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# Agenda for the Third Session of the Bombay Legislative Council held at the Council Hall, Poona, on Monday, the 13th October 1924, at 2 p.m.

I.—OATHS OR AFFIRMATION OF ALLEGIANCE TO THE CROWN.

II.—NOMINATION OF FOUR CHAIRMEN BY THE PRESIDENT.

III.—QUESTIONS AND ANSWERS.

IV.—GOVERNMENT BILLS.

(1) Bill No. I of 1924 (A Bill to make further provision for the custody and protection of children and young persons and for the custody, trial and punishment of youthful offenders and for the amendment of Reformatory Schools Act, 1897, in its application to the Presidency of Bombay)—*Second Reading.*

Notices of amendments* have been received from—

(*i*) Mr. L. B. Bhopatkar,

(*ii*) Mr. Hooseinbhoy A. Lalljee,

(*iii*) Mr. R. G. Pradhan,

(*iv*) Mr. S. K. Bole,

(*v*) Mr. A. N. Surve,

(*vi*) Mr. Hoosenally M. Rahimtoola,

(*vii*) Mr. D. B. Adwani.

(2) Bill No. II of 1924 (A Bill further to amend the Bombay Land Revenue Code, 1879)—*Second Reading.*

Notices of amendments* have been received from—

(*i*) Mr. S. S. Dev,

(*ii*) Sardar G. N. Mujumdar,

(*iii*) Rao Saheb D. P. Desai,

(*iv*) Mr. R. G. Soman.

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

(4) Bill No. XIV of 1924 (A Bill to consolidate and amend the law relating to co-operative societies in the Presidency of Bombay)—*Second Reading.*

Notices of amendments* have been received from—

(*i*) Mr. L. B. Bhopatkar,

(*ii*) Mr. J. A. Madan, I.C.S.,

(*iii*) Rao Bahadur A. U. Malji,

* Printed as appendix to this Agenda.

(*iv*) Rao Saheb D. P. Desai,
(*v*) Mr. R. G. Pradhan,
(*vi*) Mr S. K. Bole.

(5) Bill No. XVII of 1924 (A Bill further to amend the Bombay Smoke Nuisances Act, 1912)—*First Reading.*

(6) Bill No. XVIII of 1924 (A Bill to determine the salary of the President of the Bombay Legislative Council)—*Second Reading.*

Notices of amendments* have been received from—
(*i*) Mr. M. R. Jayakar, (*ii*) Mr. S. S. Dev, (*iii*) Mr. R. G. Pradhan.

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

(8) Bill No. XXIII of 1924 (A Bill further to amend the Cattle Trespass Act, 1871)—*First Reading.*

(9) Bill No. XXIV of 1924 (A Bill further to amend the Bombay Public Conveyances Act, 1920)—*First Reading.*

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

V.—MOTIONS.

*Motion by the Honourable Mr. H. S. Lawrence, C.S.I., I.C.S.*

"That this Council authorises the Standing Finance Committee to make formal reappropriations from one grant to another of money which has been spent or will be spent on the purpose for which it was voted by the Council, if it is found necessary to debit the expenditure to a head of account other than that under which it was voted. All such reappropriations shall be reported by the Committee to the Legislative Council."

*Motion by the Honourable Mr. A. M. K. Dehlavi, Bar.-at-Law, M.L.C.*

"This Council approves of the revised notification for the constitution of the protected areas in the Surat district which has been laid in draft before it."

VI.—DEMANDS FOR SUPPLEMENTARY GRANTS.

VII.—MOTIONS TO AMEND STANDING ORDERS.

Motions which have been referred to Select Committees (Motions Nos. I and II of 1924)—*Second Reading.*

Motions* for leave to amend Standing Orders—

No. III of 1924 by Mr. M. R. Jayakar,

No. IV of 1924 by Mr. B. G. Pahalajani,

No. V of 1924 by Mr. P. G. Joshi,

* Printed as appendix to this Agenda.

No. VI of 1924 by Mr. L. B. Bhopatkar,

No. VII of 1924 by Mr. H. B. Shivdasani.

VIII.—PRIVATE BILLS.

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

(2) A Bill to alter the constitution and to widen the powers of Municipalities—Motion for leave to introduce the Bill—Mr. L. B. Bhopatkar, M.L.C.

(3) A Bill to amend the Bombay Rent (War Restrictions) Act, 1918 (Bom. II of 1918), and the Bombay Rent (War Restrictions No. 2) Act, 1918 (Bom. VII of 1918), as amended by Bombay Act III of 1923—Motion for leave to introduce the Bill—Mr. K. F. Nariman, M.L.C.

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

IX.—DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST *.

*Resolutions by Khan Bahadur D. B. Cooper, M.L.C.*

1. "This Council recommends to Government that immediate steps be taken in adopting measures to investigate small irrigation schemes to afford protection from famine to those eastern talukas of the Satara district which are generally affected by scanty rainfall."

2. "This Council recommends to Government that the practice of cutting the green and growing road-side trees for the working of steam rollers by the Public Works Department in the Satara district be immediately discontinued."

3. "This Council recommends to Government that the photo-copying system introduced recently in the Registration Department of this presidency as an experimental measure be abolished forthwith, and the old system restored."

*Resolutions by Mr. M. D. Karki, M.L.C.*

1. "This Council recommends to Government that tagai loans be advanced free of interest to those persons whose houses or lands or cattle have been damaged by the recent floods in the river Sharavati in the Honavar taluka of the Kanara district for the following purposes and that the amount of the said loan be recovered in convenient instalments not less than 5, regard being had to the nature of the purpose for which the loans are advanced:

(1) reclaiming or improving lands damaged by the floods;

(2) building new houses to replace old ones which have been demolished or repairing houses which have been damaged by the floods;

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

(3) purchasing seed or bullocks for agricultural purposes;

(4) repairing such dams damaged by the floods as belong to the village communities and not to Government."

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

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

1. "This Council recommends to the Governor in Council immediately to introduce legislation to extend the present protection afforded by the Rent Act with regard to residential premises in the city of Bombay for a further period of three years."

2. "This Council recommends to the Governor in Council that steps be immediately taken to readjust the territorial jurisdictions of the subordinate judges' courts in the presidency so as to remove inconvenience to litigants wherever possible."

3. "This Council recommends to the Governor in Council to appoint a committee of officials and non-officials, with a non-official majority, to inquire into the causes of the indebtedness of the agriculturists of the Deccan and to suggest ways to ameliorate it."

4. "This Council recommends to the Governor in Council to create immediately new district courts at Jalgaon and Alibag."

5. "This Council recommends to Government to abolish the photo-copying system recently introduced in the Registration Department."

6. "This Council recommends to Government to so amend the Bombay Municipal Act as to provide for the reservation of some seats for the Marathas and the allied Hindu communities in the Bombay Municipal Corporation."

*Resolutions by Mr. Punjabhai Thakersi, M.L.C.*

1. "This Council recommends to the Governor in Council that a committee with a non-official majority be appointed to enquire into the grievances of agriculturists in the presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practice."

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

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

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

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

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

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

*Resolutions by Mr. K. F. Nariman, M.L.C.*

1. "This Council recommends to Government:

(*a*) that a committee consisting of 12 non-official and elected members be appointed to inquire into the whole administration and working of the Development Directorate, to suggest ways and means of effecting retrenchments and to report on the advisability or otherwise of continuing the schemes taken in hand;

(*b*) that the Development Directorate be requested to co-operate with the said committee and afford all facilities and help in conducting the said inquiry and in making the said report;

(*c*) that an independent officer or expert be appointed to help the said committee."

2. "This Council recommends to the Governor in Council to withdraw all circulars or instructions issued to the magistrates directing them not to pass strictures against the police in open courts."

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

*Resolutions by Moulvi Rafiuddin Ahmad, M.L.C.*

1. "This Council recommends to Government that all ancient mosques and mausoleums in the Ahmednagar city and district which are being utilised by Government or by non-Mahomedan bodies by permission of Government for secular purposes be vacated and handed over to the Mahomedan community on condition that they are to be used for the religious purposes for which they were originally erected by their founders and donors."

2. "This Council recommends to Government that they be pleased to appoint a committee composed of Mahomedan members of this Council to advise Government with regard to educational matters affecting the Mahomedan community."

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

*Resolutions by Dr. M. B. Velkar, M.L.C.*

1. "This Council recommends to the Governor in Council that no provision be made in the next provincial budget of this presidency towards carrying out any of the recommendations of the Lee Committee without giving this Council an opportunity of discussing the same."

2. "This Council recommends to Government that they should appoint a small committee composed of one official and two Indian non officials to inquire into the allegations against Lieut.-Colonel L. P. Stephen, I.M.S., Civil Surgeon, Karachi, made by Dr. Rochiram A. Amesur in his recently published pamphlet 'The Karachi Civil Hospital Scandal'."

*Resolutions by Mr. Shankarrao Jayaramrao Zunzarrao, M.L.C.*

1. "This Council recommends to Government that the convicts at present undergoing the sentences passed in connection with the murder of the mamlatdar of Akola be released."

2. "This Council recommends to Government that seats for the depressed classes be reserved in the local boards and municipalities."

*Resolutions by Mr. H. H. Narielvala, M.L.C.*

1. "This Council recommends to the Governor in Council that no provision be made in the next provincial Budget of this presidency towards carrying out any of the recommendations of the Lee Committee without giving this Council an opportunity of discussing the same."

2. "This Council recommends to Government that they be pleased to accord immediate sanction to the scheme for the introduction of free and compulsory education in F and G wards of the city of Bombay."

3. "This Council recommends to the Governor in Council that the present system of appointing honorary magistrates be abolished."

4. "This Council recommends to Government that they be pleased to empower the municipality of Bombay to determine the number and location of liquor shops within their jurisdiction."

5. "This Council recommends to Government that they be pleased to communicate and commend to all local bodies in the presidency the resolution of the Bombay Corporation for establishing one Unani and one Ayurvedic dispensary in each of the wards of the city and to intimate that any effort made by any local body for the encouragement of the indigenous systems of medicine will have wholehearted sympathy and support of Government."

6. "This Council recommends to Government to make *charkha* spinning a compulsory subject in the girls' schools of this presidency."

7. "This Council recommends to Government to appoint a committee with non-official majority to report on the necessary changes to be introduced in the curriculum and the text books of the primary and secondary schools so as to bring them into greater accord with the requirements of the times and to ensure a healthy growth of national sentiment."

8. "This Council recommends to the Governor in Council that all political prisoners convicted in this presidency for offences not involving violence to person or property be forthwith released."

9. "This Council recommends to Government that the photo-copying system introduced recently in the Registration Department of this presidency as an experimental measure be abolished forthwith, and the original system restored."

10. "This Council recommends to the Governor in Council that a committee with a non-official majority be appointed to enquire into the grievances of agriculturists in the presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practice."

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

*Resolutions by Mr. C. M. Saptarshi, M.L.C.*

1. "This Council recommends to Government to appoint a committee of officials and non-officials, with a non-official majority, to devise a scheme of agricultural instruction for primary agricultural classes and secondary agricultural schools to be opened in this presidency, and to declare it as their policy to open primary agricultural classes in each taluka of this presidency and to open secondary agricultural schools in each district of this presidency within the next five years, such classes and such schools being first opened in irrigated districts of this presidency and practical agricultural instruction being given in such classes and schools by attaching agricultural farms to them."

2. "This Council recommends to Government to appoint a committee of officials and non-officials, with a non-official majority inclusive of the representatives in this Council of the irrigated districts to inquire into and to report on the grievances of the irrigators in the Deccan, and to make recommendations regarding them, including any changes in the Bombay Irrigation Act and in the Bombay Irrigation Rules that they may consider necessary in the interests of the irrigators."

3. "This Council recommends to Government to appoint a committee of officials and non-officials, with a non-official majority, to inquire into and report on the question of fodder supply in the presidency, in view of the recurrence of severe fodder famines in many districts of this presidency."

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

*Resolutions by Mr. N. E. Navle, M.L.C.*

1. "This Council recommends to Government that the age limit for candidates for subordinate judgeships be raised from 30 years to 35 years."

2. "This Council recommends to Government that where English classes have been attached to primary schools, they should not be transferred to local bodies along with the primary schools, but that they should be retained by Government in their hands as at present."

3. "This Council recommends to Government that they be pleased to lay down a definite policy of opening a certain number of new English classes every year to be attached to primary schools."

4. "This Council recommends to Government that they be pleased to make provision for the early opening of three English classes in the district of Ahmednagar to be attached to the primary schools at Akola, Rahuri and Kopergaon."

5. "This Council recommends to Government that in order to allay the discontent prevailing amongst the agriculturists of the presidency, the fees and fines on the following things, wherever they have been recently increased, be reduced to their original level:—

Grazing fees per head of cattle,
Fees per cart-load of grass,
Fees per cart-load of *anjan* leaves,
Fees per cart-load of thorns,
Fees per cart-load of stones, and
Fines per head of cattle impounded."

6. "This Council recommends to Government that the unexpired portions of the sentences of the accused undergoing transportation at present in the Akola (Ahmednagar) Mamlatdar murder case be remitted and they be released forthwith."

7. "This Council recommends to Government that with regard to all Government posts in the Bombay presidency to which Indians are appointed by recruitment in India and which are filled up by no higher authority than the Government of Bombay, all future appointments be made from amongst the candidates of the intermediate and backward communities, till 50 per cent. of the posts of officers and clerks in each Government department are held by members of those communities."

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

1. "This Council recommends to Government (1) to fix two alternative dates for each of the following holidays, namely, Ashura, Barawafat and Bakri Id, when all the gazetted holidays are published, and, on their dates having been ascertained, to declare, at least a week before their occurrence in each case, which of the alternative dates shall be the public holiday; and (2) to declare two days as public holidays for Ramzan Id."

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

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

4. "This Council recommends to Government to appoint a committee with a majority of non-official elected Indian members of this Council to examine the various schemes under the Development Department and to report (1) whether any of the schemes should be expedited, slowed down, modified, suspended, or abandoned, (2) also whether any retrenchments should be effected in the department and whether it could be worked more economically."

*Resolution by Mr. G. J. Kokani, M.L.C.*

1. "This Council recommends to the Governor in Council that district courts should be immediately created at Nadiad and Jalgaon."

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

1. "This Council recommends to the Governor in Council that a committee with a non-official majority be appointed to enquire into the grievances of agriculturists in the presidency regarding forced labour

being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practice."

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

3. "This Council recommends to Government to appoint a committee with a non-official majority to report on the necessary changes to be introduced into the curriculum and the text-books of the primary and secondary schools so as to bring them into greater accord with the requirements of the times and to ensure a healthy growth of national sentiment."

4. "This Council recommends to Government to abolish immediately the posts of the Forest Engineer and the Forest Saw Doctor from the Forest Department."

5. "This Council recommends to Government to make *charka* spinning a compulsory subject in girls' schools in this presidency."

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

1. "This Council recommends to Government to increase the scale of salaries of all peons in all Government establishments in the city of Bombay to Rs. 25 rising to Rs. 50 excluding the house allowance."

2. "This Council recommends to Government to employ in all Government establishments residents of this presidency in order to relieve the present situation as regards unemployment caused by the retrenchment orders."

3. "This Council recommends to Government to allow the necessary permission to the Bombay municipality to introduce free and compulsory primary education in F and G wards in the city of Bombay."

4. "This Council recommends to Government to appoint a board of visitors to the hospitals under Government management in Bombay consisting of medical and non-medical persons, with powers to visit those hospitals periodically."

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

*Resolution by Mr. B. G. Pahalajani, M.L.C.*

1. "This Council recommends to Government that a Government Arts College be established in Upper Sind at a suitable centre as early as possible."

*Resolutions by Mr. N. R. Gunjal, M.L.C.*

1. "This Council recommends to Government that the photo-copying system introduced recently in the registration department of this presidency be abolished forthwith."

2. "This Council recommends to Government that they should be pleased to issue directions to all heads of departments to reply directly to members of this Council, if they ask for any information of public interest".

3. "This Council recommends to Government that early orders be issued to count service of clerks on Rs. 15 in judicial department from 1914 to 1920 for the purpose of granting increments."

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

(1) Revenue officers should exercise no powers under the laws relating to crimes.

(2) Commissionerships should be abolished.

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

(4) The number of mamlatdars should be reduced by one half, one mamlatdar being put in charge of two talukas and the pay and prospects of the mamlatdars be improved".

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

6. "This Council recommends to Government to reduce to one half the minimum rates of house taxation prescribed in Government Notification No. 55-A., dated 7th March 1922, regarding village panchayats with a view to increasing the number of panchayats in the presidency and popularising them and to substitute for the words 'capital value' occurring in the said Resolution the words 'market value'."

7. "This Council recommends to the Governor in Council that a committee with a non-official majority be appointed to enquire into the grievances of agriculturists in the presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practice."

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

*Resolutions by Mr. G. M. Kalbhor, M.L.C.*

1. "This Council recommends to Government that the photo-copying system introduced recently in the Registration Department of the presidency as an experimental measure be abolished forthwith and the old system restored."

2. "This Council recommends to Government that the principle underlying Government Resolution in the Finance Department, No. 2610 of the 17th September 1923 be extended so that 50 per cent. of the appointments in all grades of every department, excluding appointments made by the Secretary of State or Government of India, are filled up by properly qualified non-Brahmins."

3. "This Council recommends to Government that the remuneration of patils in the Central Division be increased to not less than Rs. 10 per month."

4. "This Council recommends to Government that the pay of all peons on the Government establishments at Bombay, Poona and Karachi should be increased to not less than Rs. 25 per month."

5. "This Council recommends to Government that all revenue officers from talatis to prant officers should be transferred from their charges at least once in every four years."

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

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

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

*Resolutions by Mr. B. R. Nanal, M.L.C.*

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

2. "This Council recommends to the Governor in Council that a committee with a non-official majority be appointed to enquire into the grievances of agriculturists in the presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practices."

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

4. "This Council recommends to the Governor-in-Council that no provision be made in the next provincial budget of this presidency

towards carrying out any of the recommendations of the Lee Committee without giving this Council an opportunity of discussing the same."

*Resolutions by Khan Saheb A. M. Mansuri, M.L.C.*

1. "This Council recommends to Government that two district courts, one at Jalgaon and the other at Nadiad, be established immediately."

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

Grazing fees per head of cattle,
Fees per cart and headload of grass,
Fees per cart and headload of *anjan* leaves,
Fees per cartload of thorns,
Fees per cart and headload of fuel,
Fees per cartload of stones of various kinds, and
Fines per head of cattle impounded."

3. "This Council recommends to Government that they should lay down and strictly carry out a definite policy of not giving or renewing any license for the sale of liquor, wines, toddy or other intoxicating drinks within 500 yards of any place of religious worship."

*Resolutions by Mr. Hooseinbhoy A. Lalljee, M.L.C.*

1. "This Council recommends to Government (1) to fix two alternative dates for each of the following holidays, namely, Ashura, Barawafat and Bakri Id, when all the gazetted holidays are published, and, on their dates having been ascertained, to declare, at least a week before their occurrence in each case, which of the alternative dates shall be the public holidays; and (2) to declare two days as public holidays for Ramzan Id."

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

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

1. "This Council recommends to Government not to raise or obtain loans either locally or from the Government of India without first obtaining the sanction of this Council thereto."

2. "This Council recommends to Government that the admission to Government service be confined as far as possible to candidates who are *bona fide* natives of the Bombay Presidency."

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

1. "This Council recommends that Government be pleased to give substantial help to the Shrimati Nathibai Damodar Thakersey Indian

Women's University as a mark of appreciation of their efforts in conducting for the last eight years the very useful and important experiment of imparting secondary and higher education to women through the medium of the vernacular and that this help be given without imposing such restrictions as may interfere with the internal administration of the said university or affect their independence."

2. "This Council recommends to Government that the scheme embodied in the minority report of the Technical and Industrial Education Committee submitted in March 1922, which has had the unanimous approval of the Indian members of the said committee be sanctioned, and that in view of the importance and urgency of technical education to the people of this presidency, the said scheme be put into operation without delay, if necessary, by raising a provincial loan for the purpose."

3. "This Council recommends to the Governor-in-Council that no provision be made in the next provincial budget of this presidency towards carrying out any of the recommendations of the Lee Committee without giving this Council an opportunity of discussing the same."

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

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

1. "This Council recommends to the Government that the transferred departments should be adminis ered on the principle of the joint responsibility of all the Ministers for all the departments in their charge."

2. "That this Council recommends to Government that a committee consisting of some elected members of the Council, some officials and some recognised experts, with a majority of the elected members, be appointed to make the fullest enquiry into the economic condition of the people of the Bombay Presidency, and to report on the measures that should be adopted for the development both of agriculture and industries with a view to raising that condition.

3. "This Council recommends to Government that the Local Boards Act, 1923, be so amended as to do away with the principle of communal representation introduced by it, that the principle should not be introduced into the constitution of municipal bodies, and that in the case of those municipal bodies into the constitution of which it has been introduced by the election rules its operation should cease automatically after the expiry of their terms, and the rules be amended accordingly."

*Resolutions by Mr. H. D. Saheba, M.L.C.*

1. "This Council recommends to Government that a committee of officials and non-officials with non-officials in the majority, be appointed

to inquire into and report on the grievances of the ryots regarding irrigation and to suggest ways and methods for their removal."

2. "This Council recommends to Government that political prisoners should be treated as first class misdemeanants."

*Resolutions by Mr. V. A. Surve, M.L.C.*

1. "This Council recommends to the Governor in Council that a committee with a non-official majority be appointed to enquire into the grievances of agriculturists in the presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practice."

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

*Resolution by Mr. J. C. Swaminarayan, M.L.C.*

1. "This Council recommends to the Governor in Council that the charges recoverable from agriculturists under section 122 of Land Revenue Code for the construction of boundary marks be reduced to half the present charges."

*Resolution by Mr. P. G. Joshi, M.L.C.*

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

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

1. "This Council recommends to His Excellency the Governor in Council that in all parts of Sind affected by this year's floods and rain land revenue be remitted and notice of such remission be given to the khatedars as early as possible, that the recovery of takavi loans and other Government dues be suspended and realised in future years i instalments, that adequate financial assistance be granted to agriculturists and other people in distress for rebuilding their houses, improving and cultivating their lands, that free permission to the flood-stricken people be granted to have logs and timber and other material for building their houses from Government forests and other Government lands, that adequate provision be made for sending travelling doctors with medical stores to combat malaria, and that sufficient quantities of quinine be distributed free among the people, and that all this be done in consultation with small district committees consisting of local zamindars and members of this House residing within the limits of each of the districts concerned."

*Resolutions by Mr. M. R. Jayakar, M.L.C.*

1. "This Council recommends to the Governor in Council that no provision be made in the next provincial budget of this presidency towards carrying out any of the recommendations of the Lee Commission without giving this Council an opportunity of discussing the same."

2. "This Council recommends to the Governor in Council that the scheme embodied in the minority report of the Technical and Industrial Education Committee submitted in March 1922, which had had the unanimous approval of the Indian members of the said committee, be sanctioned, and that in view of the importance and urgency of technical education to the people of this presidency, the said scheme be put into operation without delay, if necessary, by raising a provincial loan for the purpose."

3. "That in view of the conclusions arrived at during the period of war boom that the land available in Bombay was inadequate having proved erroneous, this Council recommends to Government that a committee, the majority of which shall be non-officials, be forthwith appointed to enquire into the activities of the Development Department as to how far and in what directions such activities should be continued and as to whether that department should not be amalgamated with the Public Works Department and a considerable saving be thus effected."

4. "This Council recommends to Government that no loans should be taken by this province from the Government of India or raised independently pledging the credit of this province, without obtaining the consent of this House."

5. "This Council recommends to Government that the Bombay Port Trust Act be so amended that the proceedings of the meetings of the trustees of the Bombay Port Trust be open to the Press."

6. "This Council recommends to the Governor in Council to convey to the Government of India the emphatic opinion of this Council that very prompt and fully adequate measures should forthwith be taken to prevent the Barsi Light Railway from using goods wagons for transport of passengers between Pandharpur and Kuruduwadi Junction; and that the attention of the Railway Board should be drawn to the recommendations of the Pilgrims Committee of 1916 in this connection, and to the fact that whilst the Barsi Light Railway have failed to provide an adequate number of third class carriages for the transport of passengers, they declared an 8 per cent. dividend including bonus in 1919 and a 12 per cent. dividend including bonus in 1922."

*Resolutions by Mr. A. C. Owen, M.L.C.*

1. "This Council recommends to Government that they may be pleased to appoint at an early date a committee to go into the question of

(*a*) Annual reports,

(*b*) Forms and returns,

with a view to reduction in the matter printed in annual reports and the revision or cancellation of forms and returns."

*Resolutions by Mr. M. M. Mehta, M.L.C.*

1. "This Council recommends to the Governor in Council that no provision be made in the next provincial budget of this presidency towards carrying out any of the recommendations of the Lee Committee without giving this Council an opportunity of discussing the same."

2. "This Council recommends to Government—

(*a*) that the posts of the assistant directors of public health be abolished;

(*b*) that in future no fresh appointment to the said posts be made;

(*c*) that the present incumbents of the said posts be provided for elsewhere whenever vacancies occur, at the first opportunity; and

(*d*) that for every post thus vacated graduates of the Bombay University duly qualified in hygiene be appointed on the same pay and with the same status as members of the Bombay Medical Service as district health officers to as many districts as the saving thus effected would permit."

3. "This Council recommends to the Governor in Council that a committee with a non-official majority be appointed to enquire into the grievances of agriculturists in the presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practice."

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

*Resolutions by Mr. Mahomed A. S. Khuhro, M.L.C.*

1. "This Council recommends to Government that the recommendations made by the committee appointed by them in the year 1919 in order to suggest suitable methods to improve the education of Mussalmans in Sind be put into practice immediately."

2. "This Council recommends to Government that a committee be appointed immediately with a clear majority of non-official members of this Council to suggest means of effecting retrenchment wherever possible in the carrying out of the barrage scheme in Sind."

*Resolution by Mr. D. R. Patil, M.L.C.*

1. "This Council recommends to Government that new judicial district courts be created at Jalgaon and Nadiad immediately."

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

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

*Resolutions by Mr. M. B. Powar, M.L.C.*

1. "This Council recommends to the Governor in Council that a committee with a non-official majority be appointed to enquire into the grievances of agriculturists in the presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practice."

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

*Resolution by Dr. M. K. Dixit, M.L.C.*

1. "This Council recommends to the Governor in Council that a committee with a non-official majority be appointed to enquire into the grievances of agriculturists in the presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practice."

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

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

1. "This Council recommends to His Excellency the Governor in Council that two district courts, one at Nadiad and the other at Jalgaon, be established forthwith."

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

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

(1) Revenue officers should exercise no powers under the laws relating to crimes, and

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

2. "This Council recommends to Government that a committee with a three-fourths non-official majority be appointed to consider and report:

(*a*) what cottage industries are best suited to the conditions prevailing in this presidency (including Sind), and

(*b*) what are the best means of introducing such cottage industries and of encouraging their growth and expansion so as to bring them within the reach of every villager."

3. "This Council recommends to Government that a committee with a three-fourths non-official majority be appointed to consider and report on the question of the revision of the curricula and text-books of the primary and secondary schools in this presidency (including Sind)."

4. "This Council recommends to Government that revenue commissionerships be abolished".

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

1. "This Council recommends to the Governor in Council that a committee with a non-official majority be appointed to enquire into the grievances of agriculturists in the presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practice."

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

3. "This Council recommends to Government to appoint a committee with a non-official majority to suggest what measures should be taken to improve the economic condition of the agriculturists in this presidency."

4. "This Council recommends to Government to establish two district courts, one at Jalgaon and the other at Nadiad immediately."

*Resolutions by Mr. Lalji Naranji, M.L.C.*

1. "This Council recommends to Government that the Bombay Port Trust Act be so amended that the proceedings of the meetings of the trustees of the Bombay Port Trust be open to the press."

2. "This Council recommends to Government that no loans should be taken by this province from the Government of India or raised independently, pledging the credit of this province, without obtaining the consent of this House."

3. "In view of the conclusions arrived at during the period of war boom that the land available in Bombay was inadequate having proved erroneous, this Council recommends to Government that a committee, with a non-official majority, be forthwith appointed to enquire into the activities of the Development Department as to how far and in what directions such activities should be continued and as to whether that department should not be amalgamated with the Public Works Department and a considerable saving thus effected."

4. "This Council recommends to the Governor in Council that no provision be made in the next provincial Budget of this presidency towards carrying out any of the recommendations of the Lee Committee without giving this Council an opportunity of discussing the same."

5. "This Council recommends to the Governor in Council that the scheme embodied in the minority report of the Technical and Industrial Education Committee submitted in March 1922, which has had the unanimous approval of the Indian members of the said committee be sanctioned and that in view of the importance and urgency of technical education to the people of this presidency the said scheme be put into operation without delay, if necessary, by raising a provincial loan for the purpose."

*Resolution by Mr. S. T. Kambli, M.L.C.*

1. "This Council recommends to Government that the following fees and fines, wherever they have been recently increased, be reduced to their original level:—

Grazing fees per head of cattle,
Fees per cart and headload of grass,
Fees per cartload and headload of *anjan* leaves,
Fees per cartload of thorns,
Fees per cart and headload of fuel,
Fees per cartload of stones,
Fines per head of cattle impounded."

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

1. "This Council recommends to His Excellency the Governor in Council to issue instructions to all Government departments and officers to send their official advertisements for publication to all provincial daily newspapers irrespective of the political opinions which they represent."

2. "This Council recommends to Government that in all parts of Sind, affected by this year's floods, land revenue be remitted and the recovery of takavi loans and other Government dues be suspended, and that adequate financial assistance be granted to agriculturists and other distressed people for necessary purposes, such as re-building their houses and improvement of their lands: and that all such action be taken in consultation with local zamindar's committees to be specially appointed for the purpose."

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

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

4. "This Council recommends to Government that the order binding Sirdar Sher Mahomed Khan Bijarani to furnish securities for good behaviour for three years under the Sind Frontier Regulations be withdrawn forthwith."

5. "This Council recommends to the Governor in Council that all political prisoners convicted or under trial in this presidency for offences not involving violence to person or property should be released forthwith."

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

*Resolutions by Mr. D. N. Patel, M.L.C.*

1. "This Council recommends to the Governor in Council that a committee with a non-official majority be appointed to enquire into the

grievances of agriculturists in the presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practice."

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

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

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

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

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

2. "This Council recommends to Government that in order to allay the discontent prevailing among the agriculturists of the presidency and to give them real relief, the following fees and fines, wherever they have been recently increased, be reduced to their original level, if not lower still:

Grazing fees per head of cattle,

Fees per cart and headload of grass,

Fees per cart and headload of *anjan* leaves,

Fees per cartload of thorns,

Fees per cart and headload of fuel,

Fees per cartload of stones of various kinds, and

Fines per head of cattle impounded."

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

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

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

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

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

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

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

10. "This Council recommends to Government that a bridge or high level causeway be built on the river Tapti at the place where she crosses the Agra Road between Dhulia and Shirpur, and that provision be made for it in the next year's budget."

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

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

1. "That this Council recommends to His Excellency the Governor in Council to cancel the Government Resolution No. 2851 dated 15th

December 1923, stating the consequences of the participation in anti-Government agitation or propaganda by pensioners of Government, as being unnecessary in view of the provisions of the article 351 of the Civil Service Regulations."

2. "This Council recommends to His Excellency the Governor in Council to abolish the photo-copying system recently introduced in the Registration Department."

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

4. "This Council recommends to the Governor in Counil that no provision be made in the next provincial Budget of this presidency towards carrying out any of the recommendations of the Lee Committee without giving this Council an opportunity of discussing the same."

## X.—PAPERS PRESENTED TO THE COUNCIL.*

1. Report of the Select Committee on Bill No. I of 1924 (Bombay Children Bill).

2. Report of the Select Committee on Bill No. II of 1924 (A Bill further to amend the Bombay Land Revenue Code, 1879).

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

4. Report of the Select Committee on Bill No. XVIII of 1924 (A Bill to determine the salary of the President of the Bombay Legislative Council).

5. Resolution of Government No. 4637, General Department, dated 17th June 1924, regarding retrenchment in the Department of Indsutries.

6. Memorandum No. 945A, dated 2nd August 1924 from the Finance Department, forwarding a copy of the minutes of the meeting of the Housing Committee held on 28th July 1924.

7. Resolution of Government No. L.C.—1453, Revenue Department, dated 11th September 1924, regarding suspension of revision of settlement in Sind.

8. Proceedings of the meetings of the Finance Committee, July 1924.

9. Memorandum from the Home Department No. I.C., dated 2nd October 1923, regarding construction of new Civil Jail for Bombay.

* Kept in Secretary's Office.

## APPENDIX TO THE AGENDA.

### AMENDMENTS TO BILLS.

*Bill No. I of 1924 (A Bill to make further provision for the custody and protection of children and young persons and for the custody, trial and punishment of youthful offenders and for the amendment of the Reformatory Schools Act, 1897, in its application to the Presidency of Bombay) as amended by the Select Committee.*

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clause 1, sub-clause (3). | In line 3, after the word "Notification" insert the words "In the Bombay Goverment Gazette". | Mr. R. G. Soman. |
| Clause 2. .. | The following proviso to be added to section 2 of the Act:<br>"Provided that no such direction be made in respect of any district town or city in the mofussil unless the District Local Board or town or city municipality demands the operation of the Act by a resolution passed in the general meeting called for the purpose". | Mr. V. N. Jog. |
| Clause 3, sub-clause (*f*). | At the end of sub-clause (*f*), add "which undertakes to bring up any child entrusted to its care in conformity with the religion of its birth". | Mr. S. S. Dev. |
| Clause 3, sub-clause (*g*). | Substitute the following for clause 3 (*g*):<br>"3. (*g*) 'place of safety' includes any orphanage, hospital, surgery or any place of residence approved by a committee or a civil officer or a civil court or a magistrate under section 46-A of this Act." | Mr. D. B. Adwani. |
| Clause 3, sub-clause (*g*). | In clause 3, sub-clause (*g*) after the word "hospital" which occurs in two places, add "hotel, hostel, boarding and lodging house." | Mr. L. B. Bhopatkar. |
| Clause 3, sub-clause (*g*). | Line 4, clause (*g*). Add words "or institution" after the word "place"; and add the words "or manager" after the word "occupier"; add words "in case of male only" after the word "available" in the last line. | Mr. K. F. Nariman. |
| Clause 3, sub-clause (*g*). | In line 56, after the word "place," add the words "or institution"; and after the word "occupier," add the words "or manager or person in charge of such institution." | Mr. Hoosenbhoy A. Lalljee. |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clause 7 .. | Substitute the following for clause 7 : | Mr. D. B. Adwani. |
| | "7. (1) Any police officer not below the rank of Inspector or other person authorised in this behalf in accordance with the rules made by the Governor in Council may report to the nearest court or magistrate having jurisdiction under this Act, the case of any person living with his or her parent guardian or husband who in his opinion is a child or young person and in respect of whom an offence under this Act or under Chapter XVI of the Indian Penal Code, 1860, has been or there is reason to believe has been, committed. Such court or magistrate may call upon the parent guardian or husband to show cause why action under the Act should not be taken and may, suitable sureties being offered for the safety of the child or young person and for his or her being brought before the court, permit the child or young person to continue to live with such parent guardian or husband, till the said court or magistrate passes orders under this Act, or may order the said child or young person to be taken to a place of safety. | |
| | "(2) Any police officer not below the rank of Inspector or other person authorised in this behalf in accordance with the rules made by the Governor-in-Council may bring before a court, any person not living with his or her parent, guardian or husband, who in his opinion is a child or young person and who, | |
| | (*a*) Same as clause 7 (1) (*a*) of the bill as amended by the Select Committee.<br>(*b*) Same as 7 (1) (*b*) do. do.<br>Delete 7 (1) (*c*) do. do.<br>(*c*) Same as 7 (1) (*d*) do. do.<br>(*d*) Same as 7 (1) (*e*) do. do. | |
| | Delete the words from "provided that" to "over the child," from lines 39 to 44, inclusive, page 4. | |
| | "(3) Same as sub-section (2).<br>"(4) Same as sub-section (3)." | |
| Clause 7, sub-clause (1) (*a*). | Delete the words "regular and proper" after the word "exercises" and before the word "guardianship". | Mr. V. N. Jog. |
| Clause 7 (1). | Delete the proviso at the end of clause 7 (1) and substitute the following :— | Mr. Adwani. |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| | Provided that when any such child or young person has a parent or gurdian who has the actual charge or control over the child or any young person, the police officer or other person as aforesaid shall, in the first instance, make a report to the nearest court of magistrate having jurisdiction under this Act. Such court or Magistrate may call upon such parent or gurdian to show cause why the said child or young person should not during the pendency of the proceedings, be removed from his care; and may on suitable sureties being offered for the safety of such child or young person and for his being brought before the court, permit the child or young person to remain in the actual charge or control of his parents or guardian or may order his removal till the court passes orders under the Act. | |
| Clause 7, sub-clause (1) (*a*). | In clause 7, sub-clause (1) (*a*) after the word "regular" put a comma, and add "continuous". | Mr. L. B. Bhopatkar. |
| Clause 7, sub-clause (1) (*b*). | Delete all the words commencing from "his" in the first line and ending with "imprisonment" in the last and add, instead, the words "has no parents, parent or gurdian who can take care of child or young person". | Mr. V. N. Jog. |
| | (1) To clause (*b*), sub-clause (1) of clause 7, add at the end the following words :—<br>"Are of criminal or drunken habits or".<br>(2) Delete clause (*c*) of sub-clause (1) of clause 7.<br>(3) Add at the end of sub-clause (2) of clause 7, the following words :—<br>"After passing the necessary orders for the proper custody of the child till that date". | Mr. P G. Joshi. |
| Clause 7, sub-clause (1) (*c*). | Delete clause C. Substitute letter "C" for "D" and "D" for "E" and in clause "D" as amended instead of the word "house" insert the word "premises". | Mr. K. F Nariman. |
| Clause 7, sub-clause (1) (*c*). | Omit sub-clause (*c*). | Mr. V. N. Jog. |
| Clause 7, sub-clause (1) (*d*). | In clause 7, sub-clause (1) (*d*) after the word "thief" add "or a person of known criminal habits". | Mr. L. B. Bhopatkar. |
| Clause 7, sub-clause (1) (*e*). | Insert the words "for the purpose of prostitution" after the word "residing" in the first line. | Mr. V. N. Jog. |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clause 7, *proviso* to sub-clause (1) (*e*). | In the proviso line 2, delete the words : "Below the rank of Sub-Inspector". and in the same proviso line 4, delete the word "Legal" and in the same line after the word "child" add "or young person" and at the end of the proviso add the following : "unless under the authority of a warrant issued on a *prima facie* inquiry by a Magistrate having jurisdiction under this Act over the place where the child or young person resides." | Mr. R. G. Soman. |
| Clause 7, after sub-clause (1) (*e*). | Please add a new sub-clause to be named as '(*f*)' which should run as follows :— "(*f*) is found drunk or taking drug or smoking in any high-way or public place or on a licensed premises, or is found in the habit of taking intoxicating liquor or drug or smoking in a manner as would inculcate in such young person the habit of drink or taking of drug or smoking." | Mr. Hooseinbhoy Lalljee. |
| Clause 7, sub-clause (1) Proviso. | In the proviso to clause 7, sub-clause (1) after the word "Police Officer" add "below the rank of Inspector in the City of Bombay and outside of it". | Mr. L. B. Bhopatkar. |
| Clause 7, *proviso* to sub-clause (1) | Add a second proviso in the following terms : "Provided that such police officer after such child or young person has been taken in his charge shall within twenty four hours exclusive of the time necessary for the "journey to the court of a magistrate produce such child or young person before a magistrate." | Mr. R. G. Soman. |
| Clause 7, sub-clause (2). | Insert the word "further" occurring in line 7 of the clause, between the words "for" and "inquiry" occurring in line 6. | Mr. A. N. Surve. |
| Clause 7, sub-clause (3). | In clause 7, sub-clause (3) delete "not". | Mr. L. B. Bhopatkar. |
| Clause 7, after sub-clause (7). | *Add new "Sub-clause (8)".* "Provided that no order under this section taking away a child or young person from the custody of a parent or guardian shall be made without giving such parent or guardian a full opportunity to be heard and to refute the allegations made against them." *Add new "Sub-clause (8)".* "Provided that when the Magistrate thinks fit, he may allow such child or young person to remain in custody of such parent or guardian giving an undertaking in a prescribed form to the Court and the Court may from time to time adjourn the inquiry and compel the production of the child in Court to satisfy it that the said undertaking is being carried out." | Mr. K. F. Nariman. |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clause 9 .. | Delete the whole of section 9. | Mr. V. N. Jog. |
| Clause 9, sub-clause (1). | Add the word "wilfully" after the words "young person" in line 4. Delete the words exposes or wilfully neglects or ill-treats". | Mr. K. F. Nariman. |
| Clause 9, sub-clause (2). | After the word "person" where it occurs in the sixth line add the words "having sufficient means and". | Mr. K. F. Nariman. |
| Clause 9, sub-clause (2). | In line 9, after the word "cause" insert the words "unnecessary suffering or". | Mr. R. G. Soman. |
| Clause 10 .. | Delete the whole of section ten. | Mr. V. N. Jog. |
| Clause 10, sub-clause (1). | Delete the words "whether or not there is a pretence of singing, playing, performing, offering anything for sale or otherwise". Instead of word "three" substitute word "one" and instead of "one hundred" substitute "fifty". | Mr. K. F. Nariman. |
| Clause 10, sub-clause (1). | In clause 10, sub-clause (1) omit the words from "whether" to "otherwise". | Mr. L. B. Bhopatkar. |
| Clause 10, sub-clause (1). | Please add the following after the line 12 in sub-clause (1) in section 10 :— "or causes or incites or abets for the purpose of inciting young person to bet or to gamble or to borrow money, or whoever for his own benefit takes an article on pawn from a young person whether offered by that person on his or her own behalf or on behalf of any other person, whoever employs or allows a young person in the Bar of licensed premises or in premises specially licensed only for the sale of tobacco or such other drug, or whoever causes or encourages or incites in a young person a habit of taking any intoxicating liquors or drug or smoking in a manner as would inculcate in a young person the habit of drinking or taking drug or smoking, or whoever employs a child or a young person in a theatre in a manner likely to cause such child or young person suffering or injuries to his or her health or causes or allows such child or young person to take part in a proceeding in a play which would likely cause or incite in such child or young person looseness of morality, or who fails to provide for such child or young person employed in a theatre some educational facility or proper care or residence separate from ill-famed persons." | Mr. Hoosenbhoy A. Lalljee. |
| Clause 10, sub-clause (2). | Delete sub-clause (2). Instead of (3) insert (2). | Mr. K. F. Nariman. |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clause 10, sub-clause (2). | Delete sub-clause (2). | Mr. B. K. Dalvi.<br>Mr. D. R. Patel. |
| Clause 10, sub-clause (2). | The wording of sub-clause (2) should be as follows :—<br>"If a person having the actual charge of or control over a child or young person is charged with an offence under this section, it shall be proved that the child or young person was in any street, premises or place for any such purpose as aforesaid and that the person charged allowed the child or young person to be in the street, premises, or place for that purpose." | Mr. L. B. Bhopatkar. |
| Clause 10, sub-clause (3). | In sub-clause (3) substitute the word "shall" for "may", and for the words "any class of persons" should be substituted the words "all such classes of persons excepting professional beggars". | Mr. L. B. Bhopatkar. |
| Clause 11 .. | Add "Provided that a brothel-keeper or a prostitute shall not be deemed to have committed this offence if he or she resides with his or her own male child up to the age of 16 years or female child up to the age of 9 years in the brothel". | Mr. K. F. Nariman. |
| Clause 12, sub-clause (1). | Delete the words "encourages" in fifth and seventh lines. | Mr. K. F. Nariman. |
| Clause 12, sub-clause (2). | Delete the words "or encouraged". | Mr. K. F. Nariman. |
| Clause 13 .. | In section 13 omit the words "is being treated with cruelty by her parent or guardian or that such girl" after the word "sixteen" and before the words "with the knowledge". | Mr. V. N. Jog. |
| Clause 14, sub-clause (1). | Substitute the following for sub-clause (1) of clause 14, page 8 :—<br>"14 (1) Any police officer not below the rank of Inspector or a person authorised in this behalf in accordance with the rules made by the Governor in Council may, subject to the provisions of section 7, take to a place of safety any person who in his opinion is a child or young person and in respect of whom an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860, has been or there is reason to believe has been, committed." | Mr. D. B. Adwani. |
| Clause 14, sub-clause (1). | In section 14, clause (1) the words "section 341 to 348 and 351 to 377 of" be inserted after the word "under" in line ten. | Mr. V. N. Jog. |

| Clauses. | Amendments. | Name of mover. |
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| Clause 16, sub-clause (1) (*b*) | In section 16 clause (1) sub-clause (*b*) the words "section 341 to 348 and 351 to 377 of" be inserted after the word "under" in line two. | Mr. V. N. Jog. |
| Clause 16, sub-clause (1). | *Section 16, clause (1).* Before the words "the Magistrate may issue a warrant authorizing", add the following words: "the Magistrate may issue a Summons in the first instance against the person or persons in whose care, custody or control such child or young person is, to forthwith produce the said child or young person in Court or "<br><br>Add the following words at the end of section 16, clause (1):<br><br>"Provided that if the said child or young person is in the custody or control of a Zenana or Pardanishin lady, the Magistrate shall only issue a sub-poena and the person to whom sub-poena is issued shall be deemed to have complied with the requisition if instead of personally attending she causes the said child or young person to be produced in Court". | Mr. K. F. Nariman. |
| Clause 17, sub-clause (1). | After the word "exceeding" in line 10, please substitute the words "five hundred" in place of the words "one hundred"; and in line 13, the following should be added after the words "was laid":—<br><br>"and may direct prosecution against such informant under section 182 or 211 of the Indian Penal Code." | Mr. Hooseinbhoy A. Lalljee. |
| Clause 17 .. | Delete the words "exceeding fifty rupees" from sub-clause (6). | Mr. P. G. Joshi. |
| Clause 18 .. | In section 18 delete the words "and cannot be brought forthwith before a court". | Mr. R. G. Soman. |
| Clause 21. .. | In section 21, line 8, insert the word "legal" after the word "or". | Mr. R. G. Soman. |
| Clause 25, sub-clause (1). | *Section 25, sub-clause (1).* Delete last clause from "unless the Court" up to last and substitute instead "if the Court is satisfied that the parent or guardian has either encouraged or conduced to the commission of the said offence". | Mr. K. F. Nariman. |
| Clause 25, sub-clause (1). | In section 25, delete the words beginning with "Unless the Court" and ending with the words "has not" and insert therefor the words "if the court is satisfied that the parent or legal guardian has". | Mr. R. G. Soman. |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clause 25, sub-clause (4). | In section 25 clause 4 add the words "whatever the amount of fine may be". | Mr. V. N. Jog. |
| Clause 27 (*f*) .. | The whole clause (*f*) be deleted .. | Mr. Hooseinbhoy A. Lalljee. |
| Clause 27, sub-clause (*f*). | Drop sub-clause (*f*) of clause 27 and change the following sub-clauses into (*f*), (*g*), (*h*) and (*i*). | Mr. S. S. Dev. |
| Clause 30, sub-clause (1). | In clause 30, sub-clause (1), delete the words "or after the expiration of eighteen months of the period of detention without any such consent". And add at the end of the sub-clause "with a view to educate him or train him for some useful trade or calling". | Mr. B. K. Dalvi. |
| Clause 30, sub-clause (1). | In clause 30, sub-clause (1), after the words "respectable person" add "of the same religious denomination as the child". | Mr. S. S. Dev. |
| Clause 30, sub-clause (4). | In clause 30, sub-clause (4), in line 37, add after the word "*on*" the following words, viz, "*oath or.*" | Mr. B. K. Dalvi. |
| Clause 37 .. | In clause 37 at the end should be added "and by the members of the Bombay Legislative Council and by such members of the Legislative Assembly and the Council of State as represent the Presidency of Bombay therein." | Mr. L. B. Bhopatkar. |
| Clause 45 .. | Omit section 45 .. | Mr. R. G. Pradhan. |
| Clause 45, sub-clause (1). | In section 45, line 10, after the words "to time" insert the words "at all reasonable hours", and at the end of the same paragraph instead of the words added by the Select Committee, insert the words "of ascertaining the health of children and the sanitation of the premises". | Mr. R. G. Soman. |
| Clause 45, sub-clause (2). | *Section 45.* Delete clause 2 and substitute the following:— "Any person so appointed shall not have power to enter the institution without the previous consent or permission of the person or persons in charge of such institutions, nor shall he have power to inspect any register or accounts or any other document relating to the internal administration of the said institution; but he shall have power only to inspect the premises with a view to securing the health and welfare of the children and the the sanitation of the place". | Mr. K. F. Nariman. |
| Clause 45, sub-clause (2). | In clause 2 of section 45, omit the first sentence ending with "relating thereto". | Mr. R. G. Soman. |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clause 45, sub-clause (2). | In line 18, in clause 2 of section 45, after the words "thereof" the following words be deleted :—<br><br>"and of all registers and accounts relating thereto." | Mr. Hooseinbhoy A. Lalljee. |
| Clause 45, sub-clause (4). | *In sub-clause (4).* Delete the words "where practicable". | Mr. K. F. Nariman. |
| After clause 46 .. | Introduce in place of the deleted clause 45, as clause 46A, the following, under Miscellaneous :—<br><br>"46-A. The court of sessions of any district in which this Act is in operation may cause to be formed or may recognise any committee or committees drawn from among the people of the respective localities of the district, for the purpose of giving advice and assistance with regard to the carrying out of the provisions of this Act, and in fixing upon the places of safety in the district. Failing the formation of any such committee or committees the said court may empower any civil court or any civil officer or any magistrate to fix upon the place or places of safety in particular localities." | Mr. D. B. Adwani. |
| Before clause 47 .. | Insert the following additional clauses in Part VIII under Miscellaneous :—<br><br>*Penalty for being drunk while in charge of a child.*<br><br>"47. A person found drunk in any highway or public place or any licensed premises, while in the charge of a child or young person shall be liable to a fine which may extend to fifty rupees."<br><br>*Betting, Loans and Pawns.*<br><br>"48. (*a*) A person found guilty of inciting a young person to bet or to borrow money is liable to imprisonment for a term which may extend to one month or to a fine which may extend to one hundred rupees or both."<br><br>"(*b*) It is illegal for a pawn-broker to take an article in pawn from any young person, whether offered by that person in his own behalf or on behalf of any other person and the offence is liable to imprisonment for a term which may extend to one month or to a fine which may extend to one hundred rupees or both." | Mr. S. K. Bole. |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| | *Sale of intoxicating liquor.*<br>"49. A person giving to any child or young person any intoxicating liquor, except upon the order of a duly qualified practitioner or in case of sickness or apprehended sickness or other urgent cause, is liable to a fine which may extend to fifty rupees." | |
| | *Juvenile smoking.*<br>"50. (*a*) A person selling tobacco, *bidies*, cigarettes or smoking mixtures to any one apparently under sixteen years of age whether for his own use or not is liable to a fine which may extend to fifty rupees." | |
| | "(*b*) It is the duty of any police constable or officer in uniform to seize tobacco, *bidies* or cigarettes or any smoking mixture in the possession of any person apparently under the age of sixteen years whom he finds smoking in any street or public place. Boys found smoking may be searched but not girls." | |
| | Clause 47 may be renumbered as clause 51 and subsequent clauses may also be renumbered accordingly. | |
| Clause 47, sub-clauses (1) and (2). | The words "if possible" should be deleted from clauses (1) and (2) of clause 47. | Mr. L. B. Bhopatkar. |
| Clause 47, sub-clause (1). | In clause 47, sub-clause (1), drop the words "if possible." | Mr. S. S. Dev. |
| Clause 47, sub-clause (2). | In clause 47, sub-clause (2), drop the words "if possible." | Mr. S. S. Dev. |
| Clause 47, sub-clause (3). | Delete sub-clause (3) from clause 47. | Mr. S. S. Dev. |
| Clause 47, after sub-clause (3). | Add the following as sub-clause (4) to section 47 and renumber sub-clauses (4) and (5) as (5) and (6) respectively :—<br>"When a child or young person is committed to the care of a certified school in which facilities for instruction in his religion are not afforded or to a person who does not give an undertaking that the child or young person entrusted to him will be brought up in his religion (for want of a certified school or person of the religion of the child), the Court shall take an undertaking from such school or such person that the child shall not be brought up in any religion other than his own." | Mr. Hoosenally M. Rahimtoola. |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clause 47, sub-clause (4). | Delete sub-clause (4) .. | Mr. S. S. Dev. |
| Clause 47, sub-clause (5). | Delete sub-clause (5) .. | Mr. S. S. Dev.* |
| Clause 47, after sub-clause (5). | *Section 47.* Add sub-clause (6): "Whenever any person interested in the religion of the child or young person is informed of any attempt at conversion or tampering with his religion, he may apply to the Court for an inquiry and the Court being satisfied, may issue an order removing the said child or young person from the custody of such institution or person and hand over the custody to another fit person or institution." | Mr. K. F. Nariman. |
| Clause 52, sub-clause (3). | In section 52, clause 3, after the letter '(k)' add the letter '(l)'. | Mr. R. G. Soman. |
| Clause 52, sub-clause (4). | In sub-clause (4) of clause 52, for the words "and shall be.....session" should be substituted the words "and shall not come into operation unless passed at such next session." | Mr. L. B. Bhopatkar. |

* Amendment by Mr. H. B. Shivdasani to the amendment by Mr. S. S. Dev to delete clause 47 (5) of the Bombay Children Bill:

"(5) When a child or young person has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not observed the child or young person shall be removed from the care of the said person and the said person shall be liable to a fine not exceeding rupees one thousand".

