairs as a Member of Government.

I have only one request to make of Sir Ibrahim, and that is that in his future public work he will not confine his attention to Bombay and urban development only, but will take interest in the development of our rural areas with the additional insight that he has acquired by his intimate connection with Government.

With these remarks I place the resolution before the Council and feel confident that it will be passed unanimously.

Mr. NAOROJI M. DUMASIA (Bombay City, South): Mr. President, I think I can claim a longer acquaintance with the Honourable the Leader of the House than perhaps any honourable member in this Council. I came in contact with him in the latter part of the eighties and the commencement of the nineties of the last century. Nearly thirty-four years have rolled by, since I first knew the Honourable the Leader of the House—not as a corporator, a councillor or, a politician, but as a cricketer. Sir, if a Surrey man were asked what he valued most he would say that he would be more proud of his captainship of his team than his success as a minister or as a university man. Similarly as a sportsman, the Leader of the House values his success as a captain more than anything else, and I think if he were asked what he prized most he would certainly say “the freedom of the cricket field.” It was there that his character and career were shaped. It was there that the foundation of his future public life was laid. His character and career may be treated from different points of view, but I will only touch on one or two phases of it with which I have been familiar during my long intercourse with him. The first thing about him is that he is a sportsman first: he has learned to give more than he receives. He would never content himself unless he gave back more than he received and that is the trait that has carried him through life. When the Honourable the Leader of the House first came into public life, that great leader of the Moslem community Nakhuda Mahomed Rogay had just disappeared from the political horizon, but there were other brilliant stars on the political sky. The first and foremost was Mr. Badruddin Tyabji. Then came Mr. Rahimtoola Mahomed Sayani, Mr. Abdulla Dharamsey, and last but not least Dr. Ismail Jan Mahomed. The first three had already distinguished themselves in professional and political life. But at that time another luminary had just begun to shine on the political firmament and that luminary's light grew with the growth of time until it distinctly eclipsed even its illustrious predecessors. That was Sir Ibrahim Rahimtoola, who had risen to the present position by sheer merit. Sir, last night we heard a great deal about the majority and the minority. I will put it in a different way. I may say that it was a match of XI versus XXII. Sir Ibrahim as the captain of the eleven has held his own against the team of twenty-two. He has stood the onslaught of the deadly bowling of his opponents and by means of skill and pluck he has not only succeeded in making the top score but he has carried his bat, and to-day when he goes out of the

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Council he can say with pride that though the innings is closed he carries his bat and is "not out." (Hear, hear.) Sir, we have learned that he has learned his state craft from *gurus* like Sir Pherozeshah Mehta and Mr. Gokhale, but nobody described how he crossed swords with his *gurus* and how he broke their lances. I have witnessed the spectacle of the *chela* fighting against his *gurus* and beating them on their grounds.

Sir, the cry of swaraj is being dinned into our ears for the last two or three years. That cry I heard most effectively raised at Agra, at a session of the Moslem League where our friend the Leader of the House presided. There he unfolded the banner of swaraj and he has shown us that swaraj is to be obtained not by non-co-operation but by co-operation pure and simple. He has proved it by personal example.

The honourable member for Poona says that Sir Ibrahim had no university training, but, Sir, in the words of Herbert Spencer he is a life-long student and the training that he has given to himself is superior to the training that has been received in our universities. He has been grounded in the mill of God and it is his worldly wisdom that has raised him to the pinnacle of fame. His success is the triumph of the British policy in India. That policy is to give Indians more and more share in the government of their own affairs and his success, as I have said, is the triumph of the liberal principle of freedom of thought and action, which is the birth-right, of Englishmen. He has shewn that it is possible to be a faithful servant of the Crown and at the same time serve the best interests of the people. He has shown that there can be no antagonism between the interests of the rulers and the ruled as these interests are identical, and one cannot do without the other. He has taught us not only the importance of unity but co-operation, without which India can never make any progress. It can be said without exaggeration that the Honourable the Leader of the House has not only watched the interests of the whole Presidency as a watchdog but he has done his best to enhance even the prestige of Government. While he has been responsive to the public opinion of the country, it can be safely said that he has never been known to have made concessions which could be said to betray any weakness on the part of Government. The secret of his success is that he has not been a sentimentalist but an eminently practical man full of commonsense and act. I remember the day when the Honourable the Leader of the House was patted on his back and I also know that when he kicked he was called an obstructionist and opportunist and so on. He has survived all that, and he is to-day the one indispensable man in this Council. We can safely say that it will be to our interest always to seek him out again and to carry the banner of swaraj and lead us from victory to victory in our constitutional struggle for swaraj, which is the aim of every Indian patriot as it is the aim of British statesmen of broad-minded and liberal views.

Mr. S. K. BOLE (Bombay City, North): Mr. President, I beg to associate myself with the remarks made by previous speakers on behalf of the non-Brahmin backward classes and labouring classes. I know Sir Ibrahim for the last 25 years. We were neighbours, when I was

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residing in Umerkhadi, but now his position as an important member of the Government took him to the heights of Malabar Hill, whereas the operations of the Improvement Trust have driven me away to the suburbs of Bombay, but I am glad to point out that our friendly relations are the same. I first came in contact with Sir Ibrahim during the first plague epidemic. He was the chairman of our plague committee and since that time I have had the honour to know him, but I may tell the House that though he has become a great man, he is as simple as before in his dress as well as in his habits and manners. I remember the occasion when we members of the Kamgar Hitvardhak Sabha arranged a deputation of mill operatives to meet His Excellency the Governor of Bombay during the first millhands strike in the year 1920. His Excellency received the deputation of the millhands at the Secretariat and he was present there with the Members of his Executive Council. His Excellency asked the millhands to state their grievances and heard them from their own lips. His Excellency after that made an excellent sympathetic speech which was translated in Marathi by a Government officer. His Excellency then retired with the other Councillors, but Sir Ibrahim did not retire, he came down the platform and mixed amongst the workmen and repeated the points referred to by His Excellency in his speech and ultimately he succeeded in winning them over to his views. That shows how, though he has risen to a very exalted position, he is willing to treat even the humblest of his countrymen with consideration and to treat them as his equals. I think this is the keynote of his popularity and I hope he may become the leader of the opposition benches in this Council. We are sorely in need of a leader as at present we have none and that gap will be very well filled up by the presence of a trusted friend, philosopher and guide as Sir Ibrahim Rahimtoola and I hope if he comes to the opposite benches he will be able to beat the Government on their own ground as he knows the ins and outs of the administration.

With these words, Sir, I wish him long life and I hope he will show the same sympathy towards the non-Brahmins and the working classes.

Rao Bahdur G. K. CHITALE (Ahmednagar District) : Sir, I wish to associate myself with the spirit of the resolution, and I must admit that I am rather at a disadvantage for I cannot claim a closer acquaintance with him than some of my honourable friends, either in Sir Ibrahim's civic or political career. I am therefore going to judge him by the place which he holds in this House, and from my point of view that should be the correct test. While we are now regretting the departure of the Honourable the Leader of the House, we shall also have to regret the departure of another valued colleague, I mean the honourable member Mr. Mead, the Chief Secretary to Government. I was going to say that this was going to be a session of regrets, as after all we know that we as a House are going to be dissolved very soon and there will be regrets more than one in store for us to express at our very last meeting to come. So from that point of view I believe that the greatness of the present Leader of the House consists in this. Under the reforms a greater

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responsibility and trust has been thrust upon the people both by the Imperial and the Provincial Governments and also upon our Ministers. Indians are asked to vindicate their claim to the places which they have gradually to occupy and justify their selections to the highest offices in the Government and in this way justify Indians' fitness to occupy high administrative posts. Then, from that point of view, so far as the inner cabinet is concerned, we outsiders, other members of the House, are not in the best position to judge of the inner working of the cabinet on the various questions of policy, both administrative and others, which arose from time to time and what help he gave both to Government and others and how far he was able to successfully put forward the Indian point of view before Government in its inner circle. This much, however, is true that, so far as this House is concerned, we have always found him very amiable, always compromising, and putting forth every effort and doing his best to see that a proper perspective was put before the House. Looking, therefore, from a broader point of view, I believe that we are really parting with a great leader, who will do credit to any place which he may fill. From my point of view, I wish he would exchange his place from that bench to this, and it will be an ideal day. If we had a leader of his eminence, we would be getting the utmost benefit of his great experience, tact, skill and knowledge,—all these things are combined in him—and I believe Government would then be faced with a situation which would be more difficult for them to meet than it has ever been, and I hope that we may yet meet him again in that capacity, and in that hope, Sir, I heartily and cordially wish him the best of success in any career which he may take up.

Mr. JEHANGIR B. PETIT (Bombay Millowners' Association) : Mr. President, I beg to associate myself with this resolution and to endorse much of what has fallen from my honourable friend, the member for the Poona district. Our honourable colleague, the Leader of the House, is about to retire from the Government of this Presidency with a very splendid and valuable record of public work at his back, of which he may well be proud. His retirement from office at this juncture will create a gap on the front Government benches which I am afraid will be difficult to fill for a good long time to come. Judging however by what is now almost a matter of common knowledge, it is practically certain that the loss of the Government will prove to be the gain of the public life of the city and the Presidency. I hope that the Council will accept this resolution with a unanimity and cordiality which will be indicative of its very high appreciation of the many valuable services that the Honourable the Leader of the House has rendered not only to the Council, but also to the public life of the Presidency. With these words, Mr. President, I have very great pleasure in supporting the resolution.

The Honourable Mr. M. H. W. HAYWARD : Mr. President, I desire to associate myself entirely, on behalf of the official benches, with this resolution of sincere regret at the retirement of Sir Ibrahim Rahimtoola from the high office of Vice-President of the Executive Council and Leader of this honourable House.

[Mr. M. H. W. Hayward]

We fully realise, Sir,—no one more than myself—the great loss, which will be sustained by his retirement, to the official benches. We are losing from our ranks an officer and leader of exceptional experience, so far-seeing, so quick in perception, so ready and tactful in meeting every situation, so weighty in counsel, so persuasive in eloquence—in short a leader of unusual ability and conspicuous power of debate as so well described in the opening speech of His Excellency in this session of the Legislative Council.

We feel, Sir, at the same time some satisfaction in knowing that our sense of loss is so fully shared by members on the opposite benches. A joint sense of impending loss sinks all differences, leaves room for only one opinion. Distinctions official and non-official disappear, and in some degree this inevitable occasion is even welcome to wipe out all party differences, when sympathy joins our hands together in offering one respectful tribute of regard mingled with regret at the retirement of an old and well-tried friend, who has so well earned his rest after the last five years' strenuous public service, crowned by his able performance of the duties of the first Indian Leader of the Legislative Council of this great Presidency.

Mr. KANJI DWARKADAS : Mr. President, I cannot be merely a silent supporter of this resolution. Whilst the honourable members who have preceded me have spoken of the past services of the Honourable the Leader of the House, Sir Ibrahim Rahimtoola, I am trying to visualize to myself the future that lies in store for Sir Ibrahim and the future with which Sir Ibrahim Rahimtoola's name will be associated. I fully believe that there is a divine plan in the two great countries—England and India—remaining together, and they can only remain together if both those countries are free and follow the policy of common brotherhood. Sir Ibrahim Rahimtoola's getting out of office at this stage has to my mind a double significance in the fulfilment of the divine plan. Very recently, we had the Honourable Dr. Tej Bahadur Sapru getting out of office. Sir Ibrahim Rahimtoola follows him. With two such stalwarts in fighting for freedom, I think we shall be able to fight our battles successfully against the present re-actionary Secretary of State and the still more re-actionary India Council. Sir Ibrahim's services have been described by my honourable friends. But there is one more service to which I shall refer, and that is his work in connection with the Khilafat question. We very well know that the Bombay Government has been as strongly protesting against the Treaty of Sevres as the Government of India and the people of India, and it is an open secret that Sir Ibrahim's services in this connection have been as great and as successful as anybody else's in this country.

Mr. V. A. DABHOLKAR : Mr. President, the present and the coming generations will do well to follow the brilliant example of the Honourable Sir Ibrahim Rahimtoola in the way that he has served the city, the Presidency and the country. His clearness of intellect, his remarkable application to the study of public questions, his unbounded zeal and enthusiasm to promote the best interests of the country, these, coupled

[Mr. V. A. Dabholkar]

with shrewd common sense and sobriety of judgment, and tact, conferred upon him the highest honour, that of the Honourable House.

Mr. President, in wishing him long life we the representatives of the Bombay city, in this Council sincerely hope that the Honourable Sir Ibrahim will see his way to join the Bombay municipal corporation again where we are missing him very much. With these words I heartily support the resolution.

Mr. M. A. HAVELIVALA (Bombay City): Mr. President, I beg to associate myself with the feelings of regret expressed by honourable members on the retirement of the Honourable Leader of the House, and I heartily join in the tribute this Council wishes to pay to him in passing this resolution and placing it on the records of this Council. From what I have heard and seen of the Honourable Sir Ibrahim Rahimtoola, I can say that his life and work have been an open book, the chapter of which illustrates a fine, distinguished career full of public services rendered in various spheres in the interests of the country for upwards of 35 years. When the Honourable Leader of the House joined the board of the corporation about 35 years ago he by his patience, perseverance and industry made his mark on that body as an earnest student of civil officers under the leadership of that great patriot, the late Sir Pherozeshah Mehta, who led that body and the great experience which he gained on that board stood him in good stead later in the discharge of his duties both in the Imperial and Provincial Legislative Councils, and to-day I am glad to say that Sir Ibrahim stands out prominently as one of the great Leaders which this country has produced.

It is a matter of great gratification to the Moslems of this Presidency that at the time the Morley-Minto scheme came into force which gave Mahomedans separate representation, the Honourable Sir Ibrahim was elected to the Provincial Legislative Council as the first representative of the Moslems of this great city, and in the interest of that community the eminent services which he rendered in the Provincial and in the Imperial Council will ever be remembered with gratitude by the Moslems of this Presidency. Sir, when he leaves us to-day after serving the Presidency as a Member of the Governor's Executive Council, it is a matter of special gratification to hear both from the official and non-official benches that the Honourable Sir Ibrahim has acquitted himself creditably and honourably in the discharge of his high office. In conclusion, I would like to say one word that after his retirement from this high office he will not cease his public activities but that he will continue the same for years to come and will lead us in public life with his guidance and assistance which we always received at his hands.

Mr. A. N. SURVE (Bombay City, North): Sir, I heartily associate myself with the resolution that has been moved by the honourable member from Poona. The relation which subsisted between the honourable Sir Ibrahim Rahimtoola and myself was one which subsists between a representative and his elector. Sir Ibrahim Rahimtoola used to represent in the municipal corporation the rate payers of the "B" Ward of

[Mr. A. N. Surve]

Bombay city where I reside and I have always found that his electors had the fullest confidence in him as he had been discharging his duties always to their entire satisfaction.

The second point I wish to mention is that as a public worker he had the good of the public always at heart, and in discharging that duty he never cared for fear or favour. Sir, it is every day experience that public workers from non-official benches show much zeal to do good and beneficial work, but when they are elevated to the official benches they forget their zeal for the people which they had formerly evinced. I am, however, glad to mention that that cannot be said about our present Leader of the House. He has done a great deal for the people of this Presidency in his capacities both as an official and a non-official and his public services will ever be remembered by them. With these words I heartily associate myself with the resolution on behalf of the Marathas and allied castes of Bombay.

Mr. B. G. PAHALAJANI (Western Sind): Sir, on behalf of the honourable members of Sind, I join in expressing my deep appreciation of the work in this Council of the Honourable Leader of the House. Sind is a province which is at a distance from the Presidency and until we Sindhis had an opportunity of coming to this elected Council we had heard much of the great personality that guided the destinies of the Council in the Government but we knew little of him personally. But now when we have come to this Council we have realised what an Indian member of the inner council can do and of what direct service he can be to the advance of a Presidency like Bombay, and in laying my tribute of appreciation at his feet I must admit that I for one am under great personal obligation to the Honourable Leader of the House for the wise guidance and advice and encouragement that from time to time he has given to me. I owe him a great debt of gratitude for often dissuading me from committing rashness of which I would otherwise have been guilty. I give credit to him for helping me in matters in which I otherwise would have been unwise, and I think, Sir, in this House I am not the only instance of a member of this Council who owes that personal debt of gratitude to the Honourable Leader of the House, I hope I am not disclosing any secret when I acknowledge that debt of gratitude to the Honourable Leader of the House: and I think the greatest tribute that I can pay to the Honourable Leader of the House is that at times when this House was prepared to commit itself to a certain view he has come down upon this House to bewitch it. He has been the arch-magician of this House in interfering at the time when by his stout common sense, bewitching manners, he gets around the House in such a splendid way that he makes the House leave its sense behind and projects his own sense on the House; as a Leader of this House he has been able to assert his own will upon the opposing House and to show to them what the Leader in a House—in a democratic House—can be, and I think, Sir, that my humble tribute as a Sindhi and Sind member of this Council he will accept, and I give it, Sir, in that spirit of humility in which I have learnt so much at his feet.

Rao Bahadur R. M. NILKANTH (Ahmedabad District): Mr. President, on behalf of the members from Gujarat, I beg to associate myself with the resolution which has been moved by the honourable member from Poona. I subscribe to all that has been said by the previous speakers in appreciation of the great work of the Honourable Sir Ibrahim Rahimtoola, whose great wisdom and eminent abilities richly deserve the tribute that has been paid to him. His charming personality, which has evoked such great admiration in this House, will certainly be a landmark in the history of this Council. With these words, I support the resolution.

The Honourable Mr. C. V. MEHTA: Mr. President, I have great pleasure in supporting this resolution on behalf of myself and my honourable colleagues the Ministers. Perhaps, I am the only individual in this House who has had the pleasure of joining the Leader of the House on the cricket field as also on the tennis court, and I think the qualities of sport for which he was known as the captain of the Islam team have stood him in good stead in his public life. I knew him also as a prominent member of the Bombay municipal corporation. After the death of Sir Pherozeshah Mehta the mantle of leadership easily fell upon our honourable friend not only on account of his wonderful resourcefulness, of his powers of debate and speech, but on account of his great knowledge of the city, to acquire which he took particular pains and on account of the advice which he was glad to give to the younger members who never ceased to flock to him. From the Bombay municipality he was brought to the Executive Council of this Government. As the only Indian Member of that Government, he had not too easy a task to fulfil. He never failed, however, to push forward the Indian point of view, and in spite of many difficulties I believe he almost always succeeded. It has been mentioned by one honourable member that perhaps his work might have extended beyond the limits of this city and of this Presidency. I should like to remind the House of the excellent work which he did in the Imperial Legislative Council in the limited field that was allowed under the Morley-Minto Reforms. Of this the people of this Presidency and of this country are convinced, that they may always rely upon Sir Ibrahim's passionate devotion to the country to promote its best interests in spite of difficulties, with a courage for which Sir Ibrahim has been known ever since he entered public life.

Dr. S. S. BATLIWALA (Bombay City, North): Mr. President, I heartily support the resolution, and endorse every word that has been said by the previous speakers in appreciation of the services of our esteemed leader, Sir Ibrahim Rahimtoola. Sir, all those that belong to the Bombay corporation will remember that in the corporation of the city of Bombay he was a power. Though he was a lieutenant of our departed leader Sir Pherozeshah Mehta, yet in those days we who had newly joined the corporation could see that he was the coming man and he would lead the corporation when his time came for the same. Sir, those expectations have been amply realised. After Sir Pherozeshah Mehta, if there was anybody in the Bombay corporation who could lead the house and convert the house to his own point of view, it was Sir Ibrahim, and when he parted from us it was with very great regret that the corporation accepted

[Dr. S. S. Batlivala]

his resignation. We knew that we were losing a sagacious leader and an adviser who had always the interests of the city at heart and who did everything possible for it. But we had then the satisfaction to know that he was translated to a higher sphere of activities where he would preside over the destinies of the Presidency under His Excellency the Governor. That was, Sir, our great satisfaction. But if that was our satisfaction in the past, let us hope that now as he will soon be unmuzzled, he should either revert to the non-official benches of this Honourable House and guide deliberation as its leader or that he should be promoted to the highest office which is in the gift of His Majesty the King-Emperor, I mean the Governorship of one of the provinces of India. Let me assure you, Sir, that those that know Sir Ibrahim well will say without hesitation that Sir Ibrahim is amply fitted for any post requiring statesmanship, tact and ability. May God Almighty grant him long life and health; and I am sure from the way in which he has proved his usefulness in the past he will continue to be useful in the future; and if our dreams are realised, we shall be the foremost to congratulate him and the city for having produced a son who was fitted to preside over the destinies of one of the provinces of India.

Dr. K. E. DADACHANJI (Bombay City, South): Mr. President, I have great pleasure in supporting the resolution moved by my honourable friend from Poona. I have had the good fortune of being associated with Sir Ibrahim Rahimtoola for a number of years both in the municipal corporation and in the standing committee, and for some time in the Bombay University Senate. Though, as the honourable member for Bombay South said, he had no university education, he showed at times even legal knowledge in some cases when I was in the corporation. To give, Sir, an instance in point, we had Mr. Barrow as the municipal secretary, and in consequence of his long services we all supported the view that he should be given some additional pension. We took up the case and fought hard over it, but at last it was Sir Ibrahim who found out a flaw in the law as it then stood. There were many good lawyers, advocates and barristers in our corporation, but they could not discover the flaw. It was Sir Ibrahim who found it out and after taking the joint opinion of counsel, it was found out that Mr. Barrow was not entitled to additional pension. I still remember that since then we used to call him "clear-headed Ibrahim," and we have seen the clarity of his judgment at times here in this Council.

Mr. President, I will not take up any more time of the Council, and shall conclude by wishing Sir Ibrahim every health and prosperity and higher honours which he richly deserves.

Major C. FERNANDES (Bombay City, South): Mr. President, I beg whole-heartedly to associate myself with all that has fallen from the previous speakers with reference to the resolution before the House.

Rao Bahadur S. D. GARUD (West Khandesh District): Mr. President, I beg to associate myself heartily with the resolution that has been so ably moved by the honourable member from Poona. I had the honour of being associated with Sir Ibrahim in his Council work during the time

[Rao Bahadur S. D. Garud]

of Lord Sydenham from 1909. and I have carefully watched his Council work from that time. He richly deserves the praise which the Council showered on him to day. During the time I had the honour of working with him he was always known for his tact and for his clear exposition. Whenever there was any question on which there was any necessity to think Sir Ibrahim was always quick to help us to solve the problem. I know the esteem in which he was always held since that time by the senior members of Government, as would be evident from the fact that he was appointed Member of the Executive Council here soon after his term in the Imperial Legislative Council. He has already had a distinguished career ; and I am sure his work will be appreciated by all. I trust in future he will come to the opposition benches and guide us and lead us in fighting the battles of this Presidency.

Rao Bahadur R. R. KALE (Satara District) : Sir, as Senior Member of the Council, as Leader of the House, the assistance and encouragement he has given to us is very valuable. He was ever accessible, ever ready and ever courteous. The Honourable Member has enabled many of us to perform our duties in this Council in a manner which otherwise would not have been possible to do. He believes whole-heartedly in the reformed constitution, and has striven to make the reforms a success. He has helped us in building up our traditions. I join my voice in heartily supporting the resolution before the Council.

Mr. D. J. FERREIRA : I had intended to make some observations in supporting this resolution but as those observations were mostly by way of reminiscence of the past and the hour is late, I do not propose to take up the time of the Council. In heartily associating myself on behalf of the Indian Christian community with the expressions of congratulation and the expressions of regret given utterance to this evening I will only say this. Man is not to be judged by his ability, by his readiness of grasp or the power of his debate ; he is to be judged by his work. Sir Ibrahim's work is before this House and before the country. *Si monumentum queritis cercunspice.*

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : Sir, I would be wanting in my duty if I did not join my voice with all that has been said of Sir Ibrahim. Sir, I have not had the fortune of being acquainted with, and working with Sir Ibrahim for a long time. I hope in future when he comes out of his officialdom, he will join us and guide young men like myself and the younger generation in conducting themselves in the discharge of their duty. I heartily associate myself with all that has been said by previous speakers on behalf of the aristocracy not only of the Deccan but of this Presidency, as I happen now to be the only member present representing this great interest.

Mr. F. CLAYTON (Karachi Chamber of Commerce) : Sir, may I on behalf of non-official Europeans join in the expressions of praise and appreciation which have been voiced in this Council with regard to the Leader of this House ? I had the honour of knowing Sir Ibrahim during the old Councils and again here in the reformed Council with its extended franchise. Personally, I have the greatest appreciation of his merit,

[Mr. F. Clayton]

his unerring foresight, his unailing tact and the great ability he has shown in the onerous position which he has occupied. He has treated members at all times with the greatest courtesy and I feel that his retirement from the leadership of this house is a great loss which will be regretted by all.

I am positive his work will be remembered throughout many future years as the first Leader of the Reformed Council and his success in that capacity will be one our future leaders will strive to emulate. In view of the many honourable members who have already spoken I will not add anything further though it would be easy and pleasing to do so.

I trust Sir Ibrahim will have a long and successful career in whatever path of public service he chooses to tread, and I feel certain his future services to his country will be as brilliant and call for the same unstinted eulogism as the many honourable members of this Council have to-day rightly expressed.

The resolution was put to the vote and carried unanimously.