## AMENDMENTS TO BILLS.

*Bill No. II of 1924 (A Bill further to amend the Bombay Land Revenue Code, 1879) as amended by the Select Committee.*

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clause 3, sub-clause (1). | 1. *Insert* the word "expressly" between "the terms of the grant" and "reserved" in section 69A (1), clause 3. | Sardar G. N. Muzumdar. |
| Clause 3, sub-clause (2). | (1) Add a proviso in sub-clause 2 of clause 3 (above the present proviso) as under :—<br>"Provided that no such declaration or assignment or delegation shall be made in respect of any land held prior to July 1879 without the written consent of the owner or occupant thereof and."<br>(2) Add also another proviso immediately below the above proviso and above the present proviso of the clause 3, sub-clause 2, as under :—<br>"Provided that no such assignment or delegation or declaration shall be made to any other person except the owner or occupant holding the land below which such minerals have been found to exist if he is prepared to pay to Government such royalty or fees as may be levied under the rules in force for the removal of minerals or in the case of discovery of such minerals by a person under a prospecting license such assignment or delegation shall not be made without the consent of the owner or occupant of the land and." | Rao Saheb D. P. Desai. |
| Clause 3, sub-clause (3). | (1) In sub-clause (3) of clause 3 of the Bill delete all the words in line 15 after "compensation" and substitute the following words :—<br>"or annual rent at the option of such person for such destruction or diminution of value and the amount of such compensation shall be calculated by the Collector or in the case of rent it shall be fixed subject to revision every fifty years by the Collector in consultation with the Panchas nominated in accordance with the rules framed in this behalf."<br>"In case his award is not accepted the amount of compensation shall be determined by the civil court in accordance with the provisions of section 18 of the Land Acquisition Act 1894 or in the case of rent by such court in accordance with local usage." | Rao Saheb D. P. Desai. |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clause 3, sub-clause (4). | In clause 3, sub-clause (4), omit the words at the end of the sub-clause "unless Government by notification declare the case to be a case of urgency." | Mr. S. S. Dev. |
| Clause 3, *after* sub-clause (5). | Add a sub-clause 6 in clause 3 "In the case of failure to pay the annual rent to the occupant through the Collector as provided under sub-section (3) the Collector shall recover such rent from the assignee as if it were an arrear of Land Revenue." | Rao Saheb D. P. Desai. |
| Clause 4 .. | In clause 4 insert after "may" in the 8th line the following words :— "with the written approval of the occupant." | Rao Saheb D. P. Desai. |
| Do. .. | In clause 4, after the words "alter the boundaries of any village" *add* "provided in the former case the occupants of lands who would be affected by the proposed alteration agree to it in writing." | Mr. S. S. Dev. |
| Do. .. | *Insert* the word "unalienated" between "boundaries of any" and "village" in section 121A, clause 4. | Sardar G. N. Mujumdar. |
| Do. .. | In section 4 insert the word "unalienated" at the end of line 15. | Mr. R. G. Soman. |
| Do. .. | In clause 4 add the following words at the end :— "and the lands constituting the new village shall at the discretion of the occupant be deemed for all purposes of fixing and revising assessments as if they have not been removed from the old village." | Rao Saheb D. P. Desai. |
| Clause 6 .. | *Delete* the whole section 216, clause 6 .. | Sardar G. N. Mujumdar*. |
| Do. .. | In section 6 insert the words "of revenue" after the word "share" in line 31. | Mr. R. G. Soman. |
| Do. .. | In section 6 insert the word "only" after the word "revenue" in line 37. | Mr. R. G. Soman. |

* Amendment by Mr. C. M. Saptarshi to the amendment by Sardar G. N. Mujumdar to delete proposed section 216 (clause 6) of Bill No. II of 1924 (A Bill further to amend the Bombay Land Revenue Code, 1879).

1. Insert the word "not" between the words "shall" and "without" in the second proviso to section 216.

2. Add after the word "to" at the end of the said proviso the words "the alienated share in."

3. Replace the sub-clause (*a*) by substituting the following words instead :—

"(*a*) Alienated villages within the limits of which are situated unalienated lands."

## AMENDMENTS TO BILLS.

*Bill No. XIV of 1924 (A Bill to consolidate and amend the law relating to co-operative societies in the Presidency of Bombay) as amended by the Select Committee.*

| Clause. | Amendments. | Name of mover. |
|---|---|---|
| Clause 3 .. | In section 3, clause 3, line 3 at the end add " or a society ". | Mr. R. G. Soman. |
| " .. | In clause 3 (*h*) (3), line 5, add after the word " goods ", the following :— " or of performing services ". | Mr. S. K. Bole. |
| " .. | In clause 3, sub-clause (4), for the words " with dwelling houses," substitute the words, " with houses for residential or business purposes ". | Mr. L. B. Bhopatkar. |
| New clause after clause 3. | (5) Add a clause 3A after clause 3, as follows :— With a view to secure proper administration of this Act and to ensure satisfactory progress in urban and rural development on co-operative lines Government shall appoint for purposes of consultation and advice a Board of 5 members elected by the Legislative Council of this Presidency. | Rao Saheb D. P. Desai. |
| Clause 4 .. | Before the present clause 4, insert a clause as follows :— " 4. (1) There shall be constituted for each revenue division and the Province of Sind a Board of Control consisting of the Registrar, another Member elected by the Societies in the Division or Province, and a third Member elected by the Members of the Divisional Branch of the Central Co-operative Institute, Bombay ". And convert the present clause 4 into sub-clause " (2) ". | Mr. L. B. Bhopatkar. |
| Clause 5 .. | In section 5, clause 2, delete the words " on its liquidation " added by the Select Committee. | Mr. R. G. Soman |
| Clause 8 .. | In section 8, line 3, after the word " of " add the words " the formation or registration or continuance of a society under ". | Mr. R. G. Soman. |
| " .. | Delete the words " whose decision shall be final " from clause 8. | Mr. L. B. Bhopatkar. |
| Clause 10 .. | In clause 10, substitute the word " shall " for the word " may ". | Mr. P. G. Joshi. |
| " .. | In clause 10, substitute " shall " for " may ". | Mr. S. S. Dev. |

| Clause. | Amendments. | Name of mover. |
|---|---|---|
| Clause 12 .. | In clause 12, line 3, substitute "six" for "three". | Mr. S. K. Bole. |
| Clause 13 .. | In clause 13, line 14, after the word "called," add "within one month" and in line 15 after the word "requisition," add "in writing". | Mr. L. B. Bhopatkar. |
| Clause 13 .. | In clause 13 (1), add between the words "society" and "or", the following:— "or 50 members, whichever is less,". | Mr. S. K. Bole. |
| Clause 15 .. | Section 15, sub-section (2), line 26. Substitute "sub-section" for "clause". | Mr. J. A. Madan. |
| ,, ... | In section 15, clause 2, line 4, substitute the word "with" instead of the "and". | Mr. R. G. Soman. |
| Clause 16 .. | In clause 16, sub-clause (2), substitute "shall" for "may". | Mr. S. S. Dev. |
| ,, .. | In section 16, clause 2, line 4, substitute "shall" instead of "may". | Mr. R. G. Soman. |
| ,, .. | In clause 16, sub-clause (2), substitute the word "shall" for the word "may". | Mr. P. G. Joshi. |
| ,, .. | In clause 16, sub-clause (2), for "may" substitute "shall". | Mr. L. B. Bhopatkar |
| ,, .. | In clause 16, sub-clause (3) insert the following words between "the society" and "a copy":— "and a Union or Bank controlling such society". | Mr. P. G. Joshi. |
| Clause 18 .. | In clause 18, in line 2, add after "society" the following words:— "with unlimited liability". | Rao Saheb D. P. Desai. |
| ,, .. | In clause 18, after "affairs", add "except the Chairman who shall have a casting vote in case of equal division". | Mr. L. B. Bhopatkar. |
| ,, .. | Section 18, sub-section (2), line 11. Substitute "other" for the words "a registered". | Mr. J. A. Madan. |
| Clause 19 .. | After (b) of clause 19, add a sub-clause as follows:— 2. "(c) In the event of the failure to secure for this purpose a Member of the Society or a person whose application for membership is accepted by the Society within two months from the application for transfer, the Society shall transfer the share or interest in its own name." | Mr. L. B. Bhopatkar. |

| Clause, | Amendments. | Name of mover. |
|---|---|---|
| Clause 21 .. | In clause 21, after " inspection ", add " to its Members free of charge ". | Mr. L. B. Bhopatkar. |
| Clause 22 .. | In clause 22, delete the whole of sub-clause (4). | Rao Saheb D. P. Desai. |
| " .. | From clause 22, sub-clause (4) delete all words and figures appearing after " necessary " and before " to require ". | Mr. P. G. Joshi. |
| " .. | In clause 22, sub-clause (4) (i), after the words " or the management of its affairs," and " provided in the case of an honorary member, the date of attendance is fixed after consulting the member ". | Mr. S. S. Dev. |
| Clause 24 .. | In clause 24, sub-clause (*a*), substitute the words " wholly or chiefly " for the words " in whole or in part ". | Mr. P. G. Joshi. |
| " .. | In clause 24 (*a*), line 18, insert between the words " business " and supplied ", the following :— " or the goods for sale in such workshops, godown or place of business ". | Mr. S. K. Bole. |
| " .. | Delete from clause 24, sub-clause (*b*), the words " as also upon the movable property held by him on the premises of such Society ". | Mr. L. B. Bhopatkar. |
| Clause 26 .. | From clause 26, delete the words " in the capital of a society or ". | Mr. P. G. Joshi. |
| Clause 27 .. | In clause 27, sub-clause (1) insert the following words between " society " in line 2 and " such " in line 3 : or on the attachment and sale by a court of justice of a share or interest of a member in the capital of a society ". | Mr. P. G. Joshi. |
| " .. | In clause 27 (1), line 3, substitute, " shall either " for " may ". | Mr. S. K. Bole. |
| " .. | In clause 27, sub-clause (1), insert the following after the word " member " in line 6 : " or from such court sale ". | Mr. P. G. Joshi. |
| " .. | In clause 27, sub-clause (1), delete all the words beginning from " transfer " in line 6 and ending with " may " in line 18, substitute the word " the " for the word " such " in line 18 and add the words " under the by-laws or " after the word " nominee " in line 18. | Mr. P. G. Joshi. |
| " .. | In clause 27 (1), line 18, substitute " shall " for " may ". | Mr. S. K. Bole. |

| Clause. | Amendments. | Name of mover. |
|---|---|---|
| Clause 27 .. | In section 27, clause 1, delete the words beginning with " or may " in line 18 up to the end of that clause. | Mr. R. G. Soman. |
| " .. | In the proviso to sub-clause (1) of clause 27, insert the words " the court-sale or " after the word " from ". | Mr. P. G. Joshi. |
| .. | In clause 27 add the following words to the proviso after the word " aforesaid " in line 31 :— " and provided that in the case of a society with unlimited liability the society shall transfer the share or interest of the deceased member to such nominee, heir or legal representative as the case may be, being qualified in accordance with the rules and by-laws for membership of the society or on his application within one month of the death of the deceased member to any person specified in the application who is so qualified ". | Rao Saheb D. P. Desai. |
| " .. | In clause 27, sub-clause (2) for " may " substitute " shall " and after the word " society " add " if so required by him ". | Mr. L. B. Bhopatkar. |
| " .. | In clause 27, line 3, drop the last word " other " and at the end of the clause add " on the production of a certificate countersigned by a Magistrate of the First Class or on production of an order of a Civil Court declaring him to be such nominee heir or legal representative. | Mr. R. G. Soman. |
| Clause 28 .. | In section 28, line 6, instead of the words " two years " insert " one year " and at the end of the section add " unless the liability has been already declared by a competent court or by an order duly passed under this Act ". | Mr. R. G. Soman. |
| Clause 29 .. | In clause 29, substitute the word " two " for the word " one ". | Mr. P. G. Joshi. |
| " .. | In section 29, at the end add " unless the liability has been declared by a competent court or by an order duly passed under this Act ". | Mr. R. G. Soman. |
| Clause 31 . | Section 31 : Substitute numbers (1) and (2) for (*a*) and (*b*). In line 1 after the word " any " add words " document or ". In line 26 " sub-section (1) " for " clause (*a*) ". | Mr. J. A. Madan. |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clause 33 .. | Section 32, sub-section (1), line 10: Substitute "the" for "such".<br><br>Section 32, sub-section (2), line 14: Omit "such".<br><br>Section 32, sub-section (3), line 30: Omit "such". | Mr. J. A. Madan. |
| Clause 33 .. | Section 33 (2) (*b*): That the words "and of court-fees" be added after "of Registration". | Rao Bahadur A. U. Malji. |
| Clause 33 .. | (3) Add the following clauses after clause 33:—<br><br>*Government Financial Aid.*<br><br>33-A. In the case of Central Co-operative Societies as well as registered societies relating to small industries Government will finance the same on the recommendation of the Registrar to an extent not exceeding a half of the assets of such societies and for a period ranging between ten and fifty years on terms of interest which shall not exceed the rate at which the Government raises loans for other purposes. It shall also be competent to Government to help such societies by taking up shares of such societies to the same extent with or without participation in the profits thereof notwithstanding the provisions of sections 7 and 8 of this Act.<br>Explanation:—<br>Assets shall include the mortgages of immovable property.<br>33-B. With such safeguards as may be prescribed by rules in this behalf Government will guarantee the payment of interest on debentures issued by registered societies. | Rao Saheb D. P. Desai. |
| Clause 34 .. | In clause 34 (2), line 5, add at the end the following words: "other than agricultural produce". | Mr. S. K. Bole. |
| Clause 34 .. | Delete sub-clause (3) of clause 34 .. | Mr. P. G. Joshi. |
| Clause 36 .. | Omit clause 36 altogether .. | Mr. S. K. Bole. |
| Clause 38 .. | Delete altogether clause 38 .. | Mr. L. B. Bhopatkar. |
| Clause 38 .. | In clause 38 substitute "12½" for "10". | Rao Saheb D. P. Desai. |
| Clause 38 .. | In clause 38, substitute "12½" for "10". | Mr. P. G. Joshi. |
| Clause 39 .. | In clause 39 (1), line 3, omit the word "lawfully". | Mr. S. K. Bole. |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clause 39 .. | In clause 39, sub-clause (2) for "½" and "1/10" substitute respectively "1/8" and "1/16". | Mr. L. B. Bhopatkar. |
| Clause 39 .. | In clause 39 (2), line 17, omit the words "in whole or". | Mr. S. K. Bole. |
| Clause 39 .. | In clause 39 delete all the words beginning with "or" in line 21 of sub-clause (2). | Rao Saheb D. P. Desai. |
| Clause 39 .. | Substitute the words "used in whole or in part for some public purpose likely to promote the objects of this Act, or for some purpose of provincial, local or communal interest" for the words "used in whole or in part for some purposes of local or communal interest" in section 39 (2). | Mr. R. G. Pradhan. |
| Clause 39 .. | In clause 39 (2), line 20, add at the end "or for any public or co-operative purpose or a charitable purpose as defined in section 2 of the Charitable Endowments Act, 1890". | Mr. S. K. Bole. |
| Clause 40 .. | In clause 40 delete sub-clause (*a*) altogether and delete the words "in which the members do hold shares". | Rao Saheb D. P. Desai. |
| Clause 40 .. | In sub-clause (*a*) of clause 40, insert the words "more than half the" before the word "profits." | Mr. P. G. Joshi. |
| Clause 41 .. | In clause 41, add the following sub-clauses :<br>"(2) Contribution to such provident fund shall not be liable to any decree or order of a court of justice in respect of any debt or liability incurred by a subscriber or contributor to such Provident Fund and neither the Official Assignee or a receiver appointed under the Civil Procedure Code shall be entitled or have any claim on such contributions.<br>(3) Any sum standing to the credit of any subscriber or contributor to any such Fund at the time of his decease and payable under the rules of the Fund to his nominee or nominees or to such person as may be authorised by law to receive payment on behalf of such nominee or nominees shall vest in such nominee or nominees free from any debt or other liability incurred by the deceased or by his nominee or nominees or any one or more of them before the death of such subscriber or contributor." | Mr. S. K. Bole. |
| Clause 42 .. | In clause 42, line 1, omit the phrase "with the sanction of the Registrar". | Mr. S. K. Bole. |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clause 42 .. | Section 42, line 5: Add "(2)" after "section 39". | Mr. J. A. Madan. |
| Clause 42 .. | In clause 42 in line 9 substitute "10" for "20". | Rao Saheb D. P. Desai. |
| Clause 42 .. | In sub-clause (*a*) of clause 42 add after profits "out of which 5 per cent. should be spent for co-operative education". | Mr. S. K. Bole. |
| Clause 42 .. | In clause 42 in sub-clause (*b*) delete the following words:<br>"any public or co-operative purpose or". | Rao Saheb D. P. Desai. |
| Clause 42 .. | Section 42 (*b*): That the word "to" be added before "a charitable purpose". | Rao Bahadur A. U. Malji. |
| Clause 43 .. | In clause 43 wherever the word "Registrar" occurs, substitute "Board of Control" and make necessary consequential changes. | Mr. L. B. Bhopatkar. |
| Clause 43 .. | In sub-clause (2) of clause 43, insert the following words between "Registrar" and "shall".<br>"if he is not satisfied with the explanation of the society concerned". | Mr. P. G. Joshi. |
| Clause 43 .. | In clause 43 (2) (*c*), add at the end the following words:<br>"or 50 members of a society on the recommendation of the Central Co-operative Institute". | Mr. S. K. Bole. |
| | In clause 43, omit the sub-clause (3) .. | Mr. S. K. Bole. |
| Clause 44 .. | In clause 44, wherever the word "Registrar" occurs, substitute "Board of Control" and make necessary consequential changes. | Mr. L. B. Bhopatkar. |
| Clause 44 .. | 1. That section "44 (2)" be numbered "44 (3)", and<br>2. That clause (2) be added to section 44 as below:<br>"(2) The provisions about issue of summons in section 22 (4) (*ii*) shall apply for the purposes of the inspection ordered under this section". | Rao Bahadur A. U. Malji. |
| Clause 44 .. | In clause 44, add a sub-clause (3) as under:<br>"(3) All officers and members of the society whose affairs are investigated under section 43 or section 44 shall furnish such information in their possession in regard to the affairs of the society as the Registrar or the person authorised by the Registrar may require". | Mr. S. K. Bole. |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clause 45 .. | In clause 45, wherever the word "Registrar" occurs, substitute "Board of Control" and make necessary consequential changes. | Mr. L. B. Bhopatkar. |
| Clause 45 .. | Section 45, line 11 : After the word "and" add the word "the". | Mr. J. A. Madan. |
| Clause 45 .. | In section 45 at the end of the section add the words "provided the former officers or past members have ceased to be officers or members within one year next before the date on which such enquiry was ordered." | Mr. R. G. Soman. |
| Clause 46 .. | Omit clause 46 .. .. | Mr. S. K. Bole. |
| Clause 46 .. | In clause 46, wherever the word "Registrar" occurs, substitute "Board of Control" and make necessary consequential changes. | Mr. L. B. Bhopatkar. |
| Clause 47 .. | In clause 47 wherever the word "Registrar" occurs, substitute the words "Board of Control". | Mr. L. B. Bhopatkar. |
| Clause 47 .. | In clause 47, line 9, substitute for the words "general meeting", the following :— "special general meeting, called for the purpose." | Mr. S. K. Bole. |
| Clause 47 .. | Add at the end "and fix his remuneration." | Mr. J. A. Madan. |
| Clause 47 .. | Add the following as clause 47 (*a*) :— "A society shall be wound up voluntarily (1) when the period (if any) fixed for the duration of the society by the by-laws expires or the event (if any occurs, on the occurrence of which the by-laws provide that the society is to be dissolved and the society in general meeting has passed a resolution requiring the society to be wound up voluntarily ; or (2) if the society has passed a resolution by a majority of 3/4th of the members present at a special general meeting called for the purpose that the society be wound up voluntarily. When a society is voluntarily wound up it shall in general meeting nominate one or more liquidators for the purpose of winding up the affairs and may fix the remuneration to be paid to him or them ; and the Registrar shall appoint him or them as liquidator or liquidators of the society." | Mr. S. K. Bole. |
| Clause 48 .. | In clause 48, add at the end, the words "such members". | Mr. S. K. Bole. |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clauses 49 to 50 .. | In clauses 49 to 50, wherever the word "Registrar" occurs, substitute the words "Board of Control". | Mr. L. B. Bhopatkar. |
| Clause 50, sub-clause (*d*). .. | Omit the last six lines beginning with "in a society.....contributories". | Mr. J. A. Madan. |
| Clause 50 .. | In section 50, clause (*d*), line 4, after the words "past members" add the words "who have ceased to be members within one year before the date of liquidation". | Mr. R. G. Soman. |
| | In the same clause at the end of line 6 add "who have died within one year before the date of the liquidation". | |
| Clause 50 .. | In clause (*f*) delete the words beginning with "or" in line 7 and ending with the word "society" in line 8. | Mr. R. G. Soman. |
| Clause 50 .. | In clause 50, sub-clause (*f*) delete the word 'summary' in line 56 and add the following proviso at the end of sub-clause (*f*):<br>"provided that if the sum is more than rupees 100 it shall be recovered in instalments in accordance with rules made in this behalf." | Rao Saheb D. P. Desai. |
| Clause 50 .. | In clause 50, add at the end a new sub-clause (*m*) as under:<br>"(*m*) to convene a general meeting of the society, when and as necessary." | Mr. S. K. Bole. |
| Clause 50 .. | In clause 50, at the end add a proviso in the following words: | Mr. R. G. Soman. |
| | "Provided that no liquidator shall determine the contribution debt or dues to be recovered from a past member or a deceased member unless opportunity has been given to such past members or the representatives of the deceased members to answer the claim." | |
| Clause 50 .. | To clause 50, add at the end the following proviso:<br>"Provided that any person aggrieved by any order of the liquidator may appeal to the Registrar within one month from the date of such "order". | Mr. P. G. Joshi. |
| Clause 51 .. | In clause 51 wherever the word 'Registrar' occurs substitute the words "Board of Control." | Mr. L. B. Bhopatkar. |
| Clause 51 .. | In section 51 in line 10, delete the words "or be proceeded with." | Mr. R. G. Soman. |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clause 51 .. | Add a proviso to section 51 in the following terms :— "Provided that any person aggrieved by an order of the liquidator against a member, past member or deceased member, in respect of any contribution determined upon by him to the assets of a society, may institute a suit in a civil court against such a liquidator within a period of 6 months from the date of such an order". | Mr. R. G. Soman. |
| Section 52 .. | In line 1 after the word "Liabilities" add "including the paid up share capital". | Mr. J. A. Madan. |
| Clause 52 .. | In clause 52 delete 'not' in line 6 and 'but' in line 7 and substitute instead of 'but' the following words : 'or if the members so desire'. | Rao Saheb D. P. Desai. |
| Do. .. | In clause 52 for 'Registrar' substitute 'Board of Control'; and delete 'any or all of and after 'following' add 'in the order in which they are mentioned hereunder'. | Mr. L. B. Bhopatkar. |
| Do. .. | In clause 52, line 5, add the following words :— 'and after the expenses of winding up and recoupment of paid up capital have been provided for,'. | Mr. S. K. Bole. |
| Do. .. | In clause 52 (*a*), omit the words 'or of local or communal interest'. | Mr. S. K. Bole. |
| Do. .. | *Section 52* (*c*).—That the last word 'Bombay' be struck off and 'Bombay' be made to precede 'Central' in the beginning. | Rao Bahadur A. U. Malji. |
| Do. .. | Delete the words 'the Central Co-operative Institute, Bombay' and insert the words 'a Central Co-operative Bank' in clause (*c*). | Mr. M. D. Karki. |
| Clause 52 (1 and 2). | To be retained .. .. | Mr. M. D. Karki. |
| | Add the following as a third paragraph :— (3) An appeal shall lie against the order of the Registrar under sub-section (1) to a District Court within whose local jurisdiction the acts complained of took place. | |
| Clause 53 .. | Delete clause 53 .. .. | Rao Saheb D. P. Desai. |
| Do. .. | *Section 53.*—That the words 'Central Co-operative Institute, Bombay' be read as the 'Bombay Central Co-operative Institute'. | Rao Bahadur A. U. Malji. |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clause 53 .. | In clause 53, line 6, add after the word 'property' the following :— 'and remaining after the payment of the expenses of winding up and liabilities and the recoupment of paid up capital.' | Mr. S. K. Bole. |
| Clause 54 .. | In clause 54, add after the word 'arbitrators,' in line 19, the following :— 'nominated by the parties to the dispute or by the Central Co-operative Institute.' | Mr. S. K. Bole. |
| Do. .. | Proviso to Section 54 to be inserted after paragraph 1 'Provided that the Registrar may at his discretion or on the representation of societies in any taluka of the presidency or at the request of the Central Co-operative Institute, create for a defined local area, a permanent arbitration court consisting of three members, one selected by the societies concerned, one nominated by the Institute and the third appointed by the Registrar. Any dispute arising among societies in the defined local area shall be referred for decision to the board the members of which shall exercise the same powers as are vested in the arbitrator or arbitrators appointed by the Registrar.' *Alternative.* Add after the word 'its' at the end of the first paragraph of section 54 :— 'or refer it to a permanent arbitration board to be constituted in accordance with the Rules made in that behalf." | Mr. S. K. Bole. |
| Clause 54 .. | Add before the third and after the second paragraph "No Civil Court shall take cognizance of any disputes coming within the purview of this section." | Mr. M. D. Karki. |
| Section 54, line 29. | Omit the words "of inheritance" .. | Mr. J. A. Madan. |
| Clauses 54 to 56 .. | In clauses 54 to 56 wherever the word 'Registrar' occurs substitute 'Board of Control'. | Mr. L. B. Bhopatkar. |
| Clause 56 .. | Section 56, line 8. Add 'or order' after the word 'award'. | Mr. J. A. Madan. |
| Do. .. | In clause 56, line 9, substitute for 'Registrar' the following :— "District Court or the Small Causes Court of Bombay, as the case may be." | Mr. S. K. Bole. |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clauses 56 and 57.. | If the amendment regarding the constitution of the Board of Control is not accepted by the House, then an amendment to clause 56 is proposed as follows :— After the word 'Registrar' add 'or to the District Court within the limits of whose local jurisdiction the cause of action has arisen'. And from clause 57 delete the words from 'the' to 'Court'; and substitute therefor the following: 'But the Government reserve to themselves the power to revise any order mentioned in clause 56'. | Mr. L. B. Bhopatkar. |
| Clauses 57 to 59 .. | In clauses 57 to 59 wherever the word 'Registrar' occurs substitute 'Board of Control'. | Mr. L. B. Bhopatkar. |
| Clause 59 .. | Section 59, line 6. After 'arbitrator' add the words 'or arbitrators'. | Mr. J. A. Madan. |
| Do. .. | In clause 59 (1), line 6, add after the words, 'Section 54', the following :— or the order of the Registrar regarding costs of inquiry under section 45.' | Mr. S. K. Bole. |
| Do .. | In clause 59, sub-clause (*b*), add in line 26 the following words after the word 'Registrar' :— 'and that any such sum if exceeding 100 rupees and guaranteed by a duly qualified person shall be recovered in instalments as stated in section 50 above.' | Rao Saheb D. P. Desai. |
| Do. .. | Section 59, line 30. Substitute 'sub-section' for 'clause.' | Mr. J. A. Madan. |
| Clauses 60-62 .. | To be deleted altogether .. | Mr. M. D. Karki. |
| Clause 60 .. | Delete clause 60 altogether. | Rao Saheb D. P. Desai. |
| Clause 60 .. | Add a new sub-clause to clause 60, as under :— '(2) The provisions of this section shall apply to societies with a working capital of Rs. 50,000 and more, and to the officers and members of such societies only.' | Mr. S. K. Bole. |
| Clause 61 .. | Delete clause 61 .. .. | Rao Saheb D. P. Desai. |
| Clause 62 .. | Delete clause 62 .. .. | Do. |
| Do. .. | In clause 62, sub-clause (3) for 'Registrar' substitute 'Board of Control'. | Mr. L. B. Bhopatkar. |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clause 63 .. | In clause 63, delete "or" appearing between "47" and "54" and insert "50" after "47" and "55, 56, or 62 (3)" after "54". | Mr. P. G. Joshi. |
| Clause 63 .. | *Section 63*: That the words 'or 54' be replaced by '54 or 55'. .. | Rao Bahadur A. U. Malji. |
| Clause 63 .. | In clause 63, substitute the words "the District Court within the limits of whose jurisdiction the cause of action arises" for the word "Government". | Mr. P. G. Joshi. |
| Clause 63 .. | Section 63, line 6. After the word 'order' add 'or decision'. .. | Mr. J. A. Madan. |
| Clause 63 .. | (1) That the present section 63 be marked '63 (1)';<br>(2) that the following be added as clause (2) thereof:<br>'(2) Any person may appeal to the High Court or to a Court of Sessions, from any conviction, under this Act, recorded by a Presidency Magistrate or a Magistrate of the First Class.' | Rao Bahadur A. U. Malji. |
| Clause 64 .. | *Section 64*: That the words 'including any costs awarded to Government under section 45' be deleted. | Rao Bahadur A. U. Malji. |
| Clause 67 .. | Omit section 67 .. .. | Mr. R. G. Pradhan. |
| Clause 69 .. | In clause 69, line 13, insert between the words 'language' and 'a certified translation' the following:<br>'or in one of the vernaculars of the Bombay Presidency.' | Mr. S. K. Bole. |
| Clause 69 .. | Section 69, line 16. Substitute 'province' for 'place'. | Mr. J. A. Madan. |
| Clause 71 .. | Section 71, line 5. Omit 'such' .. | Do. |
| Clause 71 .. | Section 71. Sub-section (2), clause (*j*), line 66. Add words 'documents or' between 'of' and 'entries'. | Do. |
| Clause 71 .. | Add in sub-making powers under section 71 (2) (*u*), after the word 'arbitrators' 'or a permanent arbitration board'. | Mr. S. K. Bole. |
| Clause 71 .. | Add in clause 71 a sub-clause (*ee*): .. | Rao Saheb D. P. Desai. |
| | '(*ee*) prescribe the period and terms under which the Government aid will be given to registered co-operative societies and the terms under which the Government shall guarantee the payment of interest on debentures issued by Central Registered Societies.' | |

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clause 71 .. | In clause 71 add a sub-clause at the end as follows:<br>'(*ee*) provide for the formation, maintenance and continuation of the Board of Control referred to in clause 4.' | Mr. L. B. Bhopatkar. |
| Clause 71 .. | That clause 5 of section 71 be deleted and the following substituted :—<br>*Clause 5*: 'That the Rules so made shall be laid on the table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified by a resolution of the said Council passed at its next session.' | Rao Bahadur A. U. Malji |
| Clause 72 .. | In section 72, clause 2 in line 1 substitute "and" instead of the comma and delete the words "and orders" after the word "rules". | Mr. R. G. Soman. |
| Preamble .. | (1) Delete all the words between 'whereas' in the first line and 'whereas' in the 10th line of the preamble and insert instead the following words :—<br>'it is expedient further to facilitate the formation and working of co-operative societies with a view that they might serve to bring about better living, better business and better methods of production for the agriculturists and other persons with common economic needs and whereas it is necessary for that purpose to enable Government to render effective aid to co-operative societies and'.<br>(2) Delete all the words between 'whereas' in the first line and 'whereas' in the tenth line of the preamble and insert instead the following words :—<br>'it is expedient further to facilitate the formation and working of co-operative societies with a view that they might serve to bring about better living, better business and better methods of production for the agriculturists and other persons with common economic needs and'. | Rao Saheb D. P. Desai |
| Preamble .. | In the preamble the following amendment is suggested as proposed by Rao Saheb D. P. Desai, *viz.*:—<br>"(1) Delete all the words between 'whereas' in the first line and 'whereas' in the tenth line of the preamble and insert instead the following words :—<br>'it is expedient further to facilitate the formation and working of Co-operative Societies with a view that they might serve to bring about better living, better business and better methods of production for the agriculturists and other persons with common economic needs, and whereas it is necessary for that purpose to enable Government to render effective aid to Co-operative Societies and'." | Mr. L. B. Bhopatkar. |

## AMENDMENTS TO BILLS.

*Bill No. XVIII of 1924 (A Bill to determine the salary of the President of the Bombay Legislative Council) as amended by the Select Committee.*

| Clauses. | Amendments. | Name of mover. |
|---|---|---|
| Clause 2 .. | For section 2, substitute the following:— "There shall be paid to the elected President of the Bombay Legislative Council a salary calculated at the rate of *two thousand* rupees a month." | Mr. R. G. Pradhan. |
| Clause 2 .. | For section 2, substitute the following:— "There shall be paid to the elected President of the Bombay Legislative Council a salary calculated at the rate of *three thousand* rupees a month for the period or periods during which the Council is in session, and at the rate of *two thousand* rupees a month for the rest of the year." | Mr. R. G. Pradhan. |
| Clause 2 .. | "In clause 2 substitute 'two thousand rupees' for 'three thousand rupees' and omit 'so long as he devotes the whole of his time to the business of the said Council.,'" | Mr. S. S. Dev. |
| Clause 2 .. | "In clause 2 delete the words 'so long as he devotes the whole of his time to the business of the said Council' occurring at the end of the clause." | Mr. M. R. Jayakar. |
| Clause 2 .. | Omit the words "so long as he devotes the whole of his time to the business of the said Council" in clause 2 of the Bill. | Mr. M. D. Karki. |
| Clause 2 .. | Add at the end of clause 2 "otherwise the salary shall be at the rate of one thousand five hundred rupees a month". | Mr. J. P. Bunter. |

## Supplementary Agenda for the Third Session of the Bombay Legislative Council which commenced on the 13th October 1924.

### Discussion of Matters of General Public Interest.

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

1. In view of the controversy that has been raised by competent Irrigation Engineers in connection with the Lloyd Barrage and Canal Scheme this Council recommends to Government that they be pleased to recommend to the Secretary of State for India that an independent Committee of experts be appointed to examine the Project and to submit its Report in time for the construction of the Barrage in accordance with the present programme of work and that in the meanwhile such works in the Canals as are not likely to be affected by the findings of the Committee be proceeded with.

2. This Council recommends to Government that steps be taken with a view to filling up permanently the post of the Principal of the Secondary Teachers' Training College, now temporarily held by Mr. Hamley, by the appointment of a duly qualified Indian having a thorough knowledge of the conditions of Indian Secondary Schools and actual experience of the training of Indian teachers.

*Resolution by Mr. Joseph Baptista, Bar.-at-Law, M.L.C.*

1. This Council recommends to Government that the policy of direct recruitment for the post of the Chief Presidency Magistrate be abandoned and that qualified Presidency Magistrates be promoted to that office.

*Resolutions by Mr. B. K. Dalvi, M.L.C.*

1. This Council recommends to the Governor in Council to appoint a committee of officials and non-officials with a non-official majority to inquire into the causes of the increasing indebtedness of the agriculturists of the Deccan and to suggest ways to ameliorate it.

2. This Council recommends to Government that the photo-copying system introduced recently in the Registration Department of this Presidency as an experimental measure be abolished forthwith and the old system restored.

3. This Council recommends to Government to adopt the principle of reservation of seats in the municipal corporation of Bombay in favour of the backward communities including the Maratha and the allied castes and the depressed classes.

4. This Council recommends to Government that no loans should be taken by this province from the Government of India or raised independently without obtaining the consent of the Legislative Council.

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

1. That this Council recommends to Government that the decree for rupees 40,000 dated 5th June 1924 and passed by the District

Judge of Surat in their favour in civil suit No. 32 of 1922 against some of the members of the Surat Municipality be not executed against the defendants.

2. That this Council recommends to the Governor in Council that political prisoners be allowed newspapers in jails for reading.

*Resolutions by Mr. N. R. Gunjal, M.L.C.*

1. This Council recommends to Government to grant the remission of the arrears of the Land Revenue for the year 1920-21 and the fines thereon recovered from the landholders of Rajuri, taluka Junnar, district Poona, in view of the continuous famine conditions prevailing in that taluka.

2. This Council recommends to Government that they be pleased to provide the officiating village patils and a few suitable persons in every village or in a group of villages in the Poona District with licenses for guns and swords to enable the villagers to protect their persons and property from the attacks of dacoits and to protect their crops from the damage caused by wild animals.

3. This Council recommends to the Government that all restrictions on the issue of free passes of admission to a place of entertainment under the Bombay Entertainment Duty Act of 1923 be abolished.

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

1. This Council recommends to Government to represent to the Railway Board the view of the Legislative Council that the system of issuing week-end tickets and return tickets at concession rates during holidays to passengers travelling by the intermediate and the third classes should be re-introduced as early as possible.

2. This Council recommends to Government to adopt the principle of reservation of seats in the municipal corporation of Bombay in favour of the backward communities (including the Maratha and allied castes) and the depressed classes.

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

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

Grazing fees per head of cattle,
Fees per cart and head-load of grass,
Fees per cart and head-load of anjan leaves,
Fees per cart-load of thorns,
Fees per cart and head-load of fuel,
Fees per cart-load of stones of various kinds, and
Fines per head of cattle impounded.

2. This Council recommends to Government that the post of the principal of the Secondary Training College, recently filled up temporarily by the appointment of Mr. Hamley, be filled up permanently by the appointment of the best available Indian having a thorough knowledge of the conditions of Indian secondary schools and actual experience of the training of Indian teachers.

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

1. This Council recommends to Government that a committee of 14 members of this House with a non-official president and non-official majority be appointed to determine the average income and the incidence of taxation, inclusive of central, provincial and local taxes, per head of population in the presidency.

*Resolution by Mr. Hooseinbhoy Abdoolabhoy Lalljee, M.L.C.*

1. This Council recommends to Government to appoint a Committee to inquire into the causes of encroachments by sea on the coast line of the islands of Bombay and Salsette and of the districts of Surat, Thana, Colaba and Ratnagiri, and to suggest measures for the prevention thereof.

*Resolution by Dr. M. K. Dixit, M.L.C.*

1. That this Council recommends to Government that legislation be introduced to enable the municipalities which are not at present constituted local authorities under the Compulsory Primary Education Act, to retain the control and administration of the primary education of their towns on their undertaking to finance it and on their making suitable arrangements for an educational administrative officer and other staff either independently or jointly with other municipality or municipalities or with the district local board or with Government.

*Monday, the 13th October 1924.*

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The Council assembled at the Council Hall, Poona, at 2 p.m. on Monday, the 13th October 1924, the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

*Present:*

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ADDYMAN, Mr. J.
ADWANI, Mr. D. D.
AHMAD, MOULVI RAFIUDDIN
ANGADI, Mr. S. N.
BAPTISTA, Mr. J.
BHOPATKAR, Mr. L. B.
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. ...
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Mr. V. A.
DADACHANJI, Dr. K. E.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS.
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH.
GIBSON, Mr. R. E.
GRANTHAM, Mr. V. A.
GRIFFITHS, Mr. V. M.
GUNJAL, Mr. N. R.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HUDSON, Mr. L. S.
JADHAV, the Honourable Mr. B. V.
JAYAKAR, Mr. M. R.
JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KALBHOR, Mr. G. M.
KAMBLI, Mr. S. T.
KANGA, Mr. J. B.
KARKI, Mr. M. D.

Kay, Mr. J. A.
Kazi Inaitullakhan
Kokani, Mr. G. J.
Kothari, Mr. V. R.
Lalji Naranji, Mr.
Lalljee, Mr. Hooseinbhoy A.
Lawrence, the Honourable Mr. H. S.
Linford, Mr. J. W.
Madan, Mr. J. A.
Mahomed Ayub Shah Mahomed Khuhro, Mr.
Malji, Rao Bahadur Ambashankar Uttamram.
Mansuri, Khan Saheb A. M.
Mavalankar, Mr. G. K.
Mehta, the Honourable Mr. C. V.
Mehta, Dr. M. M.
Montgomerie, Mr. A.
Mujumdar, Sardar G. N.
Mukadam, Mr. W. S.
Nanal, Mr. B. R.
Narielvala, Mr. H. H.
Nariman, Mr. K. F.
Navle, Mr. N. E.
Nekaljay, Mr. R. S.
Owen, Mr. A. C.
Pahalajani, Mr. B. G.
Painter, Mr. H. L.
Patel, Mr. A. E.
Patel, Mr. D. N.
Patel, Mr. G. I.
Patil, Mr. D. R.
Powar, Mr. M. B.
Pradhan, Mr. G. B.
Pradhan, Mr. R. G.
Pratt, Mr. F. G.
Rahimtoola, Mr. Hoosenally M.
Saheba, Mr. H. D.
Sayed Ghulam Nabi Shah.
Sedgwick, Mr. L. J.
Shinde, Mr. R. D.
Shivdasani, Mr. H. B.
Soman, Mr. R. G.
Surve, Mr. A. N.
Surve, Mr. V. A.
Swaminarayan, Mr. J. C.
Thakersi, Mr. Punjabhai
Thomas, Mr. G. A.
Velkar, Dr. M. B.
Wiles, Mr. G.
Woods, Mr. E. E.

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

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

The Honourable Mr. H. S. Lawrence, C.S.I., C.I.E., I.C.S.
Mr. L. J. Sedgwick, I.C.S.
Sir Lawless Hepper, Kt.
Mr. N. J. Wadia, I.C.S.

The Honourable the PRESIDENT: The next business on the order paper is nomination of four chairmen. I nominate

Mr. J. A. Kay,
Mr. C. N. Wadia,
Khan Bahadur S. N. Bhutto, and
Mr. A. N. Surve

to form a panel of chairmen for the current session.

Before questions are put, I should like to inform the House that the following Acts have received the assent of the Governor-General since the close of the last session of the Legislative Council:—

(1) An Act further to amend the Bombay Rent (War Restrictions) Act, 1918, and the Bombay Rent (War Restrictions No. 2) Act, 1918.

(2) An Act further to amend the Bombay District Municipal Act, 1921.

Questions.

EXPENDITURE ON PRIMARY EDUCATION.

Mr. S. N. ANGADI (Belgaum District): (*a*) In view of the reply given during the last session of the Legislative Council that the money received from the Entertainments Duty Act was expended on increased provision for primary education (*vide* page 1114, Vol. XI, Council Debates) will Government be pleased to state on which of the following sub-heads of primary education that money was spent, and how much of it on each of those sub-heads:—

(i) Government primary schools.
(ii) Direct grants to non-Government primary schools.
(iii) Grants to local bodies for primary education.

(*b*) On what items detailed in the White Budget Book under each of the above mentioned three sub-heads was the money spent and how much on each item?

(*c*) Were these amounts in addition to those already provided in the Budget for 1923-24 (White Book, pages 141 and 142)?

The Honourable Mr. B. V. JADHAV: Information has been called for.

"SMALL HISTORICAL TALES" BY MR. MAGDAL.

Mr. S. N. ANGADI (Belgaum District): (*a*) Will Government be pleased to state whether they are aware that a book named "Small Historical Tales" written in Kanarese by one Mr. Magdal and recommended by the Text Books Committee as a text-book for small children contains defamatory statements about Basaveshwar whom the Lingayat community holds in great veneration?

(*b*) Are Government aware that the Young Men's Conference held at Ranebennur under the presidentship of Mr. P. R. Chikodi and the Young Men's Association of Saundatti have sent in resolutions to the Director of Public Instruction and to Government protesting against the recommendation of the said book as a fit book for use in schools ?

(*c*) If so, do Government intend to take any action ?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

ANGLO-VERNACULAR SCHOOL FOR GIRLS AT BELGAUM.

Mr. S. N. ANGADI (Belgaum District): (*a*) Will Government be pleased to state whether they have received any representation from the people of Belgaum asking for an Anglo-Vernacular school for girls ?

(*b*) If so, do Government intend to take any action in this connection ?

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

(*b*) The matter is under consideration.

MUNICIPALITIES AND ELECTED PRESIDENTS.

*Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state the total number of municipalities in the Presidency and also to state how many of them have been given the right to elect their own presidents ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The information regarding Sind and the Northern, Southern and Bombay Suburban Divisions has already been given. As regards the Central Division one Municipality having been abolished the number of Municipalities is 57, of which 54 have been given the right of electing their own presidents.

POONA DRAINAGE SCHEME.

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

(*a*) whether it is a fact that Government have disbanded their staff appointed for the purpose of completing the Poona drainage scheme ? If so, what are the reasons therefor ?

(*b*) whether they intend to give effect to the agreement reached between themselves and the Poona city municipality in regard to the drainage scheme ? If so, when ?

(*c*) whether it is a fact that the Poona city municipality have informed Government of their having arranged to set apart every year a sum sufficient to cover the instalment in repayment of the new loan to be advanced by Government for the above purpose ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*a*) The staff has not been disbanded.

(*b*) Yes. Orders on the subject will be issued shortly.

(*c*) Yes.

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

### Poona Engineering College.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to give the following information :—

(*a*) What is the attendance time of the Poona Engineering College ?

(*b*) What was it in 1921 ?

(*c*) If there has been any change, what is the reason for the change ?

(*d*) Will Government be pleased to lay on the Council table a copy of the principal's order notifying the change in the attendance time ?

(*e*) Was the convenience of the students taken into consideration while making the change ?

The Honourable Mr. B. V. JADHAV: (*a*), (*b*), (*c*), (*d*) and (*e*) Information has been called for.

### Village Panchayats in Kolaba District.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to give the following information regarding the village panchayats in the Kolaba District :—

| 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|
| Name of the village panchayat, taluka, etc., with date of establishment. | Whether there was a sanitary committee before the establishment of village panchayats. | Yearly grants made to the Sanitary Committee by Government and district local board. | Grants made by the Government and local board in 1923-1924 to the village panchayat. | Grants sanctioned by Government and district local board for 1924-1925. |

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The information is being obtained.

### Administration Report of the Office of the Director of Information.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to lay on the Council table the annual administration reports of the last three years of the Directorate of Information ?

The Honourable Sir MAURICE HAYWARD: The Directorate of Information does not issue administration reports on the work of its own office.

### Valuation of Lands submerged under the Bhatgar Dam.

Mr. L. B. BHOPATKAR (Poona City): (i) (*a*) Will Government be pleased to lay on the table copies of the reports of Government and the people's representatives appointed to assess the income of some typical lands in the villages to be submerged under the Bhatgar Dam ?

(*b*) Will Government be pleased to state whether it is a fact that the Government representatives refused to show their report to the people's representatives ?

(c) Will Government be pleased to state whether it is a fact that the rates for different kinds of lands have been fixed by the Collector and that the Land Acquisition Officer is entirely guided by them ?

(i) Will Government be pleased to lay on the table the statement of valuation of the lands concerned, submitted by the authorities of the Bhor State to the Government ?

(iii) Have Government made any provision for exchange of such lands ? If so, where and on what basis ?

The Honourable Mr. COWASJI JEHANGIR: The information is being called for.

DACOITY AT TALEGAON-DABHADE.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state whether they are aware of the dacoity committed at Talegaon-Dabhade on 8th June 1924 immediately after sunset ? How many residents of that place had permits to bear arms on the said date ? Are any armed policemen ordinarily posted at the said town ?

The Honourable Sir MAURICE HAYWARD : A dacoity was committed on 8th June 1924 at Talegaon-Dabhade in which the shop of one Vishnudas Vallabhdas was looted. There were about twelve to fifteen dacoits armed with sticks and two revolvers. The complainant's son Gokuldas who lived separately ran to the scene for his father's help but on his way he was shot with a revolver in the chest. He was not however killed.

Seventeen persons had permits to bear arms on the date of offence; out of them one lives in Talegaon town, one in the hamlet of Talegaon, one in his fields and fourteen at the station.

No armed police are ordinarily posted at Talegaon-Dabhade.

CLOSING OF LIQUOR SHOPS.

Mr. S. K. BOLE: Will Government be pleased to state whether they have received any resolution passed at the meeting of mill workers held on the 3rd June 1924 under the auspices of the Kamgar Hitwardhak Sabha regarding the closing of liquor shops ; if so, do they intend to take any action ?

The Honourable Mr. A. M. K. DEHLAVI: Yes. The matter is under the consideration of Government.

SECOND REVISION SETTLEMENT, SATARA.

*Khan Bahadur D. B. COOPER (Satara District): (a) Will Government be pleased to state whether individual agriculturists were allowed permission to take copies or notes from the report of the Settlement Officer regarding the second revision settlement of Satara Taluka, Satara District, which was kept for the information of the public at the office of the Mamlatdar of Satara ? If not, why were they not given permission ?

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

(*b*) Will Government be pleased to state whether any villages protested against the present proposed enhancement of assessment in the Satara Taluka, and if so, which villages?

(*c*) Will Government be pleased to state whether it is a fact that combined application of some eight villages protesting against the revision settlement was rejected though submitted in due time?

(*d*) Will Government be pleased to state whether it is a fact that when similar applications from the individual villages were resubmitted they were also rejected?

(*e*) Will Government be pleased to state whether similar petitions objecting to enhancement were given any consideration at the time of the last settlement in about 1893?

The Honourable Mr. C. V. MEHTA: (*a*) Yes.

(*b*) A list* of villages from which petitions of objections have been received is appended.

(*c*) One application signed by the villagers of seven villages was received but it was rejected as it was not submitted through the village officers.

(*d*) Two applications were received a second time from individual villages but they were returned as they were time-barred.