The Honourable Sir IBRAHIM RAHIMTOOLA : Sir, it cannot but be gratifying to notice the warm and sincere appreciation to which expression has been given by my fellow-workers in this Council on the eve of my surrendering the high office to which I was called five years ago. The appreciation is doubly welcome as it comes from both sides of the House, the official as well as the non-official ; and it is particularly welcome because of a special circumstance connected with this appointment. Honourable members are aware that it was under the Minto-Morley Reform that Indians were admitted for the first time into the executive government of the provinces and of the Imperial Government. In those days there appeared to be a feeling that these posts should not be open to men in political and public life ; but that they should be reserved for men who may have done conspicuous service in other directions. When I was invited by His Excellency Lord Willingdon to be a member of his Council, a new precedent was created, and for the first time in this Presidency a man in public and political life was invited to be associated in the inner circles of the administration. I could only look upon it as an experiment and felt that it was a call upon me to justify the selection in the interest of the large class of public workers to which I belonged. Therefore it is that I say that it is particularly welcome to me to-day that on the eve of my retirement I have been fortunate enough to win the warm appreciation of both sides of the House. Sir, I had not to wait quite so long to see that the experiment of admitting public workers into the inner circles of Government was regarded as a success. Three years after I joined the Executive Council, I was privileged to welcome into the inner circle of Government four Indian fellow workers, who had been engaged in the public life of the country and whom you now see before you. You know how they have worked and I am sure they will also succeed in winning the Council's appreciation when the time comes for them to lay down the reins of office.

Sir, a distinction has sometimes been made between service of the public and public service. I have now had an opportunity of serving in both

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these capacities. I have been in the service of the public since the time I joined the Bombay municipal corporation in 1892, and I have now had the privilege of being in public service for the last five years; and I can tell you this, that so far as I am concerned there has been no distinction between the two positions which I have occupied. I have always felt that I am a servant of the public. Whether I was on the non-official benches or on the official benches, I have tried my humble best to be a true servant of my country.

Perhaps, honourable members will be interested to know what has been accomplished during the time that I have been in the service of the Presidency as a member of the Executive Council. When I took over charge, the portfolios which were entrusted to me were those of Education and Local Self-Government, two nation-building departments in which the public has always evinced the greatest amount of interest. When my predecessor handed over to me the charge of the Education portfolio, the budget provision for education was Rs. 1,06,00,000. I had to work on the basis of that provision, having joined the appointment in the month of March. At the time I handed over the portfolio to my honourable colleague the Education Minister I gave a budget of Rs. 1,82,00,000. I may claim to have been a little more fortunate than my honourable colleague the Education Minister, because in those days there was not such financial stringency as has recently restricted the scope of educational expenditure. It may interest honourable members to know how this increased provision was expended. In the course of some remarks that were made on the present occasion, it was implied that requisite attention was not paid to the promotion of education in rural areas. Well, Sir, I should like specially to invite the attention of those members of this Council who were not members of the previous Council to the policy which I laid down immediately I had had some time to study the problem in regard to expansion of primary education in rural areas. When I strongly resisted on behalf of Government the persistent demand of the representatives of urban areas in this Council for a provision of two-thirds contribution to municipalities towards the expenditure for primary education, my justification as I then explained to the Council was that the ideal which I had laid before me was that every child in the Presidency shall be literate in the vernacular. I opposed the demand for giving two-thirds to the municipalities because I proposed to use all the available funds for the promotion of primary education in rural areas. (Hear, hear). My ambition was that a school should be established in every village in the Presidency which can supply a sufficient number of pupils, both boys and girls, to fill one school. I am confident that my honourable colleague the Minister of Education would have loyally carried out that policy if funds had been available. I merely mention this fact to show that during the time I was in charge of Education, Government were trying to do their best to make the whole province literate by expanding education facilities in rural areas. You have now made a further advance of passing the Compulsory Primary Education Bill, a measure for which I agitated in this Council more than twenty years ago. That will show the interest which I have always taken in the promotion of primary education in this

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Presidency. I have always felt that the real advance of any province or any country lies in the widespread diffusion of primary education.

Secondary education was not neglected during the time. When I took over charge, the sanctioned grant as grant-in-aid to secondary education was nominally one-third but in consequence of war conditions, the full grant was not being paid. That restriction was withdrawn and the full sanctioned grant of one-third was commenced to be paid again.

As regards collegiate education, the grants were also largely increased. New colleges were under contemplation and every effort was made to promote both primary and higher education. Medical, technical and engineering education was also not neglected. I have brought these facts to the Council's attention in order to show that Government have been anxious to provide funds for expenditure for the good of the province in directions which appeal to public opinion.

In the direction of local self-government, great progress was made; the qualifying tax was reduced and a largely increased number of men were enfranchised; the number of councillors in municipalities was increased; the elective element was raised to 4/5ths; elected presidents were sanctioned and various other measures which it was possible to give effect to within the then provisions of the law were given effect to in order to provide an extended scope for service in the direction of local self-government. Considerable advance was made in self-governing institutions in the province. There is one measure to which a reference has been made to-day and to which I think I should make some reference. It is the Village Panchayats Act. Honourable members are aware that for a considerable length of time, there was a feeling in the general public that village administration should be entrusted to panchayats. With a view to give effect to this feeling a bill was brought forward before this Council, and received its sanction. Far-reaching principles of local self-government were embodied in this measure, and as far as my knowledge goes, no other province has yet come up to that standard of advance. I should like to draw the attention of the House to the three important principles which have been for the first time introduced in this measure. The first of these is enfranchising of all adult males living in the village. The second is that village panchayats have been constituted on a wholly elective basis. Only one member finds his seat as *ex-officio*, while Government nomination has been wholly eliminated. The third is the withdrawal of control by revenue officers of Government. The control of the panchayats has been vested in local boards which are now very largely elected bodies. I hope honourable members will see from this brief reference how far-reaching the advance in the direction of local self-government has been by this measure. Government have tried to do all they could to meet the wishes of the people in promoting nation-building activities in the direction of the education and local self-government.

I need not say much as regards the period after the introduction of the reforms. I have been in charge of the Revenue Department. The Executive Councillors may well be regarded as occupying back seats so

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far as the Council is concerned. We have to discharge our duties during the few years of the transition period, and the Council's direction and gaze should centre on the three Ministers who are responsible to it and to whom the nation-building activities have now been entrusted. I am sure they will respond to the Council's demands and will meet its wishes to the best of their ability.

There is one aspect of this Council work to which I think you will pardon me if I refer on the present occasion. I have already told the Council of the great power that the Reforms confer upon the House by means of the non-official majority. Honourable members have all been kind enough to give an unanimous expression of appreciation as regards my humble services, but I must tell you one thing. When I decided to enter the service of the public, I made it a point of principle not to undertake any important work which I was not in a position to do justice to. I have tried my best, in my humble way, to discharge the duties which I undertook. I am making these remarks because I feel that the success of this Council entirely depends upon the public spirit which honourable members show in the discharge of their duties. The keenness that they naturally show in getting themselves elected to this Council should extend to regular attendance and a study of the work of the Council. That necessarily involves much sacrifice, but the general welfare of the province cannot be advanced without such sacrifice and honourable members in accepting a seat in this House must be prepared for it. Honourable members have been most kind in expressing their kind sentiments of appreciation and I should like to tell them that when I took over charge of this office, I had had seventeen years' experience as a non-official member of the Bombay Legislative Council and as such I had clearly realized where the difficulties lay in securing perfect co-operation between the official and non-official benches. Having been a non-official member of this Council for seventeen years, I had clear knowledge where seeming differences existed which prevented cordiality between the two benches and the attainment of that spirit of co-operation which alone can best promote the cause of the province. When I took over charge, I tried my best to meet that situation and in doing so I am glad to know to-day that I have succeeded, in however small a degree, in bringing the two benches together, working in genuine co-operation in the cause of the province as a whole.

Sir, I will now say a few words as regards the work we have done together. As I told you, when I joined the Executive Council of the Governor, that Council consisted of four members and now under the reforms the Executive Government consists of eight members and Ministers. During all this time differences of opinion have of course existed, and what progress is possible without such differences of opinion? But the spirit that has prevailed amongst us has been most cordial, has been most friendly, and we have generously co-operated in promoting the cause of the Presidency which we undertook to serve. I should like to add, Mr. President, that in the discharge of the onerous

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duties which were entrusted to me I had perfect, loyal and genuine co-operation from my Secretaries and the departments under them and our relations have been most cordial and friendly throughout. I shall be failing in my duty if I do not take this opportunity of expressing my grateful thanks to my colleagues and to my associates in the Secretariat in the work that fell to our share. I should like to add that it has so happened that Mr. Thomas was my Secretary for a considerable period of time when I was in charge of Local Self-government and Education Departments, and he is also now my Secretary in the Revenue Department. I have received from him most cordial co-operation, genuine loyalty and immense help in the discharge of my difficult task. Mr. President, I gratefully acknowledge the very great kindness and warm appreciation of my humble services, and I may be permitted to say in conclusion that I have regarded myself as a servant of my country and that, so long as I have the power, I shall continue to serve her to the best of my ability (Applause).

Rao Saheb HARILAL D. DESAI (Ahmedabad City): Sir, I beg to be permitted to refer to another honourable member of this House who will be shortly going out of our midst—I mean the honourable the Chief Secretary, who is shortly going to Sind to hold an important charge. Ranged as he was on the benches opposite to the non-official side, we had our differences of opinion with him on certain subjects, but be it said to his credit that he has always attempted to appreciate the non-official view-point. He has been, I know, since 1920 also one of those who have taken a leading part in the controversies with the Government of India for the financial relief of this Presidency on important matters. I beg to say that he will carry with him our good wishes in the new sphere of his activities, and I may add a hope that during his career in Sind he may attempt to relieve that province of any lingering repressive regulations, which are a real detriment and a clog to the progressive realisation of the Reforms Scheme in Sind.

Mr. P. J. MEAD: I am thankful to the Honourable the Deputy President for his kind words about me.

Discussion on Rao Bahadur R. R. Kale's resolution resumed.

Rao Bahadur R. R. KALE (Satara District): Sir, the only thing that I want to know is, in order to accept what has been said by the honourable the Revenue Member, who is in charge of this particular resolution, whether the Government of Bombay will give me support on the occasion of the sanction if I propose to bring in a private bill in regard to this matter which is pending for a long time. If so, I would be certainly glad to bring in a bill. I have only to say that the House will see that my only anxiety is to have some kind of measure which has been overdue. Let the Government introduce it, because I am sure the Honourable the Revenue Member.....

The Honourable the PRESIDENT: The honourable member is making another speech. No closure has been moved and he has no right to make another speech now in reply. The only question is whether he

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is going to withdraw his resolution. If he does not, then the debate must continue.

Rao Bahadur R. R. KALE : I have to make out a case, Sir, for withdrawal.

The Honourable the PRESIDENT : I have ruled that there can be no speech upon a proposal for withdrawal.

Rao Bahadur R. R. KALE : I am entirely in the hands of the House, Sir. If it is the wish of the House that I should withdraw it, then I withdraw.

The Honourable the PRESIDENT : Does the House grant leave for the withdrawal of this resolution by the honourable member ?

Question put and leave granted.

Honourable MEMBERS : Prorogue, prorogue.

The Honourable the PRESIDENT : Does the House wish to go on ?

Honourable MEMBERS : No ; we do not wish to go on.

The Honourable the PRESIDENT : I have received a commission from His Excellency directing me to announce that he is pleased to order that the present session of the Legislative Council should be prorogued. Accordingly, by virtue of this commission and by His Excellency's command, I declare this Council prorogued until a day of which due notice shall be given.

APPENDIX A.

Statement showing the total number of cases and deaths from malaria in Lonavla and Khandalla during the five years preceding March 1922.

| Year. | Attacks. | | Deaths. | | Remarks. |
|---------|----------|------------|----------|------------|---|
| | Lonavla. | Khandalla. | Lonavla. | Khandalla. | |
| 1917 .. | 3,320 | 1,395 | 19 | 2 | |
| 1918 .. | 2,044 | 2,232 | 301* | 77* | *These figures include deaths from 'fevers' in general; separate figures for malaria are not available. |
| 1919 .. | 1,688 | 2,007 | 2 | 0 | |
| 1920 .. | 2,304 | 2,153 | 1 | 0 | |
| 1921 .. | 3,409 | 2,085 | 15 | 2 | |

APPENDIX B.

| — | No. of primary schools for depressed classes opened during 1921-22. | | Number of scholarships in | | | | |
|----------------------|---|----------|---------------------------|--------------------|-----------------|-----------------|-----------------|
| | | | Primary Schools. | Secondary Schools. | | Colleges. | |
| | Schools. | Classes. | | Number offered. | Number awarded. | Number offered. | Number awarded. |
| Presidency proper .. | 11 | 4 | 1,374 | 34 | 13 | 8* | 2* |

*Four scholarships to depressed class students were offered in Government Professional Colleges in 1921-22 and one was awarded. In the case of Arts Colleges, four such scholarships were offered and one was awarded. The others remained vacant for want of suitable candidates.