(*e*) Yes, they were considered.

## Amount of Salaries of Primary School Teachers in Kaira District.

†Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state the amount spent on the salaries of primary school teachers in the Kaira District during the last five months (*i.e.*, from January to May) and during the corresponding period of the past three years?

The Honourable Mr. B. V. JADHAV: If, as is presumed, the question refers to Local Board primary schools, the information required is as follows:—

| | | | | Rs. |
|---|---|---|---|---|
| 1921 | .. | .. | .. | 1,76,787 |
| 1922 | .. | .. | .. | 2,34,116 |
| 1923 | .. | .. | .. | 2,03,029 |
| 1924 | .. | .. | .. | 2,19,501 |

Rao Saheb D. P. DESAI: Has the expenditure been increased since the introduction of the Act?

The Honourable Mr. B. V. JADHAV: The schools have not yet been handed over to the district local boards and therefore the expenditure could not be increased.

Rao Saheb D. P. DESAI: Does it mean that when the schools are handed over to the district local boards you mean to decrease the grant so that the datum line will be for a lesser amount?

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* *Vide* Appendix No. 5.

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

The Honourable Mr. B. V. JADHAV: The datum line will be settled by the department for each district local board. They will be paid all the money that is now being paid. The amount paid will not be less than the present expenditure.

SUB-REGISTRARS IN GUJARAT.

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

(*a*) how many posts in the first grade of sub-registrars in Gujarat are still vacant;

(*b*) why those posts have not been filled up;

(*c*) whether there are any posts in the second grade still vacant; if so, why those also have not been filled up?

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

(*b*) Attention is invited to the reply given to question put by Mr. G. M. Kalbhor.

(*c*) No post in the second grade is now vacant in the Gujarat division.

GIRLS' SCHOOL AT NIZAMPUR.

*Mr. S. S. DEV (West Khandesh District): (*a*) Will Government be pleased to state whether they are aware that the Hindu population of Nizampur in Sakri taluka, West Khandesh, is about 2,300 and the Mahomedan population is about 400 and that though there is a separate Urdu girls' school at Nizampur for Mahomedan girls there is none for Hindu girls?

(*b*) Will Government be pleased to state why this is so?

(*c*) Will Government be pleased to state (i) the total number of Mahomedan girls attending the Urdu girls' school and (ii) the number of Hindu girls attending the school for boys?

The Honourable Mr. B. V. JADHAV: (*a*) The total population of Nizampur is 2,684 out of which the Mahomedan population is 312. It is true that there is a separate Urdu Girls' School at Nizampur for Mahomedans but there is none for Hindu girls.

(*b*) There was a separate school for Hindu girls in existence from April 1915 up to January 1923 when it was closed on account of poor attendance.

(*c*) (i)—30.

(ii)—13.

Mr. S. S. DEV: Will you please state what happened in January 1923 or thereabout so as to affect the attendance of the girls at the girls' school?

The Honourable Mr. B. V. JADHAV: At present I am not in a position to give any reply to the question put by the honourable member, but if regular notice is given I shall make inquiries.

SCHOOL BUILDING AT SAMODE.

*Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state (*a*) whether they are aware that the school building at

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

Samode in Sakri Taluka, West Khandesh, is in a dilapidated and dangerous condition ?

(*b*) If so, will Government be pleased to state whether they intend to take steps in the matter ?

The Honourable Mr. B. V. JADHAV: (*a*) The school building in question is reported to be dilapidated but it is not considered to be in a dangerous condition.

(*b*) The work of special repairs to the building is in progress. For the present two of the classes are being held in a rented house.

### Deputation of Graduate Assistant Teachers to the Secondary Training College.

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

(1) After what length of service are graduate assistant teachers deputed to the Secondary Teachers' College for the qualifying examination ?

(2) Whether they are aware that there are at present in the Educational Department a number of graduate assistant teachers who have put in more than five years' service and yet have not been deputed to the Secondary Teachers' College.

(3) Whether they are aware of the hardships of these teachers, who after having served for five or six years in the department, have to leave it on account of their failure in the B. T. examination and find it difficult to secure any other suitable employment at that age ?

(4) Whether there is any other department of Government in which candidates have to put in such a length of service before the question of their fitness or unfitness for the department is decided ?

The Honourable Mr. B. V. JADHAV: (1) There is no fixed limit laid down by the rules.

(2) Yes.

(3) Several teachers failed in Part I of the B. T. Degree Examination but were retained in service for a year and given a second chance of appearing for the Examination. The services of those who failed a second time were dispensed with.

(4) There is no fixed period of probation prescribed before confirmation in other Departments of Government, except in the case of the establishments under the control of the Political Department in the Kathiawar, Palanpur and Mahi Kantha Agencies where a candidate has to pass the annual subordinate Agency examination on the first occasion on which it is held after the expiration of one year from the date of his appointment and is regarded as a probationer till he has passed it.

Mr. S. S. DEV: Are they selected for deputation or are they entitled to go up in the order of their seniority ? Are there any rules guiding this selection ?

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

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

### Teachers of the same Qualifications not getting the same Pay.

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

(1) Whether it is true that all secondary teachers in Government schools who have put in the same length of service and have got the same qualifications do not get the same pay under the new revised scheme sanctioned for them in 1921;

(2) Whether Government have received any memorials or deputations from any teachers on the above matter?

(3) If so, whether any action has been taken thereon; if so, what action has been taken?

The Honourable Mr. B. V. JADHAV: (1) If acting service is also taken into account the answer to this part is in the affirmative; otherwise it is in the negative.

(2) Yes.

(3) The matter is under consideration.

### Supersession of Teachers in being deputed to the Secondary Training College.

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

(*a*) Whether it is a fact that in the past seniority has been the guiding principle in the selection of teachers for deputation to the Secondary Training College, Bombay;

(*b*) Whether it is a fact that this year junior teachers have been selected for this purpose in preference to their seniors;

(*c*) If so, what is the length of service of each of the teachers who have been deputed this year and the length of service of those whom they have thus superseded?

(*d*) Whether there are any rules for the selection of teachers for deputation to the Secondary Training College, Bombay?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

### Private Tutors.

Mr. S. S. DEV (West Khandesh District): (*a*) Will Government be pleased to state whether any circular has recently been issued restricting the right of guardians of boys attending Government high schools to engage private tutors?

(*b*) If so, will Government be pleased to lay a copy of the circular on the table?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

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

MALANGAON AND KHANDBARA TANK.

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

(*a*) whether they ever contemplated building a tank near Malangaon and Khandbara for the purposes of irrigation by erecting a dam in the river Kan that flows by Sakri;

(*b*) if so, why was the idea given up;

(*c*) whether they are aware that such an irrigation work would greatly benefit the agriculturists of Sakri, Dhulia, Amalner and Sindkhed talukas?

The Honourable Mr. COWASJI JEHANGIR: (*a*) A project for constructing a tank near Khandbara by erecting a dam on the Kan river has been investigated and fully considered.

(*b*) Because of the high cost of the work and the insignificant return anticipated.

(*c*) The agriculturists would benefit by being able to irrigate an additional area of about 3,000 acres, but as stated the financial prospects would not justify Government in taking up the scheme.

Mr. S. S. DEV: May I know what was the anticipated return?

The Honourable Mr. COWASJI JEHANGIR: I will not be dead-certain, but I think something like 1½ per cent. was the anticipated return.

TRAFFIC ACROSS THE TAPTI BY THE AGRA ROAD.

Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state how many carts per year on an average cross the river Tapti by the Agra road?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Seventy-five thousand carts.

ENGLISH IN PRIMARY SCHOOLS.

Mr. S. S. DEV (West Khandesh District): Will Government be pleased to state in which of the primary schools in West Khandesh is English taught to boys and girls in standards V, VI and VII under Government Resolution, Educational Department, no. 605, dated the 12th June 1922?

The Honourable Mr. B. V. JADHAV: None.

Mr. S. S. DEV: Why so, Sir?

The Honourable Mr. B. V. JADHAV: I do not know whether I can answer that off-hand; perhaps there was no demand.

Mr. S. S. DEV: My question is not about the demand or otherwise; why was the Government Resolution referred to not given effect to in a single school in West Khandesh?

The Honourable Mr. B. V. JADHAV: I am not prepared to answer that question at present, without notice.

SHORTAGE OF GENERAL STAMPS IN SINDKHEDA SUB-TREASURY.

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

(*a*) Whether it is a fact that for several years past during the months of April, May and June approximately general stamps for small amounts have not been available at the sub-treasury at Sindkheda, West Khandesh, and that people, therefore, during those months have to purchase stamps for larger amounts, though stamps of smaller amounts would have been sufficient for their requirements ?

(*b*) Whether it is a fact that one Barku Bhayasing Rajput of Mandane in Sindkheda Taluka had, on 10th June 1924, to pass a sale-deed of his open site worth Rs. 40 only in favour of one Deochand Vedu Koli on a general stamp of Rs. 2, when as a matter of fact, a general stamp of annas eight would have sufficed because no general stamp of lesser value was available at the sub-treasury ?

(*c*) If the answer to (*a*) be in the affirmative, will Government be pleased to state how long this state of things has been going on, and how many such instances have occurred during this period ?

The Honourable Mr. C. V. MEHTA: Information will be called for.

SCHOOL BUILDINGS IN WEST KHANDESH.

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

(i) How many villages there are with a population of one thousand and over in each taluka of West Khandesh ?

(ii) How many of these villages in each taluka have no school buildings?

(iii) Are there any such villages having no schools at all ?

The Honourable Mr. B. V. JADHAV: (i), (ii) and (iii) The accompanying statement* gives the information required. It will be seen that there are 19 schoolless villages in the West Khandesh District with a population of 1,000 and over. It is reported that out of these villages, schools were opened in 5 villages but they had to be closed owing to poor attendance and the indifference of the villagers. The 10 villages in the Nawapur taluka were not provided with schools as they were not expected to succeed owing to the population being very scattered. In regard to the remaining four villages no satisfactory explanation is given. Instructions have now been issued to note these 19 villages carefully to take steps to see that the four villages without schools about which no satisfactory explanation has been given are provided with schools as soon as possible and to bring prominently to the notice of the Taluka Local Boards the remaining 15 villages when any more schools are opened in the district with a view to seeing that all villages with a population of 1,000 and over are provided with schools.

* Appendix No. 1.

COMPENSATORY ALLOWANCE TO NON-GAZETTED OFFICERS.

Mr. N. R. GUNJAL (Poona District): (*a*) Will Government be pleased to state whether they have received any memorials from non-gazetted officers of several Government departments praying for compensatory allowance being paid to them in Poona, Bombay, Salsette and Karachi?

(*b*) If so, will they be pleased to state what action has been taken on the memorials?

The Honourable Mr. H. S. LAWRENCE: (*a*) Yes.

(*b*) The question is still under the consideration of Government.

WATER SUPPLY IN KOLABA AND RATNAGIRI DISTRICTS.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state what sums were sanctioned for the improvement of water supply in the districts of Kolaba and Ratnagiri during 1923-24 and 1924-25 and how they have been or are being spent?

The Honourable Mr. B. V. JADHAV: Information is being obtained.

EXEMPTIONS TO BOMBAY B.Es.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state whether they are aware that the B.E. graduates of the University of Bombay are not allowed the exemptions granted to certain Universities of the United Kingdom, from passing in sections A and B of the Associated Membership Examination of the Institute of Civil Engineers, London?

The Honourable Mr. B. V. JADHAV: The information has been called for.

LOW CASTE BOYS IN POONA DISTRICT.

Mr. N. R. GUNJAL (Poona District): (*a*) Will Government be pleased to state whether the Deputy Educational Inspector, Poona, has received any representations from the inhabitants of several villages in the Poona district regarding the subject of low caste boys being allowed to sit with other boys in the same schools?

(*b*) If so, what action has been taken thereon?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

GRAZING LAND IN KHED TALUKA.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state whether there are any villages in the Khed Taluka of the Poona District which have no sufficient *gairan*?

The Honourable Mr. A. M. K. DEHLAVI: Out of a total of 178 villages 57 villages have no sufficient *gairan* and 85 villages have no *gairan* at all.

Mr. R. G. SOMAN: May I know whether one rupee fee is taken for each cattle that goes into the limits of another village under the circumstances which are stated in the reply given to the question?

The Honourable Mr. A. M. K. DEHLAVI: I do not think it arises, Sir, out of the answer given; but if the honourable member puts the question on paper, I shall answer it. I want notice.

### Toll on Road between Raver Railway Station and Raver Town.

*Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state—

(*a*) the reasons of increasing the toll charges from half an anna to two annas per cart since 1923-24 on the road between Raver town to Raver railway station, which is only a mile and half in length;

(*b*) whether they are aware that till 1st April 1924, the toll was being levied on a cart plying on this road only once during a day irrespective of the number of outward trips it might make to Raver station, but since that date, the toll is being levied for each outward trip instead of once during a day; and if so, the reasons for this charge;

(*c*) whether they have received any recommendation from the District Local Board, East Khandesh, to abolish this toll bar or to reduce the amount of the toll;

(*d*) whether the Collector of East Khandesh has received any representation from the Raver people detailing their grievances in the matter of this toll bar?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*a*) The rate on this Local Board road was increased from 1st April 1923 to preserve uniformity with the rates on provincial roads in the Central Division.

(*b*) Yes. Government noticed that in certain districts including the East Khandesh District toll was levied only once a day while in other Districts it was levied for every outward trip as contemplated by clause 4 of the toll lease form. With a view to preserve uniformity therefore throughout the Presidency, Government ordered that toll should be levied for every outward trip on the same day. Government have however issued orders that with effect from 1st April 1925 tolls should be levied only once a day irrespective of the number of outward and return journeys made during the same day.

(*c*) No.

(*d*) Yes. The Collector has referred them to the District Local Board who is considering the matter.

### Abolition of the Post of Director of Industries.

Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state whether any action has been taken to abolish the post of Director of Industries, in pursuance of the assurance given at

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

the last meeting of the Council in this behalf, and if not, the reasons therefor ?

The Honourable Mr. B. V. JADHAV: The post has already been abolished.

### Children's Maharashtra.

*Mr. G. M. KALBHOR (Poona District): Will Government be pleased to state—

(*a*) whether it is a fact that in the book entitled "मुलांचा महाराष्ट्र" (Children's Maharashtra) by G. A. Modak, sanctioned for use in schools by the Educational Department, the word "प्रभु" (Prabhu) has been misspelt as "परभु" (Parabhu) ?

(*b*) If so, are Government aware that the misspelt word is offensive to the Prabhu community in general ?

(*c*) If so, have they taken or do they intend to take any steps in this connection ?

The Honourable Mr. B. V. JADHAV: (*a*), (*b*) and (*c*) Enquiries made into the matter show that the spelling of the word in question as "Parabhu" in some places in the book entitled "Mulancha Maharashtra" is not deliberate as it is spelt as "Prabhu" in other places (*vide* p. 72, fifth line from the bottom and page 160, 2nd line from the bottom). The author has, however, been asked to spell the word in the future editions as "Prabhu" except where it occurs in a quotation in which case the spelling in the original document has, of course, to be followed.

### Railway Goods Traffic to Poona.

Mr. G. M. KALBHOR (Poona District): (*a*) Will Government be pleased to state whether it is a fact that the G. I. P. Railway Company had stopped the goods booking for Poona for more than six weeks during April and May in 1924 ?

(*b*) If so, had the company issued notification to that effect in order to inform all merchants and business firms ?

(*c*) What was the daily average of the wagons that left or arrived at the Poona station during the months of April and May 1924, as compared with the daily average during the same months in 1923 ?

The Honourable Mr. C. V. MEHTA: (*a*) The G. I. P. Railway did not completely stop goods booking for Poona for more than six weeks during April and May 1924. Restrictions were imposed to regulate the number of wagons loaded, so that the flow of traffic to Poona from every source might continue.

(*b*) Notification of restrictions was given to the public in every case.

(*c*) Arrivals at Poona were as follows :—

| | 1923. | 1924. |
|---|---|---|
| April .. .. .. | 1,835 | 1,436 |
| May .. .. .. | 1,672 | 1,745 |

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

PROMOTIONS OF SUB-REGISTRARS.

Mr. G. M. KALBHOR (Poona District): Will Government be pleased to state—

(*a*) whether it is a fact that the Inspector General of Registration has not distributed first grade promotions among the sub-registrars of the Gujarat and Marathi divisions; if so, what are the reasons therefor;

(*b*) if so, from what date those promotions have been withheld and whether the posts in question are vacant so far as work connected therewith is concerned;

(*c*) whether there are any rules regarding promotions in the registration department;

(*d*) whether the action of the Inspector General is supported by any authority or order of Government? If so, will they be pleased to place a copy of the order on the table;

(*e*) whether they are aware that this action of the Inspector General has resulted in creating acute discontent among the sub-registrars concerned;

(*f*) whether those promotions have been withheld with a view to effecting retrenchment?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) In the Marathi Division all promotions have been made. In Gujarat one promotion has not yet been made as it was not considered expedient to do so;

(*b*) From 2nd August 1922. No.

(*c*) No, except the general rule that promotions are made upon due consideration of seniority and merit by the Head of the Department, and as to promotions in the first grade that they are always made by selection by merit as it is selection grade.

(*d*) See answer to clause (*c*).

(*e*) No.

(*f*) No.

DISTRICT AND TALUKA LOCAL BOARDS, POONA DISTRICT.

Mr. G. M. KALBHOR (Poona District): Will Government be pleased to state—

(*a*) What is the present revenue of the district local board, Poona district, with names of the different sources of income in each taluka;

(*b*) What are the principal items of expenditure in each taluka;

(*c*) What has been the cost of administration of district local board, Poona district, and of the different taluka local boards of the Poona district, for the last three years;

(*d*) What have been the amounts of travelling allowance bills of the authorities of district local boards and of different taluka local boards in the district of Poona, with details for the last three years?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*a*) to (*c*) This part of the question has already been answered.*

(*d*) The accompanying statement † gives the information required.

* *Vide* page 222, Vol. XII.

† *Vide* Appendix No. 2.

WANDERING BEGGARS.

*Mr. S. T. KAMBLI (Dharwar District): (*a*) In how many places have wandering beggars encamped in the Dharwar district between the beginning of March and the second week of May 1924; What is the total number of such persons?

(*b*) The number of house-breakings and thefts in the vicinity of their camps within the above period?

(*c*) Were these gangs searched in their camp at Hubli? If so, what is the value and nature of the property found with them?

(*d*) How many of them have been arrested and for what offences?

(*e*) Is it a fact that since their arrival at Hubli or near Hubli serious thefts and house-breakings followed by injury to life have been committed at or near Hubli?

(*f*) Is it a fact that from the small station of Amargol (M. S. M. Railway) several tickets for Miraj, Sangli and Kolhapur have been purchased or issued since the arrival of these gangs? If so, will Government be pleased to state the total number of such tickets issued from the said station in April and during May up to the 9th, with the dates on which they were issued?

The Honourable Sir MAURICE HAYWARD: (*a*) 1. A gang of 26 Mang Garudis encamped at 7 places of this district.

2. A gang of Maratha Gosavis consisting of 28 individuals encamped at 11 places in this district.

3. A gang of Maratha Gosavis consisting of 47 individuals encamped at 2 places in this district.

4. A gang of Maratha Gosavis consisting of 135 individuals encamped in Hubli Town and 2 places in its vicinity.

5. A gang of Maratha Gosavis consisting of 75 individuals encamped at 12 places in this district.

(*b*) 4 house-breakings and thefts occurred in the vicinity of encampment of gang No. 1.

3 crimes occurred in the vicinity of encampment of gang No. 3, at Shiggaon.

23 house-breakings and thefts occurred in the vicinity of the camp of gang No. 4.

1 house-breaking and theft occurred in the vicinity of the encampment of gang No. 5.

(*c*) The gang at Hubli was searched at Hubli and property consisting of cash amounting to Rs. 3,893-8-0 and old clothes valued at Rs. 134-11-5½ attached from their persons.

(*d*) 4 members of the gang have been arrested under sections 457, 392, Indian Penal Code, 1 under sections 457, 380, Indian Penal Code, and 46 under section 110, Civil Procedure Code.

(*e*) Serious house-breakings and thefts did occur in or near Hubli since the advent of the gang. Only one person received injuries.

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

(*f*) No tickets were issued at the Amergol Railway Station for Sangli, Miraj or Kolhapur.

### Audit Fees from Municipalities.

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

(*a*) whether local boards are exempt from audit fees;

(*b*) (*i*) whether municipalities were exempt from audit fees up to the year 1921-22; (*ii*) if so, what were the grounds on which such exemption was based;

(*c*) why audit fees are now levied from municipalities;

(*d*) what proportion of the cost of audit is levied from all the municipalities together;

(*e*) what was the total cost of audit establishment in each of the years 1922-23 and 1923-24;

(*f*) what was the total amount of fees collected from municipalities in each of the years 1922-23 and 1923-24?

(*g*) Is it a fact that the audit fees were refunded to municipalities in any year or years? If so, in which year or years?

The Honourable Mr. H. S. LAWRENCE:

(*a*) (*b*) (*c*) Already answered.

(*d*) The fees are levied on a percentge basis limited to cost and it is estimated that the whole cost of the audit of municipal accounts is recovered from the municipalit.es.

| | | | Rs. |
|---|---|---|---|
| (*e*) 1922-23. | Three-fourths Provincial .. .. | | 1,38,168 |
| | One-fourth Central .. .. | | 46,055 |
| | Total .. | | 1,84,223 |
| 1923-24. | Three-fourths Provincial .. .. | | 1,49,848 |
| | One-fourth Central .. .. | | 49,949 |
| | Total .. | | 1,99,797 |
| (*f*) 1922-23 | .. .. .. .. | | *Nil.* |
| 1923-24 | .. .. .. .. | | 43,338 |

(*g*) Yes. In the year 1907-08 when the audit fees were abolished.

### Wandering Gangs of Mendicants in Dharwar District.

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

(*a*) How many wandering gangs (with the total number of individuals in each) pretending to be parties of mendicants are now in the Dharwar district?

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

(*b*) Do the police suspect them to be gangs of thieves ?

(*c*) If so, what steps have been and are being taken to keep them under control ?

The Honourable Sir MAURICE HAYWARD : (*a*) 4 gangs of wandering Maratha gosavis (one consisting of 12 males, 12 females, 21 boys and 16 girls, the second consisting of 36 males, 39 females, 43 boys and 25 girls, the third consisting of 60 males, 75 females, 72 boys and 69 girls and the fourth consisting of 27 males, 35 females, 33 boys and 24 girls), pretending to be parties of mendicants are now in this district.

(*b*) They are suspected by the Police to be gangs of thieves.

(*c*) All these gangs have been kept under surveillance ever since their arrival. Their previous history has been ascertained by the local officers concerned by enquiry with a view to taking preventive action. Such of them as were considered dangerous have been or are being proceeded against under the security sections of the Code of the Criminal Procedure. The question of putting some of them in settlements is under consideration.

### Bridge or Causeway over the Benni Nalla in the Dharwar District.

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

(*a*) Whether there is any bridge or causeway over the Benni Nalla or (Bennihalla) on the road between Nargund and Navalgund in the Dharwar District ?

(*b*) Whether they are aware of the great inconvenience caused to the public who have to pass over the said road during the monsoon between Navalgund and Nargund on account of there being no safe means of crossing the said nalla ?

(*c*) Does Government intend to construct a bridge or causeway over the said nalla ? If so, when ?

(*d*) Have the Government prepared plans and estimates for constructing any such bridge or causeway there ?

(*e*) If so what is the estimated cost—

(*i*) of constructing a bridge, and

(*ii*) of constructing a causeway there ?

(*f*) What is the amount of—

(*i*) annual land revenue,

(*ii*) of local fund cess collected from the taluka of Navalgund and the Nargund petha in the Dharwar district ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN :

(*a*) There is no bridge or causeway at present over the Benni nalla on the road between Nargund and Navalgund.

(*b*) Government are aware of the great inconvenience to the public but owing to want of funds no bridge or causeway has been put in hand.

(*c*) It is proposed to construct a causeway (and not a bridge) over this nalla when funds become available.

(*d*) Plans and estimate for the proposed causeway are under preparation.

(*e*) (*i*) As the construction of a bridge would be much more expensive it is proposed to build a causeway as stated in (*c*) above.

(*ii*) The Executive Engineer has estimated the cost of a causeway at about Rs. 1,22,909, but the Superintending Engineer has suggested modifications whereby it is hoped the cost will be decreased to approximately Rs. 90,000. The exact amount of the estimate will be known when fair plans and estimates are received and sanctioned.

(*f*) (*i*) and (*ii*) The demand of fixed land revenue and local fund cess for the Navalgund Taluka including Nargund petha for the year 1922-23 was Rs. 4,83,841 and Rs. 35,416 respectively and the consolidated land revenue collected was Rs. 3,04,276.

### Dam over River Tungabhadra.

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

(*a*) Whether it is a fact that the Government of Madras intend to construct a dam over the river Tungabhadra near the borders of the Bombay Presidency;

(*b*) If so, whether the said Government are making surveys for the said purpose;

(*c*) Whether the Government of Bombay intend to be a joint partner in the said scheme;

(*d*) Whether the consent of the Government of Bombay has been obtained by the Madras Government to their scheme of constructing a dam over the Tungabhadra river;

(*e*) If not, do the Government of Bombay intend to take any action in this connection?

The Honourable Mr. COWASJI JEHANGIR: The information is being called for.

### Promotions to Junior Revenue Subordinates in the District of Dharwar.

*Mr. M. D. KARKI (Kanara District): (*a*) Will Government be pleased to state whether the Collector of Dharwar promoted any junior revenue subordinates in his office or any office subordinate to him over the heads of senior men?

(*b*) if so, how many subordinates were so promoted, and how does the financial effect of these promotions compare with what the financial effect would have been if the promotions had been made merely on the ground of seniority?

(*c*) If the above comparison shows a loss, do Government intend to take any action in the matter?

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

The Honourable Mr. C. V. MEHTA : (*a*) Already answered.

(*b*) Six junior subordinates were promoted over the heads of seniors since the introduction of time-scale of pay. The cost on account of these promotions is Rs. 140 per mensem. It would have been Rs. 40 if promotions had been regulated strictly according to seniority.

(*c*) No.

Mr. M. D. KARKI: May I know the reason why senior men were superseded ?

The Honourable Mr. C. V. MEHTA : I should like to have notice of that question, Sir.

### Scheduled Posts in the Revenue Department in the Dharwar District.

*Mr. M. D. KARKI (Kanara District): (*a*) Will Government be pleased to state the number of scheduled posts in the revenue department in the Dharwar District ?

(*b*) Will they be pleased to state how many of those posts are held by persons who have passed the higher standard examination, how many by persons who have passed the lower standard examination and how many by persons who have passed neither of these examinations ?

(*c*) Will Government be pleased to state the number of persons in the revenue department in the Dharwar District who passed the higher and lower standard examinations before the rules of 1910 came into force and the number out of such persons who have not yet got any scheduled posts ?

The Honourable Mr. C. V. MEHTA : (*a*) 18.

(*b*) 12 by men who have passed the higher standard examination.
3 by men who have passed the qualifying test.
1 by a man who has passed the lower standard examination.
2 by those who have passed none of these examinations.

(*c*) 19 passed the higher standard and 38 passed the lower standard before the rules of 1910 came into force. Seven out of the former and 37 of the latter have not yet got any scheduled posts.

### St. Anthony's Institution, Kanara, Honavar.

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

(1) Whether they are aware that an educational institution named after St. Anthony was established in Kanara with its head office at Honavar in the year 1917 by Brother P. George and that its object was to give free (primary, higher elementary and industrial) education to the poor children of the Christian and other backward communities in the district of Kanara ?

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

(2) Will Government be pleased to state—

(*a*) How many free primary, higher elementary and industrial schools are maintained by the institution and what is the present total number of children receiving education in those schools under respective denominations? What are the backward communities of which children are given free education?

(*b*) Whether the institution maintains, in addition, an orphanage? If so, how many children are there in it, to what community or communities do they belong and how are they recruited?

(*c*) What are the sources of income by which it has been maintained since its foundation? What is the amount annually required by the institution for its maintenance and upkeep?

(*d*) Whether there is any committee, or board of management to look after the affairs of the institution? If so, who are its office bearers?

(*e*) Whether the Government or local authorities have recognised the institution?

(*f*) What sort of education is imparted in the industrial branch and in the other schools of the institution? Is any religious instruction imparted in the Schools or in the orphanage?

(*g*) Whether the institution has any connection either with any Church or any Christian Mission?

The Honourable Mr. B. V. JADHAV: (1) and (2) (*a*) These parts have already been answered.

(2) (*b*) The institution maintains an orphanage school and there are 60 pupils in it. These consist of Christians, Kharvis and Fishermen. They come from the neighbouring villages.

(2) (*c*) This part has already been answered.

(2) (*d*) There is a Board of Management consisting of the Governing Director, Manager, Supervisor, Head Master and two of the teachers of the institution and a counsellor.

(2) (*e*) This part has already been answered.

(2) (*f*) In the higher elementary orphanage school at Honavar, industrial education is given in spinning, weaving and carpentry. In other schools, the ordinary curriculum is followed. It is only in the orphanage school that religious instruction is imparted.

(2) (*g*) This part has already been answered.

## Weaving Industry in the Kanara District.

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

(i) the number of working handlooms in 1920, 1921, 1922 and 1923 respectively in the district of Kanara;

(ii) the different kinds and the yearly average quantity of cloth manufactured in those looms in those years?

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

(iii) the nature of the yarn, whether hand-spun or mill-spun used in those looms;

(iv) if the latter, whether the yarn was of Indian or foreign manufacture?

(*b*) Will Government be pleased to state whether they have done anything for introducing or promoting weaving industry in the district of Kanara?

The Honourable Mr. B. V. JADHAV:

(i) In January 1923 there were 420 handlooms working in the Kanara district. Information for other years is not available.

(ii) Sarees, dhotars, chadars, panchas, towels, handkerchiefs, coating and shirting. The quantity manufactured is not known.

(iii) The yarn used is mostly mill-spun; very few looms use hand-spun yarn.

(iv) The yarn is mostly Indian; but some handlooms in Karwar, Honavar and Sirsi use foreign yarn.

(*b*) So far Government have not done anything to introduce or promote weaving industry in this district.

Mr. M. D. KARKI: Will Government be pleased to say whether they intend to do anything to introduce or promote the industry in this district?

The Honourable Mr. B. V. JADHAV: I do not think I can answer that question.

### Annual Repairs to School Buildings in Kanara.

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

(*a*) whether in view of the rise in the prices of materials during the last five years any proportionate increase has been made during that period in the amount of grant made annually to the various school masters in the district of Kanara for effecting repairs to their school-houses;

(*b*) if not, whether the school buildings have in any way suffered for want of proper repairs?

The Honourable Mr. B. V. JADHAV: (*a*) Some increase in the annual grant for school repairs is reported to have been made during the period.

(*b*) No schools seem to have suffered.

### Marathi Language in Kanara.

*Mr. M. D. KARKI (Kanara District): Will Government be pleased to state the names of villages together with the name of the taluka or petha where they are situated in Kanara where Marathi is spoken either partly or wholly by the inhabitants?

The Honourable Mr. COWASJI JEHANGIR: The accompanying statement† gives the information required.

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

† Kept in Secretary's Office.

ECONOMIC VALUE OF HAND SPINNING.

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state whether they have taken any steps to encourage hand spinning in the presidency? If so, what steps have they taken in this direction?

The Honourable Mr. B. V. JADHAV: Information is being obtained.

TAGAI LOANS FOR PUTTING UP PIG-PROOF WALLS.

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state what orders have been passed by Government on the recommendation by the Commissioner, Southern Division, in his letter No. T. A. G. 30, dated 27th September 1923 to the effect that tagai should be granted to agricultural co-operative societies for the construction of pig-proof walls round cultivated areas at a concessional rate of interest?

The Honourable Mr. H. S. LAWRENCE: Government have, as a special case and by way of experiment, granted a loan to the Co-operative Agricultural Improvement Society at Hulihond at the concessional rate of 6¼ per cent. for the purpose of construction of pig-proof walls. The result of the experiment will be noted and the question of making these orders generally applicable will then be considered.

Mr. M. D. KARKI: Is it true that the Agricultural Board, Konkan Division, has recommended that tagai should be granted for such purposes or the like at a reduced rate of 3 per cent. or so?

The Honourable Mr. H. S. LAWRENCE: I want notice of that question.

Rao Saheb D. P. DESAI: At what rates do Government borrow loans?

The Honourable Mr. H. S. LAWRENCE: At various rates; 6½ per cent.; recently reduced to 6¼ per cent.; later reduced to 6 per cent.; and a few days ago it has been reduced to 5·75 per cent.

Rao Saheb D. P. DESAI: Is this 6¼ per cent. then a concessional rate or a profit-making rate?

The Honourable Mr. H. S. LAWRENCE: Certainly it is a concessional rate. We must take into consideration not only the expenses of distribution but also the losses of remission.

CONDUCT OF THE PRINCIPAL OF THE KARNATAK COLLEGE, DHARWAR.

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state whether it is a fact that the Principal of the Karnatak College at Dharwar prohibited the wearing of *khadi* dress and *khadi* caps by students attending college?

(*b*) Is it a fact that on the local press criticising his conduct in this connection, he stated in explanation that *khadi* cap was a political emblem denoting the political party to which its wearer belonged?

(*c*) If so, does the explanation of the Principal express his individual views, or are there any Government orders regarding the use of *khadi* by students?

The Honourable Mr. B. V. JADHAV: (*a*), (*b*) and (*c*). Inquiries are being made.

HOSTEL ATTACHED TO KARWAR HIGH SCHOOL.

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

(*a*) Whether they are aware that the hostel of the Karwar High School is housed in a rented building?

(*b*) If so, whether there are any proposals to build a hostel for the said school;

(*c*) If so, (*i*) when they were first made, (*ii*) what action has been taken thereon, (*iii*) if no action has been taken, do they intend to take any?

The Honourable Mr. B. V. JADHAV: In 1914, when the hostel for the Karwar High School was located in a rented building it was proposed to construct a Government building for it at a cost of Rs. 1 lakh. Owing at first to the need for economy during the war and later on to financial stringency, it was not, however, found possible to give effect to the proposal. Of recent years, the hostel was housed in a Government building but as this building was reported to be unhealthy, a suitable rented bungalow has now been secured. In view of the more pressing demands on their resources in other directions, Government regret that they cannot construct a special building for the hostel.

Mr. M. D. KARKI: Is it true that Government constructed a bungalow at Karwar recently, *i.e.*, when there was financial stringency, at a heavy cost of Rs. 40,000, for the District Superintendent of Police, Kanara, who is not willing to occupy that bungalow on account of the high rent that would have to be paid?

The Honourable Mr. B. V. JADHAV: The District Superintendent of Police does not belong to my department.

UNTOUCHABILITY AMONGST UNTOUCHABLES IN KANARA.

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

(*a*) whether in the schools for depressed classes in the Kanara district any section of the pupils treat any other section as "untouchables" by refusing to come in contact with them;

(*b*) whether such treatment obtains between any pupils and their teachers even when the latter themselves belong to depressed classes?

The Honourable Mr. B. V. JADHAV: Information has been called for.

PRIMARY SCHOOL TEACHERS IN KANARA.

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

(i) How many public primary school teachers are there in the district of Kanara?

(ii) How many of them are trained and untrained respectively ?

(iii) How many of the trained are first year, second year and third year trained respectively ?

(iv) How many of the untrained are qualified and unqualified respectively ?

The Honourable Mr. B. V. JADHAV: (i) 581.

(ii) 545 trained and 36 untrained.

(iii) 204 first year, 163 second year, and 178 third year teachers.

(iv) 11 qualified and 25 unqualified.

REPORT ON MALARIAL CONDITIONS OF KANARA.

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

(*a*) whether the report of Dr. Mhaskar who was appointed to report on the malarial conditions of the Kanara district (*vide* Council Debates, Vol. II, column 62) was ever published ;

(*b*) if so, when it was published, and whether he made any suggestion to Government in the matter ;

(*c*) if so, what action has been taken by Government thereon, and when ?

The Honourable Mr. B. V. JADHAV: Dr. Mhaskar's report was not published and it is not in a compact form suitable for publication. He suggested several measures but no action was taken beyond the free distribution of quinine which is one of the chief general measures recommended by him. Grants for the above purpose were made by Government from the surplus Excise Revenue during the years 1919-20 to 1921-22.

Mr. M. D. KARKI: When will the report be placed on the Council table ?

The Honourable Mr. B. V. JADHAV: I should like to have notice of that question.

EXCISE COMMITTEE REPORT.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Will Government be pleased to state whether, and if so, when, this House will be given an opportunity of expressing its opinion on the recommendations of the Excise Committee before Government arrive at any definite policy in the matter ?

The Honourable Mr. A. M. K. DEHLAVI: The report is under the consideration of Government. An opportunity will be given to the Council to discuss the Government's policy when that policy is announced.

Rao Saheb D. P. DESAI: When will the policy of Government be announced ?

The Honourable Mr. A. M. K. DEHLAVI: As soon as it is possible to do so.

MOULVI RAFIUDDIN AHMAD: Is it possible for the Honourable Minister to give a probable date ?

The Honourable Mr. A. M. K. DEHLAVI: It was my intention to place the policy of Government before the Council before this time but the rules came in our way, but I may assure the Council that it will not take very long now before we are able to place the policy before the House.

### Liquor Shops remaining open on Muhurrum Holidays in Bombay.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Will Government be pleased to state whether they are aware that the liquor shops were kept open during the last Muhurrum holidays? If so, will they be pleased to state why they were kept open when it has been an old practice with the department to close the shops in Bombay on Muhurrum and other important holidays?

The Honourable Mr. A. M. K. DEHLAVI: The present orders of Government are that all liquor shops (excepting certain refreshment rooms, etc.) in municipal areas including the Town and Island of Bombay should be closed on Muhurrum and Holi public holidays. The 23rd August 1923 was notified as a public holiday on account of the Muhurrum and all liquor shops in Bombay (excepting a number of refreshment rooms and foreign liquor retail "off" shops and all wholesale foreign liquor shops which it has hitherto been the practice to keep open during the Muhurrum holidays for the convenience of the public) were closed on that day.

Mr. HOOSEINBHOY A. LALLJEE: Is it not a fact that these shops are closed on the actual date on which the holiday falls?

The Honourable Mr. A. M. K. DEHLAVI: I think that was the reply that the shops were closed on the 23rd August which was the Muhurrum holiday.

Mr. HOOSSEINBHOY A. LALLJEE: What were the past orders of Government on this matter?

The Honourable Mr. A. M. K. DEHLAVI: How many years ago?

Mr. HOOSEINBHOY A. LALLJEE: Before this?

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

Mr. HOOSEINBHOY A. LALLJEE: Why were not the shops closed on the 24th August which was the actual holiday?

The Honourable Mr. A. M. K. DEHLAVI: I am not sure that the holiday fell on the 24th August.

Mr. HOOSEINBHOY A. LALLJEE: But it did.

### New Foreign Liquor Shops at Ahmedabad.

Mr. G. K. MAVALANKAR (Ahmedabad City: Will Government be pleased to state whether it is a fact that a new foreign liquor shop has been opened in the Kapasia Bazaar locality, Ahmedabad, at the place from which the old country liquor shop was transferred to outside Panchkuva gate and that protests have been made regarding it to the Collector of Ahmedabad and to the Minister of Excise?

The Honourable Mr. A. M. K. DEHLAVI: Yes. The foreign liquor shop has been located in the present premises as a temporary measure. The licensee has been ordered to remove it before 1st December 1924 to an unobjectionable site recommended by the Excise Advisory Committee, Ahmedabad, failing which the shop will be closed.

Mr. G. K. MAVALANKAR: What are the reasons why the country liquor shop was removed from that locality and a foreign liquor shop substituted in its place?

The Honourable Mr. A. M. K. DEHLAVI: I should like to have notice of that.

Mr. G. K. MAVALANKAR: Is it a fact that the same licensee has also got a license for a country liquor shop?

The Honourable Mr. A. M. K. DEHLAVI: I shall find that out if you will give me notice.

Mr. S. S. DEV: Why was a country liquor shop removed only to be replaced by a foreign liquor shop?

The Honourable Mr. A. M. K. DEHLAVI: I should have notice of that.

Mr. S. S. DEV: What is meant by the expression "a temporary measure" which occurs in the Minister's reply? Is it in pursuance of what policy?

The Honourable Mr. A. M. K. DEHLAVI: The foreign liquor shop has been allowed to remain there as a temporary measure and it will be removed as soon as the licensee finds out a proper place recommended by the Excise Advisory Committee.

### Acquisition of Inam Village Sangvi for Tata Power Company.

*Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state whether it is a fact that the inam village of Sangvi, peta Mulshi, taluka Haveli, district Poona, has been acquired for the Tata Power Company? If so, what do they intend to give as compensation to the inamdar—cash compensation or land?

The Honourable Mr. C. V. MEHTA: Yes. The compensation will be paid in cash.

Sardar G. N. MUJUMDAR: I would like to know why was not compensation given in cash?

The Honourable Mr. C. V. MEHTA: I should like notice of that question.

### Expenses in connection with Survey of the Inam Village of Kanhewadi.

*Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state the detailed heads on which the amount of expenses, about Rs. 1,032 incurred on the survey made for introducing the record of rights is demanded from the tenants of the inam village of Kanhewadi, taluka Khed, district Poona?

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

The Honourable Mr. C. V. MEHTA: The survey expenses to be recovered from the tenants concerned amount to Rs. 1,023-12-0 and not Rs. 1,032. The details of the expenses are as under:—

| | | | | Rs. | as. | p. |
|---|---|---|---|---|---|---|
| Pay | .. | .. | .. | 731 | 11 | 0 |
| Labour | .. | .. | .. | 156 | 8 | 0 |
| Stones | .. | .. | .. | 81 | 0 | 0 |
| Contingency | .. | .. | .. | 54 | 9 | 0 |
| | | Total | .. | 1,023 | 12 | 0 |

LLOYD BRIDGE, POONA.

*Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state in detail how the open spaces on both sides of the New Lloyd Bridge on the northern side have been disposed of, giving the names of the persons who have been allotted land there, the area so allotted severally and the prices paid?

The Honourable Mr. C. V. MEHTA: The open spaces in question have not been disposed of.

Sardar G. N. MUJUMDAR: Is the information given up to date?

The Honourable Mr. C. V. MEHTA: I gave the answer as soon as the question was received and the information given is up to that date. I cannot say that the information is up to this date, I do not know.

MOTOR CARS FOR HIS EXCELLENCY THE GOVERNOR.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): With reference to the sum of Rs. 30,000 shown against the purchase of motor cars for His Excellency the Governor at page 58 of the Blue Book, will Government be pleased to state whether the cars used by His Excellency's predecessor have been disposed of in any way, and if so, how?

The Honourable Mr. H. S. LAWRENCE: The three cars used by His Excellency Sir George Lloyd were sold and their sale proceeds credited to Government.

Mr. L. B. BHOPATKAR: May I know to which department have the sale proceeds been credited?

The Honourable Mr. H. S. LAWRENCE: To General Revenues.

Mr. P. G. JOSHI: May I know the amount received?

The Honourable Mr. H. S. LAWRENCE: I would require notice of that question.

Mr. D. B. ADWANI: Were these cars considered to be unfit for use?

The Honourable Mr. H. S. LAWRENCE: Not at all, they were sold.

Mr. D. B. ADWANI: Were they unfit for service for the present Governor?

The Honourable Mr. H. S. LAWRENCE: They were old cars and Government disposed of them to the best possible advantage.

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

FOREST LAND FOR CULTIVATION IN PANCH MAHALS.

*Mr. W. S. MUKADAM (Panch Mahals District): (*a*) Is it a fact that petitions were from time to time received by the Forest Department asking for forest lands for cultivation in the District of Panch Mahals for the last twelve years;

(*b*) If so, will Government state whether all these petitions were given due consideration at the time of distributing the land?

(*c*) Will the Government be pleased to state whether the Divisional Forest Officer, Panch Mahals, consulted the District Magistrate while distributing these lands for cultivation?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) No record of such petitions is maintained. It is therefore not possible to say what petitions, if any, were received during the last 12 years.

(*b*) Does not arise.

(*c*) It is not necessary for the Divisional Forest Officer to consult the District Magistrate in forest matters.

Mr. W. S. MUKADAM: May I know whether petitions are destroyed by the forest officer immediately he gets them?

The Honourable Mr. A. M. K. DEHLAVI: I cannot say when they are destroyed, but after some short time they are destroyed.

AUTOCRACY IN JHALOD.

*Mr. W. S. MUKADAM (Panch Mahals District): (*a*) Has the attention of Government been drawn to the article headed "Autocracy in Jhalod" in the *Bombay Chronicle* of the 6th December 1923 (Bombay edition)?

(*b*) If so, have Government made any inquiries in the matter; and if so, what has been the result of such inquiries.

The Honourable Mr. C. V. MEHTA: (*a*) Government have now noticed the article in question.

(*b*) Enquiries show that there is no substance in the criticism.

SANITARY GRANTS.

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

(*a*) whether it is a fact that sanitary grants have been refused to those sanitary committees in the Panch Mahals which have been re-established as the result of the abolition of village panchayats;

(*b*) if so, why such action was taken?

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

(*b*) Because the continuance of the grants would have put a premium on the general opposition to the establishment of Village Panchayats. The whole position will, however, be reviewed on receipt of the reports on the working of the Village Panchayats Act which are due at the end of this month.

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

Mr. R. G. PRADHAN: Is the Honourable Minister satisfied that there is a general opposition to the establishment of village panchayats?

The Honourable Mr. B. V. JADHAV: I do not understand what the honourable member means by "satisfied"?

Mr. R. G. PRADHAN: The reply states that there is general opposition to the establishment of village panchayats. I want to know if the Honourable Minister is satisfied that there is such opposition.

Mr. V. R. KOTHARI: Is the policy of Government to oppose the democracy of the people?

The Honourable Mr. B. V. JADHAV: No, but if people do not want democracy, Government are not going to impose it on them.

Mr. J. C. SWAMINARAYAN: What are the grounds on which the opposition of the people is based?

The Honourable Mr. B. V. JADHAV: The people of that district know it better than I do.

Rao Saheb D. P. DESAI: Is the opposition due to the fact that Government give no grant to the village panchayats?

The Honourable Mr. B. V. JADHAV: I think the village panchayats are opposed to the idea of taxing themselves.

Mr. R. G. PRADHAN: Is it a fact that people do not like village panchayats?

The Honourable Mr. B. V. JADHAV: I do not think so.

### Distribution of Forest Land in Panch Mahals.

*Mr. W. S. MUKADAM (Panch Mahals District): Is it a fact that the Divisional Forest Officer of Panch Mahals has distributed lands for cultivation to rich and influential persons in preference to poor and needy applicants?

(*b*) If the reply to the above be in the affirmative, will Government be pleased to state the grounds for adopting this policy?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) No such preference has been shown.

(*b*) Does not arise.

Mr. W. S. MUKADAM: Is it a fact that 400 acres of land were given to Sardar Bomanji Dalal of Rustampura, an influential man of Halol taluka, but when the same land was asked for by the cultivators the forest officer refused?

The Honourable Mr. A. M. K. DEHLAVI: I shall be glad to have notice of the question.

### Grant of Forest Land for Cultivation.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state whether it is a fact that the Conservator of Forests, Northern Circle, has given written permission to the Divisional Forest Officer, Panch Mahals, to give out forest land for cultivation to any persons as he pleases?

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

The Honourable Mr. A. M. K. DEHLAVI: No. But in those Divisions in which a policy of giving out land to forest tenants is followed the Divisional Forest Officer is not required to obtain the Conservator's sanction for the individual grants of land.

CONTRACT FOR CUTTING OF DEAD WOOD BEFORE THEY ARE MARKED.

Mr. W. S. MUKADAM (Panch Mahals District): (*a*) Will Government be pleased to state whether it is a fact that the dead wood cutting contract was given by the Divisional Forest Officer, Panch Mahals, to the contractors before marking the forest mark on the forest trees?

(*b*) Will Government be pleased to state whether the Divisional Forest Officer, Panch Mahals, had obtained permission from the Conservator of Forests, Northern Circle, for auction sale of dead wood cutting before marking the trees?

(*c*) Will Government be pleased to state the names of the contractors who were given dead wood cutting contract of Panch Mahals forest previous to marking?

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

(*b*) Yes, but recently the Conservator has discontinued this procedure.

(*c*) The names are:—

Mr. Umar Rasul Mamji,
Mr. Haji Isa Sadik Sadwa,
Mr. Haji Umar Isa Jujara,
Mr. Usman Haji Umar Huri,
Mr. Ebrahim Isa Kankodi.

VILLAGE PANCHAYATS IN KOLABA DISTRICT.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to put on the Council table information regarding village panchayats in the Kolaba district in the tabular form given below:—

| Name of village panchayat and taluka. | Whether there was a previous Sanitary Committee. | Yearly contribution, Local Board and Government. | Date of establishing village panchayat. | Grants made by Government and Local Board in 1923-24 and 1924-25 respectively. |
|---|---|---|---|---|

The Honourable Khan Bahadur GHULAM HUSSAIN: The Member's attention is invited to the answer given to question put by Mr. Bhopatkar (Poona City).

CONTRACTORS OF THE SUKKUR BARRAGE SCHEME.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to give information in the form given below in connection with the Sukkur Barrage scheme?

(1) Name of the contractor or firm to whom contracts of Rs. 25,000 or above have been given;

(2) Amount of contract;
(3) Contract for what work;
(4) When given (date);
(5) When contract expires;
(6) By whom given;
(7) What deposit, if any, have been taken.

The Honourable Mr. COWASJI JEHANGIR: The information has been called for.

GRANTS AT SPECIAL RATES TO GIRLS' SCHOOLS.

Mr. D. B. ADWANI on behalf of MUKHI JETHANAND PRITAMDAS (Eastern Sind): Will Government be pleased to state what aided girls' schools have been receiving annual grants at special rates, and if any of them received more last year than the grants it had received in the previous year, the amount of such excesses in each case?

The Honourable Mr. B. V. JADHAV: Information has been called for.

SPECIAL GRANT TO SIND.

Mr. D. B. ADWANI on behalf of MUKHI JETHANAND PRITAMDAS (Eastern Sind): Will Government be pleased to state whether they are aware that girls' schools in Sind have to pay much higher salaries to graduate and undergraduate women teachers than those in the Presidency?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

EDUCATIONAL OFFICERS AND STUDY LEAVE.

Mr. D. B. ADWANI on behalf of MUKHI JETHANAND PRITAMDAS (Eastern Sind): Will Government be pleased to state—

(*a*) how many persons in the educational department have applied for study leave to go to foreign countries during the last 10 years?

(*b*) the number of persons who were refused such leave;

(*c*) how many of those that got study leave have obtained a degree or a diploma in foreign countries, and how many have failed to do so;

(*d*) how many of such persons were M.As. of the Bombay University;

(*e*) how many of such persons were Mahomedans, non-Brahmins, Gujaratis, Maharattas and Sindhis, respectively? On what principles is the selection for such leave made?

The Honourable Mr. B. V. JADHAV: (*a*), (*b*), (*c*), (*d*) and (*e*) Information has been called for.

RASAI-OFFERINGS AND PARTIES TO GOVERNMENT SERVANTS.

Mr. D. B. ADWANI on behalf of MUKHI JETHANAND PRITAMDAS (Eastern Sind): Will Government be pleased to state whether their attention has been drawn to an article entitled "New

forms of Rasai-offerings and parties" published in the issue of April 1924 of *Gunchi-i-Umid*, a monthly magazine of Hyderabad? If so, will Government be pleased to state what action they have taken or propose to take in regard to the statements published in the article in question?

The Honourable Mr. C. V. MEHTA: Government have not noticed the article in question, but information has been called for from the Commissioner in Sind.

HINDU CREMATION GROUND AT SUKKUR BARRAGE BUILDINGS.

Mr. D. B. ADWANI on behalf of MUKHI JETHANAND PRITAMDAS (Eastern Sind): (*a*) Will Government be pleased to state whether there is a proposal of the Sukkur Barrage authorities to convert the present Hindu cremation ground at Sukkur into a site for barrage buildings?

(*b*) Are Government aware of strong protests that have been made against the proposal by the Hindus of Sukkur in the shape of resolutions at public meetings and representations to the Chief Engineer.

(*c*) If so, will Government be pleased to state whether they propose to take any measures in this conection?

The Honourable Mr. COWASJI JEHANGIR: (*a*) No.

(*b*) and (*c*) The attention of the honourable member is invited to the reply given by Government to question put by Rao Saheb D. P. Desai.

KHOTI VILLAGES IN THE RATNAGIRI DISTRICT.

*Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to furnish the following information:—

(*a*) The number of khoti villages in the district of Ratnagiri;

(*b*) The following figures for each of the last ten years:—

(i) total assessment of such villages;

(ii) the amounts actually realised out of the assessment;

(iii) the actual cost incurred by Government in making such recoveries?

The Honourable Mr. C. V. MEHTA: The appended statement † contains the requisite information. As the collection of figures for each of the last ten years would involve much trouble and interfere with proper discharge of the work of the reduced staff, the information is for the last three years.

LAND TAXATION IN KHOTI AND NON-KHOTI VILLAGES IN THE RATNAGIRI DISTRICT.

Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state whether there is any difference in the incidence of land taxation in the khoti and non-khoti villages of the Ratnagiri District? If so, what is the difference?

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

† *Vide* Appendix No. 7.

The Honourable Mr. C. V. MEHTA: There is no difference in the method by which land revenue is assessed in khoti and non-khoti villages.

QUALIFICATIONS OF GAZETTED OFFICERS OF EXCISE DEPARTMENT.

Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to lay on the table a statement showing the qualifications of each of the gazetted officers of the Excise Department, permanent or acting, and the total length of his service?

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

INSPECTORS IN THE EXCISE DEPARTMENT.

Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state what is the total number of Inspectors in the Excise Department, how many of them are graduates and what is the total length of service of each of these graduates?

The Honourable Mr. A. M. K. DEHLAVI: The total number of Inspectors in the Excise Department is 147 of whom 18 are graduates. A statement* showing the length of service of each of the graduates is appended.

ASSISTANT TAXING OFFICER, HIGH COURT.

Mr. K. F. NARIMAN (Bombay City, South): (*a*) Will the Honourable the Home Member be pleased to state what are the qualifications of the present Assistant Taxing Officer of the High Court of Bombay.

(*b*) Will the Honourable the Home Member be pleased to state whether it is a fact that the post was before now almost invariably given to a lawyer, either a pleader, barrister or an attorney? If so, why has the post been filled up differently this time?

(*c*) Will the Honourable the Home Member be pleased to state whether the Bombay Attorneys made a protest against the appointment?

The Honourable Sir MAURICE HAYWARD: (*a*) and (*b*) The attention of the M.L.C. for Bombay City, South, is requested to the answer given to similar questions by Mr. C. B. Trivedi reported at page 644 of Volume VII, Part II, of the Bombay Legislative Council Debates for 1922.

(*c*) No protest was received from the Bombay attorneys, but one was received from the Bombay Incorporated Law Society.

Mr. K. F. NARIMAN: Is this officer a whole time officer or part time officer?

The Honourable Sir MAURICE HAYWARD: I believe whole time.

Mr. K. F. NARIMAN: As such, is he permitted to do any private work outside his office?

The Honourable Sir MAURICE HAYWARD: I understand that there is another question on the same point by the honourable member.

* *Vide* Appendix No. 3.

Mr. K. F. NARIMAN: Is he permitted to tax bills privately and charge for them separately?

The Honourable Sir MAURICE HAYWARD: I shall be glad to answer the honourable member in reference to his other question on the same point which is on the paper.

### Fire, Marine and Motor Insurances for Departments under the Minister for Public Works.

Mr. K. F. NARIMAN (Bombay City, South): Will the Honourable Minister in charge of Public Works Department be pleased to state what amounts of premia for fire, marine and motor insurances separately, were paid during the official year ending 31st March 1923 by all the departments under his control and the amounts that were paid respectively to—

(*a*) insurance companies incorporated in India;

(*b*) insurance companies incorporated outside India?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: A premium of Rs. 405 for motor insurance was paid during the year 1922-23 to an Insurance Company incorporated outside India. No premium was paid for fire or marine insurance.

Mr. K. F. NARIMAN: Was there any effort made to insure with a company incorporated in India?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Are there any companies incorporated in India?

Mr. K. F. NARIMAN: Am I to accept questions, or ask questions, Sir?

The Honourable the PRESIDENT: When the honourable member put his question, he ought to have known whether the alternative was available to Government.

Mr. K. F. NARIMAN: I thought that it was my privilege to put questions and not to answer them.

### Reward for the Arrest of the Notorious Dacoit Meer Khan.

Mr. K. F. NARIMAN (Bombay City, South): (*a*) Will the Honourable the Home Member be pleased to state whether it is a fact that the Government of Bombay publicly declared a reward of Rs. 5,000 for the arrest of the notorious dacoit Meer Khan?

(*b*) Will the Honourable the Home Member be pleased to state whether after the arrest of the said dacoit, the said reward has been given to any person or persons who effected his arrest?

(*c*) If the answer to the above is in the negative, will the Honourable the Home Member be pleased to state the reasons for not giving the reward?

The Honourable Sir MAURICE HAYWARD: (*a*) Yes.

(*b*) Yes.

(*c*) Question does not arise.

FINE FOR UNAUTHORISED CULTIVATION IN HYDERABAD.

*Mr. D. B. ADWANI on behalf of Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased to state—

(*a*) the amount of fine levied in each of the different talukas of the Hyderabad District for unauthorised cultivation either in the Government unassessed lands or in the fallow-forfeited numbers, during each of the last three years ?

(*b*) Whether it is a fact that in some cases the entire crop has been forfeited and auctioned away ? If so, in how many cases has this been done during the last year and whether this was done after due warning to the persons who had raised the crop ?

(*c*) What was the area and nature of crop in each case and what was the sum realised by Government from the auction of such crop ?

The Honourable Mr. C. V. MEHTA: (*a*) A statement† is appended showing the amount of fine imposed for unauthorised cultivation in each taluka of the Hyderabad District for the years 1920-21, 1921-22 and 1922-23.

(*b*) No such case has occurred.

(*c*) Does not arise.

NADIAD MUNICIPALITY.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state whether it is a fact that some persons have been nominated members of the Nadiad Municipality (Kaira District) to fill up vacancies caused by elected members resigning ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Yes. Certain places were filled by nomination as no candidates came forward to seek election for those places.

MEDICAL RELIEF IN VILLAGES.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state—

(*a*) whether it is a fact that training schools for teaching men to administer medical relief in villages have been started at Poona and Bijapur ;

(*b*) if so, what is the number of teachers taken up for training in each school ;

(*c*) whether Government intend to open such training schools in any other parts of the presidency ; if so when and where ?

The Honourable Mr. B. V. JADHAV: (*a*), (*b*) and (*c*). Government have sanctioned as an experimental measure, up to the end of the current financial year, the opening of classes in the Civil Hospitals at Poona and Bijapur for the training of suitable workers. Two selected officers of the

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

† *Vide* Appendix No. 8.

Subordinate Medical Service, each to be in charge of a class, will undertake the work of training the workers in addition to their ordinary duties at the hospitals. Teachers in primary schools will be selected for the work and after they have undergone the necessary training they will be allowed to work in their class-rooms, outside the hours of their ordinary duties. If this experiment proves successful, the question of extending the scheme to other parts of the Presidency will be considered.

### Teaching of Music in Schools.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state whether music is taught in any Government schools; if so, in what kinds of schools?

The Honourable Mr. B. V. JADHAV: Information has been called for.

### Thefts in Goods Yard, Ahmedabad Station.

* Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(*a*) (1) the number of cases of thefts in the goods yard at the Ahmedabad railway station that were brought to their notice in the years 1922-23 and the first three months of the year 1924;

(2) the number of cases detected and the amount of compensation given to the consignors, or consignees, as the case may be;

(*b*) whether it is a fact that mills and other consignors in Ahmedabad have made frequent complaints about such railway thefts alleging that stuffs of finer quality of cloth were removed from packed bales and in their stead those of a coarser type were substituted in a manner as would defy all detection;

(*c*) whether any bales for despatch were opened by consignors in the Ahmedabad railway yard in the presence of the Watch and Ward Department during the year 1923, with the result that a few bundles of *dhotis* of higher value were missing and in their stead rolls of coarser cloth were found put in, and the sides of the bales resewn? If so, what steps have been taken by the railway company to trace the culprits and with what results;

(*d*) whether coal wagons delivered at the Kankaria and Asarwa station are reported to be short of their expected contents and whether any complaints were lodged with the railway authorities by any of the Ahmedabad Mills and other consignees in regard to this;

(*e*) whether the railway police of the B. B. & C. I. Railway Company have declared their inability to detect the thefts stating that the duty devolved on the Watch and Ward Department of the railway company, and if so in what ways has that department tried to combat this evil?

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

The Honourable Mr. C. V. MEHTA:

| | | | | |
|---|---|---|---|---|
| (*a*) (1) | 1922 | 1923 | 1924 | (3 months). |
| | 11 | 18 | 6 | |
| (2) | 1922 | 1923 | 1924 | (3 months). |
| cases detected | 4 | 10 | 4 | |
| Compensation awarded. | Rs. a. p. | Rs. a. p. | Rs. a. p. | |
| | 987 15 0 | 513 2 0 | 448 11 0 | |

(*b*) Two complaints, one from the Ahmedabad Millowners' Association and another from the Ahmedabad Fine Spinning and Weaving Company, Limited, were received by the District Traffic Superintendent, Ahmedabad and sent to the Watch and Ward Inspector, Ahmedabad, for enquiry in March 1923. A third was received by the District Traffic Superintendent, Ahmedabad, from the Ahmedabad Fine Spinning and Weaving Company, Limited, on the 10th April 1923 and sent to the Watch and Ward Superintendent. The result of enquiries made showed that in none of these cases had the mischiefs occurred in Railway premises.

(*c*) One cotton piece bale (unbooked) of the Ahmedabad Fine Spinning and Weaving Company, Limited, was opened in the presence of Mr. G. I. Patel and the Watch and Ward Inspector, Ahmedabad, on the 28th March 1923. In it a few bundles of dhoties of superior quality were found missing and replaced by others of coarse material. Enquiries showed that the mischief could not have taken place within Railway station limits.

(*d*) A complaint was received from the Ahmedabad Coal Merchants' Association in February 1923 and instructions were issued to the staff concerned to do their utmost to prevent pilferage in consignments of coal.

(*e*) No such communication has been received by the Traffic or Watch and Ward Departments from the Railway Police.

Mr. G. I. PATEL: It is stated in the reply to part (*b*) of the question that the result of enquires made showed that in none of these cases had the mischiefs occurred in railway premises. May I know how this result has been detected? Was any enquiry made? Was the complainant called for? What is the nature of the enquiry made in arriving at this conclusion?

The Honourable Mr. C. V. MEHTA: I believe, Sir, that full enquiries were made by the railway police, but I am not in a position to give him in detail the nature of the enquiries.

Mr. G. I. PATEL: Is it called a full enquiry when the complainant is not called to state the facts?

The Honourable Mr. C. V. MEHTA: I am not aware of that.

Mr. G. I. PATEL: With reference to the answer to part (*c*) of the question, may I know how the result of the enquiry was arrived at without calling for the facts from the parties who actually lodged the complaint?

The Honourable Mr. C. V. MEHTA: That is the report of the officer. I dare say the officer did everything necessary for making a full enquiry,

but if the honourable member will show in what respects the enquiry was defective, I have no doubt the needful will be done.

Mr. G. I. PATEL: Will Government be pleased to place the papers of the enquiry on the table?

The Honourable Mr. C. V. MEHTA: I shall be obliged if the honourable member will refer the supplementary question to the Honourable the Home Member whose department this is.

Khan Saheb A. M. MANSURI: Why are such important papers kept back?

The Honourable Mr. C. V. MEHTA: I have given the reply.

Mr. H. D. SAHEBA: How is it possible for an honourable member to know whether the enquiry is complete or not, unless he is given an opportunity of looking into the papers of the case and supplementing the information?

The Honourable Mr. C. V. MEHTA: I have already explained that if the honourable member will give notice of his question to the Honourable the Home Member, who is in charge of this department, he will give all the information required. I am not in a position to give it.

### Fees for Anti-rabic Treatment.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to lay on the table—

(*a*) a list showing the total amounts received as fees for anti-rabic treatment in each centre of the presidency from the 1st January 1921 to 30th June 1924;

(*b*) a list of individual cases in which Rs. 140 was charged at each of these centres during this period;

(*c*) a list of individual cases in which Rs. 100 was charged at each of these centres during this period?

The Honourable Mr. B. V. JADHAV: The accompanying statement * furnishes the information required.

### Assessment in Ahmedabad.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(*a*) Whether it is a fact that the assessment made in the year 1888 for the South Daskroi Taluka of the Ahmedabad District was found too high and was reduced about the year 1899 by 50 per cent. in view of the fact that land was being relinquished and cultivation abandoned?

(*b*) Whether it is a fact that the waste area in the South Daskroi Taluka has increased from 9,877 to 13,680 acres and the population of the taluka declined from 61,139 to 59,502 during the last 20 years?

(*c*) Whether it is a fact that the amount of the assessment of 1888 and not the one revised in 1899 with a reduction of 50 per cent. was

* *Vide* Appendix No. 9.

taken as a basis for the settlement of 1922 and that the classifications of the rice land made at the time of the settlement of 1888 were maintained unchanged for the purposes of the settlement of 1922 ?

(*d*) Whether any proposals to re-examine and re-classify rice lands were made by the Assistant Settlement Officer ?

(*e*) Whether it is a fact that as far as the rice lands in the taluka are concerned the Commissioner, N. D., proposed a reduction of the old rates of Rs. 10,000 or about 33 per cent. in the aggregate ?

(*f*) Whether it is a fact that Government finally sanctioned a reduction of only 10 per cent. in regard to the rice lands ?

The Honourable Mr. C. V. MEHTA: The Honourable Member is referred to Selections from the Records of the Bombay Government No. DXCVI, New Series.

### Damages caused by Rains to Development Works on the Reclamation.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state the amount of loss due to damages caused by rains and storm to the Development works on the reclamation site during this year ?

The Honourable Mr. COWASJI JEHANGIR: The total anticipated expenditure on repairs to the reclamation works on account of damage caused by the rains and storm during this year is approximately Rs. 35,000. No damage has been caused to the completed permanent works.

### Jail Staff punished or warned for Faults or Misconduct.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to furnish a list of such members of the jail staff in all the jails of this Presidency as have been warned or punished for faults or misconduct during the three years 1920-1923 with reasons for such warnings or punishment ?

The Honourable Sir MAURICE HAYWARD: Government is not aware in what manner the public interest would be served by furnishing the information, which would take much time and trouble to collect.

Mr. G. I. PATEL: May I know whether it is the privilege of Government only to know whether the matter is of public interest or not ?

(No reply).

### Increased Land Assessment in Igatpuri.

* Mr. R. G. PRADHAN (Nasik District): (*a*) Will Government be pleased to state whether they are aware that as a result of the new city survey of Igatpuri, that was held in 1916-17, the total land assessment on Igatpuri town was raised from Rs. 350 per annum approximately to Rs. 4,000 per annum;

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

(*b*) whether they are aware that since 1923 the assessment is being recovered not only on lands built upon but also on vacant lands, at the rate of Rs. 50 per acre ?

The Honourable Mr. C. V. MEHTA : (*a*) Yes. The total assessment was raised from Rs. 365-4-0 to Rs. 3,840-5-8. The increase is due to the levy of non-agricultural assessment on land which was not so assessed in the past.

(*b*) Yes. Only vacant land, which forms the compounds of bungalows, has been assessed.

Mr. R. G. PRADHAN : Do Government intend to maintain the enhanced assessment ?

The Honourable Mr. C. V. MEHTA : I cannot say definitely.

### Nasik Road Railway Station and Issue of Intermediate Class Tickets.

*Mr. R. G. PRADHAN (Nasik District) : (*a*) Will Government be pleased to state whether they are aware that the second class waiting room at the Nasik Road station is not adequately furnished ?

(*b*) Are Government aware that there is no proper third class waiting room at the Nasik Road railway station, and the shed outside the station is very inconvenient to the passengers ?

(*c*) Are Government aware that great inconvenience is caused to passengers by the absence of any provision for the issue of intermediate class tickets at the coaching office in the city of Nasik ?

(*d*) If the reply to (*a*), (*b*) or (*c*) be in the affirmative, do Government intend to take any action in this connection ?

The Honourable Mr. C. V. MEHTA : (*a*) No.

(*b*) There is a Third Class waiting hall on the down side platform. The shed referred to is an auxiliary to the waiting hall, and is intended for the protection of night passengers held up on their journey to the City, and for use during fairs.

(*c*) Intermediate class accommodation on trains is strictly limited and it has been found inadvisable to issue, generally, intermediate class tickets at booking offices in Nasik City owing to the impossibility of restricting their sale should reports be received that such accommodation on any particular train is limited.

(*d*) With regard to (*b*) it is proposed to remove to another site the tea stall in the waiting hall so that the accommodation can be made adequate.

Mr. R. G. PRADHAN : With regard to the answer to part (*a*) of my question, may I bring to the notice of the Government that the punkah in the second class waiting room is in a tattered condition and has been removed recently for repairs.

The Honourable Mr. C. V. MEHTA : If it was recently removed for repairs I dare say it will be replaced as soon as possible.

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

DAM ACROSS THE ALANDI RIVER IN TALUKA DINDORI, NASIK DISTRICT.

Mr. R. G. PRADHAN (Nasik District): (*a*) Will Government be pleased to state whether they are aware that the river Alandi in taluka Dindori, district Nasik, has a permanent flow ?

(*b*) Has the question of constructing a dam across the river ever been investigated by Government, and if so, with what results ?

(*c*) Have Government received from Mr. Mahadev Vinayak Khedkar, Jahagirdar of Puri, and others, a petition urging that a dam should be constructed across the river Alandi, in taluka Dindori, and if so, what action have they taken thereon ?

The Honourable Mr. COWASJI JEHANGIR: (*a*) Yes.

(*b*) Yes. Investigations shew that the construction of either a masonry or an earthen dam would prove an unprofitable one financially and would not therefore justify the expenditure of any money on it as an ordinary work.

(*c*) Yes. The result is as stated in (*b*).

Mr. R. G. PRADHAN: May I know the estimate of expenditure for constructing the dam ?

The Honourable Mr. COWASJI JEHANGIR: I should ask for notice.

Mr. R G. PRADHAN: Am I to understand that the investigation is not yet complete ?

The Honourable Mr. COWASJI JEHANGIR: I am not in a position to answer. If it is complete, the honourable member will get all the information he wants.

BUILDING GRANT FOR LOCAL BOARD SCHOOL AT DABHADI, TALUKA MALEGAON.

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state whether it is true that they have promised a building grant for the local board school at Dabhadi, taluka Malegaon, district Nasik ? If so, has the grant been made ? If not, why not ?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

ADVISORY BOARD OF DEVELOPMENT DEPARTMENT.

Mr. PUNJABHAI THAKERSAY (Bombay City, North): Will Government be pleased to state what steps they have taken to give effect to the promise made by the Honourable Sir Chimanlal Setalvad in the matter of appointment of members of this Council on the Advisory Board of the Development Department ?

The Honourable Mr. COWASJI JEHANGIR: Government have been unable to trace the promise stated to have been made by Sir Chimanlal Setalvad. The facts are that the majority of the members of the Advisory Committees, appointed in connection with the Bombay Development Scheme, are elected by various public bodies. Only two are nominated by Government and these are both at present members of the Legislative Council.

BEL-CHAIN SYSTEM IN VISAPUR JAIL.

Mr. PUNJABHAI THAKERSAY (Bombay City, North): (*a*) Will Government be pleased to state whether their attention has been drawn to the statement of the Under Secretary of State for India in the recent session of the British Parliament with regard to the use of bel-chain in the Visapur Jail?

(*b*) Whether the use of the bel-chain has been discontinued in that jail; if not, when do they propose to do so?

The Honourable Sir MAURICE HAYWARD: (*a*) The reply is in the affirmative.

(*b*) The use of the bel-chain has been discontinued.

DACOITIES IN BOMBAY AND SUBURBS.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): (*a*) Will Government be pleased to state whether their attention has been drawn to the dacoities committed in the city of Bombay and the suburbs?

(*b*) If so, what steps have they taken or propose to take in the matter?

The Honourable Sir MAURICE HAYWARD: (*a*) Yes.

(*b*) As regards Bombay City the police have been taking active measures in deporting undesirable Pathans. As regards the suburbs additional police have been entertained and the general scheme for the future policing of the suburban district will shortly be laid before this Council.

Rao Saheb D. P. DESAI: Will it involve additional expenditure?

The Honourable Sir MAURICE HAYWARD: Yes.

MOTOR TAXIS PLYING FOR HIRE.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): (*a*) Will Government be pleased to state whether their attention has been drawn to a leading article that appeared in the *Times of India* of 9th July 1924 regarding second class taxis in the City of Bombay?

(*b*) Will Government be pleased to state whether the Police Commissioner, Bombay, has decided that licenses to ply as second class taxis will be issued to no cars except Fords?

(*c*) If so, will Government state their reasons (*i*) for allowing only the Ford cars to run as second class taxis, and (*ii*) for excluding all other makes of cars?

(*d*) Are Government aware that the Municipal Commissioner, Bombay, wants to discharge hackney victorias with a view to stopping them altogether and replacing them by second class taxis?

The Honourable Sir MAURICE HAYWARD: (*a*) Yes.

(*b*) No.

(*c*) Question does not arise.

(*d*) Government have no information on the subject.

Mr. HOOSENALLY M. RAHIMTOOLA: Is it impossible for Government to obtain the information from the municipal commissioner?

The Honourable Sir MAURICE HAYWARD : I am not prepared to call for any information without a more detailed and definite question.

Mr. HOOSENALLY M. RAHIMTOOLA : What is the detail that Government want ?

The Honourable Sir MAURICE HAYWARD : I do not see any reason for callir g for information from the municipal commissioner on the facts as stated. The honourable member is a member of the corporation and he can get the information himself from the municipal commissioner.

### Goa Lottery Tickets.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): (*a*) Will Government be pleased to state whether they are aware that Goa Lottery tickets are being freely and openly sold in the city of Bombay ?

(*b*) If so, do Government intend to take any action ?

The Honourable Sir MAURICE HAYWARD : The attention of the honourable member is invited to the answer to question No. 2 put by him in the February Council sessions of this year.

Mr. HOOSENALLY M. RAHIMTOOLA : Are Government aware that since February last, they have started again the selling of Goa lottery tickets ?

The Honourable Sir MAURICE HAYWARD : I am not aware.

Mr. HOOSENALLY M. RAHIMTOOLA : Will Government please make enquiries ?

The Honourable Sir MAURICE HAYWARD : If the honourable member assures me that is the case, Government will make enquiries.

### Contribution towards Primary Education in Bombay City.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state the points on which there have been difference of opinion between the Bombay Municipality and themselves regarding their contribution towards the expenditure of the municipality on primary education and when and how they intend to deal with the matter ?

The Honourable Mr. B. V. JADHAV : With regard to the main point of difference, attention is invited to the papers laid on the council table in reply to a question on the subject put by the Honourable Member for Nasik District at the last session. As for the subsidiary points attention is invited to Government Resolution No. 1623,* dated the 28th May 1924, a copy of which is now laid on the Council Table. It will be seen from the above mentioned papers that Government have already informed the Bombay Municipality of their decisions on the various points of difference.

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*Vide* Appendix No. 6.

TRAINING COLLEGES FOR MALES.

Mr. H. D. SAHEBA (Ahmedabad District): Will Government be pleased to state—

(*a*) How many training colleges for males are there in the presidency? Which of these are in charge of B. E. S. men and which in charge of S. E. S. men?

(*b*) How many scholars are there in the first, second and third year classes in each of these colleges?

(*c*) Did Government consult the local boards and municipalities when they decided to close the third year class in the Premchand Roychand Training College?

The Honourable Mr. B. V. JADHAV: Information has been called for.

VACANCIES IN THE INSPECTING BRANCH OF TEACHERS.

Mr. H. D. SAHEBA (Ahmedabad District): (*a*) Will Government be pleased to state whether it is a fact that all new vacancies in the inspecting branch of teachers are not permanently filled up?

(*b*) How many places fell vacant during the last three years in each division and how many of them have been filled up by acting men?

The Honourable Mr. B. V. JADHAV: (*a*) It is presumed that by the words "inspecting branch of teachers", it is intended to refer to the inspecting branch of the S. E. S., *i.e.*, Assistant Deputy Educational Inspectors. If so, the answer is in the affirmative.

(*b*) Information has been called for.

APPOINTMENT OF DEPUTY EDUCATIONAL INSPECTORS.

Mr. H. D. SAHEBA (Ahmedabad District): Will Government be pleased to state—

(*a*) Whether there is any rule to the effect that those who have previous experience of the inspecting branch gained by working as assistant deputies should alone be appointed as deputy educational inspectors?

(*b*) If so, whether this rule has been departed from; and if so, in how many cases during the last three years?

(*c*) Will Government be pleased to state their reasons for such departure in each case?

The Honourable Mr. B. V. JADHAV: (*a*), (*b*) and (*c*) Inquiries are being made.

VACANCIES OF ASSISTANT DEPUTIES OF EDUCATIONAL INSPECTORS.

Mr. H. D. SAHEBA (Ahmedabad District): (*a*) Will Government be pleased to state how many posts of assistant deputy inspectors have been kept vacant in each division?

(*b*) Will Government be pleased to state whether they intend to fill up the present vacancies, and if so, when?

The Honourable Mr. B. V. JADHAV: (*a*) Information has been called for.

(*b*) In view of the imminent transfer of the control of primary education to local authorities, the Departmental inspecting staff will

shortly have to be reduced very largely (when it will consist of graduates only) and no *permanent* appointments of Assistant Deputy Educational Inspectors are, therefore, being made at present.

### Appointment of Subordinate Judges.

Mr. H. D. SAHEBA (Ahmedabad District): Will Government be pleased to state why amongst six appointments made this year to the posts to Subordinate Judges there is no Gujarati Hindu ?

The Honourable Sir MAURICE HAYWARD: The number of new Subordinate Judges so far appointed this year is eight and not six, and one of them is a Gujarati Hindu.

### Retirement owing to Retrenchment in Educational Department.

Mr. H. D. SAHEBA (Ahmedabad District): (*a*) Will Government be pleased to state the number of persons who had to retire from service in the Educational Department (*i*) owing to retrenchment, (*ii*) by the employment of persons from the Secondary Training College ?

(*b*) How many of them have been re-employed in the Educational Department ?

(*c*) How many new men have been taken into service by the Educational Department, since the compulsory retirement of persons mentioned in (*a*) ? Were the claims of the latter taken into consideration when these appointments were made ?

The Honourable Mr. B. V. JADHAV: Information has been called for.

### Mithrao Canal.

SAYED GHULAM NABI SHAH (Thar and Parkar District): Will Government be pleased to state—

(*a*) what amount is annually spent by Public Works Department on the reduction of karia heads, construction of profiles and other improvements on the 30th and 45th miles respectively on the left bank distributaries ex-Mithrao Canal since their construction in 1916.

(*b*) What has been the resultant increase in cultivation ?

The Honourable Mr. COWASJI JEHANGIR: The information is being called for.

### Admission of Children of Untouchables in Schools in Nasik District.

*Mr. R. D. SHINDE (Nasik District): Will Government be pleased to state—

(*a*) What steps are being taken by them to put into force their order as regards the admission of children of the untouchable classes so far as the schools at Vinchur, taluka Niphad, district Nasik, are concerned ;

(*b*) Whether they are aware of the opposition of any communities in particular to the intention of Government in this matter ; and, if so, what communities are those ;

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

(*c*) Whether it is a fact that the Brahmins at Vinchur have withdrawn their children from the Government school there and have opened a private school of their own;

(*d*) Whether it is a fact that the only children other than children of the untouchable classes at present attending the Government school belong to the non-Brahmin communities;

(*e*) Have Government received any representations from the Brahmin residents and the Sardar of Vinchur on this subject;

(*f*) If so, what is the nature of these representations?

The Honourable Mr. B. V. JADHAV: (*a*) There is a second grade district local board free school for the children of untouchables at Vinchur teaching up to the 4th standard only; for higher standards, the boys of untouchable classes attend the district local board Marathi School for boys at Vinchur which teaches the full primary course.

(*b*) Yes; Marwaris, Telis, Malis, Sonars, Shimpis, Salis, Lingayats and chiefly Brahmins.

(*c*) Yes.

(*d*) Yes.

(*e*) No; representations have, however, been received by the Director of Public Instruction and the Educational Inspector.

(*f*) A request that *either* the depressed class pupils might be allowed to sit aloof from other Hindu students in the school or that higher standards might be opened for them in the local depressed class school.

### Land Revenue in Niphad Taluka.

*Mr. R. D. SHINDE (Nasik District): Will Government be pleased to state—

(*a*) What is the total amount of land revenue realised in the Niphad taluka, Nasik district, in 1923-24;

(*b*) What is the number of documents of transfers of immoveable property registered at the Niphad sub-registrar's office from the 1st January 1924 to the 31st May 1924;

(*c*) How many of these documents contain a recital that money was raised by these transfers for paying the land revenue;

(*d*) What is the total of the amounts of consideration in documents referred to in (*b*) and (*c*) above?

The Honourable Mr. C. V. MEHTA: (*a*) Rs. 5,14,809.

(*b*) 622.

(*c*) 45.

(*d*) Rs. 2,62,567 for documents referred to in clause (*b*), and Rs. 17,365 for documents referred to in clause (*c*).

### Village Chavdi at Madkijamb, Dindori Taluka.

*Mr. R. D. SHINDE (Nasik District): Will Government be pleased to state—

(*a*) Whether the building in which the village *chavdi* is held at Madkijamb, taluka Dindori district Nasik, belongs to the villagers or to Government?

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

(*b*) If the building belongs to Government, when was it built, and what amount out of the cost of building it was borne by Government ?

The Honourable Mr. C. V. MEHTA : (*a*) The building belongs to Government.

(*b*) It was built about 70 years ago. The exact amount spent on the building cannot be ascertained.

### Clerical Establishment of the Office of the Director of Public Instruction.

Mr. R. D. SHINDE (Nasik District) : Will Government be pleased to state—

(*a*) the total number of Superintendents and other clerks in the office of the Director of Public Instruction ;

(*b*) how many of them are Brahmins ;

(*c*) how many of them belong to the Maratha and allied Hindu castes ?

The Honourable Mr. B. V. JADHAV : (*a*) Three Superintendents, one Assistant Superintendent and thirty five clerks.

(*b*) and (*c*) One Superintendent and thirty-two clerks are Brahmins. The caste or community of the remaining members of the staff is as follows :—

One Superintendent is a Sindhi.

One (temporary) Superintendent is a Parsi.

The Assistant Superintendent is a Mahomedan.

One clerk is a Prabhu, one a Shimpi, and one a Gujarati Kayasth.

Also one Maratha and one Mahomedan are acting as clerks *vice* Brahmins.

### Water Courses in the Nasik District.

Mr. R. D. SHINDE (Nasik District) : (*a*) Are Government aware that in Satana and Sinnar talukas of the Nasik District there are a number of *pats* (water courses) which are at present choked up for want of repairs ?

(*b*) Will Government be pleased to state whether any steps are being taken by Government to improve these *pats* ?

(*c*) What was the amount of water rates collected last year in these two talukas for the use of water from these *pats* ?

(*d*) Was any amount of water rates remitted or suspended in these talukas on the ground of no water being available from these *pats* ; and if so what amount ?

The Honourable Mr. C. V. MEHTA : (*a*) There are no water courses in the talukas of Satana and Sinnar which are at present choked up for want of repairs.

(*b*) The villagers are responsible for the upkeep of the water courses. Government are only responsible for the masonry.

(*c*) Rs. 73,859.

(*d*) Rs. 7,033 were remitted last year for failure of water in the *pats*.

TANKS IN THE NORTHERN DIVISION.

*Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to supply the following information relating to tanks in the Northern Division of the Bombay Presidency—

(1) Name of the district ?

(2) Number of tanks (public and private) in the district,

(*a*) ten years back ?

(*b*) five years back ?

(*c*) now ?

(3) How many of these tanks are public ?

(4) How many of these public tanks are in charge of the P.W.D. and how many are in charge of the Revenue Department ?

(5) What is the amount of himayat assessment realised in each of the last ten years from the public tanks,

(*a*) in charge of the P.W.D. ;

(*b*) in charge of the Revenue Department ?

(6) What is the amount spent in each of the last ten years on repairs of the public tanks,

(*a*) in charge of the P.W.D. ;

(*b*) in charge of the Revenue Department ?

(7) (*i*) Is there any arrangement for the regular and systematic inspection of each of the tanks —

(*a*) in charge of the P.W.D. ;

(*b*) in charge of the Revenue Department ;

(*ii*) By whom is this inspection of each tank conducted and at what time of the year is this inspection made in case of the tanks —

(*a*) in charge of the P.W.D.;

(*b*) in charge of the Revenue Department ?

(8) How many new tanks have been excavated in the last ten years ?

(9) How many old tanks have been abandoned in the last ten years by the P.W.D. and the Revenue Department ?

The Honourable Mr. COWASJI JEHANGIR : (1) and (2) (*a*), (*b*) and (*c*) names of districts and number of tanks (public and private) ten years back, five years back and now—

| | | | | |
|---|---|---|---|---|
| (2) (*a*) Ten years back in | Ahmedabad | District | .. | 2,587 |
| Do. | Kaira | do. | .. | 2,440 |
| Do. | Panch Mahals | do. | .. | 643 |
| Do. | Broach | do. | .. | 788 |
| Do. | Surat | do. | .. | 1,408 |

There are no tanks in the Thana District.

| | | | | |
|---|---|---|---|---|
| (2) (*b*) Five years back in | Ahmedabad | District | .. | 2,055 |
| Do. | Kaira | do. | .. | 1,824 |
| Do. | Panch Mahals | do. | .. | 696 |
| Do. | Broach | do. | .. | 435 |
| Do. | Surat | do. | .. | 1,229 |

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

| | | | |
|---|---|---|---|
| (2) (c) Now | in Ahmedabad | District .. | 2,055 |
| Do. | Kaira | do. .. | 1,824 |
| Do. | Panch Mahals | do. .. | 683 |
| Do. | Broach | do. .. | 435 |
| Do. | Surat | do. .. | 1,228 |
| (3) Public tanks | in Ahmedabad | do. .. | 1,284 |
| Do. | Kaira | do. .. | 1,824 |
| Do. | Panch Mahals | do. .. | 683 |
| Do. | Broach | do. .. | 435 |
| Do. | Surat | do. .. | 1,034 |

(4) Public tanks—

| Name of District. | In charge of | |
|---|---|---|
| | P. W. D. | Revenue Dept. |
| Ahmedabad .. .. | 528 | 756 |
| Kaira .. .. | 168 | 1,656 |
| The Panch Mahals .. .. | 74 | 609 |
| Broach .. .. | 35 | 400 |
| Surat .. .. | 314 | 750 |

(5) Amount of himayat assessment realised in each of the last ten years from the public tanks :—

| District. | Year. | In charge of | | Year. | In charge of | |
|---|---|---|---|---|---|---|
| | | P.W.D. | Rev. Dept. | | P. W. D. | Rev. Dept. |
| | | Rs. | Rs. | | Rs. | Rs. |
| Ahmedabad .. | 1913-14.. | 22,314 | 14,307 | 1914-15.. | 23,562 | 12,043 |
| Kaira .. | Do. .. | 2,224 | 14,364 | Do. .. | 337 | 13,974 |
| Panch Mahals .. | Do. .. | 1,069 | 98 | Do. .. | 1,577 | 98 |
| Broach .. | Do. .. | 1,430 | 3,220 | Do. .. | 1,430 | 4,161 |
| Surat .. | Do. .. | 29,853 | 15,619 | Do. .. | 29,853 | 15,329 |
| Ahmedabad .. | 1915-16.. | 1,290 | 24,458 | 1916-17.. | 17,137 | 24,449 |
| Kaira .. | Do. .. | 226 | 9,528 | Do. .. | 461 | 8,617 |
| Panch Mahals .. | Do. .. | 1,687 | 98 | Do. .. | 2,113 | 98 |
| Broach .. | Do. .. | 807 | 4,161 | Do. .. | 1,050 | 3,111 |
| Surat .. | Do. .. | 29,853 | 15,329 | Do. .. | 29,853 | 15,329 |
| Ahmedabad .. | 1917-18.. | 23,772 | 25,822 | 1918-19.. | 6,244 | 10,086 |
| Kaira .. | Do. .. | 0 | 9,711 | Do. .. | 0 | 7,288 |
| Panch Mahals .. | Do. .. | 2,040 | 98 | Do. .. | 1,460 | 98 |
| Broach .. | Do. .. | 1,050 | 3,111 | Do. .. | 577 | 2,062 |
| Surat .. | Do. .. | 29,853 | 15,296 | Do. .. | 29,489 | 9,841 |
| Ahmedabad .. | 1919-20.. | 12,870 | 19,905 | 1920-21.. | 9,625 | 18,811 |
| Kaira .. | Do. .. | 242 | 8,589 | Do. .. | .... | 6,943 |
| Panch Mahals .. | Do. .. | 1,260 | 98 | Do. .. | 1,170 | 98 |
| Broach .. | Do. .. | 1,050 | 3,111 | Do. .. | 595 | 2,049 |
| Surat .. | Do. .. | 30,769 | 11,908 | Do. .. | 30,523 | 10,597 |
| Ahmedabad .. | 1921-22.. | 13,078 | 15,621 | 1922-23.. | 5,220 | 16,094 |
| Kaira .. | Do. .. | 361 | 8,600 | Do. .. | 461 | 5,534 |
| Panch Mahals .. | Do. .. | 1,343 | 98 | Do. .. | 2,427 | 98 |
| Broach .. | Do. .. | 1,140 | 3,021 | Do. .. | 1,141 | 3,020 |
| Surat .. | Do. .. | 31,787 | 12,149 | Do. .. | 31,787 | 12,149 |

(6) Amount spent in each of the last ten years on the repairs of the public tanks.

| District. | Year. | In charge of | | Year. | In charge of | |
|---|---|---|---|---|---|---|
| | | P.W.D. | Rev. Dept. | | P.W.D. | Rev. Dept. |
| | | Rs. | Rs. | | Rs. | Rs. |
| Ahmedabad .. | 1913-14.. | 36,234 | .. | 1914-15.. | 35,046 | .. |
| Kaira .. | Do. .. | 63,930 | .. | Do. .. | 74,916 | .. |
| Panch Mahals .. | Do. .. | 15,909 | .. | Do. .. | 18,568 | .. |
| Broach .. | Do. .. | 1,089 | .. | Do. .. | 286 | .. |
| Surat .. | Do. .. | 9,364 | .. | Do. .. | 3,608 | .. |
| Ahmedabad .. | 1915-16.. | 26,191 | .. | 1916-17.. | 20,725 | .. |
| Kaira .. | Do. .. | 61,893 | .. | Do. .. | 72,383 | .. |
| Panch Mahals .. | Do. .. | 14,245 | 700 | Do. .. | 14,639 | .. |
| Broach .. | Do. .. | .. | .. | Do. .. | .. | .. |
| Surat .. | Do. .. | 3,239 | .. | Do. .. | 6,698 | .. |
| Ahmedabad .. | 1917-18.. | 12,908 | .. | 1918-19.. | 13,447 | .. |
| Kaira .. | Do. .. | 51,848 | .. | Do. .. | 39,220 | .. |
| Panch Mahals .. | Do. .. | 12,370 | 1,134 | Do. .. | 19,991 | 11,030 |
| Broach .. | Do. .. | .. | .. | Do. .. | 82 | .. |
| Surat .. | Do. .. | 1,238 | .. | Do. .. | 9,403 | .. |
| Ahmedabad .. | 1919-20.. | 10,385 | 2,405 | 1920-21.. | 3,728 | 4,424 |
| Kaira .. | Do. .. | 35,456 | 3,787 | Do. .. | 26,122 | 4,627 |
| Panch Mahals .. | Do. .. | 8,895 | .. | Do. .. | 3,787 | .. |
| Broach .. | Do. .. | .. | 1,300 | Do. .. | .. | 1,300 |
| Surat .. | Do. .. | 4,764 | .. | Do. .. | 2,902 | 7,394 |
| Ahmedabad .. | 1921-22.. | 4,707 | 6,321 | 1922-23.. | 15,254 | 6,165 |
| Kaira .. | Do. .. | 35,934 | 3,818 | Do. .. | 40,000 | 2,017 |
| Panch Mahals .. | Do. .. | 7,077 | 8,320 | Do. .. | 7,000 | .. |
| Broach .. | Do. .. | 1,745 | 1,107 | Do. .. | 339 | 1,300 |
| Surat .. | Do. .. | 864 | 6,052 | Do. .. | 9,491 | 5,749 |

(7) (i) (*a*) and (*b*) (*ii*) (*a*) and (*b*).—For want of special establishment and on account of the fact that there is a very large number of such tanks situated in out of the way places, there has been no systematic arrangement for the regular inspection of all the tanks. The P. W. D. Officers inspect them as far as possible while they are on tour. Such of the tanks as are known to be in need of repairs, from applications of the ryots or reports of Revenue Officers are however particularly inspected, got surveyed and detailed plans and estimates for the requisite repairs are prepared for necessary action.

Village Officers, Circle Inspectors, Mamlatdars and Sub-Divisional Officers inspect these tanks at the time of crop inspection and when the tanks are in repairs.

(8) Number of new tanks excavated in the last ten years :—

| | |
|---|---|
| Ahmedabad .. .. .. .. | 0 |
| Kaira .. .. .. .. | 11 |
| Panch Mahals .. .. .. .. | 64 |
| Broach .. .. .. .. | 0 |
| Surat .. .. .. .. | 4 |

(9) Number of old tanks abandoned in the last ten years by the P.W.D. and the Revenue Department :—

| District. | By the P. W. D. | By the Rev. Dept. |
|---|---|---|
| Ahmedabad .. .. | 0 | 530 |
| Kaira .. .. | 0 | 616 |
| Panch Mahals .. .. | 0 | 24 |
| Broach .. .. | 0 | 353 |
| Surat .. .. | 17 | 167 |

Mr. H. B. SHIVDASANI: With regard to part (5) of my question, while the amount realised from himayat assessment is shown as roughly Rs. 30,000, the expenditure is shown as Rs. 5,000. Do Government consider the himayat assessment as a source of revenue or is it earmarked for the repair of tanks ?

The Honourable Mr. COWASJI JEHANGIR: If the honourable member will put another question, I can give the information.

Mr. H. B. SHIVDASANI: For instance in the year 1913 the amount realised from himayat assessment in Surat is shown as Rs. 29,853, while the expenditure incurred on repairs of tanks as Rs. 9,364. For the year 1915-16 for Surat the amount realised is shown as Rs. 29,853, while the expenditure incurred on repairs of tanks is shown as Rs. 3,239, and so on.

The Honourable Mr. COWASJI JEHANGIR: If the honourable member will give notice of the question I will give him the reply. I cannot follow him now exactly. It is a long and complicated question, Mr. President, and I cannot reply to questions straight off.

Mr. H. B. SHIVDASANI: Does Government consider himayat as a source of revenue ?

The Honourable Mr. COWASJI JEHANGIR: I cannot answer that question now. I do not want to keep back any information from the honourable member. If he gives notice I will give him the reply. If he does not want to take the trouble of putting a question, he can come to me and I will give him the information.

Rao Saheb D. P. DESAI: Will Government state whether himayat is an assessment for services rendered or not ?

The Honourable the PRESIDENT: That is putting the same question in another form. The honourable member for Government has stated that he will enquire into the matter and will give the answer publicly or privately as may be desired by the honourable member. The honourable member (Rao Saheb Desai) is raising identically the same issue. Mr. Shivdasani wanted to know whether it is the policy of Government to utilise himayat assessment for expenditure on other than the improvement of tanks, and Rao Saheb Desai has put the same question in a different form.

Rao Saheb D. P. DESAI: The honourable member did not quite follow Mr. Shivdasani.

The Honourable the PRESIDENT : He did follow and he did give a very clear reply.

The Honourable Mr. H. S. LAWRENCE : Sir, may I say one word with regard to the point raised by Rao Saheb Desai ? May I draw his attention to the figures as regards Kaira ? In Kaira the revenue secured in 1913-14 was Rs. 2,200 and the expenditure was Rs. 64,000, and in another year, 1914-15, the revenue collected by the P. W. D. was Rs. 337 and the expenditure was Rs. 75,000. I hope the honourable member will not charge Government with taking more in the way of himayat than they are spending on the repairs in Kaira. I hope Rao Saheb Desai will be satisfied with the fact that we have spent Rs. 75,000 when the revenue was only Rs. 337.

Mr. H. B. SHIVDASANI : The figures show that ten years back there were in Ahmedabad district 2,587 tanks, whereas five years back there were only 2,055 tanks. Are there any special reasons for this enormous decrease in the number of tanks ?

The Honourable Mr. COWASJI JEHANGIR : I must ask for notice of that question. I cannot answer that straight off without enquiring into the details.

COLLECTION ON ACCOUNT OF SURVEY OF LANDS IN SATARA DISTRICT.

* Mr. R. G. SOMAN (Satara District) : Will Government be pleased to state the total amount recovered from the holders of lands (survey numbers and sub-divisions thereof) as the price of boundary stones in each taluka of the Satara District at the time of the last *phalni* or survey of agricultural holdings ?

The Honourable Mr. C. V. MEHTA : No boundary marks were fixed at the time of *pot hissa* survey in Government villages in the Satara District and no recovery of the cost of marks was made from the holders of agricultural lands. A statement† is appended showing the cost of boundary marks and the amount recovered in respect of the inam villages where boundary marks were fixed.

PROBATIONER GRADUATES IN SECONDARY SCHOOLS FOR MALES.

* Mr. R. G. SOMAN (Satara District): (*a*) Will Government be pleased to furnish the number of acting and probationer graduates at present serving in the secondary schools for males and their number of years for which they have been serving as such, in each of the five divisions of the Bombay Presidency, *viz.*, Central, Southern, Northern, Bombay and Sind.

(*b*) Are probationers sent to the secondary training colleges in the order of seniority or is there any other test laid down by the rules for their eligibility to be so sent ?

(*c*) Will Government be pleased to furnish the number of teachers undergoing training in this college on 1st July 1924 who had been sent from Government high schools in each of the five divisions and the periods of their services as teachers before joining this college ?

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

† *Vide* Appendix No. 10.

The Honourable Mr. B. V. JADHAV: (*a*) The accompanying statement † A and B give the information required.

(*b*) Seniority, academic qualifications and merit are all taken into consideration. This year a number of teachers belonging to the backward classes were specially selected in view of the policy of Government regarding the recruitment of non-Brahmins and Mahomedans.

(*c*) The accompanying statement † C gives the information required.

QUALIFICATIONS FOR SERVICE IN JUDICIAL DEPARTMENT, SATARA.

*Mr. R. G. SOMAN (Satara District): Will Government be pleased to state whether it is a fact that certain subordinates in the judicial department of the Satara district who have either passed the vernacular school final or the matriculation examination have been placed on the unqualified list and are paid the same scale of salary as those that have not passed any examination?

(*b*) If so, will Government be pleased to state why matriculates who have passed after 1919 have been placed on the unqualified list?

The Honourable Sir MAURICE HAYWARD: Clerks who have passed any of the following examinations are entitled to an initial pay of Rs. 40:—

(1) Bombay University School Final Examination, now replaced by the School Leaving Examination according to the conditions prescribed in No. 16 of the rules promulgated with Government Order, Educational Department, No. 1576 dated 24th June 1918.

(2) The Matriculation Examination prior to March 1919.

(3) The examination according to No. 15 of the Regulations relating to the School Leaving Examination.

(4) The European High School Examination.

(5) The Senior Commercial Education Certificate Examination of the London Chamber of Commerce.

(6) The Cambridge Senior Local Examination.

(7) The Departmental School Final Examination.

There is no 'unqualified' list.

TOLL NAKAS ON THE KARAD-CHIPLUN ROAD.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state whether it is true that tolls are levied on carts belonging to farmers residing in villages close to the toll nakas on the Karad-Chiplun road even though they are used for the purpose of taking or fetching agricultural produce to and from their fields?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Some complaints were received by the Collector of Satara against the toll contractor of Surli Khind toll bar on Karad-Chiplun road to the effect that he levied toll on carts used for carrying agricultural produce in contravention of the exemption sanctioned by Government. The applicants could not prove the allegation when enquiry was conducted by the Mamlatdar of Karad and the matter was closed with a warning to the toll contractor not to levy toll on such carts.

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

† *Vide* Appendix No. 11.

BAGAYATDARS IN SATARA DISTRICT.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state—

(*a*) whether the bagayatdars under the smaller canal works in the Satara District have been exempted from the operation of any of the general rules regarding canal administration;

(*b*) whether Government have received any complaints that certain of the general rules are likely to cause great hardship to the bagayatdars of that district?

The Honourable Mr. COWASJI JEHANGIR: (*a*) The following irrigation works in the Satara District are being exempted from the operation of the Bombay Canal Rules Nos. 11 and 12 up to the 31st December 1925:—

Krishna Canal.
Rewari Canal.
Upper Man River Works.
Yerla River Irrigation Works.
Chikhli Canal.
Maini Tank Canal.

(*b*) No.

ASSISTANT DEPUTY EDUCATIONAL INSPECTORS.

*Mr. A. N. SURVE (Bombay City, North): (*a*) Will Government bepleased to state the principles on which primary teachers are promoted to the rank of the Assistant Deputy Educational Inspectors;

(*b*) how many such teachers have been so promoted in the Ratnagiri district during the past ten years;

(*c*) what are the names, castes, qualifications of such teachers, the percentage results at the Vernacular Final Examination secured by their students and the years of service put in by them at the time of their promotion to the post of Assistant Deputy Educational Inspector.

The Honourable Mr. B. V. JADHAV: (*a*) The appointment of primary teachers to the Inspecting line is based on their qualifications, experience, seniority in service and the remarks of the Inspecting Officers about their work subject to a discrimination in favour of non-Brahmin backward communities.

(*b*) Four.

(*c*) The accompanying statement† gives the information required.

The Honourable the PRESIDENT: May I draw the attention of the Members of Government to what I wish to be done? They may take the replies as read unless a member wishes to put a supplementary question. In all other cases, the replies may be taken as printed, so that we may be able to finish the list within the time allotted.

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

† *Vide* Appendix No. 12

WAGES OF LABOURERS ON BHATGHAR DAM.

*Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state what wages are earned by the labourers, males and females—

(*a*) employed at the Bhatghar dam works from criminal tribes;

(*b*) employed in the neighbourhood of those works by private employers.