APPENDIX C.

| No. of suits under sections 86 and 87 of Land Revenue Code instituted. | | | In how many of these the full amount asked for by the superior holder was decreed. | | | In how many of these the amount asked for by the superior holder was reduced. | | | In how many of these decrees the discretionary fine of 25 per cent. was inflicted and awarded to superior holder. | | | How many superior holders so awarded were Brahmins. | | |
|--|----------|----------|--|----------|----------|---|----------|----------|---|----------|----------|---|----------|----------|
| 1919-20. | 1920-21. | 1921-22. | 1919-20. | 1920-21. | 1921-22. | 1919-20. | 1920-21. | 1921-22. | 1919-20. | 1920-21. | 1921-22. | 1919-20. | 1920-21. | 1921-22. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 4,820 | 4,552 | 4,139 | 1,019 | 1,019 | 218 | 1,140 | 1,198 | 68 | 1,012 | 684 | 74 | 671 | 454 | 46 |

Note.—The reason for the figures for the year 1921-22 shown in columns 6, 9, 12 and 15 being less than those of previous years is that Madat suits are generally received at the end of the revenue year, i.e., in the last fortnight of July and are decided in the next year.

APPENDIX D.

Establishments.

Subordinate Judicial — in the Presidency proper.

Introduction of provisional time-scale of pay for—

GOVERNMENT OF BOMBAY.

HOME DEPARTMENT.

Resolution No. 829.

Secretariat, Fort.

Bombay, 22nd September 1922.

Read Government Order, Finance Department, No. 59, dated the 27th January 1921.

RESOLUTION.—The Governor in Council is pleased to sanction the introduction of the provisional time-scale of pay as shown in the accompanying statement for the subordinate Judicial clerical establishments in the Presidency Proper.

2. The scales should be introduced with starting pay at a stage in the new grade equal to present pay or the minimum of a new grade with effect from 1st September 1922, *i.e.*, on the pay payable on 1st October 1922, subject to the proviso that no one should draw less than his present salary.

3. The introduction of the time-scale of pay involves a large excess over the permissible cost. It has therefore been decided to reduce the proportion of posts on the scale of 105—5—140 to posts on the lower scale approximately to 1 to 3 and the number of superior posts should be as shown in the statement. It has also been decided after examination of the work done per clerk in the various Courts to reduce the number of clerks in the lower division. The number of those posts should be reduced as shown in the statement pending further investigation into the matter. The reduction has been made provisionally *pro rata* at five per cent. except for the Ahmedabad, Broach, Surat and Thana Districts in the Northern Division and the Ahmednagar and Ratnagiri Districts in the Central and Southern Divisions, where it has been made at ten per cent. owing to the unsatisfactory results of the examination of the work per clerk in the various Courts in those districts. The District Judges should carry out the reductions with effect from the 1st October 1922 or as early as possible. The statements of work done per clerk in the various Courts should be forwarded for the information and further opinion of the High Court.

4. The District Judges are requested to submit at an early date estimates for advance increments and arrears as though the time-scale had been introduced from 1st March 1920 on the lines laid down in paragraph 7 of Government Circular, Finance Department, No. 438, dated the 25th June 1920.

5. Temporary establishments of the strength of 1 clerk on Rs. 85 and 1 on Rs. 30 for Joint and Assistant Judges and 2 clerks on Rs. 30 each for 1st or 2nd Class Subordinate Judges are sanctioned for each temporary appointment of Joint, Assistant and Subordinate Judge. Permanent men should be deputed on promotion to the posts of Rs. 85 and temporary men should be entertained in their place on the minimum pay of the grade of Rs. 30— $\frac{5}{2}$ —80.

By order of the Governor in Council,

G. WILES,

Deputy Secretary to the Government of Bombay,
Home Department.

To

The Registrar, High Court,
Appellate Side (by letter),
All District Judges,

The Accountant General, Bombay,
The Finance Department.

No. _____ of 1922.

Copy forwarded for information and guidance to

*Accompaniment to Government Resolution, Home Department, No. 829,
dated the 22nd September 1922.*

| District. | Grading now sanctioned. | | | | |
|-------------------|--------------------------------|--------------------------------|-------------------------------|------------------------------|-----|
| | Upper Division. | | | Lower Division. | |
| | Rs. 150— $\frac{5}{2}$ —200 | Rs. 105— $\frac{5}{2}$ —140 | Rs. 85— $\frac{3}{2}$ —100 | Rs. 30— $\frac{1}{2}$ —80 | |
| Northern Division | Ahmedabad .. | 2 | 7 | 27 | 166 |
| | Broach .. | 1 | 3 | 8 | 53 |
| | Surat .. | 1 | 4 | 10 | 62 |
| | Thana .. | 1 | 6 | 22 | 120 |
| Central Division | Ahmednagar .. | 1 | 4 | 13 | 80 |
| | Nasik .. | 1 | 4 | 13 | 96 |
| | Khandesh .. | 1 | 6 | 18 | 110 |
| | Poona .. | 1 | 5 | 16 | 106 |
| | Satara .. | 1 | 4 | 19 | 94 |
| | Sholapur .. | 1 | 3 | 13 | 60 |
| Southern Division | Belgaum .. | 2 | 4 | 11 | 57 |
| | Bijapur .. | 1 | 3 | 8 | 37 |
| | Dharwar .. | 1 | 3 | 10 | 61 |
| | Ratnagiri .. | 1 | 4 | 14 | 88 |
| Kanara .. | 1 | 3 | 10 | 39 | |

APPENDIX

Statement showing the number of villages by districts in the Bombay elementary school according

| No. | Name of District. | Total number of villages by districts in the Bombay Presidency excluding the Native States (according to the Census of 1921). | | | Total number of villages by with a population of | | | |
|---------------------------|---------------------|---|-------------------------------|--------|--|-------------------------------|--------|----------------------------|
| | | With an elementary school. | Without an elementary school. | Total. | Not exceeding 200. | | | Exceed not |
| | | | | | With an elementary school. | Without an elementary school. | Total. | With an elementary school. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| <i>Central Division.</i> | | | | | | | | |
| 1 | Poona | 550 | 643 | 1,193 | 27 | 264 | 291 | 142 |
| 2 | Satara | 532 | 822 | 1,354 | 2 | 290 | 292 | 49 |
| 3 | Sholapur | 353 | 367 | 720 | 1 | 84 | 85 | 43 |
| 4 | Ahmednagar | 520 | 790 | 1,310 | 24 | 330 | 354 | 182 |
| 5 | East Khandesh | 461 | 1,004 | 1,465 | .. | 365 | 365 | 57 |
| 6 | West Khandesh | 261 | 1,095 | 1,356 | 4 | 570 | 583 | 38 |
| | Total .. | 2,677 | 4,721 | 7,398 | 58 | 1,912 | 1,970 | 511 |
| <i>Bombay Division.</i> | | | | | | | | |
| 1 | Thana | 298 | 1,386 | 1,684 | 9 | 534 | 543 | 68 |
| 2 | Nasik | 419 | 1,251 | 1,670 | 7 | 546 | 553 | 107 |
| 3 | Kolaba | 292 | 1,186 | 1,478 | 4 | 559 | 563 | 115 |
| 4 | Ratnagiri | 405 | 904 | 1,309 | 1 | 133 | 134 | 21 |
| | Total .. | 1,414 | 4,727 | 6,141 | 21 | 1,772 | 1,793 | 311 |
| <i>Northern Division.</i> | | | | | | | | |
| 1 | Ahmedabad | 304 | 583 | 887 | .. | 183 | 183 | 41 |
| 2 | Kaira | 332 | 245 | 577 | 2 | 45 | 47 | 28 |
| 3 | Panchmahals | 151 | 516 | 667 | 4 | 178 | 182 | 40 |
| 4 | Broach | 227 | 183 | 410 | 2 | 72 | 74 | 66 |
| 5 | Surat | 408 | 395 | 803 | 1 | 137 | 138 | 105 |
| | Total .. | 1,422 | 1,922 | 3,344 | 9 | 615 | 624 | 280 |
| <i>Southern Division.</i> | | | | | | | | |
| 1 | Dharwar | 588 | 848 | 1,436 | 2 | 437 | 439 | 112 |
| 2 | Belgaum | 394 | 756 | 1,150 | .. | 298 | 298 | 26 |
| 3 | Bijapur | 448 | 723 | 1,171 | .. | 295 | 295 | 82 |
| 4 | Kanara | 252 | 1,004 | 1,256 | 26 | 770 | 796 | 75 |
| | Total .. | 1,682 | 3,331 | 5,013 | 28 | 1,800 | 1,828 | 295 |

E.

Presidency excluding the Native States with or without an to the census of 1921.

districts in the Bombay Presidency excluding the Native States (according to the Census of 1921).

| ing 200 but exceeding 500. | | Exceeding 500 but not exceeding 1,000. | | | Exceeding 1,000 but not exceeding 2,000. | | | Exceeding 2,000. | | |
|----------------------------|--------------|--|-------------------------------|--------------|--|-------------------------------|------------|----------------------------|-------------------------------|------------|
| Without elementary school. | Total. | With an elementary school. | Without an elementary school. | Total. | With an elementary school. | Without an elementary school. | Total. | With an elementary school. | Without an elementary school. | Total |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 298 | 440 | 185 | 75 | 260 | 124 | 4 | 128 | 72 | 2 | 74 |
| 375 | 424 | 197 | 143 | 340 | 194 | 14 | 208 | 90 | .. | 90 |
| 191 | 234 | 139 | 81 | 220 | 118 | 11 | 129 | 52 | .. | 52 |
| 365 | 547 | 191 | 72 | 263 | 85 | 22 | 107 | 38 | 1 | 39 |
| 488 | 545 | 179 | 142 | 321 | 151 | 8 | 159 | 74 | 1 | 75 |
| 385 | 423 | 116 | 111 | 227 | 71 | 19 | 90 | 32 | 1 | 33 |
| 2,102 | 2,618 | 1,007 | 624 | 1,631 | 743 | 78 | 821 | 358 | 5 | 363 |
| 618 | 686 | 110 | 184 | 294 | 57 | 45 | 102 | 54 | 5 | 59 |
| 541 | 648 | 168 | 148 | 316 | 92 | 16 | 108 | 45 | .. | 45 |
| 532 | 647 | 90 | 90 | 180 | 63 | 5 | 68 | 20 | .. | 20 |
| 361 | 382 | 113 | 326 | 439 | 175 | 83 | 258 | 95 | 1 | 96 |
| 2,052 | 2,363 | 481 | 748 | 1,229 | 387 | 149 | 536 | 214 | 6 | 220 |
| 277 | 318 | 134 | 119 | 253 | 106 | 4 | 110 | 23 | .. | 23 |
| 124 | 152 | 102 | 66 | 168 | 128 | 9 | 137 | 72 | 1 | 73 |
| 219 | 259 | 55 | 103 | 158 | 33 | 16 | 49 | 19 | .. | 19 |
| 105 | 171 | 95 | 6 | 101 | 47 | .. | 47 | 17 | .. | 17 |
| 185 | 290 | 153 | 67 | 220 | 108 | 4 | 112 | 41 | 2 | 43 |
| 910 | 1,190 | 539 | 361 | 900 | 422 | 33 | 455 | 172 | 3 | 175 |
| 347 | 459 | 248 | 64 | 312 | 144 | .. | 144 | 32 | .. | 32 |
| 290 | 316 | 113 | 159 | 272 | 146 | 9 | 157 | 107 | .. | 107 |
| 320 | 402 | 187 | 108 | 295 | 126 | .. | 126 | 53 | .. | 53 |
| 193 | 268 | 81 | 31 | 112 | 45 | 10 | 55 | 25 | .. | 25 |
| 1,150 | 1,445 | 629 | 362 | 991 | 463 | 19 | 482 | 267 | .. | 267 |

APPENDIX E—

| No. | Name of District. | Total number of villages by districts in the Bombay Presidency excluding the Native States (according to the Census of 1921). | | | Total number of villages by with a population of | | | |
|-----|---------------------------|---|-------------------------------|--------|--|-------------------------------|--------|---------------------------|
| | | | | | Not exceeding 200. | | | Exceed- not ex- |
| | | With an elementary school. | Without an elementary school. | Total | With an elementary school. | Without an elementary school. | Total. | With a elementary school. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | <i>Sind.</i> | | | | | | | |
| 1 | Karachi | 236 | 618 | 854 | 145 | 183 | 328 | 49 |
| 2 | Hyderabad | 335 | 4,968 | 5,303 | 169 | 4,585 | 4,754 | 100 |
| 3 | Thar and Parkar | 248 | 3,675 | 3,923 | 118 | 3,446 | 3,564 | 94 |
| 4 | Nawabshah | 238 | 4,119 | 4,357 | 100 | 3,958 | 4,058 | 83 |
| 5 | Sukkur | 175 | 1,672 | 1,847 | 15 | 1,441 | 1,456 | 76 |
| 6 | Upper Sind Frontier | 188 | 1,543 | 1,731 | 112 | 1,397 | 1,509 | 48 |
| 7 | Larkana | 488 | 3,563 | 4,051 | 171 | 3,155 | 3,326 | 164 |
| | Total .. | 1,908 | 20,158 | 22,066 | 830 | 18,165 | 18,995 | 614 |
| | Grand Total .. | 8,103 | 34,859 | 43,962 | 946 | 24,264 | 25,210 | 2,011 |

continued.

districts in the Bombay Presidency excluding the Native States
(according to the Census of 1921).

| Not exceeding 500. | | Exceeding 500 but not exceeding 1,000. | | | Exceeding 1,000 but not exceeding 2,000. | | | Exceeding 2,000. | | |
|-------------------------------|--------|--|-------------------------------|--------|--|-------------------------------|--------|----------------------------|-------------------------------|--------|
| Without an elementary school. | Total. | With an elementary school. | Without an elementary school. | Total. | With an elementary school. | Without an elementary school. | Total. | With an elementary school. | Without an elementary school. | Total. |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 277 | 326 | 25 | 131 | 156 | 15 | 21 | 36 | 2 | 6 | 8 |
| 370 | 470 | 43 | 13 | 56 | 14 | .. | 14 | 9 | .. | 9 |
| 219 | 313 | 22 | 10 | 32 | 11 | .. | 11 | 3 | .. | 3 |
| 147 | 230 | 33 | 14 | 47 | 16 | .. | 16 | 6 | .. | 6 |
| 197 | 273 | 50 | 34 | 84 | 25 | .. | 25 | 9 | .. | 9 |
| 142 | 190 | 21 | 4 | 25 | 4 | .. | 4 | 3 | .. | 3 |
| 390 | 544 | 103 | 26 | 129 | 41 | 2 | 43 | 9 | .. | 9 |
| 1,732 | 2,346 | 297 | 232 | 529 | 126 | 23 | 149 | 41 | 6 | 47 |
| 7,946 | 9,957 | 2,953 | 2,327 | 5,280 | 2,141 | 302 | 2,443 | 1,052 | 20 | 1,072 |

Appendices
APPENDIX F.

Statement showing the results of cattle censuses.

| Details. | 1895-96. | 1897-98. | 1901-02. | 1905-06. | 1909-10. | 1915-16. | 1919-20. |
|------------------------------|-----------------|------------------|--------------|--------------|--------------|--------------|--------------|
| <i>Presidency Proper.</i> | Thousands. | Thousands. | Thousands. | Thousands. | Thousands. | Thousands. | Thousands. |
| Plough cattle .. | 3,211 | 2,965 | 2,504 | 2,583 | 2,830 | 3,224 | 3,031 |
| Breeding bulls .. | 21 | 16 | 13 | 21 | 20 | 24 | |
| Cattle for other purposes .. | 155 | 116 | 81 | 88 | 107 | 116 | 128 |
| Milch cattle .. | 2,843 | 2,444 | 1,817 | 2,148 | 2,472 | 2,904 | 2,529 |
| Young stock .. | 2,255 | 1,835 | 1,471 | 1,875 | 2,143 | 2,656 | 2,186 |
| Total Cattle .. | 3,490 | 7,376 | 5,386 | 6,715 | 7,572 | 8,924 | 7,902 |
| Horses and ponies.. | 156 | 122 | 85 | 92 | 113 | 127 | 129 |
| Sheep .. | 1,786 | 1,507 | 1,416 | 1,824 | 1,847 | 1,652 | 1,397 |
| Goats .. | 1,602 | 1,675 | 1,959 | 2,161 | 2,052 | 2,281 | 1,408 |
| <i>Sind.</i> | | | | | | | |
| Plough cattle .. | } Not available | } Not available. | 537 | 351 | 582 | 601 | } 554 |
| Breeding bulls .. | | | 7 | 8 | 10 | 8 | |
| Cattle for other purposes .. | | | 12 | 14 | 14 | 15 | |
| Milch cattle .. | | | 717 | 759 | 998 | 988 |  | 835 |
| Young stock .. | .. | .. | 386 | 376 | 501 | 566 | 390 |
| Total Cattle .. | .. | .. | 1,659 | 1,708 | 2,105 | 2,178 | 1,779 |
| Horses and ponies.. | .. | .. | 79 | 78 | 84 | 81 | 71 |
| Sheep .. | .. | .. | 273 | 302 | 424 | 514 | 564 |
| Goats .. | .. | .. | 822 | 969 | 1,074 | 1,101 | 1,026 |
| Camels .. | .. | .. | 102 | 113 | 116 | 117 | 117 |

APPENDIX G—*contd.*

B

Statement showing the new Gazetted and non-Gazetted appointments in the Police Department created in the towns of Karachi and Hyderabad since the 1st April 1922 and their annual cost.

| Appointments. | | Average cost per year. | |
|---|------------|------------------------|-------|
| <i>Karachi Town.</i> | | Rs. | a. p. |
| Superintendent of Police for the Town and Port of Karachi | .. .. | 13,366 | 11 0 |
| 3 Inspectors | .. } | 92,688 | 0 0 |
| 8 Sergeants | .. } | | |
| 4 Sub-Inspectors | .. } | | |
| 18 Head Constables | .. } | | |
| 75 Constables | .. } | | |

108

Karachi Harbour.

| | | | | |
|-------------------|--------------------|--|-------|-----|
| 2 Sub-Inspectors | .. } A moiety only | .. } | 5,616 | 0 0 |
| 1 Sergeant | .. } | the other moiety being paid by the Port Trust. | | |
| 2 Head Constables | .. } | | | |
| 6 Constables | .. } | | | |

11

Karachi Reporting Staff.

| | | | |
|-------------------|------------|--------|-----|
| 1 Sergeant | .. } | 13,404 | 0 0 |
| 2 Sub-Inspectors | .. } | | |
| 4 Head Constables | .. } | | |
| 8 Constables | .. } | | |

15

Hyderabad Town.

| | | | |
|------------|-------|-------|-----|
| 1 Sergeant | | 3,000 | 0 0 |
|------------|-------|-------|-----|

Total .. 1,28,074 11 0

APPENDIX H.

No. L. F. 34.

Ahmedabad, Shahi Bagh, W. D. No. 1,
2nd December 1920.

CIRCULAR.

In their resolution in the Financial Department No. 3585, dated the 8th November 1911 and in their order in the Financial Department No. 2901, dated the 16th April 1919, Government have allotted permanently to the Northern Division for distribution among the District Local Boards, grants of Rs. 1,82,000 and of Rs. 2,14,000 respectively. The former grant is intended for objects other than educational such as the improvement of communications, water supply and village sanitation and the proper equipment and maintenance of dispensaries, the expenditure on roads and bridges having preference in all cases in which additional outlay on such works could be incurred with advantage; while the latter grant is to be devoted solely to the repair of roads.

2. In order to enable the District Local Boards to form an approximate estimate of their probable allotments from the said grants the Commissioner lays down the following general principles on which he proposes to distribute the grants in future.

The grant of Rs. 1,82,000 will be distributed on a combination of—

(1) the average cess receipts of the District Local Boards for the last three years;

(2) demand for new roads or special capital outlay on works of water supply and village sanitation or in connection with the equipment and maintenance of dispensaries within the scope of Government Resolution No. 2185, dated 18th April 1905, and

(3) the amount actually spent by the Board in the last three years out of this grant and also from its general revenues on the construction of new roads.

The grant of Rs. 2,14,000 for the repair of roads will be distributed entirely on (1) cost per mile for repairs, (2) total length of roads in charge of the District Local Board and (3) the actual amount spent by the Board out of the above two grants *and also from their general revenues on the repair and improvement of existing roads.*

3. If it is found that any board is not keen on communications, as evinced by its not spending a sufficient amount out of its general revenues in supplementing the Government grants or if it is found that any Board has not utilized the special grant allotted to it for the repair of roads wholly for the purpose mentioned, the grant to that Board will be reduced in the following year.

(Signed) J. GHOSAL,

Commissioner, N. D.

APPENDIX I.

Statement showing the number, caste, age and pay and allowances of
Boiler Inspectors.

| (a) | | | | |
|--------------------------------|-----------------|----|-------------|---------------------------------------|
| Chief Inspector | .. | .. | .. | 1 |
| Permanent Inspectors | .. | .. | .. | 8 |
| Probationer Inspector (Indian) | .. | .. | .. | 1 |
| Acting Inspectors | .. | .. | .. | 2 |
| Temporary Inspector | .. | .. | .. | 1 |
| Total | | | | 13 |
| (b) | | | | |
| Europeans | .. | .. | .. | 12 |
| Parsi | .. | .. | .. | 1 |
| (c) | | | | |
| Age | | | | |
| <i>Permanent staff—</i> | | | | |
| 51 | .. | .. | .. | 1 (Chief Inspector). |
| 55 | .. | .. | .. | 1 |
| 54 | .. | .. | .. | 1 |
| 53 | .. | .. | .. | 1 |
| 46 | .. | .. | .. | 1 |
| 43 | .. | .. | .. | 1 |
| 32 | .. | .. | .. | 1 |
| 39 | .. | .. | .. | 1 |
| 36 | .. | .. | .. | 1 |
| 37 | .. | .. | .. | 1 (Parsi). |
| <i>Acting—</i> | | | | |
| 42 | .. | .. | .. | 1 |
| 45 | .. | .. | .. | 1 |
| <i>Temporary—</i> | | | | |
| 55 | .. | .. | .. | 1 |
| (d) | | | | |
| (1) <i>Pay—</i> | | | | |
| No. | Name. | | Pay. | Minimum and maximum pay of the grade. |
| | | | Rs. | Rs. |
| <i>Permanent staff—</i> | | | | |
| 1 | Chief Inspector | .. | 1,500 | 1,000—50—1,500 |
| 1 | Inspector | .. | 900 | 400—30—900 |
| 1 | " | .. | 880 | |
| 1 | " | .. | 700 | |
| 1 | " | .. | 610 | |
| 2 | " | .. | 580 | |
| 2 | " | .. | 550 | |
| 1 | " (probationer) | .. | 400 | 400 |
| <i>Acting—</i> | | | | |
| 2 | Inspectors | .. | 490 (each). | 400—30—900 |
| <i>Temporary—</i> | | | | |
| 1 | Inspector | .. | 600 | 600 |

(2) Allowances—

(a) 5 Motor Car allowances of Rs. 150 each as under :—

1 For Chief Inspector.

3 For three Inspectors stationed in Bombay.

1 For one inspector stationed at Ahmedabad.

—

5

5 Motor Cycle allowances of Rs. 75 each as under :—

3 For three Inspectors stationed in Bombay.

1 For one Inspector stationed at Ahmedabad.

1 For one Inspector stationed at Karachi.

—

5

NOTE.—These allowances are subject to the condition that either a motor car or motor cycle as the case may be is maintained for the performance of duty. Those officers who neither keep a motor car nor a motor cycle are entitled to actual conveyance charges for visits to factories or mills in the Town and Island of Bombay, Ahmedabad City or Karachi.

(b) The Chief Inspector and the Inspectors stationed in Bombay are admitted to the Bombay House Allowance Scheme and they, if not provided with Government houses, draw house rent allowance under the usual conditions.

A house rent allowance of Rs. 50 each is also granted to Inspectors stationed at Ahmedabad and Karachi.

(c) The Chief and all other Inspectors when on tour are subject for travelling allowance to the rules under the Civil Service Regulations.

APPENDIX J.

Statement showing the expenditure and income of the Agricultural College Dairy at Kirkee.

| Month. | Expenditure. | | | Income. | | |
|-----------|--------------|----|----|---------|----|----|
| | Rs. | a. | p. | Rs. | a. | p. |
| 1922. | | | | | | |
| April | 3,301 | 5 | 3 | 4,974 | 1 | 9 |
| May | 2,531 | 12 | 0 | 2,941 | 7 | 3 |
| June | 6,640 | 1 | 0 | 6,363 | 2 | 9 |
| July | 4,224 | 10 | 0 | 4,609 | 1 | 0 |
| August | 2,991 | 15 | 1 | 3,238 | 1 | 9 |
| September | 4,020 | 0 | 0 | 4,410 | 7 | 1 |
| October | 2,057 | 7 | 0 | 5,171 | 10 | 5 |
| November | 2,865 | 6 | 4 | 5,519 | 7 | 10 |
| December | 6,599 | 4 | 0 | 3,743 | 8 | 0 |

APPENDIX K.

DEPARTMENT OF PUBLIC INSTRUCTION, BOMBAY.

TENDER FORM.

Marathi Vernacular reading series.

I, undertake at my own risk and expense and with all reasonable and proper expedition to print, illustrate, produce, publish, and store the Departmental Marathi Vernacular Reading Series for Boys consisting of the following books, for a period of ten years commencing from July 1st, 1923.