The Honourable Mr. COWASJI JEHANGIR: (*a*) The members of criminal tribes employed on the Lloyd Dam at Bhatghar are employed on task work and their average earnings are as follows :—

| | Rs. a. p. | Rs. a. p. | |
|---|---|---|---|
| Males .. .. | 0 9 0 to | 0 11 0 | per day. |
| Females .. .. | 0 7 0 to | 0 9 0 | „ |
| Boys and girls .. .. | 0 5 0 to | 0 6 0 | „ |

(*b*) The wages of labourers employed by private people in the neighbourhood are as under :—

| | Rs. a. p. | Rs. a. p. | |
|---|---|---|---|
| Males .. .. | 0 8 0 to | 0 9 0 | per day. |
| Females .. .. | 0 6 0 to | 0 7 0 | „ |
| Boys and girls .. .. | 0 4 0 to | 0 6 0 | „ |

RETRENCHMENT IN SOUTHERN DIVISION.

Mr. A. N. SURVE (Bombay City, North): Will Government be be pleased to state—

(*a*) the number of Government posts abolished in consequence of retrenchment in the Southern Division?

(*b*) of the persons thus dismissed, how many were Brahmins and how many non-Brahmins?

(*c*) of the persons who were transferred to other departments as the result of the abolition of the posts they held, how many were Brahmins and how many non-Brahmins?

The Honourable Mr. H. S. LAWRENCE: The information has been called for.

BEL-CHAIN METHOD OF SECURING PRISONERS.

Mr. A. N. SURVE (Bombay City, North): (*a*) Will Government be pleased to state whether the Government of India have drawn their attention to the Jail Commission's remarks regarding the use of the "bel-chain" in jails and have expressed the hope that it would be prohibited?

(*b*) If so, will Government be pleased to place a copy of the said communication on the table and to state what action they have taken upon that communication?

The Honourable Sir MAURICE HAYWARD: (*a*) The Government of India have drawn the attention of all local Governments to the remarks

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

of the Indian Jails Committee regarding the use of the bel-chain in jails and have expressed the hope that all local Governments will take steps to limit its use to occasions when it is absolutely indispensable as a precaution against escape.

(*b*) Rule 778 of the Bombay Jail Manual has been amended accordingly, and steps have been taken to render the use of the bel-chain unnecessary at Visapur.

### Location of Offices in Ahmedabad.

*Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state whether it is true that North Daskroi taluka kacheri, South Daskroi taluka kacheri and Prantij Prant Officer's kacheri are situated at a great distance from main kacheri buildings in Ahmedabad.

The Honourable Mr. C. V. MEHTA: No. The two taluka kacheris are not more than a quarter of a mile, and the Prant Officer's kacheri not more than half a mile, away from the main kacheris.

### Revision of the Pay of Bailiffs in the Judicial Department.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): (*a*) Will Government be pleased to state whether it is a fact that a sum of Rs. 1,60,000 was sanctioned for revision of pay to bailiffs with retrospective effect from the 1st March 1920?

(*b*) Will Government be pleased to state whether it is a fact that revision of pay has been given to judicial clerks with retrospective effect from the 1st March 1920?

(*c*) Will Government be pleased to state why bailiffs have been given revision of pay with effect from the 30th September 1923?

The Honourable Sir MAURICE HAYWARD: (*a*) The sum was Rs. 1,50,000.

(*b*) Yes.

(*c*) The sum of Rs. 1,50,000 was found to be wholly insufficient to give retrospective effect to the 1st March 1920. It has since been given to the 1st March 1923.

Mr. J. C. SWAMINARAYAN: If the sum of Rs. 1,50,000 was insufficient, an attempt might have been made to get a supplementary grant from the Council to do justice to the poor bailiffs.

The Honourable Sir MAURICE HAYWARD: The amount required would have been another Rs. 3,00,000. I do not think we could have got that from the Legislative Council.

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

## Landing Fees on Passengers at Ports.

Dr. M. B. VELKAR (Bombay City, South): Will Government be pleased to state—

(*a*) What has been the total amount of landing fees levied on passengers at the ports from Bombay to Goa and also at the ports on the Bombay-Dharamtar and the Bombay-Ulwa lines since the introduction of those fees ?

(*b*) In what manner have the proceeds from those fees been utilized ?

The Honourable Mr. C. V. MEHTA: (*a*) The accompanying statement* gives the information required.

(*b*) The proceeds from the fees were utilized for the following purposes :—

I.—Construction and maintenance of—

(1) landing places for the convenience of traffic and trade,

(2) waiting rooms and dharamshalas at bundars,

(3) privies,

(4) portions of roads leading to wharves and jetties within tidal limits and a short distance clear, and for approaches to dharamshalas.

II.—Providing other conveniences or facilities for passengers, such as—

(1) water-supply, and

(2) lights at bundars and dharamshalas.

## Pathan Terrorism in Bombay.

Dr. M. B. VELKAR (Bombay City, South): Will Government be pleased to state—

(i) the number of Pathans in Bombay,

(ii) the number out of them who are (*a*) employed and (*b*) unemployed,

(iii) whether Government intend to take any measures to meet the growing danger to human life and property due to the presence of the Pathan populaton ?

The Honourable Sir MAURICE HAYWARD: (i) The number of Pathans in Bombay according to the Census of 1921 is 10,371.

(ii) There are no means of ascertaining how many are employed or unemployed, as the great majority of them are casual labourers.

(iii) The Crime Statistics show that 91 cognizable cases have been registered this year in which Pathans were supposed to have been the offenders. Seventy-three of these cases ended in conviction and 127 persons were arrested and 101 convicted. The cases include 12 robberies but no dacoities. There has been an appreciable diminution in crime committed by Pathans. Many cases have been unjustifiably attributed to them. An important gang case relating to dacoities recently committed in Bombay City has just been concluded in the High Court. The twelve accused, who received long terms of imprisonment, did not include a single Pathan.

*Vide* Appendix No. 4.

In another gang case now under investigation which is likely to lead to the detection of the recent dacoities in the Poona, Thana and the Bombay Suburban Districts, only one Punjabi Pathan appears to have been concerned. The majority of the accused in both these gang cases are Hindus and Mahomedans from the United Provinces. Lately the Police authorities in the Bombay City have rounded up two large gangs of Pathans. The number of Pathans deported up to date in the present year is as follows :—

117 under the Foreigners' Act, and

173 under the Police Act.

The police force in the Bombay Suburban District is being strengthened and a supplementary demand is being presented to the Legislative Council.

### Dharamtar Creek.

Dr. M. B. VELKAR (Bombay City, South): (i) Will Government be pleased to state whether their attention has been drawn to the leader in the "Pen-Kolaba Samachar" of the 24th May 1924, alleging that passengers from Mahad, Mangaon, Rohe and Pen to Bombay have to suffer great hardship owing to the state of the Dharamtar harbour ?

(ii) Is it a fact that the Dharamtar Creek has not been cleared of its accumulated mud for a long time, which prevents ferry steamers and launches approaching close to the pier ?

(iii) If so, will Government be pleased to state whether they intend to take any action in the matter ?

The Honourable Mr. C. V. MEHTA: (i) Government have noticed the article in the "Kolaba Samachar" dated 24th May.

(iii) The Dharamtar Creek like the other creeks in the Presidency proper except Bombay harbour has never been dredged in the past. Ferry steamers are able to get up to the Dharamtar pier about fifteen to twenty days in a month. Launches can approach the pier on any day except at the lowest spring tides.

(iii) The possibility of dredging has been investigated in the past and it has been held to be prohibitively costly. Dredging has to be continuous.

### Bridge over Ulhas River (District Kolaba).

Dr. M. B. VELKAR (Bombay City, South): (*a*) Will Government be pleased to state whether any petitions from the people of Karjat, Dahivali, Vengaon and the adjoining villages were received by the Commissioner, Southern Division, in the year 1916-17 and by the Collector of Kolaba in 1921-22, asking for the construction of a bridge over the Ulhas river between Karjat and Dahivali ?

(*b*) If the reply to the above be in the affirmative, will Government be pleased to lay copies of the applications on the Council table and to state what steps have been taken by them in the matter ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*a*) and (*b*) The petitions said to have been sent to the Commissioner, Southern Division, in 1916-17 cannot be traced on his records. A

petition in vernacular was received in July 1922 by the Collector of Kolaba (copy* attached) who replied that, as there was a public ferry working at that place which the people could use for crossing the river, there was not sufficient need for an expensive bridge. Another petition was received by the same officer in August 1922 stating that the people would be willing to pay a tax to cover the cost of a bridge. The proposed work being a local work and the Local Board being competent to provide for it, the petition was sent to the President, District Local Board, with the remark that the Board might undertake to construct the work if the people contributed a portion of the cost. The District Local Board is however now unable to trace this petition.

The Honourable the PRESIDENT: I have to inform the House that His Excellency has intimated that he is pleased to allot five days for non-official business at the current session of the Legislative Council.

## BILL NO. I OF 1924 (A BILL TO MAKE FURTHER PROVISION FOR THE CUSTODY AND PROTECTION OF CHILDREN AND YOUNG PERSONS AND FOR THE CUSTODY, TRIAL AND PUNISHMENT OF YOUTHFUL OFFENDERS AND FOR THE AMENDMENT OF THE REFORMATORY SCHOOLS ACT, 1897, IN ITS APPLICATION TO THE PRESIDENCY OF BOMBAY).

(As amended by the select committee.)

The Honourable the PRESIDENT: Before I call upon the Leader of the House to move the second reading of this bill I should like to inform honourable members that I received a large number of amendments to this as well as other bills on the agenda paper after the time within which notice is required under the Rules and Standing Orders. As a matter of fact, one amendment was received only to-day. Having regard to the importance of the legislation that is before the honourable House, I have condoned the delay and have admitted all of them, so that they will come before the House for discussion. But I would like particularly to draw attention to the fact that it dislocates the business of the Secretary's office and puts the House to considerable inconvenience. Amendments received within time are printed in their order and members could easily follow from the list of printed amendments as to what they are considering. I have asked the Secretary to circulate to honourable member. all the amendments which were subsequently received and which have been allowed; and they will appear on a separate piece of paper. This will probably cause honourable members some inconvenience in looking from one list to another. We have also to remember that the object of providing notice is to give Government and all honourable members sufficient time to consider them and decide upon the attitude they would adopt. I therefore hope that in future honourable members will take care to send their amendments within the time allowed under the Rules.

Mr. P. G. JOSHI: I wish to send in some amendments. I was going to raise a point or order, but as you have been pleased to explain.....

*Kept in the Secretary's Office.

The Honourable the PRESIDENT: I think the House will appreciate the fact that in the matter of such an important legislation as this the House should be allowed to discuss all the amendments that are received; and I have expressly condoned the delay in their receipt. But I express the hope that in future the House will not be put to this inconvenience by individual members not complying with the Standing Orders.

Mr. P. G. JOSHI: Then, may I give my amendments just now?

The Honourable the PRESIDENT: The honourable member is too late now.

Mr. P. G. JOSHI: I want, Sir to send in some amendments to the bills.

The Honourable the PRESIDENT: You are too late.

Mr. M. R. JAYAKAR: Sir, before we proceed to business may I know from the Leader of the House as to how long this session is likely to take. We ought to have some notion about it.

The Honourable the PRESIDENT: I am inclined to think that it entirely depends upon honourable members themselves. It cannot be foreseen how long Government business will take having regard to the large number of amendments which the House has got to consider. I have already intimated that after Government business is disposed of, non-official business will be taken up for five days.

Mr. P. G. JOSHI: Sir, I submit that as the bill has not been sent to us fifteen days before as required by the rules, it should not be taken for consideration and if you suspend the provision as regards this sending the bill to the members fifteen days before, I think we should also be allowed to hand in our amendments just now, otherwise.....

The Honourable the PRESIDENT: As regards the first point raised by the honourable member I will make inquiries, and as regards his second point I will deal with it as soon as I know the facts with regard to his first point. (After consulting the Secretary) I am informed that the bills were despatched to honourable members on the 27th September last giving them full fifteen days' time. If they are delayed in the post office and if honourable members got them a few hours or a day late that cannot be helped. But I should like to draw the attention of the honourable member, in regard to the second point he has made, that the rules lay down that members should receive fifteen days' notice of these bills, and they further provide that amendments shall be sent in seven days before. So that eight days are allowed to honourable members to consider the bill and submit their amendments. The honourable member himself admits, I take it—When did the honourable member get the bill?

Mr. P. G. JOSHI: I got the last minute of dissent the day before I started though I got the bill fifteen days back.

The Honourable the PRESIDENT: The honourable member admits that he got the bill fifteen days back and therefore the rule has been complied with.

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The next rule is to give notice of amendment seven clear days before. To meet the convenience of honourable members I have extended a special concession and I have admitted all the amendments received upto to-day. Now I could not be more considerate to honourable members, but there must be—I take it that the House will agree with me in thinking that there must be—some finality, and therefore I will not accept any further amendments to the bill which have not even been received by the office up to this morning.

Mr. P. G. JOSHI: I got the minute of dissent on last Sunday.

The Honourable the PRESIDENT: I think I expected honourable members would appreciate the concession I have extended to them. If the honourable member for East Khandesh (Mr. Joshi) will hand in to me any further amendments that he wishes to move I will consider them, consult Government on them, and then decide whether I will extend any further concession to him which on the facts does not appear to be justifiable.

Mr. P. G. JOSHI: I wanted to bring several matters to the notice of the President—(Honourable Members: Order, order).

The Honourable the PRESIDENT: Will you send in your amendments to me?

The Honourable Sir MAURICE HAYWARD: Mr. President, I should like, with your leave, to make some remarks on the agenda. I cannot say how long the bills will take. That, as you said, Sir, depends very largely on the House. But I do not anticipate that Government business ought to take more than this week, so that we ought to be able to adjourn before the end of next week.

With regard to the bills, I should like to say that we propose to take up second readings first and then the first readings. For instance the Statistics Bill which is for first reading will be taken up after the Co-operative Societies Bill which is for second reading and similarly the Smoke Nuisance Act which is for first reading will be taken up after the President's Salary Bill which is for second reading.

I now, Sir, formally present the select committee's report* on the Bombay Children Bill.

The Honourable the PRESIDENT: The report of the select committee is duly presented.

The Honourable Sir MAURICE HAYWARD: I now propose, Sir, that this bill be read a second time. I do not propose to go at any length into the details as the bill has been before the House already on several occasions and the main provisions are well known to all honourable members. The bill was carefully considered in select committee and a number of amendments—some of them important—were made. The report of the select committee indicates sufficiently plainly what these amendments are. I will only refer briefly to the more important ones.

Second reding.

*Vide* Appendix 58.

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The definition of the place of safety has been remodelled in view of the objections raised to it at the first reading. The powers under the Act have been restricted to the first class magistrates. Clause 7 dealing with children found wandering has been remodelled in order to make it more clear. Clause 9 dealing with the punishment for cruelty to children has been extensively modified and the penalty has been reduced to one of six months with fine of Rs. 200. On the other hand, clause 11 dealing with children in brothels has been modified so as to increase the punishment up to two years as the select committee were of opinion that the offences there specified were of a specially serious nature. Similarly the select committee increased the punishment under clause 12 with reference to the seduction of children. Clause 14 has been modified in an important manner to provide that children or young persons should not be detained more than twenty-four hours before being placed before a magistrate. That is in accordance with the ordinary rule with regard to persons under arrest. Clause 16 is modified by restrictions on the search warrant and providing bail in the generality of cases. Clause 17 is new, in order to provide for compensation in case of frivolous or vexatious information being awarded summarily by a magistrate. Clause 21 has been modified to provide against the appearance in public of *purdah* women. Clause 45 has been modified to show clearly the reasons for inspection of institutions for reception of poor children. The select committee considered it desirable to restrict the provisions of the clause by making it plain for what purposes only such inspection was to be permitted, namely, securing the health and the welfare of the children and the sanitation of the premises. Clause 47 has been modified to make additional safeguard with regard to the religion of children and youthful offenders. And finally the rule—making clause has been modified in an important manner in order to provide that any rules made under the Act will be laid on the table of the House and will be liable to be annulled or modified by a resolution of the House.

There have been one or two minutes of dissent, but they are really as to details and not upon the main provisions of the bill. In particular one honourable member would desire to go further than we have so far gone and would extend the Act so as to provide safeguards against children smoking, betting and gambling. The select committee thought that would be going rather outside the scope of the present bill and while sympathising with the object in view thought it wiser not to include them in the present bill but to leave them, if necessary, for subsequent legislation. The select committee thought that such provisions ought to be given full publicity before being inserted in a bill of this nature and therefore, though sympathising entirly with the object of the honourable member, they were not included in the present bill. I do not think, therefore, that the honourable House will find any difficulty in assenting to the second reading, as most of the objections taken are of the nature of amendments which can be considered in detail at the clause by clause examination. You, Sir, pointed out that there have been a great many of these amendments put in and I entirely agree with you, Sir,

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as to the desirability of allowing members every opportunity to move amendments to so important a measure, and it was therefore, Sir, that I was entirely in agreement with yourself in the desirability of condoning the delay in putting in some of these amendments. As some of the amendments have been put in at a very late moment, I am sure honourable members will pardon me if their examination takes a little longer than they otherwise would. It is possible that some of them have not been fully appreciated by me in the somewhat hurried examination which has been necessitated under the circumstances. With these remarks, Sir, I propose the second reading of this bill.

Qustion proposed.

Mr. K. F. NARIMAN (Bombay City, South): Mr. President, I must frankly admit that the bill as presented now at the second reading is less objectionable than it was at its first reading, and I am also glad, Sir that the select committee has been able to convince the Honourable the Home Secretary, who at the time of the debate on the first reading would not be convinced, that the police station is the last place of safety for children. I never hoped, Sir, by the manner in which he tried to defend the statement that the police station was a fit place of safety for children, that that point would be given up by the Honourable the Home Secretary. I am glad, Sir, that the select committee has been able to convince the honourable member. Still, Sir, I must frankly say that, so far as the police station is concerned, I am not quite satisfied. In the original debate it was understood that this measure was taken if not clause by clause, at least in its principle and general application, from a similar measure in Madras, and as far as I am aware, Sir,—I am open to correction—in a similar measure at Madras a police station is expressly left out, that under no circumstances should a child, either male or female, be removed to a police station. I think that that provision is in the Bengal Act, too. In view of that, Sir, I do not agree that so far as a female child is concerned we should allow that child to go to a police station, particularly if the child is sixteen years old or thereabouts. It is also desirable for a male child only as a last resort when you cannot find any other place for it. When you cannot find any other place for a male child, it may be excusable to remove that child to a police station as a place of safety, but in no circumstances should we allow a female child to be removed to a police station, especially if it is sixteen years old. Again I think they will agree that, so far as the female child is concerned, that should be the last place where she should be removed.

It is better that she should remain in the unhealthy surroundings of her own home, parent or guardian or relation, howsoever undesirable they may be, than that she should be removed from such surroundings to what I consider to be worse surroundings.

There is one point which I wish to urge upon this House by way of an amendment that so far as the place of safety is concerned, I want to add another place so as to make it more comprehensive; after the words

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"hospital", "surgery", etc., we may add "any other institution".

Coming to the second point which was stated by the Honourable the Home Member in the beginning that the object of the bill was to give protection to children and therefore, so far as the parents and guardians are concerned, if that object could be served by protecting their rights and interests also, we should not overlook their natural rights to look after their own children, and therefore I should like this House to be as little harsh and as little hard as they can against the parents upon whom we are already inflicting hardship by removing their child from their natural custody. I would submit, Sir, that under these circumstances I think it would be extremely hard to remove a child from a parent simply because he is of drunken habits or in some unfortunate circumstances he is convicted of some offence. We have known several instances, Sir, wherein a parent or a father may be of drunken habits, that man may have a weakness in that respect or he may have weaknesses and in some unfortunate circumstances he may have succumbed to certain temptations and got convicted of an offence in a court of law, and yet, in spite of all that. Sir, that father may prove to be a very good father to his own children or family and may be a very good family member. He may be a danger to society outside his home and yet so far as his own children or his own family is concerned, he may prove to be a good father, looking after his family better than outsiders would do. Under these circumstances, the bare fact of a father having "drunken habits," which expression is also a little vague, ought not to be allowed to be made the cause for the removal of his child from his natural custody. As regards drunken habits, it may be a matter of degree. A gentleman not accustomed to liquor and having only one peg may in that case be said to be a man of drunken habits; another better accustomed to three pegs may not be said to be a man of drunken habits. It would be a very difficult matter to define the proper limits in a matter like this, and, therefore, I do not think a parent should be deprived of his lawful and natural custody of his own child simply because under some temptations, now and again, he gets convicted of an offence, unless of course he is held and proved also to be undesirable and objectionable or, as in another clause, the parent ill-treats his child or does not treat that child properly or neglects or abandons it. In that case he would come under one or other clauses but I do not consider that the mere fact of the father being of drunken habits would be a justification for depriving that father of his natural right over his children.

The most important point to which I wish to draw the attention of the House is the power to issue search warrants and entry into a private family by a police officer on some suspicions. I warn the House to note the word, it is not "belief," which is a much stronger word than the word "suspect." It would be easy for a malicious informer to say that he has got certain suspicions against a particular parent and he may approach a magistrate to issue a warrant authorising a police officer to enter a private family to take away the child from that family and to produce that child before his court. No doubt some compensation would

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be paid, but what compensation could compensate a parent who has been dealt with in such a cruel manner by a police officer entering his family house. I should say it is a calamity, particularly amongst Indians and particularly respectable families, to have a police officer entering their house on official duty. We know why search warrants are usually issued in the ordinary course, namely, whenever we want production of an article or a book of account which is liable to be tampered with or to be done away with or destroyed so as to destroy an important piece of evidence. It is then a matter of urgency and the drastic process of issuing a search warrant is then resorted to to ensure the production of the article or the book of account or some such matter in court so that it may not be destroyed or tampered with. Now in the case of a child such an apprehension would not naturally exist. I do not think any parent would do away with or destroy or tamper with his child simply for fear of that child giving an important piece of evidence against himself. Therefore, I submit that in the first instance discretion should be given to the magistrate to issue the process of sub-pœna to produce that child in court. That would meet the requirements of the case. Supposing a magistrate issues a sub-pœna asking the parent or guardian to produce his child immediately in court and he does not do so, then the more drastic process of issuing a search warrant may be resorted to as a second or last resort. I hope therefore that the House does not give the power to a magistrate or to a police officer to enter a private family to take away a child forcibly against the will of the parent.

Again, Sir, there is no provision made for the safety of the parents in so far as there is nowhere provided before an order of this nature is issued against a parent that a full opportunity should be given to that parent or guardian to explain his side of the case. I do not find any such provision anywhere whereas in all other sections or measures we find that if any action is to be taken against a particular individual affecting his rights or interests, there is always a proviso that full opportunity should be given to that individual to explain his circumstances. But so far as a search warrant is concerned, particularly in the case of *purdanashin* ladies or ladies who ordinarily do not go out in public, search warrants should not be issued. You will appreciate, Sir, the case of a Mahomedan family where the lady is a *purdanashin* lady and usually does not appear in public. What would be the result on her if a search warrant is issued authorising a police officer to enter her family to take away forcibly her child or a child in her family. I submit, Sir, that such ladies should not be compelled to attend a court.

There is another measure for which I do not see any justification. The Honourable the Home Member stated that clause 45 has been so modified as to confine its operation only to the purpose required, namely, sanitation as well as health of the children. I would ask the Honourable the Home Member to explain what has the inspection of registers got to do with sanitation and health of the children. I can understand a proviso that a sanitary inspector is authorised to inspect the premises only so far as

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sanitation or health of children is concerned. I would ask the honourable members to consider clause 2 which says that any person so appointed shall have power to enter the institution at all reasonable hours and to make a complete inspection thereof and of all papers, registers, books of accounts relating thereto. I would like the Honourable the Home Member to explain what has the inspection of registers or books of accounts got to do with the sanitation and the health of the children ? I can understand that a sanitary inspector has the right to inspect private premises only so far as sanitation is concerned.....

Mr. D. B. ADWANI : On a point of order, Sir. Is the honourable member in order in making such a detailed speech on amendments at this second reading ?

The Honourable the PRESIDENT : The point raised has occurred to me. I will tell the honourable member from Karachi (Mr. Adwani) that the procedure that was followed for many years was that, on the second reading of a bill, speeches in regard to all the principles and details underlying a bill were made, and when an amendment to a clause was moved, the honourable member merely contented himself by saying that he formally moved the amendment, as he had given the House all his reasons for the amendment in his speech on the second reading. The House can adopt that procedure, and, on the second reading, give expression to all their views in regard to the various amendments, and then formally move the amendments, and thereby curtail the debate. That would be one procedure. The other procedure is that the second reading of a bill is discussed merely on broad principles, and the speeches on the amendments are reserved for the time when they are moved. Both the procedures are open to the House, and it is not a point of order on which I can prevent any honourable member from making a speech with regard to the details of a bill on the second reading. It is in the hands of the House itself as to which procedure they would like to follow. If honourable members give full expression to their views on the second reading, and formally move the amendments afterwards and then go to vote, a great deal of time will be saved. However, that is entirely in the hands of the House. I cannot rule any honourable member out of order if he is dealing comprehensively with the whole measure on the second reading.

MOULVI RAFIUDDIN AHMAD : You say, Sir, that it is in the hands of the House. In that case, is it necessary to make a motion ?

The Honourable the PRESIDENT : No, it is left to the good sense of the House.

Mr. K. F. NARIMAN : I do not wish to take any more time of the Council, but I only wish to make a last remark about what the Honourable the Home Member said about the amendments of my honourable friend from Bombay (Mr. Hooseeinbhoy Lalljee). The Honourable the Home Member stated that the honourable member asks us to go beyond the scope of the bill in introducing into this bill measures to

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prevent a child from indulging in such harmful vices as smoking, drinking, gambling, etc. In clause 10 of the bill, it is provided that even if there is a pretence of singing on the part of a child or young person, it shall be considered that the child was left on the road for the purpose of begging. Now, I do hope that the House will agree that singing is a more innocent pastime than smoking, drinking or gambling. I do not know why a measure which is so comprehensive in all other respects, has stopped short where the House would like it to go a little further and an attempt made to prevent children from indulging in harmful vices of this nature. If it is necessary to do anything in that direction, I feel that this is just the time to do something to prevent children from at any rate drinking of liquor. It is expected that the parent or guardian of a child under 16 will not abandon it, he is asked to see that the child is not neglected, is not thrown on the streets, is properly maintained, and is not left to sing on the streets. Under these circumstances, I do not see what was the objection to introducing a provision in the bill prohibiting drinking on the part of a child, and why a parent should not be punished if he allows a child to indulge in such a vice. But I see one reason. I may be uncharitable. If Government do not wish to go so far, I feel that it is because it is likely to interfere with the revenues of Government. I say, Sir, that I may be uncharitable or ungenerous, but that is the only conclusion that I can come to. Even where the welfare of the child is concerned.....

The Honourable Sir MAURICE HAYWARD : It is a wrong conclusion.

Mr. K. F. NARIMAN : I am glad to hear that my conclusion is wrong. I could not see any other reason for this omission on the part of Government. I hope that omission will be rectified, and some measure will be introduced even at this late stage, whereby children may be prevented from indulging in such vices as drinking and gambling, and whereby parents may be prevented from encouraging children to indulge in these vices. With these remarks I resume my seat.

Mr. D. B. ADWANI : Do I understand you to say, Sir, that each honourable member, on the second reading of a bill, may do exactly as he wishes, and adopt either of the procedures you have suggested ?

The Honourable the PRESIDENT : It is at his discretion. But I hope that discretion will be exercised in the best interests of the House. That is not a point of order. If honourable members prefer to have the amendments discussed, they can allow the second reading to be carried without much debate. They can bring forward their arguments on the amendments when they are being dealt with one by one. The other alternative is certainly open to honourable members, and if any one of them wishes to exercise that privilege, I cannot stop him from doing so.

Mr. D. R. PATIL (East Khandesh District) : Sir, it is a very salutary and sensible principle of law that an accused person should be presumed

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to be innocent unless and until he is proved to be guilty. In sub-clause (2) of clause 10 of the bill we find that the whole thing is made topsy-turvy. Sub-clause (2) of clause 10 lays down that an accused person should be presumed to be guilty unless and until he proves that he is innocent. That is a very bad principle. Therefore, so far as sub-clause (2) of clause 10 is concerned, I say that it should be deleted, because it violates the sound and sensible principle of law which I have just mentioned.

The Honourable the PRESIDENT: I call upon the Honourable the Home Member to reply.

The Honourable Sir MAURICE HAYWARD: I do not wish to say anything, Sir.

Bill read a second time. Question put and carried.

The Honourable the PRESIDENT: Now we come to the amendments, and I have considered those which the honourable member Mr. Joshi wishes to move. I have consulted Government, and they are agreeable that these amendments should be considered by the House. I am therefore prepared to condone the delay. I should like to inform honourable members that one of his amendments is already covered by another amendment which is on the agenda paper. Two of his amendments are to clause 7 and one to clause 17.

There is one point of order which arises in connection with this subject and that is that it is laid down under the Standing Orders that a dissenting member shall, when he signs the report, hand in his minute of dissent, and that no motion for the second reading should be made till honourable members have received the complete documents 15 days before. Now, that raises a very difficult question of procedure from a practical point of view. Any member of a select committee, official or non-official, is entitled to make a minute of dissent; and, assuming that he does not do so within time, the effect may be that important legislation may have to be considerably delayed. I am sure the House will not allow that. The only alternative is that the Secretary to this Council should refuse to receive any dissenting minutes after the time has expired, and he should not circulate them. Is it the desire of the honourable House that that should be rigidly enforced? (Honourable Members: No, no.)

Mr. B. G. PAHALAJANI: Not possible in the case of Sind.

The Honourable the PRESIDENT: These are all practical difficulties. Therefore, I have been trying to regulate the procedure in a practical manner, really conducive to the convenience of the House. I trust that honourable members will not, in future, wait till the last moment before sending in their minutes of dissent, and giving notice of their amendments, because the same concession which is allowed at present might not be extended in other cases. In the present case I am glad to be able to condone the delay and allow the honourable member Mr. Joshi to move his amendment. But the procedure as laid down in the Standing Orders is now known to all honourable members; and I hope they will, in working

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these Standing Orders, co-operate with the office in getting the work of the Council expedited in all reasonable manner.

The House will now proceed to consider the bill clause by clause. The honourable member Mr. R. G. Soman has given notice of an amendment to clause 1, sub-clause (3). I will call upon him to move it.

*Bill read clause by clause*

Clause 1 (*Short title and extent*).

(1) This Act may be called the Bombay Children Act, 192 .
(2) It extends to the whole of the Presidency of Bombay.
(3) Notwithstanding the introduction of this Act in any local area the Government may by notification exclude any class of children, young persons or youthful offenders from the operation of all or any of the provisions of this Act.

Mr. R. G. SOMAN (Satara District): Sir, I beg to move:

"That in line 3 of clause 1, sub-clause (3), after the word 'Notification' insert the words 'in the Bombay Government Gazette.'"

The Honourable Sir MAURICE HAYWARD: I have no objection in accepting the amendment.

Question put and carried.

Clause 1 as amended ordered to stand part of the bill.

Clause 2 (*Commencement*).

2. Section 1 shall come into operation at once. The rest of the Act shall come into operation in the City of Bombay on such date as the Governor in Council may, by notification in the *Bombay Government Gazette*, appoint: the Governor in Council may further, by notification in the *Bombay Government Gazette*, direct that the rest of the Act, or any part thereof, shall come into operation in any District or place other than the City of Bombay on such date as may be specified in such notification.

Mr. V. N. JOG (Dharwar District): Sir, my amendment is as follows:

That the following proviso be added to clause 2 of the Bill:

"Provided that no such direction be made in respect of any district town or city in the mofussil unless the district local board or town or city municipality demands the operation of the Act by a resolution passed in the general meeting called for the purpose."

Sir, when this bill was first introduced, I was wondering whether there were circumstances in the mofussil calling for the operation of this Act. I for one do not believe that there exist circumstances which require the application of the whole of this Act in the mofussil. In big towns like Bombay and Karachi the evils which this Act wants to prevent might be prevalent; but in the district towns and rural areas, I do not think that there are such evils. The bill is very drastic and there are many provisions which will cause great hardship to parents—especially clauses 9 and 10. The object of my amendment is that there are representatives of the districts on the district local boards, now the franchise has been widened and that they would be in a better position to understand the circumstances of the district and to decide whether the application of the Act is necessary to their respective districts. I submit that before the Act or any of its provisions, is applied to the mofussil, there should be a demand from the district local board and in the case of towns from the municipalities concerned. They would be the best persons to decide whether the application of this Act is called for by the existing circumstances.

[Mr. V. N. Jog]

Secondly, many of the provisions of this bill will entail large expenditure. If we go through the various provisions of the Act, we find that industrial schools are to be established, that places of safety have to be provided, that additional police force has to be provided and that the time of the magistrates would be taken up additionally. There are other provisions for the creation of special juvenile courts. These courts are different from those where ordinary criminals are tried. All these provisions mean large expenditure. So, my point is that there are many other reforms which people are wanting in greater urgency: and all these reforms are held back. For example the application of the Compulsory Education Act has been held back for several reasons, one of them being that there are no funds for starting such schools and that there are not sufficient teachers to man these schools, etc. I am afraid if this Act is introduced, without consulting the district local board or the municipality as the case may be, by Government themselves, then this additional expenditure will be advanced as an excuse for not introducing compulsory primary education in various parts of the presidency.

Thirdly, the best means for remedying the evils for which this Act is intended would in my opinion be to give the children proper education. Under the Compulsory Primary Education Act we have got a provision compelling every parent to send to school children between 5 and 12 years of age. If that Act is put into force children between 5 and 12 years of age will be under the influence of school and the dangers of the evils which this Act intends to remove will be greatly minimised. These are the grounds on which I request the Council to accept my amendment. This proviso is in the interest of the public and I hope the House will accept it.

Mr. A. MONTGOMERIE : Sir, I rise to oppose this amendment. I do not think I need meet the arguments advanced by the honourable member with regard to the expense that it will entail or the possible relation of the Children's Bill to the introduction of the Compulsory Primary Education Act. The main objection to the amendment is that it is from the constitutional point of view an extraordinary doctrine that bodies set up for the purpose of local self-government should be given the power of determining whether a part of the criminal law of the presidency should be applied or not to the areas in their charge. It may be true that they are possibly in a better position than we are to know whether theft or dacoity or other offences are rife in their district. But that could not be put forward as a reason for determining that a part of the penal code should not be applied to Ahmedabad, unless it is consented to by the municipality of Ahmedabad. If anybody is to determine this, it should be either the executive government or a machinery set up for it or the House itself. But to hand over these duties of the central government to local bodies and leave it to them to determine whether a part of criminal law should be applied to their respective areas would be the greatest error in constitutional law.

Mr. L. S. CHAUDHARI (East Khandesh District): Sir, I support the honourable member Mr. Jog, and I do it for the following reason : That this option should be given to local bodies in whose areas the early marriage system is prevalent. There are certain districts where the early marriage system prevails largely, and marriages take place at a very early age of life. Sometimes the boy is only ten years and the girl is only four. Among the communities where this system prevails the girl wife is taken to the husband's house from her father's every alternate year, and when she is so taken, she is placed in different circumstances and she is not accustomed to the new surroundings. Therefore she cries and runs away to the father's house and she is again brought back to the husband's house. This treatment of the infant wife will sometimes be taken as ill-treatment; and I think greater scope will be given to many busy-bodies in the village who will take this as an excuse for taking revenge on certain families. Therefore, I think Mr. Jog's amendment is quite necessary looking to the circumstances prevailing in the mofussil.

Mr. M. D. KARKI (Kanara District): Sir, I support the honourable member Mr. Jog's amendment. The municipalities as constituted and the local boards in the talukas and districts, as will be constituted under the present Local Boards Act, will be more representative of the people than before. The Government will have to consult the opinion of the local officers before extending the provisions of this Act to any local area. The representatives of the local bodies in the mofussil will be more in touch with the masses and so know more about their civic life than the officers themselves, and it is therefore in the interest of the masses that option should be given to the local bodies to have the provisions of the Act applied to their local areas. The local bodies should be made more responsible to the masses by investing them with such powers. It is high time that we should make a move in that direction. In a great many cases, Sir, the Government officers are not in close touch with the people. They are outsiders. They do not know more of the civic life of the people. There are very many busy-bodies in the mofussils as pointed out by one of the learned honourable members, who are always prone to picking up one or two such cases and bringing them to the notice of the officers for applying the Act to the whole population there. Therefore, the matter should be left in the hands of the local bodies. If that is done there will be more safety vouchsafed to the masses. So, Sir, I support the amendment.

Mr. R. G. PRADHAN (Nasik District): I regret, Sir, I do not find myself able to approve of the amendment brought forward by my honourable friend. I submit, Sir, that there is a great deal of force in the arguments advanced by the honourable member the Home Secretary. It appears to me that to empower the local boards and the municipalities to decide whether this Act should be extended to mofussil areas is to give them more power than what they are entitled to. Such a power does not fall within the legitimate sphere of their duties. The case is quite different, as has been pointed out by the honourable member the Home Secretary, if the power is to be given to the Legislative Council itself; but I fail to see how

[Mr. R. G. Pradhan]

such a power could properly be given to the municipalities and district local boards. The duty of deciding whether any particular area is ripe for the extension of the bill should, I submit, be that of the Government. The Government will consult the local officers; they will also, I suppose, consult the municipalities and the district local boards: they will ascertain every responsible opinion in the mofussil areas. The duty of extending the Act should rest with Government or with the Legislative Council itself. I submit that these local bodies, municipalities or district local boards should not be given this power; and if the House will permit me to express my misgiving, I think that if this power is entrusted to them, very likely this Act will never be extended to mofussil areas.

Mr. D. B. ADWANI (Karachi City): Sir, I should just like to say something with regard to what has just fallen from the honourable member the Home Secretary, who said that it would be a wrong thing to give power with regard to the criminal law to local bodies. Now, I must say, Sir, that this bill has also a social aspect apart from its criminal aspect. It aims at the improvement of society, and it brings in some sort of interference in the domestic relationship between the child and the parent or guardian. Under such circumstances, it seems to me absolutely necessary that some local authority should be vested with the power of deciding whether or not a particular locality is ripe for the introduction of this measure. In the absence of any other local authority, I think the local self-governing bodies are the proper bodies for the purpose. I therefore support the amendment.

Mr. G. K. MAVALANKAR (Ahmedabad City): Sir, I rise to support the amendment on one ground. In the present circumstances of the Government, as it is constituted at present, public opinion should be thoroughly educated before any attempt is made to introduce a legislation of this kind. It would be useless to attempt to thrust a legislation of this kind before the masses are educated at least to the extent of looking upon it as a popular measure. And if at all Government want that this power should be given to them, before the Act is applied to any district or municipality, the local body of that district or municipality should decide whether it should be extended to its area. It is just possible that when compulsory education is introduced the masses will be educated and they will themselves decide to extend the Act to their areas.

Mr. M. R. JAYAKAR (Bombay University): Sir, I rise to support the amendment moved by the honourable member for Dharwar District (Mr. Jog). I was wondering whether the view propounded by the honourable member, the Home Secretary, as regards this Act was right, namely, that it is a piece of criminal legislation. No doubt, there are penal clauses in this bill, but that alone, in my opinion, cannot make it a piece of criminal legislation. On the contrary, looking to the description of the bill, we find that it is a bill primarily to provide for the custody and protection of children and young persons. Therefore the true nature of

[Mr. M. R. Jayakar]

this bill, I submit, is that it is a social piece of legislation for the purpose of giving protection, education, to a child and regulating its custody and surroundings. Viewed as such, I think it is a wise plan to find out what the local opinion is in connection with this bill, before its provisions are enforced on any district.

The honourable member for Nasik district (Mr. Pradhan) who opposed the amendment said that it would be wrong to give this power to the local bodies, because the local officials will be consulted by Government before this Act is applied to a particular district, and he added that the local officials will in their turn consult the local bodies. But if that is the process by which public opinion will be ascertained by Government, then I see no harm in Government directly approaching these local bodies under an express provision in the Act itself. These local bodies are the best means available to Government for ascertaining public opinion in matters of this kind. The powers proposed to be given to these local bodies are very limited and they will always be exercised through proper channels. I therefore think that it is expedient that the Act should contain this provision. I therefore support the amendment.

Mr. V. N. JOG (Dharwar District): Sir, I am glad to hear from the honourable member, the Secretary, Home Department, that there will be no connection between the application of the Compulsory Primary Education Act and the application of this Act. From that I infer that there is an assurance that the introduction of the Compulsory Education Act will not be delayed on account of funds.

With respect to the second ground which the honourable member, the Home Secretary, has raised that it would not be desirable to vest the local bodies with such powers as to decide whether the application of a certain bill or Act to a certain area is called for, as has been said by various members, I submit, Sir, that this is a piece of social legislation and in my opinion the best persons to know whether there are circumstances calling for the application of the Act and whether there is such a situation, are the local bodies concerned.

With regard to the other comments, the only comment which has been made by one of the honourable members is that the local bodies are not the fit bodies to be vested with these powers, but that point is I think already made clear by several speakers and by the remarks I have already made. With these words I leave the amendment to the House.

The Honourable Sir MAURICE HAYWARD: Mr. President, I am sorry that I do not feel myself justified in accepting the amendment proposed by my honourable friend opposite. I think, Sir, it would be a dangerous departure from the ordinary rules of constitutional law that the right to introduce or extend a provision of this kind should be vested in bodies that have been raised for certain particular purposes and that the power should be taken away from this honourable House, the Legislative Council. I submit, Sir, that the Children's Bill providing for the welfare of children is a very wide and important measure which is far beyond the ordinary jurisdiction which has been vested either in city

[ Sir Maurice Hayward ]

municipalities or in local boards. Those bodies were not constituted for the purpose of deciding and providing for children welfare in the manner proposed by this bill. I consider, Sir, it will be constitutionally most unfortunate if this House were to surrender its powers and rights in this matter to local bodies like the municipalities and local boards. The bill places the authority in the executive government. It is unnecessary for me to say that that authority will not be utilised unless there is very good reason for so doing. The bill will not be utilised without very careful inquiry into the local circumstances of each district or city. The bill itself on the face of it is a bill mainly needed for large cities and it is difficult to say how a matter of this sort could properly be deputed to any local bodies. It is surely, Sir, a question that should be left to the executive Council subject to the control of this Legislative Council. It is only after a very careful investigation and inquiry from all the local officers and local people as to the reasons necessitating an extension of this Act that any step will be taken by the executive government. If the steps taken should not be in accordance with the local feeling then the remedy is obvious. The remedy is by a resolution in this House which would have to be respected by the executive government. There is always this remedy. There is this check, and that check I say, Sir, ought not to be surrendered by this House, but that it ought to be secured to this Legislative Council.

Then, Sir, some argument was raised on the question of funds. It was suggested that primary education was being delayed because there was not enough money. That, Sir, I believe is entirely a misapprehension. It is not a question of money but the question surely rather of the rules which have to be framed under the Education Act; and I believe if honourable members will only wait they will find ample provision made for such extension as far as it is possible in the next budget. It is not a question which need frighten honourable members. It is not likely that this Act will be extended in a very large measure, and if it were extended the extra cost is not going to be great. We have our magistrates that have their buildings where they can exercise their authority if they want to try a child if not in court in chambers. With regard to the certified schools we have reformatories and other institutions which we can convert for the necessary purposes. And indeed, recently I made a tour of inspection of our jails and institutions with this very special object in my mind that it would be necessary when this bill is passed into law, and I hope it very shortly will be, to provide the necessary certified schools for the reform of juvenile offenders. I submit, therefore, Sir, that there is no reason whatever for any member from the mofussil to fear that this Act will be extended unnecessarily or that its extension will in any way interfere with the progress of primary education and any other matters so urgently needed by the mofussil. But I do submit, Sir, that this is a question which ought to be left as it is in this bill to be decided by the authority who will best be able to ascertain the needs of the people in this manner. I submit, Sir, that it ought to be left to the executive government under the control of this honourable

[Sir Maurice Hayward]

House, the Legislative Council. I submit, Sir, that this amendment ought, therefore, to be thrown out by this honourable House.

Question put. House divided. Ayes, 32. Noes, 49. Motion lost.

*Division No. 1.*

**Ayes.**

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| Adwani, Mr. D. B. | Mehta, Dr. M. M. |
| Angadi, Mr. S. N. | Mukadam, Mr. W. S. |
| Bhopatkar, Mr. L. B. | Nanal, Mr. B. R. |
| Chaudhari, Mr. L. S. | Nariman, Mr. K. F. |
| Desai, Rao Sabeb D. P. | Pahalajani, Mr. B. G. |
| Dev, Mr. S. S. | Patel, Mr. D. N. |
| Dixit, Dr. M. K. | Patel, Mr. G. I. |
| Gunjal, Mr. N. R. | Powar, Mr. M. B. |
| Jayakar, Mr. M. R. | Pradhan, Mr. G. B. |
| Jog, Mr. V. N. | Saheba, Mr. H. D. |
| Joshi, Mr. P. G. | Shivdasani, Mr. H. B. |
| Karki, Mr. M. D. | Soman, Mr. R. G. |
| Kazi Inaitullakhan | Surve, Mr. V. A. |
| Kothari, Mr. V. R. | Swaminarayan, Mr. J. C. |
| Lalljee, Mr. Hooseinbhoy A. | Thakersi, Mr. Punjabhai |
| Mavalankar, Mr. G. K. | Velkar, Mr. M. B. |

*Tellers for the Ayes*: Mr. L. S. Chaudhari and Mr. D. B. Adwani.

**Noes.**

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|---|---|
| Abdul Latif Haji Hajbat Khan, Mr. | Kalbhor, Mr. G. M. |
| Addyman, Mr. J. | Kambli, Mr. S. T. |
| Ahmad, Moulvi Rafiuddin | Kanga, Mr. J. B. |
| Baptista, Mr. J. | Kay, Mr. J. A. |
| Bole, Mr. S. K. | Kokani, Mr. G. J. |
| Bunter, Mr. J. P. | Lawrence, the Honourable Mr. H. S. |
| Chatfield, Mr. G. E. | Linford, Mr. J. W. |
| Cooper, Khan Bahadur D. B. | Mansuri, Khan Saheb A. M. |
| Dabholkar, Mr. V. A. | Mehta, the Honourable Mr. C. V. |
| Dadachanji, Dr. K. E. | Montgomerie, Mr. A. |
| Dalvi, Mr. B. K. | Mujumdar, Sardar G. N. |
| Dehlavi, the Honourable Mr. A. M. K. | Nekaljay, Mr. R. S. |
| Fernandez, Dr. Cosmas | Owen, Mr. A. C. |
| Ghosal, Mr. J. | Painter, Mr. H. L. |
| Ghulam Hussain, the Honourable Khan Bahadur Shaikh | Pathan, Mr. A. F. I. K. |
| | Patil, Mr. D. R. |
| Gibson, Mr. R. E. | Pradhan, Mr. R. G. |
| Grantham, Mr. V. A. | Pratt, Mr. F. G. |
| Griffiths, Mr. V. M. | Sayed Ghulam Nabi Shah |
| Hatch, Mr. G. W. | Shinde, Mr. R. D. |
| Hayward, the Honourable Sir Maurice | Surve, Mr. A. N. |
| Hepper, Sir Lawless | Thomas, Mr. G. A. |
| Hudson, Mr. L. S. | Wadia, Mr. N. J. |
| Jadhav, the Honourable Mr. B. V. | Wiles, Mr. G. |
| Jehangir, the Honourable Mr. Cowasji | Woods, Mr. E. E. |

*Tellers for the Noes*: Mr J. P. Bunter and Mr. J. W. Linford.

Clause 2 ordered to stand part of the bill.

Clause 3 (*Interpretation clause*).

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

(*a*) "child" means a person under the age of fourteen years and when used with reference to a child sent to a certified school applies to that child during the whole period of his detention, notwithstanding that the child may have attained the age of fourteen years;

(*b*) "young person" means a person who is fourteen years of age or upwards but under the age of sixteen years;

(c) "youthful offender" means any person who has been convicted of an offence punishable with transportation or imprisonment and who, at the time of such conviction, was under the age of sixteen years;

(d) "certified school" means an industrial school established under sub-section (1) or certified under sub-section (2) of section 32 of this Act or any other educational institution certified in this behalf by the Governor in Council;

(e) "guardian" in relation to a youthful offender, child or young person includes any person who in the opinion of the court having cognizance of any proceedings in relation to the youthful offender, child or young person or in which the youthful offender, child or young person is concerned, has for the time being the actual charge of or control over the youthful offender, child or young person;

(f) "fit person" in relation to the care of any child or young person includes any society or body corporate established for the reception or protection of poor children or the prevention of cruelty to children;

(g) "place of safety" includes any orphanage, hospital, surgery or any other suitable place the occupier of which is willing temporarily to receive a child or young person; or where such orphanage, hospital, surgery or other suitable place is not available, a police station;

(h) "brothel" means any house, room or place which the occupier or person in charge thereof habitually allows to be used by any other person for the purposes of prostitution; and

(i) "prescribed" means prescribed by rules under this Act.

The Honourable the PRESIDENT: The next amendment is from the honourable member Mr. Dev to clause 3, sub-clause (f).

Mr. S. S. DEV (West Khandesh District): Mr. President, sub-clause (f) of clause 3 reads thus:

"fit person in relation to the care of any child or young person includes any society or body corporate established for the reception or protection of poor children or the prevention of cruelty to children;"

By my amendment I add at the end the following words:—

"which society or body corporate undertakes to bring up any child entrusted to its care in conformity with the religion of its birth."

I need not say to you, Sir, that my amendment is very simple and that it will meet with the approval of the whole House. You know, Sir, that we people, Hindus and Mahomedans, are very keen about the religion of our destitute children not being interfered with, under any circumstances. We know that at the time of the last influenza epidemic several thousands of children were rendered destitute and we know what fate they then met. Most of those children were handed over to the care of missionary societies, but we do not know what happened subsequently to those children. Knowing these facts it makes me more anxious that some such binding clause is introduced in the definition of a "fit person". No person should be considered a fit person to take charge of a child unless he solemnly undertakes to rear up that child in the religion of its birth.

No child, Hindu or Mahomedan, should under this Act be entrusted to the care of a missionary society and if my amendment is not incorporated in the Bill, I have not the least doubt that there will be missionary schools and institutions which will be certified to entertain children. Mission institutions may be certified to receive Christian children but no Hindu or Mahomedan child should on any account be entrusted to the care of such a society. I need not dilate upon this point. I can see that the whole of the non-official side of the House sympathises with my contention. I know, when the question is between material

[Mr. S. S. Dev]

prosperity of our children and the preservation of their religion, we will sacrifice the one and prefer the other, we will forego material prosperity in favour of religion. In all the amendments that stand in my name, preservation of religion has been my sole care, and I have looked at the bill from this point of view only, namely whether under this bill you do or do not try to preserve the religion of the children, whether you do or do not try to bring them up in the religion of their birth. I therefore strongly put before the House that my amendment which seeks the protection of the religion of the children will meet the approval of the entire House. I hope Government will be prepared to respect the wishes of the people in this connection.

Question proposed.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Mr. President, I am as anxious as the honourable member for West Khandesh to preserve the religion of the children or young persons that are entrusted to such institutions. As regards this point, clause 47 was prominently discussed by the select committee when the bill was discussed clause by clause. With the permission of the House I will read clause 47 :—

(1) In determining the certified school to which a child or youthful offender is to be sent under this Act, the court shall ascertain the religious denomination of the child or youthful offender and shall, if possible, select a school in which facilities are afforded for instruction in his religion.