Infant Primer.—Size, Crown 8vo. Type and illustrations as per sample. Glazed printing paper, 34 lb. Double Crown. Cover of thick Manilla paper, thread stitched with title printed on front page. 32 pp. Average Annual consumption, 186,700 copies.

First Book.—Size, Crown 8vo. Type and illustrations as per sample. Double Crown printing paper, 27 lb. Diagrams printed on Art paper. Cover of thick coloured paper, Double-Crown, 60 lb. Thread stitched with title printed on the front. 88 pp. Average Annual consumption, 107,600 copies.

Second Book.—Size, Crown 8vo. Type and illustrations as per sample. Printing paper, Double Crown, 27 lb. Diagrams printed on Art paper. Thread stitched in thick paper cover with title printed on the front. 115 pp. Average Annual consumption, 72,700 copies.

Third Book.—Size, Crown 8vo. Type and illustrations as per sample. Printing paper, Double Crown, 27 lb. Quarter bound, cloth back, cut flush, thread stitched in $\frac{1}{2}$ lb. straw board with printed coloured paper on front. 176 pp. Average Annual consumption, 46,500 copies.

Fourth Book.—Size, Crown 8vo. Type and illustrations as per sample. Printing paper, Double Crown, 27 lb. Quarter bound, cloth back, cut flush, thread stitched in 1 lb. straw board with printed coloured paper on front. 222 pp. Average Annual consumption, 24,900 copies.

Fifth Book.—Size, Crown 8vo. Type and illustrations as per sample. Printing paper, Double Crown 27 lb. Quarter bound, cloth back, cut flush, thread stitched in 1 lb. straw board with printed coloured paper on front. 252 pp. Average Annual consumption, 14,400 copies.

Sixth Book.—Size, Crown 8vo. Type and illustrations as per sample. Printing paper, Double Crown, 27 lb. Quarter bound, cloth back, cut flush, thread stitched in 1 lb. straw board with printed coloured paper on front. 266 pp. Average Annual consumption, 7,300 copies.

Seventh Book.—Size, Crown 8vo. Type and illustrations as per sample. Printing paper, Double Crown 27 lb. Quarter bound, cloth back, cut flush, thread stitched in 1 lb. straw board with printed coloured paper on front. 302 pp. Average Annual consumption, 7,100 copies.

2. The size, type, paper, and binding will in all cases be as laid down in the above specification.

3. I understand that the illustrations to be published in each book will be similar to, but not necessarily the same as, those printed in the specimen books supplied to me with the form of tender and that the actual number of illustrations to be reproduced in each book will not exceed the number in the specimen book.

4. I undertake whenever the Government of Bombay revise any edition of any of the above-mentioned Readers that the expenses in connection with the correction or alteration of the proof sheets and illustrations, and the printing, illustrating, producing, and publishing such edition shall be borne by me.

5. I undertake that every new edition shall be printed, illustrated, produced, and published exactly in accordance with the Press copy (including all additions and alterations in the text, illustrations, etc.) supplied to me by the Director of Public Instruction, Bombay Presidency, except as provided in paragraph 3 of this Tender.

5A. With reference to paragraph 3 of the tender form, I understand that specimens of the required illustrations will be supplied by the Director of Public Instruction but that the cost of reproducing them including the cost of blocks, etc., will be borne by me.

6. I undertake that all these Readers and each and every new edition of the same shall be printed in British India unless I have obtained the previous consent in writing of the Government of Bombay to the printing being done elsewhere.

7. I am prepared to publish and sell to the public the Marathi Series at the following prices :—

| Name of Series. | Retail selling price per copy. |
|---------------------|--------------------------------|
| Infant Primer | |
| Reader I | |
| Reader II | |
| Reader III | |
| Reader IV | |
| Reader V | |
| Reader VI | |
| Reader VII | |

In the event of any material alteration taking place in the cost of production I agree to a revision of the above prices to an extent that may be determined by a Committee consisting of four members as under :—

Two Government Nominees.

One non-official expert in press matters.

One representative nominated by me.

8. I undertake to allow a minimum discount of 10 per cent. of the retail prices quoted above to all Booksellers in respect of the purchases of books made by them from me and a discount of 15 per cent. to the Government of Bombay in respect of the purchases of books made by them. I also undertake to enter into an agreement with all such Booksellers that no book shall be sold to the public at a higher price than the retail selling price accepted by the Government of Bombay.

9. I shall, at my own risk and expense, undertake and provide for the storage, sale, and distribution of the books.

10. I shall not assign or sublet this contract or any portion of it to any person, firm, or company without the previous consent of the Government of Bombay.

11. I understand that the figures supplied of the annual consumption are approximate only and liable to fluctuation and I undertake to supply any number of books required to meet the demands of the public.

12. If the agreement terminates on any account, the Copyright to print and publish the books (including illustrations) shall revert to Government.

13. I undertake to keep proper books of accounts containing full, true, and faithful entries and particulars of the number of copies of each of the series and subsequent editions thereof and that the books will be produced for inspection before any person duly authorised by the Government of Bombay and that he shall be supplied with copies or extracts therefrom.

14. For the performance of this contract I undertake to deposit a sum of Rs. 20,000 pledged to the Government of Bombay and, in the event of my failing to perform any of the terms of the Contract, I shall be liable to forfeit the same or any portion of it.

15. The earnest money Rs. 500 (challan for which is herewith enclosed) will remain with the Treasury Officer until the decision of Government as to the acceptance of the tender is made known. Should my tender be accepted and should I fail at once to sign the required contract agreement, I do so knowing that by such action I forfeit to Government the earnest money deposited.

16. I perfectly understand all the above conditions and bind myself to abide by them.

Tenderer.

APPENDIX L.

Statement showing figures of travelling allowance drawn by Police officers in the Central Division during 1920-1921 and 1921-1922.

| Class of Police Officer. | 1920-21. | 1921-1922. |
|-----------------------------------|----------|------------|
| | Rs. | Rs. |
| District Superintendents | 12,863 | 14,744 |
| Assistant Superintendents | 10,294 | 15,436 |
| Deputy Superintendents | 7,299 | 11,953 |
| Inspectors | 34,701 | .... |
| Sub-Inspectors | 65,391 | .... |

APPENDIX M.

Criminal Cases Instituted by Co-operative Department.

| Serial No. | Name of the accused person and his caste. | Name of the society. | Section. | Result of the case. |
|------------|--|---|---|--|
| 1 | Amarsing Mathurbhal, Dharala. | Pariej Co-operative Credit Society, Taluka Matar, District Kaira. | 409, Indian Penal Code. | Acquitted. |
| 2 | Prag Dullabh, Koli .. | Dehan C. C. Society, Taluka Olpad, District Surat. | Do. .. | Rs. 200 fine. In default three months' E. I. |
| 3 | Una Dullah, Koli .. | Chanvi C. C. Society, Taluka Bulsar, District Surat. | Do. .. | Acquitted. |
| 4 | Raghunath Shivaaji Pawar, Maratha. | Kurla Swadeshi Dyeing and Bleaching Department C. C. Society, Bombay. | 406, Indian Penal Code. | Rs. 50 fine. In default one month's E. I. |
| 5 | Hyderkhan Budankhan, Muhamedan. | Igatpuri C. C. Society, District Nasik. | 471, Indian Penal Code, read with 465, Indian Penal Code. | Rs. 100 fine. In default one month's E. I. |
| 6 | Dinkar Maruti Konde, Maratha. | Khed Shivapur C. C. Society, Taluka Haveli, District Poona. | 409, Indian Penal Code. | Acquitted. |
| 7 | Mahadev Gopal Kulkarni, Brahmin. | Shetfal C. C. Society, District Sholapur. | 408 and 477-A, Indian Penal Code. | One year's E. I. and Rs. 100 fine. |
| 8 | Waman Laxman Kanitkar, Brahmin. | Devarashtre Manure Supply C. Society, District Satara. | 409, Indian Penal Code. | 6 months' E. I. and Rs. 300 fine. |
| 9 | Waman Laxman Kanitkar, Brahmin and Sadasshiv Vasudev Gune, Brahmin. | Tadsar C. C. Society, District Satara. | 409, and 114 Indian Penal Code. | 9 months' E. I. and Rs. 1,000 fine. Acquitted. |
| 10 | Dattatraya Gopal Walimbe, Brahmin and Govind Ramji Jadhav, Maratha. | Asad C. C. Society, Taluka Khanapur, District Satara. | 409, Indian Penal Code. | 1 year's E. I. and Rs. 500 fine. Acquitted. |
| 11 | Dattatraya Gopal Walimbe, Brahmin and Ganpat Kasaba Deshmukh, Maratha. | Padli C. C. Society, District Satara. | Do. .. | 1 year's E. I. and Rs. 25 fine. Acquitted. |
| 12 | Madhavrao Baburao Mohite, Maratha. | Retre-Budruk C. C. Society, District Satara. | Do. .. | 3 months' E. I. and Rs. 250 fine. |
| 13 | Ganapati Vitthu, Wani .. | Padegaon C. C. Society, District Satara. | Do. .. | Acquitted. |
| 14 | Vishnu Govind Kulkarni, Brahmin. | Yervala C. C. Society, District Satara. | Do. .. | Acquitted. |
| 15 | Krishna Suraji Patil, Maratha. | Do. .. | Do. .. | 3 months' E. I. and Rs. 50 fine. |
| 16 | Gopal Venkatesh Kulkarni, Brahmin. | Murgod C. C. Society, District Belgaum. | 409, 467, 477-B, Indian Penal Code. | Convicted and sentenced to imprisonment. |
| 17 | Shrinivas Ramchandra Kulkarni, Brahmin. | | 409, 467, 109, Indian Penal Code. | Convicted and sentenced to imprisonment. |
| | B. G. Sabnis, Brahmin .. | Sandatti C. C. Society, District Belgaum. | 409, Indian Penal Code. | 6 months' E. I. and Rs. 200 fine or in default 3 months' E. I. |
| | G. J. Manoli, Brahmin .. | | | 9 months' E. I. and Rs. 200 fine or in default 3 months' E. I. |
| 18 | Pitambar Govind Joshi, Brahmin. Bambhat Govindbhat Joshi, Brahmin. | Melmari C. C. Society, District Dharwar. | 420, Indian Penal Code. | Acquitted. |
| 19 | Puttappa Malappa Baramard, Lingayat. | Budgatti C. C. Society, Taluka Haveri, District Dharwar. | 409, Indian Penal Code. | 6 months' E. I. and Rs. 100 fine. |

APPENDIX N.

Bombay, Baroda and Central India Railway Company.
(Incorporated in England by special Act of Parliament.)

No. W.—28/3651

Agent's Office :
Bombay, 17th February 1923.

From

THE AGENT ;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
P. W. D., Railway Branch,
Bombay.

Subject.—Dholka-Dhandhuka Ry.

Dear Sir,

With reference to your letter No. L. C.—173, dated 13th February 1923 (received in this office on the 16th instant), I beg to state as follows :

2. The total length of the Railway from Dholka to Dhandhuka as already projected is 38·27 miles. Of this, the portion from Mile 24 to Mile 31 lies in Limbdi State. The construction of the line, except the Limbdi Section, is in progress, the average progress at end of December 1922 being 0·671. The work in Limbdi State is in abeyance, as the Limbdi Durbar have expressed a desire to pay the cost of constructing the portion of the line passing through their territory, and the matter is under correspondence with them. A draft of the terms on which the Durbar's contribution towards the cost of the line can be accepted by this Company, was forwarded to them through the Railway Board on 16th November 1921. Owing to the protracted delay on the part of the Durbar to accept the terms, the Railway Board, in their letter of 29th November 1922 have instructed me to take in hand such survey work as may be necessary to divert the line outside Limbdi territory but not to do any actual construction pending receipt of their letter (the Railway Board's) further definite instructions. The survey work is accordingly in hand now.

3. As the opening of the line was being seriously delayed and the present working season was already far advanced, I wrote to the Government of Bombay, Political Department, that if no decision could be arrived at in regard to the alignment through the Limbdi State before the end of January 1923, I intended to apply to the Railway Board for permission to finish the railway on an alignment outside Limbdi territory without further delay. Not having received the Government's reply by the date referred to, I have addressed the Railway Board on the 5th instant as stated above and am now awaiting their further instructions.

Yours faithfully,

(Sd.) R. TODD,

for Agent.

APPENDIX O.

| Serial Number of the Meetings. | Date of holding the Meetings. | Present. | Number of days previous final notice given. |
|--------------------------------|-------------------------------|---|---|
| First Meeting .. | 6th December 1918.. | The Commissioner of Customs, Salt and Excise (Chairman). The Collector of Kolaba. The Deputy Commissioner of Salt and Excise, Southern Division. The Deputy Commissioner of Salt and Excise, Central Division. The President, District Local Board, Kolaba. The representative of the Local Board, Ratnagiri. The representative of the Bombay Steam Navigation Company. | 10 |
| Second Meeting .. | 7th and 8th April 1919. | The Commissioner of Customs, Salt and Excise (Chairman). The Collector of Kolaba. The Deputy Commissioner of Salt and Excise, Southern Division. The Deputy Commissioner of Salt and Excise, Central Division. The representative of the District Local Board, Ratnagiri. The representative of the Bombay Steam Navigation Company. | 5 |
| Third Meeting .. | 30th October 1919 .. | The Commissioner of Customs, Salt and Excise (Chairman). The Collector of Kolaba. The Deputy Commissioner of Salt and Excise, Southern Division. The Deputy Commissioner of Salt and Excise, Central Division. The President, District Local Board, Kolaba. The representative of the District Local Board, Ratnagiri. The representative of the Bombay Steam Navigation Company. | 5 |
| Fourth Meeting .. | 26th April 1920 .. | The Commissioner of Customs, Salt and Excise (Chairman). The Collector of Ratnagiri. The Deputy Commissioner of Salt and Excise, Southern Division. The Deputy Commissioner of Salt and Excise, Central Division. | 9 |

APPENDIX O—contd.

| Serial Number of the Meetings. | Date of holding the Meetings. | Present. | Number of days previous final notice given. |
|--------------------------------|-------------------------------|---|---|
| Fifth Meeting .. | 4th November 1920 .. | The representative of the District Local Board, Ratnagiri. The representative of the Bombay Steam Navigation Company. The Commissioner of Customs, Salt and Excise (Chairman). The Collector of Kolaba. The Deputy Commissioner of Salt and Excise, Southern Division. The Deputy Commissioner of Salt and Excise, Central Division. The President, District Local Board, Kolaba. The representative of the District Local Board, Ratnagiri. The representative of the Bombay Steam Navigation Company. | 5 |
| Sixth Meeting .. | 31st January 1921 .. | The Commissioner of Customs, Salt and Excise (Chairman). Mr. P. G. Messent, C.I.E., Consulting Harbour Engineer. The Collector of Ratnagiri. The Collector of Kolaba. The Deputy Commissioner of Salt and Excise, Southern Division. The Deputy Commissioner of Salt and Excise, Central Division. The representative of the District Local Board, Ratnagiri. The representative of the Bombay Steam Navigation Company. | 23 |
| Seventh Meeting .. | 13th May 1921 .. | The Commissioner of Customs, Salt and Excise (Chairman). The Collector of Kolaba. The Deputy Commissioner of Salt and Excise, Southern Division. The Deputy Commissioner of Salt and Excise, Central Division. The representative of the District Local Board, Ratnagiri. The representative of the Bombay Steam Navigation Company. | 12 |
| Eighth Meeting .. | 16th November 1921. | The Commissioner of Customs, Salt and Excise (Chairman). The Collector of Kolaba. | 12 |

APPENDIX O—concl'd.

| Serial Number of the Meetings. | Date of holding the Meetings. | Present. | Number of days previous final notice given. |
|--------------------------------|-------------------------------|---|---|
| Ninth Meeting .. | 22nd March 1922 .. | <p>The Deputy Commissioner of Salt and Excise, Southern Division.</p> <p>The Deputy Commissioner of Salt and Excise, Central Division.</p> <p>The Superintendent of Lights.</p> <p>The representative of the Bombay Steam Navigation Company.</p> <p>The Commissioner of Customs, Salt and Excise (Chairman).</p> <p>The Collector of Kolaba.</p> <p>The Deputy Commissioner of Salt and Excise, Southern Division.</p> <p>The Deputy Commissioner of Salt and Excise, Central Division.</p> <p>The Engineer, Landing and Wharfage Fees Fund Committee.</p> | 11 |
| Tenth Meeting .. | 17th July 1922 .. | <p>The Commissioner of Customs, Salt and Excise (Chairman).</p> <p>The Collector of Kolaba.</p> <p>The Deputy Commissioner of Salt and Excise, Southern Division.</p> <p>The Deputy Commissioner of Salt and Excise, Central Division.</p> <p>The representative of the Bombay Steam Navigation Company.</p> <p>The Superintendent of Lights.</p> <p>The Engineer, Landing and Wharfage Fees Fund Committee.</p> | 12 |
| Eleventh Meeting .. | 18th October 1922 .. | <p>The Commissioner of Customs, Salt and Excise (Chairman).</p> <p>The Collector of Kolaba.</p> <p>The Deputy Commissioner of Salt and Excise, Southern Division.</p> <p>The Deputy Commissioner of Salt and Excise, Central Division.</p> <p>The representative of the District Local Board, Ratnagiri.</p> <p>The representative of the Bombay Steam Navigation Company.</p> <p>The Superintendent of Lights.</p> <p>The Engineer, Landing and Wharfage Fees Fund Committee.</p> | 14 |

APPENDIX P.

Statement showing Receipts under the Landing and

| Name of the Port. | Collection of fees. | | On goods. |
|--------------------------------------|------------------------------|----------------------------|------------------|
| | From the passenger steamers. | From passengers by Machva. | |
| | Rs. a. p. | Rs. a. p. | Rs. a. p. |
| Bombay | 3,095 0 0 | 156 11 3 | .... |
| | A. 2,535 0 6 | | |
| Surat .. .. | .... | .... | 56 7 0 |
| Broach .. .. | .... | .... | 19 4 8 |
| Bassein .. .. | .... | .... | 54 5 0 |
| Trombay .. .. | .... | 2 10 0 | 132 12 0 |
| Dahanu .. .. | .... | .... | 4 13 8 |
| Rai .. .. | .... | 6 12 0 | 19 10 3 |
| Panvel (including Belapur Nahwa) | 1,712 9 9 | 289 4 0 | 1 8 6 |
| Mora | 3,211 13 9 | 1,378 4 6 | .... |
| Karanja (including Mandwa Dharantar) | 10,408 5 9 | 1,452 15 0 | .... |
| Thul .. .. | .... | 156 1 0 | 315 4 10 |
| Alibag | 1,794 14 0 | .... | .... |
| Revdanda | 4,246 6 0 | .... | .... |
| Harnai | 6,684 11 0 | .... | .... |
| Dabhol | 7,587 14 0 | 21 10 0 | .... |
| Borya | 855 15 0 | .... | .... |
| Jaigad | 6,726 0 6 | .... | .... |
| Varoda (Tiviri) | 1,190 7 6 | .... | .... |
| Ratnagiri | 6,180 14 6 | 51 0 6 | .... |
| Purnagad | 1,464 6 6 | .... | .... |
| Jaitapur | 3,243 15 0 | 1 3 0 | .... |
| Viziadurg | 4,044 0 6 | .... | .... |
| Deogad | 3,702 13 6 | .... | .... |
| Achra | 588 14 0 | .... | .... |
| Malwan | 5,949 14 6 | 4 8 6 | .... |
| Vingorla | 5,775 7 6 | 7 0 3 | .... |
| Morjun and Calal | 904 0 6 | .... | .... |
| Karwar | 780 4 0 | .... | .... |
| Tadri | 787 5 0 | 59 14 7 | 373 13 3 |
| Kumta | 281 7 0 | .... | .... |
| Honawar | 162 5 0 | 3 14 0 | 4 15 9 |
| Bhatkhal | 278 12 6 | .... | .... |
| OTHER PORTS. | | | |
| <i>Janjira State.</i> | | | |
| Janjira | 3,577 9 0 | .... | .... |
| Shrivardhan | 1,340 12 0 | .... | .... |
| Hareshwar | 4,271 7 0 | .... | .... |
| Total | 93,383 5 9 | 3,591 12 7 | 982 14 11 |

P.

Wharfage Fees Fund by Ports for the year 1921-22.

| Interest on Government securities. | Miscellaneous Receipts. | Loan from Government. | Total. | Remarks. |
|------------------------------------|-------------------------|-----------------------|---------------|------------------|
| Rs. a. p. | Rs. a. p. | Rs. | Rs. a. p. | |
| 14,721 1 10 | 18,381 10 2 | 1,00,000 | 1,38,889 7 9 | A. Fees collect- |
| | | | 56 7 0 | ed from stea- |
| | | | 19 4 8 | mer passengers |
| | | | 54 5 0 | at Bombay for |
| | | | 135 6 0 | the ports of |
| | | | 4 13 8 | Panjem, Kun- |
| | | | 26 6 3 | depur, Murfay |
| | | | 2,003 6 3 | and Mangalore. |
| | | | 4,590 2 3 | |
| | | | 11,861 4 9 | |
| | | | 471 5 10 | |
| | | | 1,794 14 0 | |
| | | | 4,246 6 0 | |
| | | | 6,684 11 0 | |
| | | | 7,609 8 0 | |
| | | | 855 16 0 | |
| | | | 6,726 0 6 | |
| | | | 1,190 7 6 | |
| | | | 6,231 15 0 | |
| | | | 1,464 6 6 | |
| | | | 3,245 2 0 | |
| | | | 4,044 0 6 | |
| | | | 3,702 13 6 | |
| | | | 588 14 0 | |
| | | | 5,954 7 0 | |
| | | | 5,782 7 9 | |
| | | | 904 0 6 | |
| | | | 780 4 0 | |
| | | | 1,221 0 10 | |
| | | | 281 7 0 | |
| | | | 171 2 9 | |
| | | | 278 12 6 | |
| | | | 3,577 9 0 | |
| | | | 1,340 12 0 | |
| | | | 4,271 7 0 | |
| 14,721 1 10 | 18,381 10 2 | 1,00,000 | 2,31,060 13 3 | |

APPENDIX Q.

Establishments.

Subordinate Judicial — in the Presidency proper.

Introduction of provisional time-scale of pay for — .

GOVERNMENT OF BOMBAY.

HOME DEPARTMENT.

Resolution No. 829.

Secretariat, Fort,

Bombay, 22nd September 1922.

Read Government Order, Finance Department, No. 59, dated the 27th January 1921.

RESOLUTION.—The Governor in Council is pleased to sanction the introduction of the provisional time-scale of pay as shown in the accompanying statement for the subordinate Judicial clerical establishments in the Presidency Proper.

2. The scales should be introduced with starting pay at a stage in the new grade equal to present pay or the minimum of a new grade with effect from 1st September 1922, *i.e.*, on the pay payable on 1st October 1922, subject to the proviso that no one should draw less than his present salary.

3. The introduction of the time-scale of pay involves a large excess over the permissible cost. It has therefore been decided to reduce the proportion of posts on the scale of 105—5—140 to posts on the lower scale approximately to 1 to 3 and the number of superior posts should be as shown in the statement. It has also been decided after examination of the work done per clerk in the various Courts to reduce the number of clerks in the lower division. The number of these posts should be reduced as shown in the statement pending further investigation into the matter. The reduction has been made provisionally *pro-rata* at five per cent. except for the Ahmedabad, Broach, Surat and Thana Districts in the Northern Division and the Ahmednagar and Ratnagiri Districts in the Central and Southern Divisions, where it has been made at ten per cent. owing to the unsatisfactory results of the examination of the work per clerk in the various Courts in those districts. The District Judges should carry out the reductions with effect from the 1st October 1922 or as early as possible. The statements of work done per clerk in the various Courts should be forwarded for the information and further opinion of the High Court.

4. The District Judges are requested to submit at an early date estimates for advanced increments and arrears as though the time-scale

had been introduced from 1st March 1920 on the lines laid down in paragraph 7 of Government Circular, Finance Department, No. 438, dated the 25th June 1920.

5. Temporary establishments of the strength of 1 clerk on Rs. 85 and 1 on Rs. 30 for Joint and Assistant Judges and 2 clerks on Rs. 30 each for 1st or 2nd Class Subordinate Judges are sanctioned for each temporary appointment of Joint, Assistant and Subordinate Judge. Permanent men should be deputed on promotion to the posts of Rs. 85 and temporary men should be entertained in their place on the minimum pay of the grade of Rs. 30—5/2—80.

By order of the Governor in Council,

G. WILES,

Deputy Secretary to the Government of
Bombay, Home Department.

To

The Registrar, High Court, Appellate Side, Bombay (by letter),
All District Judges,
The Accountant General, Bombay,
The Finance Department.

APPENDIX Q—contd.

Accompaniment to Government Resolution, Home Department, No. 829,
dated the 22nd September 1922.

| District. | Grading now sanctioned. | | | |
|---------------------------|-------------------------|------------------|-----------------|-----------------|
| | Upper Division. | | | Lower Division. |
| | Rs. 150-5-200 | Rs. 105-5-140 | Rs. 85-4-100 | Rs. 30-4-80 |
| <i>Northern Division.</i> | | | | |
| Ahmedabad | 2 | 7 | 27 | 166 |
| Brosch | 1 | 3 | 8 | 53 |
| Surat | 1 | 4 | 10 | 62 |
| Thana | 1 | 6 | 22 | 120 |
| <i>Central Division.</i> | | | | |
| Ahmednagar | 1 | 4 | 13 | 80 |
| Nasik | 1 | 4 | 13 | 95 |
| Khandesh | 1 | 6 | 18 | 140 |
| Poona | 1 | 5 | 16 | 106 |
| Satara | 1 | 4 | 19 | 94 |
| Sholapur | 1 | 3 | 13 | 50 |
| <i>Southern Division.</i> | | | | |
| Belgaum | 2 | 4 | 11 | 57 |
| Bijapur | 1 | 3 | 8 | 37 |
| Dharwar | 1 | 3 | 10 | 61 |
| Ratnagiri | 1 | 4 | 16 | 88 |
| Kanara | 1 | 3 | 10 | 39 |

APPENDIX R.