(2) In determining on the person to whose care the child or young person shall be committed under this Act, the court shall ascertain the religious denomination of the child or young person and shall, if possible, select a person of the same religious denomination or a person who gives such undertaking as seems to the court sufficient that the child or young person will be brought up in accordance with the religion of the child or young person and such religion shall be specified in the order.

(3) In any case where the child or young person has been committed pursuant to any such order to the care of a person who is not of the religious denomination of the child or young person or who has not given such undertaking as aforesaid, the court which made the order or any court of like jurisdiction shall, on the application of any person in that behalf and on its appearing that a fit person of the religious denomination of the child or young person or who will give such undertaking as aforesaid is willing to undertake the care of the child or young person, make an order committing him to the care of such fit person.

(4) Where a child or a youthful offender is boarded at or is permitted by licence to live with any other person the manager of the school shall select for this purpose a person of the same religion as the child or youthful offender or a person who gives a satisfactory undertaking that the child or the youthful offender shall be brought up in accordance with the religion of such child or youthful offender.

(5) Where a child or young person has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not observed, the child or young person shall be deemed to have been committed to the care of a person not of his religious denomination who has given no such undertaking.

So, so far as possible a provision is made in clause 47 which contains general provisions for the guidance of magistrates or courts for directing that children should be sent to an institution of the same religion as the children or youthful offenders or to persons who give a satisfactory undertaking that the children will be instructed in the religion of their birth. As a member of the select committee, I do say that we carefully considered this question of religion and we thought that clause 47 was a sufficient safeguard, and that is why no such clause was added here. Sub-clause (*f*) of clause 3 (the Interpreta-

[Mr. G. B. Pradhan]

tion clause) says a "fit person in relation to the care of any child or young person includes any society or body corporate established for the reception or protection of poor children or the prevention of cruelty to children". With this sub-clause (*f*) of clause 3, clause 47 is to be read, and it is a sufficient safeguard.

Mr. D. B. ADWANI (Karachi City): Sir, I thought the honourable member (Mr. G. B. Pradhan) was speaking for the amendment. If in the select committee due provision has been made for the bringing up of the child or young person in his religion, I cannot understand why in sub-clause (*f*), clause 3, it should not be made clear that any society which undertakes to bring up a child in accordance with the religion of that child will be legitimately called a "fit person". I think the honourable member (Mr. G. B. Pradhan) has been all the time speaking in favour of the amendment.

The other point I wish to refer to is that apart from clause 47, there are some other clauses which refer to "fit persons", as for example, clause 15, and I think therefore it is absolutely essential that in defining a fit person we should make it absolutely clear that only a society or person who undertakes to bring up the child in conformity with the religion of that child will be legitimately called a "fit person".

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I support the amendment. If the Honourable the Home Member is agreeable that due provision should be made for bringing up children in such circumstances in accordance with their religion, then I do not see any reason why the clause should not be added. It may be said that it would be a redundant clause. Granting that it would be so I contend that so great is the apprehension on the part of both Mahomedans and Hindus with regard to the tendency of Government to give undue facilities to missionaries that I believe even at the risk of being called redundant, it would be wise to put this proviso to satisfy the people. It has been admitted that this is not criminal legislation but only social legislation. It is a piece of legislation for the improvement of the social condition of the people but they are already frightened about the police intervention in social matters, and we must remember that this is a new measure. It is therefore right and proper that every clause which tends to give security to the people, which tends to produce confidence in the measures of the Government, should be welcomed. I therefore think that the Honourable the Home Member will see his way to accept the amendment.

Mr. A. MONTGOMERIE: Sir, I am afraid we cannot accept this amendment. We are as anxious as the honourable members to provide for a safeguard for the religion of children, but the clause, if added in its present form, would not merely make it redundant but it would make a very definite limitation on the nature of the institution. We have provided in clause 47 for the case in which it is not possible to find an institution of the same religion as the particular child or young person to take it in. We have provided in that clause for that state of affairs. If we can find no other suitable institution to hand over the child to, then I

[Mr. A. Montgomerie]

think Government cannot take up that Spartan attitude which the honourable member for West Khandesh proposes, namely, rather let the child perish than hand it over to the care of somebody who does not happen to be of his particular religion. That I think is an attitude which we cannot adopt. It is incumbent upon us to preserve the children's lives. We make provision by clause 47 that in preserving their lives, we shall not, from the point of view of their co-religionists, ruin their souls.

But preserve their life we must, and the amendment proposed by the honourable member for West Khandesh would definitely rule out the handing over of children to any institution not of their own religion as impossible. I have no particular brief for any mission or missionaries; I have no particular interest in their doings. But, to take the case suggested by the honourable member, in the case of a large famine where there may be a large number of children lying helpless, for the moment what are you to do? Are you to leave them to perish, because you cannot find an institution, limited as such institutions would be by the amendment now proposed? or are you to hand them over to any other society under safeguards now provided by this Act that they shall receive education in their own religion, and that they shall not be brought up in another religion? Is it better to make sure that they shall be preserved, and then to provide safeguards, or to bar out what may be the only means of preserving them, because you think that the safeguards provided are insufficient. I would suggest to the honourable mover that he will find all that he requires really in clause 47 as it stands, and that the objection to the amendment is not merely as suggested by the honourable member opposite (Moulvi Rafiuddin Ahmad) that it is redundant, but that it imposes a very dangerous limitation on the purpose of the measure, namely, to preserve child life.

With regard to the point raised by the honourable member for Karachi (Mr. Adwani), clause 47 of the bill covers all cases in which a child can be handed over to anybody.

Mr. L. B. BHOPATKAR (Poona City): Sir, I think the whole argument of the last speaker was based upon a misreading of the amendment that is before the House. The amendment is:

> Add at the end of sub-clause (*f*), clause 3, "which undertakes to bring up any child entrusted to its care in conformity with the religion of its birth."

Sir, when the wording of the amendment is so explicit, it is not right to say that it would put any undesirable restriction upon the powers of the magistrate so far as the handing over of the child to some society is concerned. It is true that in the select committee this particular point was very carefully considered, and it was thought that sufficient provision about the safeguarding of the religion of the child was made in clause 47 of the bill. The only objection that may possibly be raised to this amendment is that it will be redundant. But if, in order to allay the apprehensions of some honourable members such an amendment is accepted, I am sure that it will not only not run counter to the provi-

[Mr. L. B. Bhopatkar]

sions of clause 47, but it will be in a sense a desirable amendment, in that it will go a long way in inspiring confidence in those honourable members who doubt the efficacy of the original clause in this behalf.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I really expected Government to accept this amendment, because I thought that, when introducing a measure of this kind which interferes with the private rights of individuals, Government would at least respect the susceptibilities and religious sentiments of all parties. In this case, much stress is laid upon the wording of clause 47. I should like, however, the attention of the House to be drawn very carefully to the wording of clause 47. It will be found that in sub-clauses (1) and (2) of the clause the words 'if possible' occur. Sub-clause (1) of clause 47 says:

"In determining the certified school to which a child or youthful offender is to be sent under this Act, the Court shall ascertain the religious denomination of the child or youthful offender and shall, if possible, select a school....."

Sub-clause (2) of clause 47 says:

"In determining on the person to whose care the child or young person shall be committed under this Act, the Court shall ascertain the religious denomination of the child or young person and shall, if possible, select a person....."

In both these sub-clauses the words 'if possible' raise great potentialities and possibilities. The magistrate, from motives of his own, may come to the conclusion that it is not possible to get any institution where the child can be brought up in its own religion, and therefore there is justification to send the child to some other institution. Government must either agree to delete the words 'if possible' from clause 47 or accept the amendment suggested by the honourable mover. One honourable member has given notice of an amendment to clause 47, to leave out the words 'if possible', and if Government are not prepared to accept either the one or the other the House will be quite justified in doubting the *bona fides* of this measure. If Government want the religions susceptibilities of the people to be respected, then I submit that there is no real objection either to the acceptance of this amendment or to the acceptance of the amendment to clause 47 of which notice has been given, and to delete the words 'if possible' from that clause. As I have stated, Sir, this measure has great potentialities in it, and it may be construed in various ways so as to avoid the real spirit of the measure. I hope, therefore, that either this amendment or the one to clause 47 will be accepted.

Mr. B. K. DALVI (Belgaum District): Sir, after hearing all the arguments that have so far been advanced in favour of this amendment, I regret that I cannot bring myself round to accept the amendment, because all the difficulties that have been raised by my honourable friends Mr. Dev and Mr. Nariman, as has already been pointed out by my friend Mr. G. B. Pradhan, were carefully gone into in the select committee. I would submit to the House that the difficulty about the religion of the child being endangered can very easily be avoided, and it depends principally upon ourselves. Supposing for argument's sake that Government

[Mr. B. K. Dalvi]

would be partial to missionary societies, and they would provide for the entrusting of children to the care of such societies, the remedy lies in our own hands. It is for us to start sister institutions of our own religion, or any charitably disposed person has to come forward and apply to the magistrate, and the magistrate is bound to hand over the child to the care of this person. The honourable member. Mr. Nariman drew attention to the wording of sub-clauses (1) and (2) of clause 47. But I would like to draw attention to the wording of sub-clause (3) of the same clause. It says :

"In any case where the child or young person has been committed pursuant to any such order to the care of a person who is not of the religious denomination of the child or young person or who has not given such undertaking as aforesaid, the Court which made the order or any Court of like jurisdiction shall, on the application of any person in that behalf and on its appearing that a fit person of the religious denomination of the child or young person or who will give such undertaking as aforesaid is willing to undertake the care of the child or young person, make an order committing him to the care of such fit person."

Supposing that for want of such an institution or for want of a person who is not of the same religious denomination as that of the child to take care of the child, the magistrate orders that the child should be handed over to a missionary society, then we can come forward and ask the magistrate to hand the child over to our care. I submit, Sir, that instead of restricting or putting a further limitation on the definition of fit person, the definition as it stands is proper, and no limitation should be put upon it.

Mr. M. R. JAYAKAR (Bombay University) : Sir, I think that Government would act very wisely in accepting this amendment which has been moved by the honourable member for West Khandesh (Mr. Dev). The honourable member, the Home Secretary (Mr. Montgomerie), put the case very briefly before this House. He stated that Government had already gone on to a very large extent to meet the principle that the religion of the child should be respected. If it is so, then, having regard to the opposition that this question is likely to raise, I should have thought that the Government would not have much difficulty in going a little further and accepting this amendment.

What does this amendment seek to do ? It proceeds beyond clause 47 and introduces into the very definition of the term 'fit persons' a very important consideration, that no institution or person will be regarded as "fit" for the discharge of the duties saddled upon them by this measure unless that institution or person undertakes to bring up the children trusted to their care in conformity with the religion of its birth. The amendment does not require that the said person or institution should be one professing the same religion as of the child. There is nothing to prevent *e. g.*, a Christian missionary society from coming within this definition if it can agree to give an undertaking to bring up a Hindu or Mahomedan child in the religion of its birth. A child will under this

[Mr. M. R. Jayakar]

amendment be handed over to an institution of another denomination only if it undertakes to respect its most elementary right *viz.* that the child should be brought up in the religion in which it was born. The honourable member the Home Secretary, put the alternatives very pithily—as if it was always a matter of a choice between perishing and conversion. I am sorry that he should have put the alternatives in such a misleading form. But if he does so, I may say that there is a large number of people on this side of the House who will have no hesitation in answering the question to the effect that they will prefer death to conversion. But is it really a case of such a drastic alternation? Look at the provisions which deal with children found "wandering" and "begging" in streets. So it is clear that the Act does not always contemplate cases which are necessarily a choice between perishing on the one hand and conversion on the other? It seeks, in many clauses, to secure better environment for the child, better education, better company, better upbringing. Does the absence of any of these advantages mean always death?

I wish to draw the attention of the Government to the debate on the first occasion when this bill was before the House. I remember that the Honourable the Leader of the House was then keen upon getting this bill through. Some of us opposed the speedy passage of this bill on the ground that the Government should have more opportunity to know and understand the strong feeling which the people of this country entertain with reference to the possibilities of religious conversions. I am glad to find that Government have respected that feeling to a large extent. They have admitted the desired principle as far as they thought possible, having regard to the cases which they thought were likely to arise under the Act. I want them to go a little further and make it perfectly clear, that in no case shall a child be handed over under this Act to a person or institution which may endanger the child's faith. If any persons wish to have the privilege of a "certified school" under this Act they must make some arrangment to bring up the child in the religion of its birth. If a Christian mission wants to have the privilege of being "certified" for the reception of Hindu children what is there wrong in expecting it to provide a separate branch where Hindu children will be brought up in their religion. It will besides be a glorious day when denominational institutions will be so tolerant, that children of different faiths will be admitted and brought up under their roof in their own religion.

The honourable member from Belgaum (Mr. Dalvi) suggests that the remedy lies in our hands: we have to start our own institutions. There are innumerable villages and small towns in this country where it will take years to start institutions of this kind. Is the honourable member prepared during this interregnum to allow children to be committed to the care of missionary institutions and trained as Christian? I do hope that the House will not accept this view which amounts practically to a threat and penalty. Start your own institutions; but if you do not start then please note that your children will be handed over to

[Mr. M. R. Jayakar]

the Salvation Army and missionary institutions. This is practically the argument in substance. I do not think the House will accept such a proposition. This is an experimental measure and the question involved is one on which all Indian races feel deeply. I do ask Government to accept this amendment.

The Honourable Sir MAURICE HAYWARD: Mr. President, I do not myself think that this amendment is necessary in view of the provision made by the select committee in section 47. But I do at the same time recognise that members of different religions might desire to safeguard their interests as far as they possibly can. I have no objection to accept this amendment if it is slightly modified and put into a more practical form, because I do not think you can expect justifiably a Hindu institution itself to bring up a Mahomedan infant as a Mahomedan or a Mahomedan institution itself to bring up a Hindu child as a Hindu. I think if the honourable mover would permit me to suggest this amendment, it would probably meet the case. A society could not of itself perhaps do what is necessary, but it could give opportunities, so that people from outside might come in and do what is necessary. I do think you must make some provision pending the time when you will find institutions, whether Hindu or Mahomedan, which will take over children. I would suggest the following amendment to the honourable mover:

"which undertakes to give opportunities for any child entrusted to its care being brought up in conformity with the religion of its birth."

MOULVI RAFIUDDIN AHMAD: Is it an amendment to an amendment, Sir?

The Honourable the PRESIDENT: There can be an amendment to an amendment. It is open to the Honourable Leader of the House to move it as an amendment to an amendment or offer this as a suggestion for the honourable mover to accept it.

The Honourable Sir MAURICE HAYWARD: I wish to know whether the honourable member accepts my suggestion.

An honourable MEMBER: May I know the wording?

The Honourable the PRESIDENT: I have taken it down. If honourable members desire to.....

The Honourable Sir MAURICE HAYWARD: Sir, may I suggest an alternative wording? I think it will be more acceptable to the honourable member opposite. The amendment would read:

"which undertakes to bring up (as already in the amendment) *or to give facilities for bringing up*, any child....."

Mr. S. S. DEV: Sir, I confess I fail to understand, but I am advised to accept.

The Honourable Sir MAURICE HAYWARD: Sir, I am obliged to the honourable member.

The Honourable the PRESIDENT: Has the honourable mover the permission of the House to amend his amendment by the addition of the words "or to give facilities for bringing up"? Is there any opposition?

An honourable MEMBER: Yes, Sir.

The Honourable the PRESIDENT: Then, the honourable the Lead of the House can move it in the form of an amendment to an amendme

The Honourable Sir MAURICE HAYWARD: Then I propose move it in the form of an amendment to the amendment. I propo the following in the place of Mr. Dev's amendment:

**At the end of sub-clause (*f*), clause 3, add: "which undertakes to bring up, or to g facilities for bringing up, any child entrusted to its care in conformity with the relig of its birth."**

Mr. A. N. SURVE (Bombay City, North): Sir, the point I wish t place before the House refers to the words "religion of its birth". Tl difficulty is this: the religion of a child follows the religion of its paren Suppose a man belongs to religion A at the birth of his child and sul sequently he is converted to religion B, and subsequently he becom a bad man, when the child has to be sent to some other place, the dif culty will arise whether the child is to be sent to a place where he w be brought up in conformity with religion A or to a place where he w be brought up in conformity with religion B. Therefore, instead of ha ing the wording "the religion of its birth" I think if we adopt the phra "the religion of its parent" then we will obivate the difficulty, to whic we expose ourselves, *viz.*, interference with the personal rights of a individual in matters of religion. This is the suggestion I have to mak

Mr. A. MONTGOMERIE: That wording will not solve the difficult

Mr. D. B. ADWANI: We may have the words "the religion whic it professes at the time".

The Honourable Sir MAURICE HAYWARD: A child might n profess any religion.

The Honourable the PRESIDENT: As no other member wishes t speak I will call upon Mr. Dev to reply.

Mr. B. K. DALVI: There is another difficulty in the case of a illegimate child.

The Honourable the PRESIDENT: I cannot allow any speech nov

Mr. S. S. DEV: I have nothing further to say.

The Honourable Sir MAURICE HAYWARD: Sir, I merely wish t say that "the religion of its birth" is the right phrase.

Amendment put that in place of Mr. Dev's amendment the followin be substituted:

**"At the end of sub-clause (*f*), clause 3, add: 'which undertakes to bring up, or t give facilities for bringing up any child entrusted to its care in conformity with tl religion of its birth'."**

and carried.

The same amendment was put as a substantive proposition as again the original amendment and carried.

Mr. D. B. ADWANI (Karachi City): Sir, the amendment which beg to propose is:

**Substitute the following for clause 3 (g)**

[Mr. D. B. Adwani]

"3. (*g*) 'place of safety' includes any orphanage, hospital, surgery or any place of residence approved by a committee or a civil officer or a civil court or a magistrate under section 46-A of this Act."

Mr. R. G. PRADHAN (Nasik District): Sir, may I rise to a point of order? It will be seen that this amendment refers to a clause called "46-A" of this bill. Now clause "46-A" is itself an amendment. So, until that amendment is passed, is it open to move this amendment?

The Honourable the PRESIDENT: I do not quite follow you.

Mr. R. G. PRADHAN: The amendment that has been proposed makes mention of clause 46-A of the bill, but such a clause is not included in the bill. "46-A" is itself proposed as an amendment which will be moved later on. The point is, unless that amendment is carried, how can this be carried?

The Honourable the PRESIDENT: What has the honourable mover got to say to that? It is a point of order raised that you cannot refer to a thing which does not exist in the bill.

Mr. D. B. ADWANI: Then, I would like to change the wording after "magistrate" from "under section 46-A of this act" into "empowered under this Act."

The Honourable Sir MAURICE HAYWARD: It won't mean what you mean.

The Honourable the PRESIDENT: It is for the honourable mover to decide.

Question put and amendment allowed to be amended as follows:

Substitute the following for clause 3 (g):

"3. (*g*), 'place of safety' includes any orphanage, hospital, surgery or any place of residence approved by a committee or a civil officer or a civil court or a magistrate empowered under this Act."

Mr. D. B. ADWANI (Karachi City): Sir, the chief point about my amendment is that I have deleted the police station as being a place of safety for the reason that I consider that a police station is not a place of safety for a child or a young person to be taken to. Some of the Government members may think that it is a very safe place for the children. They may have a very high opinion about the character and gentlemanliness of the police officers of India, but while I do not wish to refer in particular to that aspect of the question, I must say that until the police department is made totally responsible to the representatives of the people we cannot consider a police station to be a safe place for a child or young person to be taken to. Now, Sir, it seems to me that it is absolutely necessary that in order that the provisions of this Act be applied to any particular area it should be an essential condition that in the first instance certain places must be found or established in which children can be taken for the time being until they are sent by the magistrate or by the court to a certified school. That seems to me to be necessary, and I think that it will not be impossible for the executive or for the authority concerned to find such places. For example if the authorities under this Act take the assistance of the local committees which I have contemplated, and, I think, must, be set up under an Act which has got

[Mr. D. B. Adwani]

such a strong social aspect. It seems to me to be absolutely necessary that private committees formed from amongst the people of the locality should be interested in the matter. If that is done then, it will not be difficult at all for the authority under this Act to find some places where children can be lodged for the time being until the magistrate passes his orders with regard to the child. Therefore, Sir, I recommend the acceptance of this amendment.

Question proposed.

Mr. A. MONTGOMERIE: Sir, I oppose this amendment on the ground that it involves this committee which the honourable member is going to propose later. Within the last year or two we have had a plethora of proposals for committees. I can almost look forward to a time when all the inhabitants of all the districts of the presidency have been appointed to committtes which have specially been appointed for administrating the functions which in most countries and up to this time in India have been performed by the Executive. I cannot see any special ground for the use of such a committee.

Then the main point which the honourable member is getting at is this question of police station as the place of safety. The matter was fully threshed out in the select committee and I think it was unanimously agreed.....

Mr. B. K. DALVI: Not unanimously but by majority.

Mr. A. MONTGOMERIE: There may have been one or two dissentients, but it was practically unanimously agreed that it was necessary to reserve action by the police in exceptional cases, but that so far as is possible the child should in the first instance be taken to the place like a hospital or a surgery or some recognised institution and only in the last resort should be taken to a police station. There must be occasions on which it is necessary to do so. We have had them in Bombay already, as possibly some honourable members of the House may have noted that comparatively recently there was a case in which a police officer got into trouble in Bombay for refusing to allow a woman to stay in a police station for the night. She had been a young woman who had been rescued from a brothel. The result was that the woman had to be subsequently rescued from a brothel in which she had been practically imprisoned. There must be places where the police may take a child until it can be taken to the magistrate, and we have therefore framed the Act so as to make it incumbent for the child to be taken to a magistrate at the very earliest possible opportunity, under exactly the same provision as in the Criminal Procedure Code. On the ground of absolute necessity it is incumbent on us to keep the police station as a last resort in the clauses of this Act.

Mr. D. B. ADWANI (Karachi City): Sir, with regard to the first point as regards the committees which are appointed of late, I think, I may mention that many such committees already exist, namely the Social Service League, and others, but failing the formation of such a committee according to my amendment I say that the session court or the district

[Mr. D. B. Adwani]

court will empower certain civil officer or magistrate to fix upon such places where the child can be lodged, and I do not think that it would be a matter of difficulty to find safe places for the temporary custody of children.

The Honourable Sir MAURICE HAYWARD : I only say, Sir, that I do not think that my honourable friend's proposal is a practical one. I do not think that a court of session can go about finding safe places, nor is it the business of a civil court. I think we must do the best we can and make a practical definition. We must not try and throw this on to the session or civil court.

Question put and lost.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I beg to move :—

In clause 3, sub-clause (*g*) line 4, add the words, " or institution " after the word " place " and add the words " or manager of which " after the word " occupier "; add words " in case of men only " after the word " available " in the last line.

The first part of the amendment is to make the clause more comprehensive and I hope Government will not object to it.

The Honourable Sir MAURICE HAYWARD : I can accept the first part.

Mr. K. F. NARIMAN : Coming to the second part, I hope that, too, will be accepted by the Government as a modification to the amendment just lost, which was moved by the honourable member Mr. Adwani. So far as a police station is concerned, I hope both sides of the House will agree that such a provision is quite necessary for a female young child or young person and I hope.....

The Honourable the PRESIDENT : May I interrupt the honourable member for a minute ? I understand that the House wishes to accept the first part of the amendment ; so that, let us vote and dispose of that. Then the honourable member will have time for his observations on the latter part of his amendment. In order to make the point clear, I want the honourable mover of the amendment to follow the amendment as I put it to the House at present. The amendment is :

" Line 4, sub-clause (*g*), of clause 3.—Add words ' or institution ' after the word ' place ' and add the words ' or manager ' after the word ' occupier'. "

This part, I take it, Government are agreeable to accept and that the House also agrees to it. I therefore put that amendment to the vote.

First part of the amendment put and carried.

The Honourable the PRESIDENT : Now the amendment that remains is :

" Add the words ' in case of male only ' after the word ' available ' in the last line. "

That is the amendment which the honourable member will please move now and he should confine his observations to it.

Mr. K. F. NARIMAN : As I say, Sir, the effect of this amendment will be that, so far as the female child is concerned, it shall not be taken to a police station under any circumstances and neither shall a male child be taken to a police station except as a last resort. I have already

[Mr. K. F. Nariman]

made observations in this connection in the earlier part of the debate and I do not wish to take up the time of the Council now.

Question proposed.

Mr. A. MONTGOMERIE: I am afraid, Sir, we cannot accept this amendment. A case which occurred recently in Bombay was exactly a case in point. Suppose this Act is extended to the mofussil. Suppose a police constable or a sub-inspector in a village finds that a child cannot be taken to any other suitable place—in some ordinary village in the Deccan, for instance—what is he to do with the child unless he takes it to the police station? There may not be any other suitable place of safety in the village. Then he has to take it there—to the police station—whether it be a male child or a female child, unless the child is to be left to itself. He has got to do something, and in an ordinary village in a case of that sort where a female child was left starving or abandoned, what is the female child to do, unless you remove it to a police station? If you look at it from a practical point of view, you will see that the amendment cannot be accepted.

Mr. B. K. DALVI (Belgaum District): Mr. President, I will support the honourable member Mr. Nariman's amendment. We have first of all to see in what clauses this expression " place of safety " appears. It appears only in clauses 14, 15 and 16, and this provision is made in order to provide that a child should be taken to a place of safety before it is taken to a magistrate, and in this case, Sir, it was just stated by the Honourable the Home Member that these provisions, especially these chapters II and III, were meant to be applied to big cities where there would be no dearth about places like hospitals, orphanages, surgeries or any other suitable places, as is given in the definition of " place of safety "—(*g*). And it was also stated at that time that these chapters would not be extended to the mofussil unless there were hospitals or other places to which the children could be taken. So I think Government also should have no objection to accept this amendment. The amendment says that a police station should not be considered a place of safety and I submit that as this Act would be extended to the mofussil only when Government have such institutions as hospitals, orphanages, surgeries or any other suitable places where the child could be taken as a place of safety Government should have no objection to it. So I think if this amendment is accepted by Government, all the fears of the representatives of the people in that respect will be allayed and there will be no difficulty in passing this clause without any opposition.

Mr. B. G. PAHALAJANI (Western Sind): Mr. President, I rise to support the amendment. I had no intention to speak on this amendment, but after the Honourable the Home Secretary rose to give us an instance of a case of a child found in Bombay, in which he did not give us the age of the person that was concerned, whether it was less than sixteen or more than sixteen, which I think would have been very useful to us in determining the question, I thought it necessary to support this amendment. It is a very reasonable amendment, because, so far as the male children

[Mr. B. G. Pahalajani]

are concerned, we have now agreed that in the absence of any other more suitable place, they can be taken to a police station. But, as long as this definition that a " young person " means a person who is fourteen years of age or upwards but under the age of sixteen years remains in the Act, we have to take into consideration the case of girls who are not fully developed to be useful in brothels but who yet require to be removed to places of greater safety as regards morals, to safeguard their morals. I am not as much in love with the police in the mofussil as the Home Secretary is. All I can say is that those who have experience of the mofussil police, of the police in the villages or small stations, especially in Sind, where there are different considerations and different circumstances prevailing which I need not disclose here for fear of wounding some people's feelings, will agree with me. Considering the tendencies in the mofussil, considering the very little danger to the police officers who dare touch the morality of girls, I think it but right and safe that, so far as the girls are concerned, they may not be taken under any circumstances to a police station. The definition there is put in so many words " hospital, surgery or any other suitable place the occupier of which is willing temporarily to receive a child or young person ". Now, when these words are there, if the occupier of a suitable place is willing to take care of the child even in small villages, the police officer, if he finds a girl under those circumstances, can hand her over to any respectable person having women folk in his house till he brings her before a magistrate. This particular provision in clauses 14 and 15 which empowers a police officer to bring boys or girls to the police station and which enables him to detain them for 24 hours can easily be met by keeping the girl in a respectable house till the police officer is able to take her to a magistrate. I find no difficulty if that definition is accepted and I think the last speaker who agreed with the honourable member from Bombay was perfectly right in stating that we can as well do away with this, especially when the words are already there and when in a village an occupier will always be found willing to take up a child until a police officer brings it up before a magistrate.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I find from another clause in the very bill that Government itself appreciates and accepts the principle that so far as a girl is concerned, she should not be detained at a police station even though she may have committed a non-bailable offence in which case as soon as a girl is brought to a police station she is immediately released if sufficient security is available. I will just read the provisions of clause 18, proviso:

" Provided that when any girl apparently under the age of sixteen years is arrested the officer in charge of a police station who has made the arrest or before whom the girl is produced shall release her at once if any person who in his opinion is a sufficient surety enters into a bond, etc., etc."

Therefore, I cannot understand the opposition to this clause. I hope the Honourable the Home Member will accept my amendment.

The Honourable Sir MAURICE HAYWARD: Mr. President, I am afraid I must oppose this amendment. I think it is desirable that in the

[Sir Maurice Hayward]

last resort a female child ought to be taken to a police station for protection. I should like to point out that it is only in the last resort, that it is only temporarily, that recourse will be had to this procedure. I think it would be a mistake if this was not provided. There might be cases even in large cities where it would be impossible to find anybody on the spur of the moment fit and ready and willing to take charge of the child. If any such person was ready, then the child would be necessarily under this definition handed over to that person, but I do not think it would be right for us to overlook the possibility of the cases where no such person would be immediately forthcoming. In those cases I think it is essential that the child should be protected in a police station. I hope, Sir, that those cases will be extraordinarily few. I hope that the people will come forward and will help us in this matter, but I think especially in the first instance it is necessary, before these societies are well established, that we should have in the last resort this provision, a provision which is only of a very temporary nature pending taking the girl before a magistrate. I do not think that this provision can be in any way compared to that quoted by my honourable friend, the case of an offender, a child who is an offender and who has been taken up for committing an offence.

That case is very different, that is a case where very likely the parents of the child will be forthcoming and it is provided that in that case the child can be handed over to her natural guardians or parents. That is an entirely different position from that of a foundling for whom there is *prima facie* no such provision, no people properly looking after it. The case of an offender is entirely different and there is a possibility or even a probability of it being possible in such cases to find bail for that child, but even in such a case if bail is not forthcoming, then the child would have to be kept in the police station. I think, therefore, Sir, it is desirable that we should retain the clause as it is in order to provide for these possible extreme cases.

Question put. House divided. Ayes 43: Noes 34. Motion carried.

*Division No. 2.*

**Ayes.**

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| ADWANI, Mr. D. B. | MEHTA, Dr. M. M. |
| AHMAD, Moulvi RAFIUDDIN. | MUJUMDAR, Sardar G. N. |
| ANGADI, Mr. S. N. | MUKADAM, Mr. W. S. |
| BAPTISTA, Mr. J. | NANAL, Mr B. R. |
| BHOPATKAR, Mr. L. B. | NARIMAN, Mr. K. F. |
| CHAUDHARI, Mr. L. S. | NEKALJAY, Mr. R. S. |
| COOPER, Khan Bhadur D. B. | PAHALAJANI, Mr. B. G. |
| DALVI, Mr. B. K. | PATEL, Mr. A. E. |
| DESAI, Rao Saheb D. P. | PATEL, Mr. D. N. |
| DEV, Mr. S. S. | PATEL, Mr. G. I. |
| DIXIT, Mr. M. K. | PATIL, Mr. D. R. |
| GUNJAL, Mr. N. R. | POWAR, Mr. M. B. |
| JAYAKAR, Mr. M. R. | PRADHAN, Mr. G. B. |
| JOG, Mr. V. N. | RAHIMTOOLA, Mr. HOSENALLY M. |
| JOSHI, Mr. P. G. | SAHEBA, Mr. H. D. |
| KAMBLI, Mr. S. T. | SAYED GHULAM NABI SHAH. |
| KOTHARI, Mr. V. R. | SHINDE, Mr. R. D. |
| LALLJEE, Mr. HOOSEINBHOY A. | SHIVDASANI, Mr. H. B. |
| MANSURI, Khan Saheb A. M. | SOMAN, Mr. R. G. |

Ayes—*contd.*

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| Surve, Mr. A. N. | Thakersi, Mr. Punjabhai. |
| Surve, Mr. V. A. | Velkar, Dr. M. B. |
| Swaminarayan, Mr. J. C. | |

*Tellers for the Ayes:* Mr. L. B. Bhopatkar and Mr. K. F. Nariman.

Noes.

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|---|---|
| Addyman, Mr. J. | Jadhav, the Honourable Mr. B. V. |
| Bunter, Mr. J. P. | Jehangir, the Honourable Mr. Cowasji. |
| Chatfield, Mr. G. E. | Kanga, Mr. J. B. |
| Dabholkar, Mr. V. A. | Kay, Mr. J. A. |
| Dadachanji, Dr. K. E. | Kazi Inaitullakhan. |
| Dehlavi, the Honourable Mr. A. M. K. | Kokanji, Mr. G. J. |
| Fernandez, Dr. Cosmas. | Linford, Mr. J. W. |
| Framji, Mr. K. S. | Mehta, the Honourable Mr. C. V. |
| Ghosal, Mr. J. | Montgomerie, Mr. A. |
| Ghulam Hussain, the Honourable Khan Bahadur Shaikh. | Owen, Mr. A. C. |
| Gibson, Mr. R. E. | Painter, Mr. H. L. |
| Grantham, Mr. V. A. | Pradhan, Mr. R. G. |
| Griffiths, Mr. V. M. | Pratt, Mr. F. G. |
| Hatch, Mr. G. W. | Thomas, Mr. G. A. |
| Hayward, the Honourable Sir Maurice | Wadia, Mr. N. J. |
| Hepper, Sir Lawless | Wiles, Mr. G. |
| Hudson, Mr. L. S. | Woods, Mr. E. E. |

*Tellers for the Noes:* Mr. J. Addyman and Mr. E. E. Woods.

The Honourable the PRESIDENT: The next amendment of which notice has been given by the hon'ble member Mr. Hooseinbhoy Lalljee forms the first part of the honourable member Mr. Nariman's amendment which has just been passed, and it is not necessary to move it.

Mr. M. R. JAYAKAR (Bombay Presidency): Before you proceed, Sir, I should like to bring to your notice that it is necessary to make a small verbal amendment in sub-clause (*g*) of clause 3, in consequence of the acceptance of the amendment adding the words 'or institution'. It will be necessary to add the words 'or institution' after the word 'place' in line 61 of clause 3.

The Honourable the PRESIDENT: This will be a consequential amendment. It is:

"Add the words 'or institution' after the word 'place' in line 61 of clause 3."

Question put and carried.

The Honourable the PRESIDENT: The Home Secretary draws my attention to the fact that in sub-clause (*d*) of clause 3, the section quoted is section 32, but that in consequence of the alterations made by the select committee, it should be section 34. So the amendment will be:

"In sub-clause (*d*) of clause 3 instead of the figure '32' in line 29, substitute the figure '34'."

Question put and carried.

Clause 3 as amended ordered to stand part of the bill.

Clause 4 (*Amendment of section 4 of VIII of 1897*) ordered to stand part of the bill.

Clause 5 (*Powers of courts*);

"The powers conferred on courts by this Act shall be exercised only by—(*a*) the High Court; (*b*) a Court of Session; (*c*) a District Magistrate; (*d*) a Sub-divisional Magistrate;

(*e*) a salaried Presidency Magistrate; (*f*) any Juvenile Court constituted under section 44, 46; and (*g*) any magistrate of the first class; and may be exercised by such courts whether the case comes before them originally or on appeal or revision."

The Honourable the PRESIDENT: There is a small verbal amendment necessary in clause 5, to remove a printer's error. The figure '44' in line 12 ought to have been scored out. The amendment will therefore be:

"Delete the figure '44' in line 12 of clause 5."

Question put and carried.

Clause 5 as amended ordered to stand part of the bill.

Clause 6. (*Procedure when magistrate is not empowered to pass an order under this Act*) ordered to stand part of the bill.

Clause 7. (*Children found wandering, etc.*)

(1) Any police-officer or other person authorized in this behalf in accordance with rules made by the Governor-in-Council may bring before a court any person who in his opinion is a child or young person and who—

(*a*) is found wandering and has no home, settled place of abode or visible means of subsistence, or is found wandering and has no parent or guardian who exercises regular and proper guardianship; or

(*b*) is found destitute and his parents or surviving parent or other guardian, or in the case of an illegitimate child his mother or other guardian, are or is, as the case may be, undergoing transportation or imprisonmenent; or

(*c*) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of such person; or

(*d*) frequents the company of any reputed thief or prostitute or;

(*e*) is lodging or residing in a house used by a prostitute for the purposes of prostitution;

Provided that no police-officer below the rank of sub-inspector shall bring before a court under this sub-section a child who has a parent or legal guardian who has the actual charge of or control over the child.

(2) The court before which a child is brought as coming within one of these descriptions shall examine the information and record the substance of such examination and shall if it thinks that there are sufficient grounds for inquiry further fix a date for such inquiry.

(3) On the date fixed for the production of the child or for the inquiry or on any subsequent date to which the proceedings may be adjourned the court shall hear and record all evidence which may be adduced and consider any cause which may be shown why an order sending the child to a certified school should not be passed and make any further inquiry it thinks fit.

(4) If the court is satisfied on the inquiry that such person is a child and is as above described and that it is expedient so to deal with him, the court may order him to be sent to a certified school.

(5) Instead of ordering such child to be sent to a certified school the court may in the prescribed manner order him to be committed to the care of a relative or other fit person named by the court (such relative or other person being willing to undertake such care) until he attains the age of sixteen years or for any shorter period.

(6) If the court is satisfied on the inquiry that such person is a young person and is as above described and that it is expedient so to deal with him, the court may in the prescribed manner order him to be committed to the care of a relative or other fit person named by the court (such relative or other person being willing to undertake such care) until he attains the age of sixteen years or any shorter period.

(7) The court which makes an order committing a person to the care of a relative or other fit person under this section may, in addition, order that he be placed under the supervision of a person named by the court.

Mr. D. B. ADWANI (Karachi City): Mr. President, the amendment which I wish to move is as follows:

Substitute the following for clause 7;

"7. (1) Any police officer not below the rank of Inspector or other person authorized in this behalf in accordance with the rules made by the Governor in Council may report to the nearest court or magistrate having jurisdiction under this Act, the case of any

[Mr. D. B. Adwani]

person, living with his or her parent, guardian or husband who in his opinion is a child or young person and in respect of whom an offence under this Act or under Chapter XVI of the Indian Penal Code, 1860, has been, or there is reason to believe has been, committed. Such court or magistrate may call upon the parent, guardian or husband to show cause why action under the Act should not be taken and may, suitable sureties being offered for the safety of the child or young person and for his or her being brought before the court, permit the child or young person to continue to live with such parent, guardian or husband till the said court or magistrate passes orders under this Act, or may order the said child or young person to be taken to a place of safety.

"(2) Any police-officer not below the rank of Inspector or other person authorized in this behalf in accordance with the rules made by the Governor-in-Council may bring before a court, any person not living with his or her parent, guardian or husband, who in his opinion is a child or young person and who,

(*a*) Same as clause 7 (1) (*a*) of the bill as amended by the Select Committee.
(*b*) Same as 7 (1) (*b*) Do. do.
Delete 7 (1) (*c*) Do. do.
(*c*) Same as 7 (1) (*d*) Do. do.
(*d*) Same as 7 (1) (*e*) Do. do.

Delete the words from 'provided that' to 'over the child,' from lines 39 to 44 inclusive, page 4.

"(3) Same as sub-section (2).
"(4) Same as sub-section (3)."

Now, Sir, I shall try to explain in the main what I mean by the changes I propose. In the first place, I have separated out children who are living with their parents or guardians or husbands. It seems to me that by authorising a police officer of the rank merely of a sub-inspector to remove a child from the custody of a parent, guardian or husband, we give a very large power indeed to that police officer. Undoubtedly such removal will cause great hardship and disturbance in the domestic relationship in the house. The ties of domestic relationship in the countries from the statute books of which the provisions of this bill have been borrowed may be different. But it seems to me that in India it would be a very great evil to invest an ordinary police officer with the power of removing a child or young person from the custody of a parent, guardian or husband—be he a boy or a girl. In order that the police officer should be able to remove such child or young person from the custody of his or her parent, guardian or husband, he should be able to prove to a magistrate that the parent, guardian or husband is unfit to have the care of that child or young person up to the time the court passes orders. This will ordinarily be a short period of time. I do not think the court will take a long time over the proceedings. During that interval it should not be for the police officer to decide that a parent, guardian or husband is a criminal, of drunken habits or unfit to have the care of the child or young person. As the honourable member from Bombay said, the expression 'of drunken habits' is very vague. If a parent, guardian or husband appears to the magistrate unfit to have the care of the child or young person, it must be left to the magistrate to make such arrangements as he deems fit. This is the first provision; namely, that, in order that the police officer should be able to remove the child or young person from the custody of the parent, guardian or husband he should be able to prove to the magistrate that the parent, guardian or husband is totally unfit to have the care of such child or young person.

[Mr. D. B. Adwani]

The second part of my amendment relates to children who are not under the care of a parent, guardian or husband and who are found wandering. In respect of these children I have followed the lines laid down by the select committee with the exception of clause (*c*), which I wish to delete, because it is not now required as I have made provision in part one of my amendment for children under the care of a parent, guardian or husband. I have also deleted the proviso:

"Provided that no police officer below the rank of sub-inspector shall bring before a court under this sub-section a child who has a parent or legal guardian who has the actual charge of or control over the child."

I have deleted it because it will be covered by the first part of my amendment. It will also be seen that I have given powers under this amendment to a police officer not below the rank of an inspector. It is obvious that it is too large a power to give to a sub-inspector to remove a child or young person from the custody of a parent or guardian and decide whether he is a fit or unfit person to have the care of the child.

The Honourable Sir MAURICE HAYWARD: I rise to a point of order. It is rather a complicated amendment. The first part of the honourable member's amendment is to clause 7; it does not at all refer to clause 7, but it really relates to clause 14. Clause 7 deals with children found wandering with no parent or guardian. The honourable member's amendment does not deal with children found wandering but with children in respect of whom an offence under this Act or under Chapter XVI of the Indian Penal Code has been committed; and this is referred to in clause 14. Clause 14 deals with children in respect of whom an offence under chapter XVI of the Indian Penal Code has been committed. This can hardly be an amendment to a clause dealing with children found wandering.

Mr. D. B. ADWANI: Sub-clause (*c*) of section 7 says:

"is under the care of a parent or guardian who by reason of criminal or drunken habits, is unfit to have the care of such person..."

It is to that particular sub-clause I have directed my amendment of sub-clause (1).

The Honourable Sir MAURICE HAYWARD: I do not think the honourable member has understood me. Clause 7 does not deal with children in respect of whom an offence under Chapter XVI of the Indian Penal Code has been committed. If at all the honourable member moves the amendment, it should be to clause 14.

The Honourable the PRESIDENT: A point of order has been raised. I want to hear what the honourable member has got to say to that. The point of order is that clause 7 sub-clause (1) deals with children found wandering, etc., while the honourable member's amendment deals with all offences against all children.

Mr. D. B. ADWANI: Clause 7 (1) deals with children found wandering, etc. So, there are some other cases also.

The Honourable the PRESIDENT: That is the heading. Read the section:

Any police-officer or other person authorized in this behalf in accordance with rules made by the Governor in Council may bring before a court any person who in his opinion is a child or young person and who—

is found wandering and has no home, settled place of abode or visible means of subsistence, or is found wandering and has no parent or guardian who exercises regular and proper guardianship; or

is found destitute and his parents or surviving parent or other guardian, or in the case of an illegitimate child his mother or other guardian, are or is, as the case may be, undergoing transportation or imprisonment; or

is under the care of a parent or guardian, who, by reason of criminal or drunken habits, is unfit to have the care of such person; or

frequents the company of any reputed thief or prostitute or;

is lodging or residing in a house used by a prostitute for the purposes of prostitution.

The Honourable Sir MAURICE HAYWARD: It does not say a child in respect of whom an offence under chapter XVI of the Indian Penal Code has been committed which is referred to in clause 14.

Mr. D. B. ADWANI: I have specially laid down that a police officer....

The Honourable the PRESIDENT: If your object is to alter "any police officer" to "any police officer not below the rank of an inspector," it will be quite in order.

Mr. D. B. ADWANI: What I have intended to do is to specify the cases in which a child or a young person.....

The Honourable the PRESIDENT: The Honourable Leader of the House does not object to the honourable member moving this amendment. The point of order raised is that the amendment is not properly placed. The honourable member may be allowed to move it when the House is discussing clause 14.

Mr. M. R. JAYAKAR: The difficulty felt by the Honourable Leader of the House against the amendment may be avoided if the Honourable member Mr. Adwani drops the words "or under chapter XVI of the Indian Penal Code, 1860". The amendment will then be perfectly in order, for it would then refer only to the items mentioned in clause 7, like, *e.g.*, "wandering, etc."

The Honourable Sir MAURICE HAYWARD: That is not an offence.

Mr. M. R. JAYAKAR: What I wish to say is that the honourable member Mr. Adwani has included all these details together in the words 'in respect of whom an offence under this Act has been committed," I mean all these cases of "wandering", "found destitute", etc.....

Mr. A. MONTGOMERIE: He has repeated them all.

Mr. M. R. JAYAKAR: But he has grouped all these together and he has called them "offences under this Act". The gist of the amendment is this: that before action is taken, the parent or guardian should be given a chance of showing cause why action may not be taken under this Act. That is the first thing the honourable member Mr. Adwani wants to secure. I submit, Sir, that the amendment would be prefectly in order if we drop "or under chapter XVI of the Indian Penal Code, 1860,"

[Mr. M. R. Jayakar]

which, as the Honourable Leader of the House has pointed out, relate to clause 14.

The Honourable Sir MAURICE HAYWARD : He also repeats later all the sub-clauses, (*a*), (*b*), (*d*), etc.

Mr. G. B. PRADHAN : Sir, I may point out that in clause 7, there is a proviso laid down :

**Provided that no police officer below the rank of sub-inspector shall bring before court under this sub-section a child who has a parent or legal guardian who has the actual charge of or control over the child.**

The honourable member Mr. Adwani seems to be anxious.....

The Honourable the PRESIDENT : I cannot allow any speech on the merits at this stage. Honourable members can only speak on the point of order raised.

Mr. G. B. PRADHAN : Then clause 14 is the clause to which really this will be an amendment.

The Honourable the PRESIDENT : You agree with the Honourable the Leader of the House.

Mr. G. B. PRADHAN : Yes.

The Honourable the PRESIDENT : I should like to point out to honourable members my difficulty. Under the chapter of the Standing Orders which deals with general rules of procedure, it is expressly provided that an amendment must be relevant to and within the scope of the motion to which it is proposed ; and therefore if the honourable member Mr. Adwani's amendment is within the scope of this clause, it is only a question as to which is the proper place for the amendment. There is no question that the amendment is a proper amendment to be put before the House. The point of order raised is whether this is the proper place for it. Perhaps, if honourable members wish to think over the matter, we will take the other amendments now and keep this over till to-morrow.

Mr. D. B. ADWANI : I do not mind it.

The Honourable the PRESIDENT : Then the leader of the Opposition and the Honourable the Leader of the House and the honourable member Mr. Adwani can put their heads together and see what can be done. There is no opposition to this amendment being moved. The only question is whether this is its proper place.

The Honourable Sir MAURICE HAYWARD : I think the honourable member had better take time. I merely wanted to point out to him the mistake.....

The Honourable the PRESIDENT : The amendment will be before the House whether at this stage or later. In the meanwhile we shall deal with other amendments in order to save the time of the Council. The next amendment is that of the honourable member Mr. Jog.

Mr. V. N. JOG (Dharwar District): Sir, I beg to move—

In clause 7, sub-clause (1) (*a*) delete the words "regular and proper" after the word "exercises" and before the word "guardianship."

It should not be left to the police officer to determine whether the guardianship exercised by a parent or guardian is regular or proper. If there is a parent or guardian under whose charge the child or young person is, then the police officer should not take him to a place of safety.

Question proposed.

Mr. V. N. JOG: Sir, in order to meet some objections raised, I would, with your permission, beg leave to move that the words "who exercises" and "guardianship" also be deleted. The clause will then read:

(*a*) is found wandering and has no home, settled place of abode or visible means of subsistence, or is found wandering and has no parent or guardian;

Question put and leave granted to amend the amendment proposed.

Amendment as amended proposed.

In clause 7, sub-clause 1 (*a*), delete the words; "who exercises regular and proper guardianship."

Mr. L. B. BHOPATKAR: May I suggest, Sir, that inasmuch as the honourable member Mr. Adwani has been given time till to-morrow in regard to his own amendment and inasmuch as it relates to the same clause 7, it will be saving the time of the Council if clause 7 is reserved for consideration to-morrow and we go to clause 8.

The Honourable the PRESIDENT: I think that is a very valuable suggestion and I take it that the House will agree that in view of the large number of amendments with regard to which notices have been received, we should postpone consideration of clause 7 to enable the honourable member Mr. Adwani and the Honourable the Leader of the House to see in what shape his amendment can be brought within the rules.

Consideration of clause 7 stands adjourned till to-morrow.

Clause 8 (*Uncontrollable children*) ordered to stand part of the bill.

Clause 9 (*Punishment for cruelty to children and young persons*).

(1) Whoever having the actual charge of or control over a child or young person, abandons, exposes or wilfully neglects or ill-treats such child or young person in a manner likely to cause such child or young person unnecessary suffering or injury to his health shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to two hundred rupees or with both.

(2) For the purposes of this section injury to health includes injury to, or loss of, sight or hearing and injury to limb or organ of the body and any mental derangement, and a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if he wilfully fails to provide adequate food, clothing, medical aid or lodging for the child or young person.

(3) A person may be convicted of an offence under this section notwithstanding that actual suffering or injury to health was obviated by the action of another person.

(4) Nothing in this section shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child or young person to administer punishment to such child or young person.

Mr. V. N. JOG: Sir, I beg leave to withdraw my amendment.

Amendment by leave withdrawn.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I beg to move:

In clause 9, sub-clause (1) add the word 'wilfully' after the words 'young person in line 4. Delete the words 'exposes or wilfully neglects or ill-treats'.

[Mr. K. F. Nariman]

Sir, I quite agree with the honourable mover of the last amendment that in a measure of this kind when passed there should be as little discretion left to police officers as possible. Because we must remember that in introducing vague clauses like that we leave it to the officer to decide in his discretion whether the case is within these clauses and then these clauses are much more liable to be abused. Therefore I suggest that it would meet the requirements of the case if we delete the words "exposes or wilfully neglects or ill-treats" and add the word "wilfully" before the word "abandons".

The word "ill-treat" is liable to such comprehensive and diverse construction that if we leave such a construction to a police officer, then I submit many instances will arise where there may be great hardships upon parents. How is the word "ill-treat" to be construed? I do not think there is a definition of this word either in the General Clauses Act or in any other Act. There may be some officer who may construe a mere chastisement as ill-treatment and another officer who may construe cruelty as a sort of ill-treatment. Therefore words of indefinite and vague manner ought to be avoided in a measure of this kind and I hope there would not be much opposition to this amendment.

Question proposed.

Mr. A. MONTGOMERIE: Sir, I rise to oppose this motion. On the first part of it the insertion of the word "wilfully" before the word "abandons" I suggest is "redundant" unless of course it is followed by the omission of the other words. I cannot imagine an "unintentional" abandonment of a child. A person who abandons a child knows why he does it. It is like the old song "we left the baby on the shore" by an accident. People do not abandon children except wilfully. But the main point is this. This is not the question in which there is any occasion to refer to the powers which are going to be given to the police to tease and ill-treat people. This is proposing to set up an offence punishable in the court of a first class magistrate. So that that part of the honourable member's argument has no particular force in it. The words "exposes, wilfully neglects or illtreats" are meant to cover outrages on children which do not necessarily fall within the purview of the Indian Penal Code and which it is impossible in many cases to bring within the purview of that Code. It may be possible to say in any given case that an offence has been committed, that a child has been assaulted but that it may be impossible to prove any definite fact, any definite particular act such as would amount to an offence. A child might be brought before the court covered with wounds or sores obviously suffering as the result of continued neglect and ill-treatment, but with regard to whom it might be impossible to prove any definite offence and this power is designed to cover these cases. I think there is no doubt whatever that for the protection of child life a section of this sort is necessary. There is nothing really indefinite about it. The words are "neglects or ill-treats in a manner

[Mr. A. Montgomerie]

likely to cause such child unnecessary suffering or injury to his health ". If a child is brought before the court bearing all the marks of illtreatment and if it is shown that the parent has been neglecting the child, though you may not be able to prove any particular offence under the Indian Penal Code, it seems to me that it is right to subject him to punishment. I have only one interest in this bill and that is the protection of children. That is a more important interest than that of any parent or gaurdian who by criminal neglect has caused danger to the life of a child, and I strongly request the House to accept these words in the bill. These words were kept unanimously by the select committee and I strongly object to the omission of these words. They will take away a great deal of what this bill desires to do.

Dr. COSMAS FERNANDEZ: I think, Sir, that in this clause the words " wilfully neglects or illtreats " are quite essential to prevent some of the common cases of neglect of parents. I want to point out only one instance and that is causes of blindness among children.

We see several cases of blindness which are entirely due to neglect. A child which suffers from small-pox is often troubled with eye troubles which, if treated in the earlier stages, can be absolutely cured. Blindness in a large number of cases of children is due to this cause through neglect. Then there are other eye diseases which cause blindness and when parents are advised to take their children for treatment, they refuse to do so. Perhaps there may be some cases in which through laziness, or some cases in which through pure ignorance of the consequences, blindness may follow. I say I am giving only one instance. There may be several other instances in which the defects can be prevented. An argument may be put forward to say that these parents are not in a position to take the children for medical treatment. I say in a large number of places hospitals are provided and it is only cases in which children are not taken to such places, cases of absolute neglect, to which this provision would apply. Specially in the case of eye diseases, if there is a clause like this, it would be a good thing to force the parents to take the children to hospitals. I think, Sir, these words "wilful neglect" are absolutely essential in the present circumstances.

Mr. G. K. MAVALANKAR (Ahmedabad City): Sir, the Act applies not only to the big presidency towns like Bombay or Ahmedabad. Hospitals are not situated everywhere and in every village. For cases like those of small-pox there are different methods of treatment. Certain Hindus do not treat at all a case of small-pox. They have certain religious notions in the matter. There are notions on the part of officers that children must be taken to the hospitals or should be treated according to the medical treatment of allopathy. Perhaps certain parents may treat their children with ordinary country medicines. Therefore, I support the amendment of my honourable friend Mr. Nariman.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Mr. President, I am sorry I cannot support my honourable friend Mr. Nariman

[Mr. G. B. Pradhan]

because when this was discussed in the select committee sub-clause (4) was added. It reads:

"Nothing in this section shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child or young person to administer punishment to such child or young person."

The clause was really put down to safeguard cases where punishment was administered merely as a corrective to a child or young person. In that view the clause was intended and the word "wilfully" was added specially in order that if there is a case of simple punishment administered by a parent or guardian, it may not be construed to be an offence. If they are guilty of wilful neglect or ill-treatment, where injuries are caused to the children to excite compassion for them, for such cases penalty is provided by clause 9, and so my submission to this House is that the words that are put down in this clause are necessary.

Mr. B. G. PAHALAJANI (Western Sind): I rise, Sir, to oppose the amendment and I think my honourable friend from Bombay will think it better to withdraw his proposal, because if sub-clause (4) of clause 9 is read, you will find it thus:

"Nothing in this section shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child or young person to administer punishment to such child or young person."

This is an addition which was very much wished for and this addition has been made by the select committee. If this addition had not been here, then there might have been some ground for the amendment. I think the House will remember that at the last meeting of the Council I strongly objected to the words as they existed there in clause 9, and the chief reason was that those words would take away a considerable portion of the parents' and guardians' right over children. Therefore, this sub-clause (4) has been added there. This applies naturally and necessarily to deliberate assaults or deliberate ill-treatment which exceeds or goes beyond the right of the parent, teacher or other gaurdian, *i.e.*, to inflict condign punishment to the children. In view of that power still remaining with the parent or guardian, I submit to the House that these words may be allowed to remain in the clause.

Mr. K. F. NARIMAN (Bombay City, South): I am very sorry, Sir, I cannot accede to the request made by the honourable the Deputy President to withdraw the amendment. On the contrary, the result of this debate has impressed upon my mind the necessity of pressing this amendment with greater force upon the House. Personally speaking, I cannot at all agree with my honourable friend from Bombay (Dr. Cosmas Fernandez). I submit, Sir, if the police officer has the same notion as the honourable member from Bombay, then my amendment is absolutely and urgently necessary. There would be no safety for any parent or guardian, Sir, if this clause were to be construed in the manner the honourable member from Bombay wishes it to be construed. I hope, Sir, the Honourable Member in charge will not put the same construction on it. He says, if the parent has got the misfortune—the misfortune is more to the parent than to anybody else—of a child's losing eyesight, then

[Mr. K. F. Nariman]

that parent is liable to be prosecuted for not having taken proper precaution beforehand, and that will be decided by the police officer, whether proper precautions were taken or not. Similarly with regard to all other diseases, so far as the honourable member from Bombay is concerned. If a child is found to suffer from some constitutional infirmity, the parent is liable to be prosecuted on the ground that if he had taken better care to look after the child that child would not have suffered from the infirmity. I do urgently ask all the honourable members to consider what the position of the parent will be in such a case. The Home Secretary stated, Sir, that this bill is for the protection of the children. I would assure the Home Secretary as well as the whole House that I am as anxious as anybody else to see that the children are protected. But in trying to see that the children are protected we must see the other side also, that we are not inflicting unnecessary hardship and cruelty upon the parents in our anxiety to protect the children. I submit, Sir, "ill-treatment" is a very vague term and that a parent is liable to be prosecuted under another law— the Penal Code—as any other member or citizen is liable and we have known instances of cases where parents or other relations, for causing hurt to their children, have been prosecuted under the ordinary law.

I could have understood if there had been a section under the Penal Code which exempted parents from punishment for inflicting a penalty upon their children, that such parents should not be prosecuted under the Penal Code, then a clause of this nature would have been necessary, but when there are provisions already in the Penal Code and other enactments which make it penal and which make a parent as much liable as any other citizen for causing ill-treatment of the kind described, where is the necessity of putting this additional clause and giving additional powers to police officers, particularly powers which, according to the construction put by one honourable member, may be carried to a length which would be extremely dangerous anywhere? I hope that what has been stated by various members as to the construction to which the clause is liable to be put, will be borne in mind and that honourable members will realize their responsibilities more seriously than on other occasions and vote for my amendment.

The Honourable Sir MAURICE HAYWARD: Mr. President, I submit, Sir, that the clause as it stands is intended to protect children. It would be a very great mistake if we were to be led away into authorising ill-treatment of children. We do not allow it in the case of animals and we ought not to allow it in the case of the children.....

Mr. D. B. ADWANI: What would be ill-treatment?

The Honourable Sir MAURICE HAYWARD: I shall be very glad, if the honourable member desires me to explain, if he will allow me to do so. The ill-treatment in the clause is specified in the clause and if the honourable member will choose to read it, he will see what it is. It is ill-treatment of a serious nature. It is wilful ill-treatment; it is not merely ill-treatment which cannot be helped, it is wilful and it is ill-treatment which

[Sir Maurice Hayward]

is likely to cause such child or young person unnecessary suffering or injury to his or her health. It is not an ordinary ill-treatment, it is serious ill-treatment, cases of which have come to the notice of the societies for the prevention of cruelty to children. It is serious cases of ill-treatment against which the law is aimed. It is not such injury to eye-sight caused by disease which could not be prevented or which was caused by ignorance. It must be something wilful-injury which is wilfully caused not ignorantly nor by accident nor by ignorance or disease, but something which is caused wilfully to the child-and I submit that such ill-treatment ought to be made penal in this bill. I would also inform the Council that it is also penal in the Bengal Act. In that Act, section 40 provides a penalty of two years' imprisonment for cruelty to children or young person. I submit, Sir, that this clause ought to be retained as it is and that the amendment before the House ought to be rejected.

Question put and lost.

Mr. K. F. NARIMAN (Bombay City, South): Sir, the amendment which I beg leave to move is as follows:—

In clause 9, sub-clause (2), after the word "person" where it occurs in the sixth line add the words "having sufficient means and".

I hope the House will accept this amendment. Even in criminal proceedings, liability is imposed upon a husband to maintain his wife even after separation or desertion only if he has sufficient means. It often happens that in spite of the best will in the world and an acute desire to maintain their children, some parents are unable, through sheer poverty, to do so properly. Under these circumstances, I think it is really the duty of the State to come to the rescue of those children whose parents are not able to maintain them. I think this addition is absolutely necessary as such a proviso is always made wherever liability is imposed upon any one for maintenance of his dependents and it is always understood that parties able to maintain their dependents but do not do so and wilful negligence alone should be penalised.

Question proposed.

Mr. A. MONTGOMERIE: Mr. President, the only objection that we wish to raise to this amendment is that it is unnecessary. The select committee put in the word "wilfully" specially to meet the case. No man can be accused of failing wilfully to supply sufficient nutriment for his children if he himself has not got sufficient nutriment to give them. For that purpose the word "wilfully" was specially inserted in the select committee. There is no other objection to Mr. Nariman's amendment except the fact that it is unnecessary, it being merely a duplicate of the word "wilfully" which has been specially put in the clause by the select committee to meet the objection which he has put forward.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I really cannot understand the opposition of the Government member. What harm is there if you make the provision more clear and definite? I do not think that by asking for the addition of these words I am taking anything away from the clause. I am only making it more explicit, so that the

[Mr. K. F. Nariman]

interpretation of the clause may not be liable to a misconstruction or a misreading when the bill becomes law and comes to be worked in actual practice. I hope the amendment will therefore be acceptable to this House.

The Honourable Sir MAURICE HAYWARD : Mr. President, I have only to state that it is unnecessary and that the point was duly considered by the select committee.

Question put and lost.

Mr. R. G. SOMAN (Satara District): Sir, the amendment which I wish to move is as follows :—

In clause 9, sub-clause (2), line 9, after the word " cause " insert the words " unnecessary suffering or ".

My object in moving this amendment is to bring that clause into consistency with the wording in the first sub-clause.

Mr. B. G. PAHALAJANI (Western Sind): I believe this amendment is unnecessary because in clause 9, *sub-clause* (1) there is the provision already made to the following effect, namely, whoever causes unnecessary suffering or injury to the health of a child shall be punished with imprisonment. So, both are provided for there.

The sub-clause (2) only proceeds to give the definition 'injury to health' for the purpose of this clause. Injury to health as defined here is inclusive term and includes all kinds of injury which are mentioned in line 9, of sub-clause 1, clause 9. Therefore, the words " unnecessary suffering " are already in clause 9 (1) which prescribes the nature of the punishment. Sub-clause (2) of clause 9 only defines the nature of injury but mentions no punishment. For this reason there is no necessity of adding the words suggested in the amendment.

Mr. R. G. SOMAN (Satara District): Sir, I have no reply to make.

The Honourable Sir MAURICE HAYWARD : Mr. President, I entirely agree with the honourable the Deputy President.

Question put and lost.

Clause 9 ordered to stand part of the bill.

The Honourable the PRESIDENT : The Council will now adjourn till 2 o'clock to-morrow, Tuesday the 14th October 1924.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

*Tuesday, the 14th October 1924.*

The Council re-assembled at the Council Hall, Poona, on Tuesday, the 14th October 1924, at 2 p.m., the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., Presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ADDYMAN, Mr. J.
ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
ANGADI, Mr. S. N.
BAPTISTA, Mr. J.
BHOPATKAR, Mr. L. B.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Mr. V. A.
DADACHANJI, Dr. K. E.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GIBSON, Mr. R. E.
GRANTHAM, Mr. V. A.
GRIFFITHS, Mr. V. M.
GUNJAL, Mr. N. R.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HUDSON, Mr. L. S.
JADHAV, the Honourable Mr. B. V.
JAYAKAR, Mr. M. R.
JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KALBHOR, Mr. G. M.
KAMBLI, Mr. S. T.
KANGA, Mr. J. B.

Karki, Mr. M. D.
Kay, Mr. J. A.
Kazi Inaitullakhan
Kokani, Mr. G. J.
Kothari, Mr. V. R.
Lalji Naranji, Mr.
Lalljee, Mr. Hooseinbhoy A.
Lawrence, the Honourable Mr. H. S.
Linford, Mr. J. W.
Madan, Mr. J. A.
Mahomed Ayub Shah Mahomed Khuhro, Mr.
Malji, Rao Bahadur Ambashankar Uttamram
Mansuri, Khan Saheb A. M.
Mavalankar, Mr. G. K.
Mehta, the Honourable Mr. C. V.
Mehta, Dr. M. M.
Montgomerie, Mr. A.
Mujumdar, Sardar G. N.
Mukadam, Mr. W. S.
Nanal, Mr. B. R.
Nariman, Mr. K. F.
Navle, Mr. N. E.
Nekaljay, Mr. R. S.
Owen, Mr. A. C.
Pahalajani, Mr. B. G.
Painter, Mr. H. L.
Patel, Mr. A. E.
Patel, Mr. D. N.
Patel, Mr. G. I.
Patil, Mr. D. R.
Powar, Mr. M. B.
Pradhan, Mr. G. B.
Pradhan, Mr. R. G.
Pratt, Mr. F. G.
Rahimtoola, Mr. Hoosenally M.
Saheba, Mr. H. D.
Saptarshi, Mr. C. M.
Sayed Ghulam Nabi Shah
Sayed Shahjade Saheb Haidar Saheb
Sedgwick, Mr. L. J.
Shankarrao Jayaramrao Zunzarrao, Mr.
Shinde, Mr. R. D.
Shivdasani, Mr. H. B.
Soman, Mr. R. G.
Surve, Mr. A. N.
Surve, Mr. V. A.
Swaminarayan, Mr. J. C.
Thakersi, Mr. Punjabhai
Thakor of Amod, the

Thakor of Kerwada, the
Thomas, Mr. G. A.
Velkar, Dr. M. B.
Wadia, Mr. N. J.
Wiles, Mr. G.
Woods, Mr. E. E.

The Honourable the President: Order, order. Questions.

### Compensatory Allowance.

*Mr. D. B. ADWANI (Karachi City): Will Government be pleased to state—

(*a*) whether it is true that during the year 1923-1924 the compensatory allowance was drawn only by officers of the Imperial Services and not by officers on the provincial list?

(*b*) from what date was the compensatory allowance first drawn? What was the total amount of such allowance drawn by the officers of the Imperial Services from that date up to the end of the financial year 1923-1924?

The Honourable Mr. H. S. LAWRENCE: The further information promised is as follows: The total amount drawn by officers of Imperial Services was 48,376.

### Educational Officers sent to England under Study Leave Rules.

*Mr. D. B. ADWANI (Karachi City): Will Government be pleased to state—

(*a*) the total number of educational officers who have been sent to England under the study leave rules, since the introduction of the said rules;

(*b*) how many of these were from Sind?

(*c*) how many of them took teaching diplomas, and how many did not?

The Honourable Mr. B. V. JADHAV: (*a*) None were sent to England. Seven were allowed to go on study leave.

(*b*) One.

(*c*) One took a teaching diploma.

### Sub-Registrars.

*Mr. D. B. ADWANI (Karachi City): Will Government be pleased to state—

(*a*) what is the number of first grade sub-registrars in Gujarat registration division, Kanarese registration division and Sind respectively;

(*b*) whether it is a fact that the documents registered in Karachi are mostly in English and that the income of the Karachi registration office is about four times that of the Dharwar office?

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

(*c*) what is the total number of sub-registrars and of second grade sub-registrars, respectively in (i) Gujarat division, (ii) Kanara division, and (iii) Sind ?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) There is one first grade Sub-Registrar in each of the Gujarat and Kanarese Divisions and none in Sind.

(*b*) Yes, the income of the Karachi office is approximately three times that of Dharwar.

(*c*) The total number of Sub-Registrars in Gujarat, Kanarese and Sind Divisions is 43, 46 and 48 respectively, of these 7, 7 and 3 respectively are in the second grade.

### Card System of indexing in Registration Offices.

Mr. D. B. ADWANI (Karachi City): (*a*) Will Government be pleased to state whether it is a fact that under new system of preparing indexes in registration offices on loose cards the public are not allowed to make searches for themselves and that they have to rely upon the search made by the sub-registrars or their clerks ?

(*b*) If so, will Government be pleased to state whether this practice is in conformity with section 57 of the Registration Act ?

(*c*) Will Government be pleased to state whether it is a fact that in some registration offices these indexes are ordered to be prepared in pencil and by means of carbon paper for duplicate copies ? If so, are records of similar public utility prepared in pencil in any other department ?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) With a view to prevent soiling of index cards search is made by the Departmental staff in the presence of the applicants who are allowed to see whatever entries they may desire to see: only the actual handling and turning over of cards is made by officers of the Department. Register books also can be examined in the same way by the public for purposes of tracing any entry they may want.

(*b*) As the search is made in the presence of the applicants and under their direction, Government do not consider the practice to be contrary to section 57 of the Indian Registration Act.

(*c*) Yes. They are prepared in pencil as clear duplicates cannot be obtained by using pen and ink. Duplication of Indexes by carbon paper has been in use in the Registration Department for many years. As regards the last paragraph of the question Government have no information.

### Civil Courts in Vishrambag Building.

*Mr. L. B. BHOPATKAR (Poona City): (*a*) Will Government be pleased to state whether they are aware that the judges, pleaders and their clients are greatly inconvenienced by the want of convenient passages and partitions and of proper water closets and lavatories in the Vishrambag building at Poona, where some of the civil courts are located, and that there are no water closets and lavatories for the use of pleaders and their clients at the district court at Poona ?

The Honourable Sir MAURICE HAYWARD: Steps are being taken to remove some of the inconveniences reported; but satisfactory relief will not be practicable until the opening of the new Law Courts.

FEES TO MR. T. H. G. STAMPER, ACTING CONSULTING SURVEYOR TO GOVERNMENT EXPERT IN LAND REFERENCE SUITS.

*Mr. L. B. BHOPATKAR (Poona City): (*a*) Will Government be pleased to state whether it is a fact that Mr. T. H. G. Stamper, acting Consulting Surveyor to the Government of Bombay, was paid Rs. 1,100 by the G. I. P. Railway authorities as his fees for giving evidence as an expert in land reference suits Nos. 126 to 129, 147, 148 of 1922 and 355, 360 and 364 of 1923 in the District Court at Poona?

(*b*) Is it a fact that he was permitted to take the said sum under Government Resolution No. 2708, dated 26th March 1924, of the General Department?

(*c*) On whose behalf was he examined as an expert witness, on behalf of the said railway authorities or on behalf of Government? Were the said railway authorities a party to the aforesaid suits?

(*d*) Has Mr. Mirams, the Consulting Surveyor and Architect to the Government of Bombay, been examined as an expert witness in any land reference in the Poona District Court?

(*e*) If so, has he ever been paid extra fees for giving evidence as an expert in any of such reference? If so, how much, and in which of the references?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*a*) and (*b*) Mr. Stamper was paid Rs. 1,100 by the G. I. P. Railway authorities for giving expert evidence in the District Court at Poona in the 9 references which amount was made up as follows:—

(i) Rs. 1,000 fee for his personal services, which was received by him, and

(ii) Rs. 100 office expenses incurred which amount was paid into the Government Treasury.

(*c*) Mr. Stamper was examined as an expert witness on behalf of the G. I. P. Railway Company who were acquiring the land. The Railway Company was not actually cited as a party to the suit, for in cases where land is acquired for a Company under the Land Acquisition Act, the Acquiring Officer is cited *pro forma*.

(*d*) The answer is in the affirmative.

(*e*) The answer is in the negative.

Mr. L. B. BHOPATKAR: For how many days was Mr. Stamper examined in connection with the nine references?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I would ask for notice of the question.

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

SUPERANNUATED CLERKS AND OFFICERS IN THE BOMBAY PORT TRUST.

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

(*a*) the number of superannuated clerks and officers in the service of the Bombay Port Trust; and

(*b*) what are the special reasons for retaining such clerks and officers?

The Honourable Mr. COWASJI JEHANGIR: (*a*) 13.

(*b*) The retention in service of these clerks and officers has in all cases been ordered in the interests of the service. The principal reasons are:—

(i) to provide for grant of leave where such has been long due and the officer could not be spared,

(ii) to allow for completion of certain works,

(iii) that the officer is thoroughly efficient and capable of efficiently carrying on his duties and his retirement would be a loss to the Trust; and

(iv) to allow of successors being trained for the particular duties.

Mr. S. K. BOLE: As regards part (*b*) (iii) of the reply, will Government be pleased to state what the Port Trust will do after the death of that particular officer?

The Honourable Mr. COWASJI JEHANGIR: They will have to do without him.

RETRENCHMENT IN THE EXCISE DEPARTMENT.

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

(*a*) whether it is a fact that Government have ruled that no extension of service to superannuated Government employees should be granted,

(*b*) whether it is a fact that the present Personal Assistant to the Commissioner of Excise has been granted such an extension,

(*c*) if the reply to (*a*) and (*b*) be in the affirmative, will Government be pleased to state the reasons for extension granted in the above-mentioned case?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) No.

(*b*) Yes.

(*c*) Does not arise.

PROFESSIONAL CONDUCT OF DEWAN BAHADUR T. K. MEHTA, GOVERNMENT PLEADER, SURAT.

Dr. K. E. DADACHANJI (Bombay City South): (*a*) Will Government be pleased to state whether their attention has been drawn to the judgment delivered by the extra joint second class subordinate judge at Surat on the 5th August 1922 in regular civil suit No. 642 of 1921?

(*b*) Will Government be pleased to place a copy of the judgment on the table of the Council?

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

The Honourable Sir MAURICE HAYWARD: A reference is requested to the reply to a similar question* put by the honourable member for Surat (Dr. M. M. Mehta) at the July-August sessions.

BUILDING GRANTS FOR PRIMARY SCHOOLS, NORTHERN DIVISION.

†Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state the amount of building grant for primary schools given to each of the districts of the Northern Division during the last five years and during the current year?

The Honourable Mr. B. V. JADHAV: The building grants paid to (*a*) District Local Boards, (*b*) Municipalities and (*c*) recognised schools in the several districts of the Northern Division during the years 1919-20 to 1923-24 are shown in the accompanying statements‡ A, B, and C respectively. No grant has up to now been given during the current year.

Rao Saheb D. P. DESAI: May I know the reason why the grants are becoming less and less every year, and no grants are given this year?

The Honourable Mr. B. V. JADHAV: The grants were made at the end of last year, and they will be made this year in the same way.

Rao Saheb D. P. DESAI: Since the last few years, why are the grants becoming less and less?

The Honourable Mr. B. V. JADHAV: Because the finances do not allow larger grants.

Rao Saheb D. P. DESAI: Is not the money allotted to the Education Department increasing year by year?

The Honourable Mr. B. V. JADHAV: Yes.

Rao Saheb D. P. DESAI: Then where does all the money go?

The Honourable Mr. B. V. JADHAV: Towards paying the increased salaries of school-masters.

Mr. D. B. ADWANI: Is all the money gone?

The Honourable Mr. B. V. JADHAV: Yes.

NEW PRIMARY SCHOOLS IN N. D.

†Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state how many new primary schools were opened during each of the last four years and during the current year in each of the districts of the Northern Division?

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

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* *Vide* Vol XII, Page 826.

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

‡ *Vide* Appendix No. 24.

§ *Vide* Appendix No. 23.

Rao Saheb D. P. DESAI: May I know why the schools are becoming less and less every day?

The Honourable Mr. B. V. JADHAV: Probably on account of the non-co-operation movement.

Mr. W. S. MUKADAM: Is it as a result of the non-co-operation movement?

The Honourable Mr. B. V. JADHAV: The honourable member may take it in that light if he likes.

NUMBER OF PRIMARY TEACHERS IN THE DISTRICT OF KAIRA.

*Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to furnish the number of primary school teachers in the district of Kaira in the year 1921-22 and in the current year?

The Honourable Mr. B. V. JADHAV: The numbers of primary school teachers in the Kaira District for the year 1921-22 and that on 31st March 1924 are as follow:—

| Year. | No. of teachers. |
|---|---|
| 1921-22 .. .. | 1241 |
| On 31st March 1924 .. .. | 1259 |

Rao Saheb D. P. DESAI: The number of teachers has increased, but the number of schools has decreased. May I know the reason for it?

(No reply.)

EXPENDITURE ON AGRICULTURAL ENGINEER AND HIS ESTABLISHMENT.

*Rao Saheb D. P. DESAI (Kaira District): (*a*) Will Government be pleased to state the annual expenditure on the agricultural engineer and his establishment and workshops including travelling and other allowances during the last official year for which the figures are available?

(*b*) Will Government be pleased to state what work has been done by the agricultural engineer and his establishment, after the boring work was transferred to the deputy directors of agriculture?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) The expenditure incurred on the Agricultural Engineer, etc., during the year 1923-24 was as shown below:—

| | Rs. |
|---|---|
| Pay of the Agricultural Engineer .. .. .. | 12,000 |
| Pay of establishment .. .. .. | 27,736 |
| Travelling allowance .. .. .. | 7,187 |
| Contingencies .. .. .. | 38,406 |
| Total .. | 85,329 |

The amount shown for contingencies includes Rs. 7,000 for the purchase of a Case Tractor and Rs. 6,000 for the construction of a shed for housing famine sets.

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

(*b*) An account of the work done by the Agricultural Engineer in the year 1922-23 will be found in Appendix P to the report of the Department of Agriculture for that year. A copy of the report* of the Agricultural Engineer for the year 1923-24 is placed on the Council table.

Rao Saheb D. P. DESAI: Is the Case Tractor working?

The Honourable Mr. A. M. K. DEHLAVI: I should like to find out before informing the honourable member.

### Transfer of Sub-Judges.

† Rao Saheb D. P. DESAI (Kaira District): (*a*) How many transfers of Subordinate Judges were made during the year 1923-24 and what was the total cost of these transfers to Government?

(*b*) The length of time for which each of those Subordinate Judges had served at the place from which he was transferred?

The Honourable Sir MAURICE HAYWARD: A statement‡ giving the information required is placed on the Council Table.

### Probationary Deputy Collectors.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to place on the table a statement containing:—

(*a*) the names and castes of the present probationary deputy collectors;

(*b*) the dates of their birth and their places of residence;

(*c*) their qualifications;

(*d*) the class in which they stood at the University examinations passed by them; and

(*e*) the date when they were appointed probationary deputy collectors?

The Honourable Mr. C. V. MEHTA: A statement§ containing the requisite information is put up.

### Nizampur's Contribution for a School Building.

† Mr. S. S. DEV (West Khandesh District): (*a*) Will Government be pleased to state whether they are aware that the people of Nizampur in Sakri taluka, West Khandesh, collected Rs. 500 for a school building some time ago and that the sum is lying with Government;

(*b*) Will Government be pleased to state—

(i) whether the sum carries any interest;

(ii) when will it be used for the purpose for which it was collected;

(iii) if there be no chance of its being used, what will be done with this money?

The Honourable Mr. B. V. JADHAV: (*a*) Enquiries made show that Rs. 500 were collected as under—

Rs. 300 by the people of Nizampur.

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* *Vide* Appendix No. 21.

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

‡ Kept in the Secretary's Office.

§ *Vide* Appendix No. 22.

Rs. 200 by the people of Jaitane, a suburb of Nizampur.

The amount is not lying with Government. It has been invested in War Bonds of 1930 as shown below :—

Rs. 300 in the name of Tryambak Vedu, Mulki Patil and

Rs. 200 in the name of Natu Dhaku, Police Patil.

(i) Yes.

(ii) The attention of the District Local Board, West Khandesh, has been drawn to the urgent necessity of taking up the construction of buildings for the schools for villagers subscribed liberally some years ago.

(iii) If the money is not used, it will be returned to the contributors if they so desire.

DISFORESTATION OF LAND NEAR PEDKA IN WEST KHANDESH.

*Mr. S. S. DEV (West Khandesh District): (*a*) Will Government be pleased to state whether they are aware that the people of Hatnur, Salwe, Mathi, Varzadi, Bhadne, Shelu and other villages from Sindkheda taluka in West Khandesh applied in July 1923 for disforestation of about 200 acres of forest land near Pedka and have been repeating their prayer since then ?

(*b*) Will Government be pleased to state whether any action has been taken on their application ?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) No application for disforestation of Pedka forest in charge of the Forest Department was received in July 1923, but the Divisional Forest Officer, West Khandesh, received one application dated 11th July 1923 and 2 applications dated 29th May 1924 from people of Hatnur, Salwe, Methi, Varzadi, Bhande, and Shelu, villages of Sindkheda Taluka for the removal of closure of Pedka forest.

(*b*) As Pedka Forests contain good Anjan growth and as there is no other area in the neighbourhood to provide hay to the surrounding villages the Divisional Forest Officer, West Khandesh, was not prepared to recommend the removal of its closure, and the applicants were informed accordingly.

INCREASED FEES FOR GRASS IN WEST KHANDESH.

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

(*a*) when were the fees for grass per cart in West Khandesh raised from four annas to eight annas ;

(*b*) what was the income from such fees, a year before they were raised and every year since they were raised ;

(*c*) whether Government are aware that this increase in the rate of the said fees has caused great discontent among the agriculturists of West Khandesh ?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) In September 1922.

(*b*) The income realised from such fees was as follows :—

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

| 1921-22 | 1922-23 | 1923-24 |
|---|---|---|
| Rs. | Rs. | Rs. |
| 8,384 | 17,328 | 47,928 |

(*c*) Government are not aware that the increase in the rate caused any discontent among the agriculturists until after this question was sent in.

Mr. L. S. CHAUDHARI: Were not any applications sent to Government in the matter?

The Honourable Mr. A. M. K. DEHLAVI: Yes, after the question was sent in.

Mr. L. S. CHAUDHARI: I want to know whether any petitions were sent to Government during the current year.

The Honourable Mr. A. M. K. DEHLAVI: I remember that after the question came in, there were a number of applications in support of that.

## Increased Fees for Thorns for Fencing in West Khandesh.

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

(*a*) when were the fees for thorns for fencing per cart raised in West Khandesh from one anna to six annas;

(*b*) what was the income from such fees a year before they were raised and every year since they were raised;

(*c*) whether Government are aware that this increase in the rate of the said fees has caused discontent among the agriculturists in West Khandesh?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) Fees for thorns from the forest in charge of the Forest Department were revised in September 1922 as follows:—

| Previous rate per cart. | Revised rate per cart. |
|---|---|
| 0 4 0 | 0 8 0 |

Thorns in lands in charge of the Revenue Department are generally of an inferior kind and they are sold at one anna per cart. The latter rate has not been revised.

(*b*) The amounts realised from such fees are as under:—

| 1921-22. | 1922-23. | 1923-24. |
|---|---|---|
| Rs. a. p. | Rs. a. p. | Rs. a. p. |
| 78 8 0 | 424 4 0 | 75 15 0 |

(*c*) Government are not aware that increase in the rate has caused any discontent among the agriculturists.

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

INCREASED FEES FOR FUEL IN WEST KHANDESH.

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

(*a*) when were the fees for fuel per cart raised in West Khandesh from four annas to two rupees;

(*b*) what was the income from such fees a year before they were raised and every year thereafter;

(*c*) whether Government are aware that this increase in the rate of fees for fuel per cart has caused great discontent among the people of West Khandesh and particularly the agriculturists?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) The rates of fees for fire-wood both from forest in charge of the Forest Department and from pasture and waste lands in charge of the Revenue Department were revised in September and October 1922. The rate is increased from 4 to 6 annas only and not to Rs. 2.

(*b*) The amounts realised from fees are as under :—

Out of forest in charge of the Forest Department—

| 1921-22. | 1922-23. | 1923-24. |
|---|---|---|
| Rs. | Rs. | Rs. |
| 1,639 | 2,475 | 2,136 |

Out of lands in charge of the Revenue Department—

| 1921-22. | 1922-23. | 1923-24. |
|---|---|---|
| Rs. a. p. | Rs. a. p. | Rs. a. p. |
| 1,425 10 0 | 763 13 3 | 742 13 9 |

The figures of Forest Department contain the amounts realised from sales held by auction also.

(*c*) Government are not aware that increase in the rate has caused any discontent among the agriculturists.

PUBLIC PROSECUTOR FOR CONDUCTING THE PROSECUTION OF THE LATE MAMLATDAR OF SHAHADA, KHANDESH DISTRICT.

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

(*a*) Whether they are aware that the late mamlatdar of Shahada is being prosecuted for bribery at Dhulia?

(*b*) Whether it is a fact that the second assistant public prosecutor from Poona has been engaged to conduct the prosecution on Rs.100 per day?

(*c*) Whether Government are aware that there are three public prosecutors at Dhulia?

(*d*) Whether at any time a public prosecutor from Khandesh was ever paid as much as Rs. 100 a day for conducting a case in Khandesh?

(*e*) Whether Government are aware that this is the third time during the last year that a public prosecutor has been engaged from outside to conduct a case in Khandesh?

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

(*f*) Whether, it is a fact that the senior public prosecutor for Khandesh, who is a barrister-at-law, had protested against the case being entrusted to an outsider ?

(*g*) Why a public prosecutor from outside Khandesh was engaged in the case ?

The Honourable Sir MAURICE HAYWARD: (*a*) In the affirmative.

(*b*) Not on Rs. 100: on the ordinary fees admissible under the Law Officers' Rules.

(*c*) In the affirmative.

(*d*) Not in the last 3 years.

(*e*) In the affirmative.

(*f*) In the affirmative.

(*g*) It was considered the more convenient course as the investigation has not been in the hands of the local Police.

Mr. S. S. DEV: Will the Government be pleased to state how the public prosecutor from Poona was better able to conduct the case because the investigation was not in the hands of the local police ?

The Honourable Sir MAURICE HAYWARD: The investigation was in the hands of the C. I. D., Poona.

Mr. B. G. PAHALAJANI: May I know the ordinary fees ?

The Honourable Sir MAURICE HAYWARD: I cannot tell the honourable member off-hand. I refer the honourable member to Law Officers' Rules.

Mr. B. G. PAHALAJANI: Is more fee than that laid down in the rules allowed ?

The Honourable Sir MAURICE HAYWARD: I cannot remember.

Mr. B. G. PAHALAJANI: What is the name of the public prosecutor that had been appointed ?

The Honourable Sir MAURICE HAYWARD: I cannot say; but he is one of the assistants of Poona.

Mr. S. S. DEV: What has the public prosecutor to do with the hands in which the investigation was, whether it was in the hands of the local police or the police from outside ?

The Honourable Sir MAURICE HAYWARD: It is usual for the public prosecutor to get instructions from those who conducted the investigation.

Mr. S. S. DEV: Very well, the public prosecutor for Khandesh could also have taken instructions from those who conducted the investigation ?

The Honourable Sir MAURICE HAYWARD: I have nothing more to add.

PROSECUTIONS UNDER THE ABKARI ACT IN WEST KHANDESH.

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

(*a*) the total number of prosecutions under the Abkari Act in each taluka of West Khandesh during the last year;

(*b*) how many of these prosecutions ended in convictions;

(*c*) in how many of these convictions, the accused were sentenced to suffer imprisonment and in how many they were sentenced to pay fine only?

The Honourable Mr. A. M. K. DEHLAVI: The accompanying statement* furnishes the information required by the Honourable Member.

NEW INDEX SYSTEM OF DOCUMENTS IN REGISTRATION OFFICES.

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

(*a*) Whether under the new system of indexing documents in registration offices the indexes have been ordered to be prepared in pencil by means of carbon paper for duplicate copies?

(*b*) Whether records of similar utility are prepared in pencil in any other department?

The Honourable Mr. A. M. K. DEHLAVI: The honourable member's attention is invited to the reply given to question by Mr. D. B. Adwani.

RECORDS OF RIGHT IN KHED TALUKA, POONA DISTRICT.

†Mr. N. R. GUNJAL (Poona District): (*a*) Will Government be pleased to state why the expenses of survey operations undertaken for the preparation of record of rights have been ordered to be recovered from the villagers and inamdars of Kanhewadi Budruk Palu, Koregaon and few other inam villages of Khed taluka of the Poona district?

(*b*) Were the operations undertaken without the consent of the villagers or inamdars as khatedars?

The Honourable Mr. C. V. MEHTA: (*a*) The villages in question are unsettled inam villages. Their survey was undertaken under the orders of Government for record of rights purposes. The cost of survey is recovered under the provisions of the Land Revenue Code.

(*b*) Yes. In such cases the consent of the inamdar or of the villagers is not necessary. A general notice of the intended survey is, however, published in the chavdi before its commencement in each of such villages.

Sardar G. N. MUJUMDAR: I want to know by what law or authority the amount of expenses of such survey is demanded from villagers?

The Honourable Mr. C. V. MEHTA: Under the provisions of the Land Revenue Code.

Sardar G. N. MUJUMDAR: Which section?

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* *Vide* Appendix No. 20.

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

The Honourable Mr. C. V. MEHTA : I am unable to tell the honourable member off-hand.

### Cutting of Wood in Forest Demarcation Line.

*Mr. N. R. GUNJAL (Poona District): (*a*) Will Government be pleased to state what are the rights of owners of land in the forest demarcation line as regards the cutting of teak and raiwal trees situated in that line ?

(*b*) Will Government be pleased to state whether it is true that the Conservator of Forests, Central Circle, has lately refused permission to Mathubai *alias* Ramabai Sudama of Gore Budruk, taluka Haveli, district Poona, to cut teak and other trees in her land survey numbers 23 and 24 ?

The Honourable Mr. A. M. K. DEHLAVI : (*a*) Rule 63 (1) of the Rules issued under section 214 of the Land Revenue Code lays down that pending completion of the acquisition of all occupied lands within the sanctioned demarcation limits of the forests in the Junnar, Haveli, Purandhar talukas and Ambegaon petha of the Poona district, the occupants will have no right over the teak trees or *their after growth.* It is further laid down that in the said lands the trees on which the rights of Government are reserved shall be available for cuttings to be made from time to time by or under the orders of the Forest department, in consultation with the Collector.

(*b*) Yes.

Mr. R. G. SOMAN : May I know why permission was not granted to the said Mathubai ?

The Honourable Mr. A. M. K. DEHLAVI : I have not seen the case. I want notice of it.

### Rules under the Bombay Local Boards Act, 1923.

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state (*a*) whether the rules under section 133 of the Bombay Local Boards Act, 1923 have been finally passed by them ?

(*b*) When the publication of the lists of voters for the taluka and district local boards of Poona may be expected ?

(*c*) Whether the charges for the preparation of these lists are to be recovered from the local boards concerned ?

(*d*) What is the probable date at which new taluka and district local boards are expected to be constituted under the new Act of 1923 ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (*a*) Rules under clauses (*b*), (*c*), (*d*) and (*g*) of section 133 have been finally published. Rules under clause (*a*) so far as Northern and Central divisions are concerned and under clause (*e*) have been provisionally published. Rules under clauses (*f*) and (*h*) are under consideration.

(*b*) Under section 12 (2) of the Bombay Local Boards Act the publication of the lists of voters shall be made three months before the date

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

is fixed for the election. The provisional date for the reconstitution of local boards in the Central Division is 1st December 1924.

(*c*) Yes.

(*d*) 1st December 1924.

BUND TO THE KARHA RIVER.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state whether they had under consideration any scheme for providing canal water to Jejuri, Mandi, Jogawadi, and other villages, by erecting a bund on the Karha river?

(*b*) If so, what are the details of this project and what decision have Government arrived at with regard to it?

The Honourable Mr. COWASJI JEHANGIR: Information has been called for.

STATEMENT SHOWING THE EXPENDITURE ON DANDELI-POTOLI RAILWAY.

*Mr. V. N. JOG (Dharwar District): (*a*) Will Government be pleased to lay on the table a statement showing the expenditure so far incurred on the Dandeli-Potoli railway project:

(i) in surveying and levelling the line,

(ii) in clearing the line by the removal of trees,

(iii) in excavations,

(iv) in purchasing material and rolling stock?

(*b*) Will Government be pleased to state whether it is true that the Dandeli-Potoli railway project has now been abandoned?

(*c*) If so, what they propose to do with the rolling stock and what loss is expected by the sale of the material?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) (i) Rs. 1,727.

(ii) Rs. 2,102.

(iii) Rs. 17,500.

(iv) Track Rs. 85,800. Rolling stock Rs. 65,600.

(*b*) Yes.

(*c*) The rolling stock will be sold. Already the locomotive has been sold with no loss to Government. It is possible that the track may be disposed of at very little or no loss. It is not possible to anticipate the loss or profit on rolling stock. The material was purchased at very favourable prices and the present quotations for similar rolling stock are higher than the purchase prices.

Mr. V. N. JOG: May I know why this project was undertaken?

The Honourable Mr. A. M. K. DEHLAVI: Because it was thought profitable.

Mr. V. N. JOG: May I know why it has now been abandoned?

The Honourable Mr. A. M. K. DEHLAVI: Because it has been found that it would not be so profitable as it was thought it would be.

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

PUMPING PLANT OF DANDELI WATER WORKS.

*Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(*a*) whether it is a fact that when the water pumping plant of the Dandeli water works went out of order in November or December 1923, neither the Forest Engineer, his Assistants, the Foreman, nor his Assistants were able to repair it, and that the Forest Department had to send for an Engineer of the M. and S. M. Railway from Hubli to repair it;

(*b*) what was the cost that had to be incurred on this account?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) No. As the repairs were to be effected with the greatest expedition possible, resort had to be made to the Railway workshops at Hubli where a large stock of stores is kept to meet emergencies. No Railway Engineer was sent for. A pump fitter was sent by the Works Manager who supplied leather piston cups from Railway stock to convert the pump plunger from the all-metal type to the leather type.

The repairs were carried out in the Government workshop at Dandeli under the Forest Engineer's orders. This included pattern making, moulding and turning work.

(*b*) The cost of the hire of the fitter and stores was Rs. 80.

SENATE OF THE BOMBAY UNIVERSITY.

*Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state the number of (1) Europeans, (2) Hindus, (3) Parsis and (4) Mahomedans, respectively among the nominated members of the Senate of the Bombay University?

The Honourable Mr. B. V. JADHAV: The information required is as follows:—

| | | | |
|---|---|---|---|
| Europeans | .. | .. | .. 23† |
| Hindus | .. | .. | .. 24 |
| Parsis | .. | .. | .. 18 |
| Mahomedans | .. | .. | .. 12 |

INAMDARS AND KULKARNI OF A VILLAGE.

Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state—

(*a*) what was the relation of the inamdar of a village to the kulkarni of that village, and

(*b*) whether by the substitution of talatis for kulkarnis the relationship of the inamdar to the talati has been changed and if so, in what respect?

The Honourable Mr. C. V. MEHTA: (*a*) In respect of the hereditary kulkarni the inamdar had the right to be consulted before the

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

† Exclusive of three members belonging to the Indian Christian Community.

appointment was made and a kulkarni could be rejected if the inamdar showed good grounds against his appointment.

(*b*) The inamdar does not enjoy this right with regard to the appointment of a talati.

### Bridge near Toli on Erandol-Dharangaon Road.

Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state—

(*a*) whether they are aware that the bridge over the nalla near Toli on the Erandol-Dharangaon road in East Khandesh has cracked and is unfit for the passage of motor lorries;

(*b*) whether repairs to the said bridge are in contemplation and when is it likely to be opened for motor lorries?

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

(*b*) Yes. The bridge is likely to be opened for motor lorries by about the beginning of November next.

### Pay of Trained Primary Teachers.

Mr. P. G. JOSHI (East Khandesh District): (*a*) Will Government be pleased to state whether any first, second and third year trained primary teachers were engaged by them in 1923 and 1924 on Rs. 25, Rs. 30 and Rs. 35 respectively as their starting pay, and if so, what is their total number?

(*b*) Will Government be pleased to state whether these appointments were made under instructions from the Director of Public Instruction and with the concurrence of the Honourable the Education Minister?

(*c*) Will Government be pleased to explain why these teachers were paid five rupees less per month than the starting salary as stated in the Press Note No. 560, Educational Department, dated the 24th October 1921 and confirmed by the Press Note No. 560, dated 3rd December 1923?

(*d*) Will Government be pleased to state whether it is a fact that while those teachers were under instruction in the training schools or before, a circular was issued to them regarding their pay and prospects; if so, will they be pleased to place a copy of that circular on the table?

The Honourable Mr. B. V. JADHAV: (*a*) The answer to the first part of the question is in the affirmative. The information asked for in the latter portion has been called for.

(*b*) The teachers in question were given the reduced starting pay in accordance with the orders of Government.

(*c*) In view of the proposed transfer of the management and control of primary schools to Local Authorities under the Primary Education Act, 1923, all teachers under training during the college years 1922-23 and 1923-24 were given clearly to understand that they might get a lower scale of pay than the existing one and signed agreements accepting this condition. They are accordingly being given the pay of the next lower certificate for the present on the understanding that their permanent pay

will be fixed hereafter by the Local Authorities but will not be less than their present pay.

(*d*) Enquiries are being made.

Mr. P. G. JOSHI: Will Government be pleased to place the Government order on the Council table?

The Honourable Mr. B. V. JADHAV: If notice of it is given.

Mr. P. G. JOSHI: Will Government be pleased to state whether these teachers were given to understand that they would be given reduced salary even when under Government service, before they were transferred?

The Honourable Mr. B. V. JADHAV: Yes.

### Depressed Class Schools in Kanara.

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

(*a*) the number of schools now in existence for the depressed classes in each of the talukas of the Kanara District;

(*b*) the number of children receiving education therein;

(*c*) the number of such schools closed for want of attendance?

The Honourable Mr. B. V. JADHAV:

| | Name of Taluka. | No. of Schools. |
|---|---|---|
| (*a*) 1. | Karwar .. .. .. | 1 |
| 2. | Ankola .. .. .. | 2 |
| 3. | Kumpta .. .. .. | 2 |
| 4. | Honawar .. .. .. | 1 |
| 5. | Sirsi .. .. .. | 1 |
| 6. | Yellapur .. .. .. | 1 |
| 7. | Haliyal .. .. .. | 1 |
| | Total .. | 9 |

(*b*) 223.

(*c*) 1 (in 1923-24); but this was transferred to a village where there was a demand for it.

### Working Hours in the Executive Engineer's Office, Kanara.

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

(*a*) whether their attention has been drawn to what appeared in the supplement to the issue, dated 21st September 1922 and in the issue, dated 3rd May 1923 of the *Kanara News*, under the heading "Karwar" and note No. 5 respectively, about the working of the Executive Engineer's office at Karwar.

(*b*) whether it is a fact that the present Executive Engineer comes to office at 4 p.m., sits there till 9 p.m. and exacts work from the clerks continuously from 11 a.m. to 9 p.m.; if so, is it done on his own initiative or under the orders of his superiors?

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

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*a*) Replied to in the last session.

(*b*) No.

Mr. M. D. KARKI: May I know the source of information with regard to the reply to part (*b*)?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I want notice.

Mr. M. D. KARKI: Was any representation made by the clerical staff of the office of the executive engineer in question?

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

### Dismissals and Appointments of Subordinates by the Executive Engineer, Kanara.

*Mr. M. D. KARKI (Kanara District): Will Government be pleased to furnish the number of subordinate officials of the permanent as well as temporary establishments with their designations, who have been dismissed or discharged or whose services have been dispensed with by the present Executive Engineer, Kanara; also the number of such subordinates who have taken leave during this period?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The information required is contained in the statements† A and B attached.

### Marathi Schools in Kanara.

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

(*a*) to furnish the number of Marathi Schools, both for boys and girls, in the district of Kanara, together with the places at which they are situated;

(*b*) to state whether any steps have been taken to convert any of these schools into Kanarese schools; if so, what steps have been taken to this end?

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

(*b*) No steps have been taken to convert any of these Marathi Schools into Kanarese Schools as there is no such demand from the people.

### Village Panchayats in Kanara.

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

(*a*) the names of villages in the district of Kanara to which the Bombay Village Panchayats Act of 1920 has been made applicable;

(*b*) the dates on which it was made applicable to each of them;

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

†*Vide* Appendix No. 19.

‡*Vide* Appendix No. 18.

(*c*) whether it was made applicable in each case either on the application of the Collector or of the district local board;

(*d*) whether a panchayat has been established in each such village;

(*e*) if so, the number of members in each panchayat;

(*f*) whether the inhabitants of any such village objected to the application of the Act;

(*g*) the number of villages together with their names to which the application of the Act is under consideration?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*a*) to (*f*). This part has already been answered.

(*g*) *Nil.*

### Prosecutions under Salt Act.

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

(*a*) the number of persons prosecuted under the Salt Act in Kanara in each of the last three years;

(*b*) the number of persons out of those who have been discharged, acquitted and convicted respectively;

(*c*) the total value of the property involved in those cases;

(*d*) the total amount of fine inflicted and realised?

The Honourable Mr. C. V. MEHTA:

| | | 1921-22. | 1922-23. | 1923-24. |
|---|---|---|---|---|
| (*a*) | .. | 10 | 11 | 52 |
| (*b*) (i) discharged | .. | .. | .. | .. |
| (ii) acquitted | .. | .. | .. | 1 |
| (iii) convicted | .. | 10 | 11 | 51 |
| (*c*) | .. | Rs. 1-15-1 | 0-13-0 | 763-4-10 |
| (*d*) | .. | „ 15 | 23 | 140 |

Mr. M. D. KARKI: Was there any case in the first two years in which the accused were let go with a warning?

The Honourable Mr. C. V. MEHTA: I am afraid I do not remember.

### Protected Monuments in Kanara.

*Mr. M. D. KARKI (Kanara District): Will Government be pleased to state (*a*) the names of the ancient monuments which have been declared by them to be protected monuments in the district of Kanara under the Ancient Monuments Preservation Act (No. VII of 1904);

(*b*) the names of those monuments if any, in respect of which a declaration once made by them as stated in (*a*) was subsequently withdrawn?

The Honourable Mr. COWASJI JEHANGIR: The accompanying statement† gives the required information.

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

† *Vide* Appendix No. 17.

PROTECTION OF SCULPTURES, ETC., IN KANARA.

*Mr. M. D. KARKI (Kanara District): (*a*) Will Government be pleased to state whether they have issued any orders to control the moving of any sculptures, carvings, images, inscriptions, bas-reliefs or like objects in Kanara under the provisions of section 18 of the Ancient Monuments Preservation Act (VII of 1904)?

(*b*) If so, whether any such objects have been specified in such orders; if so, where are the objects so specified located?

The Honourable Mr. COWASJI JEHANGIR: Government have issued no such orders as are referred to by the member.

Mr. M. D. KARKI: May I know whether the Government found no necessity at all to issue orders?

The Honourable Mr. COWASJI JEHANGIR: They have not.

RIPON HALL LIBRARY OF SHOLAPUR.