Statement showing the names of officers promoted from the Subordinate Service to Provincial or Imperial or from Provincial Service to Imperial in the Agricultural Department.

| Serial No. | Name of Officer. | Head of service. | Brief reasons for promotion. |
|------------|--|---|---|
| 1 | Mr. S. L. Ajrekar, Plant Pathologist to Government. | From Provincial to Imperial. | A graduate both of the Bombay and Cambridge Universities with Mycology as special subject. Held post of Assistant Professor of Mycology for over ten years. |
| 2 | Mr. V. A. Tamhane, Soil Physicist to Government. | From Subordinate to Imperial. | An M.Sc. and M.Ag. of the Bombay University. After nearly 14 years' service in the Agricultural Department was specially deputed to undergo training in the latest Soil Physics methods under Dr. E. J. Russell at Rothamsted for one year. |
| 3 | Mr. E. J. Bruen, Deputy Director of Agriculture for Animal Breeding. | From Special Provincial post in the grade of Rs. 500—50—800 to the Indian Agricultural Service. | Possesses diploma in Dairying and Agriculture of South Australia. Was recruited from the Military Dairy Farms Department and appointed to a special post created for him in the Agricultural Department which was subsequently converted into an Imperial post. |
| 4 | Mr. V. G. Gokhale, Deputy Director of Agriculture, Konkan. | From Provincial to Imperial. | An L.Ag. of the Bombay University. After a service of 10 years in the subordinate grade and of over six years in the provincial grade as Extra Deputy Director of Agriculture, Konkan, was promoted to the Imperial Service on account of marked capacity in carrying on the duties of that post. |
| 5 | Mr. G. S. Kulkarni, Assistant Professor of Mycology. | From Subordinate to Provincial. | An M.Ag. of the Bombay University. Was promoted to the provincial grade after over 14 years' service in the subordinate grades. Has gone through a post-graduate course in Mycology at Pisa. |
| 6 | Mr. H. P. Paranjpye, District Horticultural Officer. | From Subordinate to Provincial. | A graduate of the Bombay University. Was promoted to the provincial grade after over 16 years' service in the subordinate grades. Has special training in fruit cultivation and has acquired special experience in Mesopotamia. |
| 7 | Mr. C. S. Patel, Cotton Superintendent, Surat. | From Subordinate to Provincial. | An L.Ag. of the Bombay University. Was promoted after over 16 years' service in the subordinate grades. Acted as Agricultural Adviser in the Central India States for some time. |
| 8 | Mr. G. L. Kottur, Cotton Breeder, Dharwar. | From Subordinate to Provincial. | An M.Ag. of the Bombay University. Was promoted after nearly 12 years' service in the subordinate grades. Has special training in cotton work and has obtained remarkably brilliant results in cotton breeding. |
| 9 | Mr. M. L. Patel, Cotton Breeder, South Gujarat. | From Subordinate to Provincial. | A B.Ag. of the Bombay University. Was promoted after 10 years' service in the subordinate grades. Has special training in cotton work, and has done excellent work in the development of improved types of cotton. |

APPENDIX R—concl'd.

| Serial No. | Name of Officer. | Head of service. | Brief reasons for promotion. |
|------------|---|---------------------------------|---|
| 10 | Mr. S. H. Prayag, Cotton Breeder, Dhulia. | From Subordinate to Provincial. | An M.Ag. of the Bombay University. Was promoted after over 11 years' service in the subordinate grades. |
| 11 | Mr. V. R. Dharwarkar, Cotton Superintendent, Dharwar. | From Subordinate to Provincial. | An L.Ag. of the Bombay University. Was promoted after over 12 years' service in the subordinate grades. Has received special training in cotton work, and has done excellent propaganda in connection with the extension of cultivation of improved cotton types. |
| 12 | Mr. D. P. Mankad, Cotton Breeder, North Gujarat. | From Subordinate to Provincial. | Was promoted after nearly 18 years' service in the subordinate grades partly in the Agricultural Department, but mostly under the Imperial Cotton Specialist under whom he had received training in cotton work. |
| 13 | Mr. K. J. Thadani, Cotton Breeder, Sind. | From Subordinate to Provincial. | A B.Ag. of the Bombay University. Was promoted after nearly 8 years' service in the subordinate grades. Was specially deputed to America for training in plant breeding work for one year. |

APPENDIX S.

Lands, Kaira.

Grant, revenue free, of certain land at Sunav, taluka Borsad, for the construction of an English school building.

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Order No. 11914.

Bombay Castle, 4th December 1918.

Letter from the Collector of Kaira No. L.N.D.—VII-407 dated 5th September 1918:—

“ I have the honour to state that survey No. 563-B of Sunav, taluka Borsad, area 29 gunthas, Government unassessed land, is classed as kharaba on account of Ranchhodji's temple. The temple was managed by one Sadhoo Nityanand Permanand who has relinquished all his rights over the land in favour of the village people. The temple being out of repairs the village people pulled it down. There is an English school at this village which was opened in 1910 and which has been registered and recognised by the Educational Department and receives a grant of Rs. 300 per annum. Owing to the great inconvenience due to want of a proper school building, the village people raised a subscription for the purpose of constructing a suitable school building without any Government aid at their own cost and applied through the Deputy Educational Inspector, Kaira, for a revenue-free grant of survey No. 563-B for the site of the school. The Deputy Educational Inspector, Kaira, recommends to consider the case favourably.

“ 2. The Managers of the English School are willing to abide by the conditions prescribed by rule 16 (1) (a) and (b) of the rules under the Land Revenue Code with the additional condition that the school will be open to children of all classes without distinction of caste or creed. The value of the land as a revenue-free holding comes to Rs. 612-8-0 and therefore according to rule 12 of the rules under the Land Revenue Code sanction of Government will have to be obtained for the revenue-free grant in the present case. As the land is to be used for educational purpose, and the people have come forward with their own funds, I have the honour to request that Government may be moved to sanction the grant of the land in question revenue-free subject only to the following conditions, viz. :—

(1) That the Managers of the school agree to abide by the conditions prescribed by rule 16 (1) (a) and (b), Land Revenue Code ;

(2) that the school will be open to children of all classes without distinction of caste or creed.

“ 3. The vernacular papers are submitted herewith.”

Memorandum from the Commissioner, N. D., No. W.T.N. dated 7th September 1918 to the Collector of Kaira.

Memorandum from the Collector of Kaira No. W.T.N.—269 dated 14th September 1918.

Memorandum from the Director of Public Instruction No. 8332 dated 12th October 1918 :—

“Forwarded with compliments to the Commissioner, Northern Division, with a recommendation that the proposal of the Collector of Kaira be sanctioned.”

Memorandum from the Commissioner, N. D., No. W.T.N. 520 dated 22nd October 1918 :—

“Submitted to Government and recommended.”

ORDER.—The transfer, revenue-free, to the Managers of the English School at Sunav of the land in question is sanctioned, subject to the conditions mentioned by the Collector in paragraph 2 of his letter.

2. A sanad in Form No. 1 appended to Government Resolution No. 7010 dated 30th August 1905, with the requisite alterations, should be issued in respect of the land.

A. F. L. BRAYNE,

Under Secretary to Government.

G. O. No. 11914, R. D., dated 4th December 1918.

To

The Commissioner, N. D.,
The Collector of Kaira,
The Accountant General,
The Director of Public Instruction,
The Educational Department.

No. W. T. N.—269—A.

Kaira, 20th September 1922.

R.W.C. The District Deputy Collector's proposal to levy Rs. 57-8-0 as altered assessment for 0-29 gunthas is approved. It should be levied from the year 1922-23.

S. H. COVERNTON,
Collector.

APPENDIX T.

Statement referred to in clause (a) of the reply.

| Years of average calculation. | Area of forest in charge of Forest Department. | Area of Forest from which exploitation was made as per Working Plan. | Total Revenue from all sources. | Net yield per acre of total Forest. | Net yield per acre of forest exploited as per Working Plan. |
|-------------------------------|--|--|---------------------------------|-------------------------------------|---|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1912-13 to 1921-22 .. | Acres. 3,30,564 | Acres. 1,430 | Rs. 59,544 | Rs. a. p. 0 3 0 | Rs. 15 |

APPENDIX U.

Statement showing reduction of establishment made in the Forest Departments.

| Designation. | Number of incumbents reduced. | | | Amount saved to Government per annum. |
|---|-------------------------------|------------|------------|---------------------------------------|
| | Permanent. | Temporary. | Total. | |
| | | | | Rs. |
| Conservator of Forests, Utilization Circle .. | .... | 1 | 1 | 24,520 |
| Assistant Conservators .. .. | .... | 5 | 5 | 45,600 |
| Clerks | 16 | 18 | 34 | 19,644 |
| Foresters .. .. | .... | 59 | 59 | 19,896 |
| Guards | 398 | 175 | 573 | 1,19,300 |
| Menials | 41 | 24 | 65 | 10,728 |
| Surveyor .. .. | .... | 1 | 1 | 636 |
| Depot Officers .. .. | .... | 60 | 60 | 15,639 |
| Depot Peons .. .. | .... | 29 | 29 | 5,340 |
| Malls .. .. | .... | 16 | 16 | 2,376 |
| Chowkidar, Mukadams, Drill Havildar, Watchmen, Sweepers, etc. | .... | 10 | 10 | 2,904 |
| Total .. | 455 | 398 | 853 | 2,66,643 |

APPENDIX V.

Statement showing information about timber despatched to England for sale by Messrs. W. W. Howard Brothers and Company, London.

| Kind of timber sent. | Quantity sent in tons cft. | Expenditure on transport to England. | Gross receipts from timber sold. |
|----------------------|----------------------------|---|----------------------------------|
| 1 | 2 | 3 | 4 |
| | | Rs. a. p. | Rs. a. p. |
| Teak .. | 460 37 | Loading .. 2,485 6 0 | 58,007 6 0† |
| Matti .. | 221 12 | Incurred by Bombay Steam Navigation Company.. 10,792 7 9* | |
| Blackwood .. | 18 3 | Incurred by Agents .. 67,370 4 0‡ | |
| Honne .. | 1 31 | | |
| Total .. | 701 33 | 80,648 1 9 | |

| Kind of timber sent. | Quantity remaining unsold in tons. cft. | Amount of ground rent paid. | Amount of Commission paid. | Other charges not shown in columns 3, 6 and 7. |
|----------------------|---|-----------------------------|----------------------------|--|
| 1 | 5 | 6 | 7 | 8 |
| | | Rs. a. p. | Rs. a. p. | Rs. a. p. |
| Teak .. | 392 3 | 619 2 0§ | 2,900 6 0\|\| | 16,204 7 0¶ |
| Matti .. | 128 9 | | | |
| Blackwood .. | 15 11 | | | |
| Honne .. | 1 31 | | | |
| Total .. | 537 4 | | | |

* Rs. 610-15-3 have not yet been paid but are included above. Intimation of charges for 24 matti logs sent in June 1922 has not yet been received from the B. S. N. Company.

† £4,491-7-0 at Rs. 15 per £. This does not include charges yet to be paid in England by the Agents on the consignment of 30 matti logs sent in last November.

‡ £3,867-3-2 at Rs. 15 per £.

§ £41-5-6.

|| £193-7-2.

¶ £1,080-5-11. This amount includes charges on cables, wharfage and port rates, haulage, rail carriage, flattening, piling, sticking, drying, sawing, discount to purchasers, etc.

APPENDIX W.

Statement showing revenue and expenditure of forest areas in the Haliyal Taluka.

| Year. | | | Gross revenue per acre. | Expenditure per acre (including capital expenditure). | Expenditure per acre (excluding capital expenditure). |
|---------------------|----|----|-------------------------|---|---|
| 1 | | | 2 | 3 | 4 |
| | | | Rs. | Rs. | Rs. |
| 1917-18 | .. | .. | 3·1 | 2·4 | 1·3 |
| 1918-19 | .. | .. | 3·8 | 3·8 | 2·3 |
| 1919-20 | .. | .. | 3·8 | 2·1 | 1·1 |
| 1920-21 (9 months) | .. | .. | 2·5 | 2·2 | 1·4 |
| 1921-22 | .. | .. | 5·3 | 2·5 | 1·9 |
| Average for 5 years | .. | .. | 3·7 | 2·6 | 1·6 |