*Mr. V. R. KOTHARI (Sholapur District): Will Government be pleased to state whether it is a fact—

(*a*) that the building of the Ripon Hall Library at Sholapur was built out of the Sholapur city municipal funds;

(*b*) that the library has been receiving annual grants from the municipality and;

(*c*) that the membership of the library is not open to all the tax-payers of the municipality?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*a*) The Ripon Hall building was constructed partly from municipal funds and partly by popular contributions.

(*b*) The library receives from the Sholapur Municipality an annual grant of Rs. 200.

(*c*) The membership of the library is open to all subject to certain general restrictions laid down in the rules of the institution.

Mr. V. R. KOTHARI: Is it not a fact that there are no regular rules and the admission of the members is dependent entirely on the arbitrary will of the existing majority?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I have no such information.

BRIDGE ON PIPALVANDI.

*Dr. M. M. MEHTA (Surat City): Will Government be pleased to state whether a bridge was constructed across the Pipalvandi last year out of the amount of Rs. 4,23,906 provided for the Poona-Nasik Road and the Talegaon-Chakan Road?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: No permanent bridge was constructed across the Pipalvandi last year. A small temporary crossing costing about Rs. 500 is annually constructed in dry weather for crossing the small dry weather stream.

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

### Closing of the Road at Sangamwadi near Poona.

*Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): (*a*) Will Government be pleased to state whether it is a fact that the only public road available for bullock cart traffic to the inhabitants of Sangamwadi, near Poona, was recently closed ?

(*b*) If so, by whom and on what authority was it closed ?

(*c*) Are Government aware that a petition from a number of inhabitants of Sangamwadi was submitted to the Collector of Poona on March 26th, 1924, requesting him to arrange for its being opened as before for vehicular traffic ?

(*d*) If so, will Government be pleased to state what action has been taken on the petition and what reply given to the petitioners ?

(*e*) If no action has been taken, will they be pleased to state whether they intend to take any steps in this connection ?

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

(*b*) It has been closed by the Cantonment Authority, Kirkee, under Section 138 of the Cantonment Code, 1912, with the sanction of the Officer Commanding the Poona District.

(*c*) Yes.

(*d*) The petitioners were given a reply that the matter was under consideration.

(*e*) The matter is under correspondence with the Military authorities.

Sardar G. N. MUJUMDAR: Are Government aware of the great inconvenience caused to the people ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Yes.

Sardar G. N. MUJUMDAR: Will Government expedite a decision on the subject ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: We are corresponding with the military authorities.

### Deccan Sardars.

*Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): (*a*) Will Government be pleased to state their policy with regard to enlistment of a person in the order of the Deccan Sardars ?

(*b*) Will Government be pleased to state the names of persons from whom applications were received for enrolment in the list of the Deccan Sardars during the period from 1900 to 1923, with the result in each case ?

(*c*) Will Government be pleased to state whether any and if so what qualifications are necessary for a successor to a deceased Sardar in order to be enlisted as a Sardar in the place of the deceased ?

The Honourable Sir MAURICE HAYWARD: (*a*) The body of Sardars in the Deccan has been maintained by Government on the principle that the influence in the rural districts of the more important landholders

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

should be preserved and even enlarged. In accordance with this principle persons of high or ancient family and possessions or distinguished service and possessions, or great respectability combined with the holding of extensive landed property are from time to time created Sardars. The extent of the landed property which a Sardar in the Deccan must hold has not been defined, but Government generally do not confer the title on a person whose income is inadequate to enable him to maintain the dignity. The majority of the Sardars in the Deccan own extensive lands. The Deccan Sardarate is a local institution and the creations in it are generally restricted to residents of the Bombay Deccan who play an important part in the social and public life of the Deccan.

(*b*) Government do not consider that it would be desirable to supply the information asked for.

(*c*) The body of Deccan Sardars is divided into two groups, *viz.*, (1) privileged hereditary Sardars, and (2) those for rank and precedence.

Except in the case of hereditary Sardars, who are governed by the law of Succession, the same conditions as those in (*a*) will apply in the case of other Sardars.

Sardar G. N. MUJUMDAR: With regard to (*c*), that the body of Deccan sardars is divided into two groups, *viz.*, (1) privileged hereditary sardars, and (2) those for rank and precedence, I want to know when this distinction was made.

The Honourable Sir MAURICE HAYWARD: I cannot say off-hand. I must have notice to give an exact answer.

Sardar G. N. MUJUMDAR: Who are generally considered to belong to the first class, that is, privileged hereditary sardars?

The Honourable Sir MAURICE HAYWARD: The ruling chiefs of the Deccan generally.

### Advance increments to clerks in Judicial Department.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): (*a*) Will Government be pleased to state whether they are aware of the fact that clerks in the departments other than the judicial who commenced service on an initial pay of Rs. 20 per month since 1914 or prior to that date, were given advance increments for the years 1914 to 1920 while those in Judicial Department having equal length of service and similar qualifications were given no advance increments on the ground that they got less pay up to 1918?

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

(*c*) If the answer to (*b*) be in the negative, will Government be pleased to state the reasons therefor?

The Honourable Sir MAURICE HAYWARD: (*a*) Yes.

(*b*) No.

(*c*) The action taken is strictly in accordance with the rules laid down by the Finance Department for calculating starting rates of pay on revision.

REPORT ON THE WORKING OF THE REFORM ACT.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state whether they have submitted any report on the working of the Reforms during the last 3¼ years to the Government of India ? If so, will they be pleased to lay it on the table?

The Honourable Sir MAURICE HAYWARD: Yes. The Local Government cannot make known the contents of their report to the Government of India and regret therefore that the request of the honourable Sardar cannot be complied with.

NAZARANA.

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

(*a*) annual and occasional nazaranas levied on inam villages and lands in this presidency during the year 1922-23 ?

(*b*) the judi levied in respect of dumala villages and lands in the Southern and Central Divisions for the year 1922-23 ?

(*c*) fines levied as under section 135-F of the Land Revenue Code in inam villages in the Central and Southern Divisions for the year 1922-23 ?

(*d*) Kadim cash allowances which have lapsed to Government in whole or part and thus ceased to be paid but which were collected from the inam villages in the Poona, Satara and Belgaum Districts during the period 1900 to 1923 ?

The Honourable Mr. C. V. MEHTA: (*a*) (*b*) and (*c*) Information will be called for.

(*d*) As the amount of labour involved will be great Government propose to call for information for the past five years.

VILLAGE OFFICERS IN DUMALA VILLAGES.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state with regard to village officers in Dumala villages,

(*a*) how far and in what respects they are responsible to the dumaldar,

(*b*) what kind of records they are required to keep and supply the dumaldar with for information and use ?

The Honourable Mr. C. V. MEHTA: (*a*) Village officers are required to use all diligence in collecting the dues of inamdars but no specific obligations are laid on them.

(*b*) In surveyed inam villages out of the village accounts forms given in the Manual of Revenue Accounts by Mr. Anderson Government retain Nos. III, VI, VII, XII and XIV for the whole village and Nos. VIII (*a*) and VIII (*b*) for Government khatas. The remaining forms when no longer required by the village officers are left with the inamdars. In villages which have not been surveyed the rights of the holders are limited by the rights of the village officers mentioned in section 85, Land Revenue

Code and the accounts which the watandar village officers keep of demand and collection of the inamdars' revenue are subject to section 70 of the Bombay Hereditary Offices Act. But where in an unsurveyed village the Record of Rights is completed the regulation regarding the village records is the same as in the case of surveyed inam villages.

ENCROACHMENTS IN GAOTHAN SITES IN INAM VILLAGES.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state (*a*) the number of complaints made during the last 10 years by Inamdars in the Central and Southern Divisions in connection with encroachments either in the Gaothan sites or village roads in their inam villages;

(*b*) how many of them were asked to go to Civil Court;

(*c*) how many cases were disposed of by the revenue authorities;

(*d*) the amount of fines, if levied in such cases showing whether they were paid to inamdars concerned?

The Honourable Mr. C. V. MEHTA: Government regret they are not prepared to call for the information asked for, as the labour and time required for collecting it would be disproportionate to any purpose the information is likely to serve.

ESTATE UNDER THE COURT OF WARDS ACT.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state what estates have been taken under Courts of Wards from 1900 to 1924 showing to what extent each estate was or is encumbered as also the amounts lent to them by Government for liquidating their debts.

The Honourable Mr. C. V. MEHTA: The attention of the honourable member is invited to the annual reports of the Court of Wards which contain most of the information which he desires.

BOOKS AND PUBLICATIONS FOR SALE AT GOVERNMENT BOOK DEPOT, POONA.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Are Government aware that at the Government Book Depot in Poona, the publications of the Government of India and some of the publications of the Bombay Government also are not available for sale? If so, do they intend to take any action in this connection?

The Honourable Mr. COWASJI JEHANGIR: Last year the Government of India decided to discontinue the free supply of some of their publications, *viz.*, Acts and publications of their Legislative Department to this Government and informed this Government that such publications would be supplied only on payment. The Superintendent of Government Printing had therefore to wait for some months till Government could obtain the sanction of the Legislative Council for a supplementary grant for this purpose. The Superintendent of Government Printing and Stationery has now made arrangements to stock the Government of

India publications at the Government Book Depot at Poona excepting those for which there is no public demand. All publications of this Government intended for sale are available at the Book Depot. It, however, sometimes happens that owing to an unexpectedly great demand, a particular publication gets out of stock and the requests for it have to be refused by the Superintendent.

### Legislative Council Proceedings.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state whether they are aware that the official reports of proceedings of the Madras Legislative Council are sold only at two annas a day and those of the proceedings of the Central Legislature at five annas, while those of this Council are sold at a much higher price? If so, do Government intend to take any action?

The Honourable Sir MAURICE HAYWARD: Government have no information as to the Central and Madras Legislatures. The price of the reports of the proceedings of the Bombay Legislative Council varies with their bulk. Government do not propose taking any action.

Sardar G. N. MUJUMDAR: Have Government made any attempts to get the information?

The Honourable Sir MAURICE HAYWARD: No.

### Forest Land for Cultivation in Panch Mahals.

*Mr. W. S. MUKADAM (Panch Mahals): Will Government be pleased to place on the Council Table a complete list of the contractors of the Forest Department in Panch Mahals, stating how many of them have been given Forest land for agricultural purposes, and who are income tax payers among them?

The Honourable Mr. A. M. K. DEHLAVI: A complete list† of the Forest contractors in the Panch Mahals is placed on the Council Table. The names of those who have been given land for agricultural purposes are marked with a cross and of those who pay income tax by the letters I. T.

### New Primary Schools.

*Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to give the number of new primary schools opened during the year 1922-1923 in—

(*a*) Panch Mahals District,
(*b*) the province of Gujarat,
(*c*) the province of Sindh, and
(*d*) the whole of the Presidency?

The Honourable Mr. B. V. JADHAV: (*a*) Nil.
(*b*) Local Board 2 *plus* Municipal 1=3.
(*c*) Local Board 46† *plus* Municipal 13=59.
(*d*) Local Board 57† *plus* Municipal* 79=136.
(† Inclusive of 15 schools transferred from other places).

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

† Kept in the Secretary's Office.

*Includes 14 schools started by the Dhulia Municipality under the Free and Compulsory Education Scheme.

INSPECTION OF SAWMILLS.

†Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to supply information in the tabular form regarding the work done by the Saw Doctor or the Superintendent of Government Sawmills of the Presidency since his appointment?

| 1 | 2 | 3 | 4 |
|---|---|---|---|
| Year, month and date of visit. | Name of the Sawmill visited. | Period of his stay at each place. | Copy of the inspection remarks or instructions given. |

The Honourable Mr. A. M. K. DEHLAVI: A statement‡ furnishing the information is placed on the Council Table.

Mr. M. D. KARKI: Have the services of the Saw Doctor been dispensed with?

The Honourable Mr. A. M. K. DEHLAVI: No.

Mr. M. D. KARKI: Is he still in service?

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

RANGERS' CONFERENCE.

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

(*a*) whether it is a fact that the last conference of rangers of Southern Circle suggested the abolition of the posts of the Chief Conservator of Forests, the Forest Engineer and the Forest Saw Doctor;

(*b*) whether it is a fact that the active workers of the rangers' conference were taken to task for this suggestion and some of them were transferred as a punishment for giving out such opinion?

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

(*b*) In ordering transfers reasons for transfer are not usually recorded and there is nothing on record to suggest that any ranger was transferred for the reason suggested. The ranger who was the president of the conference has not been transferred since the conference was held and another ranger who attended the conference has since been promoted to the Provincial Service.

Mr. W. S. MUKADAM: May I know the name of that ranger who was promoted to the Provincial Service?

The Honourable Mr. A. M. K. DEHLAVI: I must have notice of that question.

GODHRA POST OFFICE THEFT.

†Mr. W. S. MUKADAM (Panch Mahals District): (*a*) Is it a fact that a theft was committed in the Godhra Post Office within 100 yards

*Kept in the Secretary's Office.

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

‡ *Vide* Appendix No. 16.

from the police chowkey No. 1 some months back of more than Rs. 2,200 in cash ?

(*b*) Will Government be pleased to state the result of the police enquiry regarding this post office theft ?

The Honourable Sir MAURICE HAYWARD : The offence of house-breaking and theft was committed in Godhra town in the Post Office which was about 100 yards from Police Chowkey No. 1 on 15th January 1924. The amount of property stolen was worth Rs. 2,355-1-0 and property worth Rs. 1,227 was recovered. The case was sent up against one accused who was convicted and sentenced by the First Class Magistrate, Godhra, to 15 months' rigorous imprisonment and fined Rs. 500 or in default to undergo further rigorous imprisonment for three months.

### Abolition of Halol Mahal.

Mr. W. S. MUKADAM (Panch Mahals): Is it a fact that Government intends abolishing the Halol Mahal of Panch Mahals by joining it with the Kalol Taluka ?

The Honourable Mr. C. V. MEHTA : No.

### Representations against Dr. Mulchand in charge of Dadu Railway Hospital.

*Mr. D. B. ADWANI, on behalf of MUKHI JETHANAND PRITAMDAS (Eastern Sind): (*a*) Will Government be pleased to state whether they are aware that some time ago about 250 men of Dadu, a railway station in the Larkana District, made a joint representation to the Surgeon General, Bombay Presidency, making allegations against the doctor in charge of the N. W. railway hospital ? If so, has any reply been sent to them ?

(*b*) If so, will Government be pleased to place a copy of the reply on the table ?

The Honourable Mr. B. V. JADHAV : A representation signed by about 62 persons was received by the Surgeon General with the Government of Bombay in which certain allegations were made against Mr. Mulchand Dunichand, S.M.S., in charge Railway Dispensary, Dadu. The Civil Surgeon and the Collector of Larkana District to whom the representation was forwarded for inquiry, not only stated that the allegations were unfounded but on the other hand highly appreciated the services rendered by the Subordinate Medical Officer. A copy of the reply † given by the Surgeon General is appended.

### Expenditure on Higher Education in Sind.

*Mr. D. B. ADWANI, on behalf of MUKHI JETHANAND PRITAMDAS (Eastern Sind): Will Government be pleased to state if it is a fact that the expenditure on higher education in Sind is very much below the level of expenditure in the other divisions of the Bombay Presidency ? If so, for what reasons ?

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

† *Vide* Appendix No. 14.

The Honourable Mr. B. V. JADHAV: No. The expenditure on higher education in the Southern Division during the year 1923-24 was lower than that in Sind (*vide* statement * appended).

### Mullah Deputy Educational Inspectors.

†Mr. D. B. ADWANI, on behalf of MUKHI JETHANAND PRITAMDAS (Eastern Sind): (*a*) Will Government be pleased to state the length of service put in by each of the Mahomedan gentlemen who have been appointed Mullah deputy educational inspectors during the last five years?

(*b*) Whether any of the Mullah deputy educational inspectors have been transferred to the general line of the Bombay Educational Service over the heads of seniors? If so, how many have been so transferred?

The Honourable Mr. B. V. JADHAV:

| | | Service on 1st August 1924. | | |
|---|---|---|---|---|
| | | Y. | M. | D. |
| (*a*)(1) | Abdul Hak Abdulla Shaikh .. .. | 19 | 3 | 24 |
| (2) | N. A. Ghulamalli .. .. | 10 | 0 | 15 |
| (3) | Mahomed Ibrahim Md. Kassim Soomra .. | 17 | 9 | 9 |
| (4) | Ghulam Nabi Din-Mahomed Kazi .. | 11 | 3 | 17 |
| (5) | A. U. Abro—Acting .. .. .. | 12 | 11 | 9 |
| (6) | Abdul Ghani Faiz Mahomed Kazi—Acting .. | 8 | 0 | 22 |
| (7) | Mahomed Sidik Md. Isif Memon—Acting .. | 9 | 6 | 11 |

(*b*) Yes; two, *viz.*, Mr. N. A. Ghulamalli, Principal, Training College for Men, Hyderabad, and Mr. G. N. D. Kazi, Head Master, Naushahro Madressah and High School.

### Cattle Lifting in Sind.

Mr. D. B. ADWANI, on behalf of MUKHI JETHANAND PRITAMDAS (Eastern Sind): Will Government be pleased to state whether their attention has been drawn to the practice prevailing among cattle-lifters in Sind of offering to return stolen cattle on receipt of a considerable sum of money, a species of black-mail known as 'bhung' in Sindhi? If so, do Government intend to take any action in this connection?

The Honourable Sir MAURICE HAYWARD: Government are aware of the practice. Prosecutions have not been uncommon in the Criminal Courts.

### Fire, Marine Motor Insurances for Departments under the Honourable the Home Member.

†Mr. K. F. NARIMAN (Bombay City, South): Will the Honourable the Home Member be pleased to state what amounts of premia for fire, marine and motor insurances separately, were paid during the official year ending 31st March 1923 by all the departments under his control and the amounts that were paid respectively to—

(*a*) insurance companies incorporated in India;

(*b*) insurance companies incorporated outside India?

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* *Vide* Appendix No. 15.

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

The Honourable Sir MAURICE HAYWARD: (*a*) Rs. 265 were paid for fire insurance of grass and Rs. 1,716 for fire insurances of trust properties under management to companies incorporated outside India.

(*b*) Rs. 255 were paid for motor insurance to a company incorporated in India.

Mr. K. F. NARIMAN: May I know why preference is given to companies incorporated outside India?

The Honourable Sir MAURICE HAYWARD: I do not know if any preference is given.

Mr. K. F. NARIMAN: In the figures given, I find that sums of Rs. 265 and Rs. 1,716 were paid to companies incorporated outside India, while a sum of only Rs. 255 was paid to a company incorporated in India. I assume that evidently a preference is given to companies incorporated outside India.

The Honourable Sir MAURICE HAYWARD: I do not think it follows from those figures. Would the honourable member state how many companies there are in India?

Mr. K. F. NARIMAN: Does the honourable member mean to suggest that there are no companies in India?

The Honourable Sir MAURICE HAYWARD: I have nothing to add to the answer already given.

Mr. K. F. NARIMAN: Will the Honourable Minister in charge of Local Self-Government furnish the names of the Indian companies, in view of the answer of the Home Member that he is not aware of any Indian company?

Mr. LALJI NARANJI: May I know if Government do not know what Indian companies exist in Bombay or in India?

(*No reply.*)

### Fire, Marine and Motor Insurances on General Stores sent by the High Commissioner for India.

*Mr. K. F. NARIMAN (Bombay City, South): Will the Honourable the Finance Member be pleased to state what amounts of premia for fire and marine insurances separately, on general stores sent out to Government by the High Commissioner for India were paid during the official year ending 31st March 1923, and the amounts that were paid respectively to—

(*a*) insurance companies incorporated in India;

(*b*) insurance companies incorporated outside India?

The Honourable Mr. COWASJI JEHANGIR: It is not the general practice for stores supplied to the Governments in India by the High Commissioner to be insured. With regard to stores supplied to Provincial Governments any losses sustained are borne by the Central Government

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

in consideration of the round surcharge of 1 per cent., added to the cost of the stores to cover this risk and other expenses.

The amounts actually paid in the year 1922-23 were :—

(*a*) Nil.

(*b*) Marine 3/6*d*. Fire nil.

The sum of 3/6*d* covers premia paid on stores shipped to all Governments in India.

Mr. K. F. NARIMAN : Are the stores stored in Bombay insured or not ?

The Honourable Mr. COWASJI JEHANGIR : As far as my knowledge goes, no Government property is insured.

### Fire, Marine and Motor Insurances for Departments under the Minister for Excise.

Mr. K. F. NARIMAN (Bombay City, South) : Will the Honourable the Minister in charge of Excise be pleased to state what amounts of premia for fire, marine and motor insurances separately, were paid during the official year ending 31st March 1923 by all the departments under his control and the amounts that were paid respectively to—

(*a*) insurance companies incorporated in India ;

(*b*) insurance companies incorporated outside India ?

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

(*b*) Rs. 8,410-13-5 for fire insurance only.

Mr. K. F. NARIMAN : In this case again why was preference given to companies incorporated outside India ?

The Honourable Mr. A. M. K. DEHLAVI : I do not think it was a question of preference. Discretion is used by officers.

Mr. G. I. PATEL : May I know the name of the officer who used his discretion in these particular cases ?

Mr. D. B. ADWANI : Is it good policy in the matter having regard to the fact that there are Indian companies ?

Mr. K. F. NARIMAN : Does the Honourable Minister mean to suggest that there are no competent insurance companies in India ?

The Honourable Mr. A. M. K. DEHLAVI : I need not add anything further to the reply already given.

Mr. K. F. NARIMAN : Has the Honourable Minister any right to exercise his own discretion over his subordinate officers ?

The Honourable Mr. A. M. K. DEHLAVI : Yes, certainly. I have power to lay down a policy.

Mr. K. F. NARIMAN : Will the Honourable Minister be pleased to assure the House that in future a definite policy in the matter will be laid down ?

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

FIRE, MARINE AND MOTOR INSURANCES FOR DEPARTMENTS UNDER THE MINISTER OF EDUCATION.

Mr. K. F. NARIMAN (Bombay City, South): Will the Honourable Minister for Education be pleased to state what amounts of premia for fire, marine and motor insurances separately, were paid during the official year ending 31st March 1923 by all the departments under his control and the amounts that were paid respectively to—

(*a*) insurance companies incorporated in India;

(*b*) insurance companies incorporated outside India?

The Honourable Mr. B. V. JADHAV: The only premium paid by the Department under my control during the year 1922-23 was Rs. 100 *less* 15 per cent., bonus, *i.e.*, Rs. 85, which was paid to the Bombay Branch of the General Accidental Fire and Life Assurance Corporation, Limited (Incorporated in Great Britain), for the insurance of a motor car belonging to the Bombay Bacteriological Laboratory.

Mr. K. F. NARIMAN: Will the Honourable Minister of Education be pleased to give a similar assurance?

The Honourable Mr. B. V. JADHAV: Yes.

BOMBAY CITY POLICE.

Mr. K. F. NARIMAN (Bombay City, South): (*a*) Will the Honourable the Home Member be pleased to state whether it is a fact that a European Sergeant Mr. Harrison was appointed to act as police inspector in charge of the Gamdevi Police Station, Bombay, in the month of June last?

(*b*) Will the Honourable the Home Member be pleased to state how many years' service the said Sergeant had put in and whether any Indian deputy inspectors of longer services had better claims to the appointment?

(*c*) If the reply to the latter part of (*b*) be in the affirmative, will the Honourable the Home Member be pleased to state the reasons for thus superseding the claims of such Indian Deputy Inspectors?

(*d*) Will the Honourable the Home Member be pleased to state whether the grade of a Sergeant is lower than that of an Indian Deputy Inspector?

The Honourable Sir MAURICE HAYWARD: (*a*) Yes.

(*b*) Four years, 7 months' service.

The following Deputy Inspectors have longer service than Sergeant Harrison:—

1. A. A. Shirazi, 2. E. S. Sampson.
3. D. V. Raje, 4. I. C. Kavishwar.
5. Daudkhan Hyderkhan.

Of these, numbers 1, 3 and 4 are officiating as Inspectors.

(*c*) The acting appointment was for a period of two weeks only. As Sergeant Harrison was then Acting Deputy Inspector at the Gamdevi Police Station and was on the spot he was appointed to act as Police Inspector in charge of that Police Station. It is always the practice to

appoint the Senior Officer on the spot to act when short vacancies of this nature arise.

(*d*) Yes.

## Bombay City Police.

Mr. K. F. NARIMAN (Bombay City, South): (*a*) Will the Honourable the Home Member be pleased to state whether it is a fact that a European Sergeant Mr. Dorojenski, was apointed to act as police inspector in charge of the foreign branch, Criminal Investigation Department, Bombay City Police, for the period of nine months in April last ?

(*b*) If so, will the Honourable the Home Member be pleased to state what length of service the said sergeant has put in, and whether any sub-inspector of police, who had put in a longer period of service as sub-inspector had better claims to the appointment ?

(*c*) Are there any sub-inspectors who have already acted as inspector-in-charge of the foreign branch, Criminal Investigation Department, Bombay, and worked longer in the Criminal Investigation Department than the whole period of service put in by Mr. Dorojenski ?

(*d*) If the reply to (*b*) or (*c*) be in the affirmative, will the Honourable the Home Member be pleased to state why the claims of such sub-inspector or sub-inspectors were superseded by the said sergeant ?

The Honourable Sir MAURICE HAYWARD: (*a*) Yes. Sergeant Derojenski was appointed to act as Inspector in charge of the Foreign Branch from 29th April *vice* Inspector Hurst, granted 8 months' leave out of India.

(*b*) and (*c*) Sergeant Derojenski's service dates from 5th April 1923. Sub-Inspector DeSouza had been longer in the Police and longer in the Foreign Branch but he had not the requisite qualifications for the post and hence no claim to it.

(*d*) It is desirable that the officer in charge of the Foreign Branch should have had a European education and be conversant with European languages. Sergeant Derojenski was educated at the Russian Sandhurst and became a commissioned officer. After the Revolution he was employed on Police duties for nearly two years in Constantinople. He can speak, and translate documents from the French, German and Russian languages, and his knowledge of English is excellent. He passed within an exceptionally short time the Bombay Police departmental examinations in Hindustani and Law. For these reasons his claims to officiate as Inspector in charge of the Foreign Branch were considered superior to those of Sub-Inspector DeSouza in spite of the longer service of the latter in the Bombay City Police.

Mr. K. F. NARIMAN: Is it not a fact that Sub-Inspector DeSouza acted for a long period as inspector in charge of the department ?

The Honourable Sir MAURICE HAYWARD: I cannot answer that question without notice.

Mr. K. F. NARIMAN: Will the Honourable the Home Member be pleased to inquire and give the information next session ?

The Honourable Sir MAURICE HAYWARD: I have already stated that I want notice.

### Slip System of keeping Records.

*Mr. N. E. NAVLE (Ahmednagar District): (*a*) Will Government be pleased to state whether they are aware that the new system of keeping records called the Anderson system or the 'slip system' is causing great inconvenience to the public?

(*b*) If so, do Government intend to take any action in the matter?

The Honourable Mr. C. V. MEHTA: (*a*) No.

(*b*) Does not arise.

Mr. N. E. NAVLE: Is it not a fact that it is extremely difficult for a record clerk to find out a reference if a slip is mislaid?

The Honourable Mr. C. V. MEHTA: I should like to have notice of that question.

Mr. N. E. NAVLE: What was the defect of the old system?

The Honourable Mr. C. V. MEHTA: I am unable to say off-hand.

Mr. N. E. NAVLE: Is the new system less expensive?

The Honourable Mr. C. V. MEHTA: I want notice.

Rao Saheb D. P. DESAI: Has the slip system been introduced in all the departments or only in the revenue department?

The Honourable Mr. C. V. MEHTA: I cannot give any information about the other departments.

### Maharki Inam Land at Sangvi, Taluka Bhimthadi, Poona District.

*Mr. R. S. NEKALJAY: (*a*) Will Government be pleased to state whether it is proposed to deprive the watandar Mahars of the village of Sangvi, taluka Bhimthadi, in the district of Poona, of a part of their Maharki inam land situated in the said village?

(*b*) If so, what are the reasons for such a decision?

The Honourable Mr. C. V. MEHTA: (*a*) There were 3 Ramoshis and 8 Mahars in the village. The number of Ramoshis, who got a cash allowance of Rs. 6-8-0, was necessary, the village being an irrigated one. The number of Mahars being excessive for the village, it was reduced to six and two out of the six Maharki inam survey numbers were resumed for assignment to Ramoshis, as their cash allowance was not an adequate return for their services to Government.

(*b*) The necessity for reorganization of the village service.

Mr. L. S. CHAUDHARI: Were the two Mahars asked to do the duty of Ramoshis before they were deprived of their Maharki inam?

The Honourable Mr. C. V. MEHTA: Their number was excessive. The number of Ramoshis that was in existence was enough and it was not

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

necessary to add any more to that number. If the Mahars had been asked to do the duties of the Ramoshis they would have to be paid for.

Mr. L. S. CHAUDHARI: Were these two Mahars deprived of their lands for not working as Ramoshis ?

The Honourable Mr. C. V. MEHTA: They were in excess.

Mr. L. S. CHAUDHARI: Is not this deprivation of their lands contrary to the Watan Act ?.

The Honourable Mr. C. V. MEHTA: I do not think I can pursue it any further.

### Hostels for Depressed Class Students.

Mr. R. S. NEKALJAY: Are Government aware that owing to there being no free boarding houses for the depressed classes students at the following centres:

Ahmedabad, Satara, Karnatak and East and West Khandesh, their education is greatly hindered ?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

### New Sanads to Ahmedabad People for Landed Properties.

*Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state:—

(*a*) Whether it is a fact that the new sanads granted to the people of Ahmedabad for their landed properties in the town are lacking in exactness of details as compared with the old ones, and whether any complaints have been received in this matter;

(*b*) whether it is a fact that the fees charged for issuing the new sanads are much in excess of the usual rates ?

The Honourable Mr. C. V. MEHTA: (*a*) The new sanads are more exact than the old though they do not give all the details which the latter gave. A few complaints have been received.

(*b*) No.

Mr. G. I. PATEL: May I know the anomalous difference between the sanads that are old and the sanads that are new, and what do these new sanads contain more or less ?

The Honourable Mr. C. V. MEHTA: There are great many details to be given in connection with this, and I am afraid I cannot give the answer off-hand, but if the honourable member will give notice I will give all the information on the subject.

### Death of Head Constable Narbirsingh at Kasbo, Sind.

*Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to lay on the table copies of all statements recorded by Government officers in connection with, and other papers

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

of official inquiry relating to, the death of the Head constable Narbirsingh at Kasbo, Sind ?

The Honourable Sir MAURICE HAYWARD : Copies of recorded statements* are laid on the Council Table.

### Talatis who worked as Watandar Kulkarnis in East Khandesh.

† Mr. D. R. PATIL (East Khandesh District) : Will Government be pleased to state—

(*a*) the number of talatis in the East Khandesh District who had worked as watandar kulkarnis before they were appointed as talatis ?

(*b*) In how many cases have they been transferred from the former villages under their charge ?

The Honourable Mr. C. V. MEHTA : (*a*) 206.

(*b*) 88.

Mr. D. R. PATIL : Was it one of the objects of Government when they introduced talati system that a talati should not remain at one place for a long time ?

The Honourable Mr. C. V. MEHTA : I do not think that was the sole object.

Mr. D. R. PATIL : Then what was the object of introducing the talati system ?.

The Honourable Mr. C. V. MEHTA : I think the talati system is more efficient than the kulkarni system.

Mr. D. R. PATIL : What are the rules for the transfer of talatis ?

The Honourable Mr. C. V. MEHTA : I do not think that question arises.

The Honourable the PRESIDENT : I should like to draw the attention of the honourable member to the fact that he is asking a question as regards the policy of Government and the Honourable the Revenue Member has replied to him. The honourable member asked "Whether it was the policy of Government to transfer these talatis at stated intervals" and the Honourable the Revenue Member replied that there was no such policy. What is the use of pursuing the matter further?

Mr. D. R. PATIL : I asked the question of policy after I got the first answer. But again I ask what are the rules that regulate the transfer of talatis, because from the answer we find that on the whole there are 206 talatis who worked as watandar kulkarnis and only 88 talatis were transferred. Therefore my question is : What are the rules that regulate the transfer of talatis ?

The Honourable Mr. C. V. MEHTA : There are no rules in existence regulating the transfer of talatis.

Mr. B. K. DALVI : Then why were these 88 talatis transferred ?

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* Kept in Secretary's Office.

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

The Honourable Mr. C. V. MEHTA: To suit the needs of public service.

FOREST INCOME FROM GRAZING FEES IN EAST KHANDESH.

*Mr. D. R. PATIL (East Khandesh District): Will Government be pleased to state the forest income from grazing fees in respect of village and non-village cattle separately in East Khandesh for the last five years, with separate figures of income for each year?

The Honourable Mr. A. M. K. DEHLAVI: No record has been kept as to the number of cattle which were charged as 'Non-Village' cattle. Figures are available to show what revenue was recovered at 'full rates', *i.e.*, at Re. 1 per head, but the cattle for which full rates were recovered were not in all cases 'Non-Village' cattle. For instance, many villages were charged at the full rate of Re. 1 last year not because they possessed 'Non-Village' cattle, but as a punitive measure.

The following statement shows the fees recovered at 'full rates' and at 'privileged rates' during the last five years:—

| Year. | Fees received. | | Total. |
|---|---|---|---|
| | At full rates. | At privilege rates. | |
| 1 | 2 | 3 | 4 |
| | Rs. | Rs. | Rs. |
| 1919-20 .. .. | 23,624 | 25,013 | 48,637 |
| 1920-21 .. .. | 12,388 | 27,000 | 39,388 |
| 1921-22 .. .. | 19,258 | 26,683 | 45,941 |
| 1922-23 .. .. | 30,196 | 56,360 | 86,556 |
| 1923-24 .. .. | 56,459 | 38,384 | 94,843 |

*Note.*—All cattle charged at Re. 1 per head are included in Column 2 and those charged at other rates are included in Column 3.

COST OF CITY SURVEY IN IGATPURI.

*Mr. R. G. PRADHAN (Nasik District): (*a*) Will Government be pleased to state whether it is true that Rs. 3,000 approximately was recovered from the people of Igatpuri as the cost of the city survey held in that town in 1911-12 whereas the actual cost of the survey amounted to Rs. 1,000 only?

(*b*) If so, has the balance of Rs. 2,000 been refunded to the people concerned, and if not, why not?

The Honourable Mr. C. V. MEHTA: (*a*) The actual cost was Rs. 2,817-14-8 as against Rs. 3,008-8-0 recovered.

(*b*) Does not arise.

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

Mr. R. G. PRADHAN: May I know whether the excess amount of Rs. 160-9-4 has been refunded?

The Honourable Mr. C. V. MEHTA: I could not tell you off-hand.

MUNICIPALITIES APPOINTING WOMEN ON SCHOOL COMMITTEES.

*Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to lay on the table a list of those municipalities which have appointed women to serve on their school committees under section 31 of the District Municipal Act?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Karachi and Matheran are the only Municipalities that have appointed women to serve on their school committees under section 31 of the Bombay District Municipal Act, 1901.

TRANSFER OF MR. RAMCHANDRA SADASHIV TALATI OF BHAGUR.

*Mr. R. G. PRADHAN (Nasik District): (*a*) Are Government aware that Mr. Ramchandra Sadashiv, talati of Bhagur, has been working there for about ten years, that he has become exceedingly unpopular in the village and that the leading inhabitants of Bhagur made representations first to the Mamlatdar of taluka Nasik, and then to the District Deputy Collector, Nasik Sub-division, setting forth all their complaints against him, and urging his transfer?

(*b*) Will Government be pleased to state what action, if any, these officers have taken on those representations? Has any reply been given to the above-mentioned representations?

The Honourable Mr. C. V. MEHTA: (*a*) Government are aware that Mr. Ramchandra Sadashiv has been stationed at or near Bhagur for ten years, first as kulkarni then as talati, and that he was unpopular with a certain faction in the village. Some of the inhabitants of Bhagur made complaints against him to the Mamlatdar and Deputy Collector.

(2) The talati has since been transferred. No reply was given to the applicants.

Mr. R. G. PRADHAN: Have the mamlatdar and the district deputy collector been taken to task for not giving any reply to the applicants?

The Honourable Mr. C. V. MEHTA: I should like to have notice of that.

IRRIGATION CESS IN NASIK DISTRICT.

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

(*a*) whether it is true that in the village of Dindori, taluka Niphad, district Nasik, irrigation cess was until recently levied at the rate of Rs. 22-8-0 per acre and that it has been recently raised to Rs. 45 per acre;

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

(*b*) whether Government are aware that the irrigation water supplied to this village is from a tank and that the cultivators have to fetch it from there at their own cost;

(*c*) whether Government are aware that for the last three years, the rainfall in Niphad has not been adequate, and that in consequence the condition of the agriculturists in that taluka in general and in the village of Dindori in particular has deteriorated;

(*d*) whether Government have received from the people of the village of Dindori any petition objecting to the enhanced irrigation cess, and if so, what action they have taken thereon?

The Honourable Mr. COWASJI JEHANGIR: (*a*) Yes, in cases where the water rate was charged for lift irrigation the rates for which have been made the same as for flow irrigation, the rates varying according to the seasonal crops grown.

(*b*) Yes, as is done in all cases of lift irrigation the irrigator has to make his own arrangements for delivering water to his crop.

(*c*) The rainfall in Niphad was below average in two out of the last three years. The condition of the irrigators of Dindori should be better than that of the rest of the Taluka owing to having an assured water supply.

(*d*) A petition has just been received and is under consideration.

### Primary Teachers' Association.

Mr. R. G. PRADHAN (Nasik District): (*a*) Will Government be pleased to state whether they have received from the Primary Teachers' Association an application for the recognition and registration of the Association?

(*b*) If so, has the application been granted and the association recognised and registered?

(*c*) If not, will Government be pleased to state the reasons for their refusal to recognise and register the association.

The Honourable Mr. H. S. LAWRENCE: (*a*) Yes.

(*b*) No.

(*c*) Because the association does not comply with the rules laid down for the recognition of such associations by the Government of India.

### Removal of Ganesh Jagannath Joshi, a Convict in Akola Murder Case, to Andamans.

Mr. R. G. PRADHAN (Nasik District): (*a*) Will Government be pleased to state whether it is true that Ganesh Jagannath Joshi, a convict in the Akola murder case has been removed to the Andamans?

(*b*) If so, whether his removal is in conformity with the policy of Government as indicated in the reply given to my question No. 9 asked on 19th February 1924 to the effect that the transportation of life convicts to Andamans had been stopped?

(*c*) Was his case referred to an advisory board, and if so, has the board revised his sentence? If so, what has been the result of the revision?

The Honourable Sir MAURICE HAYWARD: (*a*) Yes.

(*b*) He was deported to the Andamans on the 13th June 1920. The decision to stop the deportation of prisoners to the Andamans was declared on the 7th May 1921.

(*c*) The Advisory Committee came into existence only from 27th November 1923. The question of his case being placed before an Advisory Committee does not therefore arise.

Mr. R. G. PRADHAN: Is his case likely to be placed before the committee in the near future?

The Honourable Sir MAURICE HAYWARD: The cases of these convicts will be considered in January 1926.

### Prayer for Clemency.

Mr. R. G. PRADHAN (Nasik District): (i) Have Government received from the brother of Ganesh Jagannath Joshi, a convict in the Akola murder case, a petition praying that clemency may be shown to him and he be released with conditions, if deemed necessary?

(ii) If so, what action have Government taken thereon?

The Honourable Sir MAURICE HAYWARD: (i) Yes.

(ii) It was rejected.

### Government Publications and M.L.C.'s.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(*a*) which publications of Government are supplied to members of the Legislative Council; and

(*b*) which are not?

The Honourable Mr. COWASJI JEHANGIR: (*a*) The following publications are supplied to the M.L.C.'s:—

(1) The Report of daily debates in the Council;

(2) The *Bombay Government Gazette*;

(3) Copies of new Acts and Regulations;

(4) Administration reports of all Departments of Government;

(5) Copies of the reports, when published, of Commissions and Committees;

(6) The Bombay Civil List—January edition (This will be supplied in future);

(7) Budget estimates.

(*b*) Such special reports and publications as Census Reports, History of Services of Gazetted Officers, Bombay Gazetteers, Departmental Manuals, etc.

Mr. HOOSENALLY M. RAHIMTOOLA: Why is January edition only of the Civil List supplied, and not other editions?

The Honourable Mr. COWASJI JEHANGIR: The edition comes out three times a year with very few corrections. If every one of the editions were to be supplied, the cost would be considerably increased.

Mr. HOOSENALLY M. RAHIMTOOLA: Will they not be of better use to honourable members if all the editions are supplied ?

The Honourable Mr COWASJI JEHANGIR: All these reports are meant for the use of officers of Government and will not be of much use to the honourable members.

### Teaching of the Koran in Municipal Schools in Bombay City.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state whether it is a fact that they have refused to share with the Bombay Municipality the cost of the teaching of the Koran in municipal schools?

The Honourable Mr. B. V. JADHAV: Yes.

MOULVI RAFIUDDIN AHMAD: May I ask, Sir, whether an application was made by the corporation and was refused by Government ? If so, on what grounds ?

The Honourable Mr. B. V. JADHAV: On public grounds.

MOULVI RAFIUDDIN AHMAD: On what public grounds ?

The Honourable Mr. B. V. JADHAV: On the public ground that Government does not want to take any direct part in religious teaching.

MOULVI RAFIUDDIN AHMAD: We simply want to know whether Government prohibits the teaching of Koran or religious teaching.

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

Mr. HOOSENALLY M. RAHIMTOOLA: Did not Government in the past take part in this teaching ?.

The Honourable Mr. B. V. JADHAV: I should like to have notice of that question to be able to make a reply.

### Religious Instruction by Government Teachers.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): (*a*) Will Government be pleased to state whether they have made a rule that the services of a teacher in the service of Government or a local body should not be utilised for imparting religious instructions ?

(*b*) Are they aware that Urdu teachers in the Bombay Municipal Urdu Schools teach Koran reading outside school hours ?

(*c*) Are they aware that most of the Moslem parents will not send their children to primary schools unless Koran reading is taught there ?

The Honourable Mr. B. V. JADHAV: (*a*) and (*b*) Government have made such a rule, but hitherto have not enforced it in the case of the Urdu Schools of the Bombay Municipality, where Koran reading is a part of the school curriculum and is taught by the school teachers as part of their ordinary duties.

(*c*) Government are aware that Moslem parents are generally unwilling to send their children to schools in which provision for Koran reading has not been made.

MOULVI RAFIUDDIN AHMAD: May I ask if there is not an incongruity involved in allowing only the Bombay municipality to utilise the services of their teachers for Koran reading and not permitting other municipalities to do the same ?.

The Honourable Mr. B. V. JADHAV: There is some incongruity.

MOULVI RAFIUDDIN AHMAD: Why should there be such an incongruity ?

The Honourable Mr. B. V. JADHAV: As it has been brought to the notice of Government it will be looked into.

Mr. HOOSENALLY M. RAHIMTOOLA (Asked a question which was inaudible).

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

### Post of Secretary to the Kurla Municipality.

Mr. SHANKARRAO JAYARMARAO ZUNZARRAO (Thana and Bombay Suburban Districts): (*a*) Will Government be pleased to state whether it is a fact that the Kurla Municipality resolved some months ago to raise the scale of pay of the post of the Secretary ?

(*b*) If so, is it a fact that the Commissioner, Bombay Suburban District, has withheld his sanction to the proposal ?

(*c*) If so, under what circumstances has he done so; and

(*d*) has he informed the municipality of his having done so; if not, why not ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The information is being obtained.

### Managing Committee of Dhandhuka Municipality.

*Mr. J. C. SWAMINARAYAN (Ahmedabad District): (*a*) Will Government be pleased to state whether it is true that out of the seven members of the Managing Committee of Dhandhuka Municipality four have resigned their seats ?

(*b*) Whether business is being transacted by the Managing Committee of Dhandhuka Municipality without the necessary minimum number of members as required by section 27 of District Municipal Act ?

(*c*) Whether the Collector was requested to suspend the execution of any order or resolution or to prohibit the doing of anything which was unlawful owing to the business of the managing committee having been transacted without the legal quorum ?

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

(*b*) The business was transacted by the remaining three members under section 38 (3) of the Bombay District Municipal Act, 1901.

(*c*) No.

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

CONDUCT OF THE MAMLATDAR OF DASKROI.

* Mr. J. C. SWAMINARAYAN (Ahmedabad District): (*a*) Will Government be pleased to state whether they are aware that the Sessions Judge commented on the conduct of the Mamlatdar of North Daskroi Taluka, holding that he had influenced the taluka local board election in the application No. 228 of 1922 under section 25 of Local Boards Act, I of 1884 ?

(*b*) Will Government be pleased to state whether they have received any applications from the people of North Daskroi Taluka alleging malicious harassments by the mamlatdar of that taluka ?

The Honourable Mr. C. V MEHTA: (*a*) The judgment in question contains no such comment.

(*b*) Already answered.

WORLI KOLIWADA.

Mr. PUNJABHAI THACKERSAY (Bombay City North): Will Government be pleased to state whether they have completed their inquiries with regard to Worli Koliwada (*vide* their reply to questions asked in that connection by Mr. J. K. Mehta and Mr. A. N. Surve at the last Session), and if so, what is the result of those enquiries ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: As Mr. Mehta's election to the Legislative Council was declared void, it was decided not to give any further reply to his question on the subject and accordingly no enquiries were made in the matter.

CAPITAL INVESTED, INCOME AND EXPENDITURE OF BOMBAY PORT TRUST.

Mr. LALJI NARANJI (Indian Merchants' Chamber): Will Government be pleased to state—

(1) the total capital invested by the Bombay Port Trust;

(2) the gross annual return;

(3) the net profit or loss per annum during the last ten years; and

(4) the changes in the Port Trust charges during the last ten years ?

The Honourable Mr. COWASJI JEHANGIR: (1) The total capital expenditure of the Bombay Port Trust as at 31st March 1924 is Rs. 22,20,40,900.

(2) The gross receipts during 1923-24 was 11·55 per cent. on the above expenditure.

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

(3) The net working result during the last ten years was as follows :—

| Year. | Surplus. | Deficit. |
|---|---|---|
| | Rs. | Rs. |
| 1914-15 .. .. | .. | 16,22,143 |
| 1915-16 .. .. | .. | 2,83,344 |
| 1916-17 .. .. | 18,84,745 | .. |
| 1917-18 .. .. | 16,46,149 | .. |
| 1918-19 .. .. | 10,35,117 | .. |
| 1919-20 .. .. | 2,58,564 | .. |
| 1920-21 .. .. | 1,83,110 | .. |
| 1921-22 .. .. | .. | 10,62,864 |
| 1922-23 .. .. | 2,32,216 | .. |
| 1923-24 .. .. | .. | 1,27,820 |
| Total surplus .. .. | 52,39,901 | 30,96,171 |
| Less deficits .. .. | 30,96,171 | |
| Net surplus for the period .. .. | 21,43,730 | |

(4) The collection of this information would involve an amount of work altogether incommensurate with the advantages to be obtained.

Mr. LALJI NARANJI: May I ask whether Government can show that this valuation as given in the answer is correct, according to the accounts?

The Honourable Mr. COWASJI JEHANGIR: The honourable member is a member of the Port Trust. Surely, he is aware that all the accounts of the Port Trust are audited. Beyond that, Government can give no assurance. The honourable member is a member of the Port Trust.

Mr. LALJI NARANJI: Yes, Sir. May I know now whether Government is aware that the auditors' report is treated as confidential?

The Honourable Mr. COWASJI JEHANGIR: If the honourable member will put in another question I will consider the matter.

Mr. LALJI NARANJI: Then Government do admit that the expenses.....(inaudible)?.....

The Honourable Mr. COWASJI JEHANGIR: The honourable member is not correct in his facts. Government have not appointed a retrenchment officer. The trustees did so.

Mr. LALJI NARANJI: Is Government aware that the trustees have appointed a retrenchment officer? How can you expect retrenchment without collecting all the necessary information?

The Honourable Mr. COWASJI JEHANGIR: The honourable member admits that it is the trustees who have appointed the retrenchment officer. It is the duty of the honourable member to go into that question as a trustee . . . . .

Mr. LALJI NARANJI: Will the honourable member explain what he means by "The collection of this information would involve an amount

of work altogether incommensurate with the advantages to be obtained"? Is it not important to the Government itself to have that information ? Government ought to be aware of this.....

The Honourable the PRESIDENT : I cannot allow discussion. The honourable member cannot keep on making statements. He has got to put supplementary questions direct. That is all that the rules permit. I cannot allow discussion.

The Honourable Mr. COWASJI JEHANGIR : If the honourable member will ask me a question, I will endeavour to reply to it as best as I can.

Mr. LALJI NARANJI : The question is "Will Government be pleased to state the changes in the Port Trust charges during the last ten years", but that information has not been given and it was to expose this matter to the House that I had put this particular question.

The Honourable the PRESIDENT : The rules allow you to put supplementary questions. Please put your question and wait till the Honourable Member of Government gives you a reply. Put your question direct.

Mr. LALJI NARANJI : Will Government be pleased to state whether they still believe that the collection of this information would involve an amount of work altogether incommensurate with the advantages to be obtained ?

The Honourable Mr. COWASJI JEHANGIR : That is the opinion of Government as expressed in the answer.

Mr. D. B. ADWANI : Will Government be pleased to reconsider it ?

The Honourable Mr. COWASJI JEHANGIR : I will certainly, if the honourable member will put another question .

### Double Villages in Kaira and Broach Districts.

The THAKOR OF AMOD (Northern Division) : Will Government be pleased to place on the Council table a complete list of those villages in the districts of Kaira and Broach of which one part belongs to the talukdars and the other to Government, and where separate police patels are appointed for each block ?

The Honourable Mr. C. V. MEHTA : The requisite list* is placed on the Council table for the information of the honourable member.

### Lavatory Accommodation in Trains running between Broach and Jambusar.

The THAKOR OF AMOD (Northern Division) : Will Government be pleased to state whether they are aware that in the trains running between Broach and Jambusar there is no accommodation for lavatories in the lower class compartments ?

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* *Vide* Appendix No. 13.

The Honourable Mr. C. V. MEHTA: Yes. The honourable member is referred to the reply given to question No. 2 put by him at the first session of the Legislative Council, 1922, and printed in the 3rd list of questions and answers relating to that session.

### Platform at Broach Station.

The THAKOR OF AMOD (Northern Division): Will Government be pleased to state whether they are aware of the inconvenience caused to passengers at the Broach railway station owing to the absence of any adequate roofing over the new platform for up-trains?

The Honourable Mr. C. V. MEHTA: The existing shed (150'×20') covers an area ample enough for 180 passengers which is the highest number booked by any up-train at Broach station.

### Detailed Survey of Talukdari Villages.

The THAKOR OF AMOD (Northern Division): (*a*) Will Government be pleased to state whether the report of the detailed survey of talukdari villages and lands made in the year 1912-13 has been published?

(*b*) If not, will Government be pleased to place it on the Council table, together with the report made by the survey superintendent to the higher authorities?

(*c*) Will Government be pleased to place on the Council table copies of the orders passed by them in connection with the said detailed survey?

(*d*) Will Government be pleased to state the reasons which led to the detailed survey of the talukdari estates and lands, although the said estates and lands had been already surveyed by Government agency at the cost of the talukdars concerned?

The Honourable Mr. C. V. MEHTA: Information is being collected.

### Blind Men's Relief Fund.

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

(*a*) the amount collected for blind men's relief by the Blind Men's Relief Association of Bijapur;

(*b*) how has the amount been collected;

(*c*) what has been the agency employed for collection;

(*d*) what have been the charges incurred for collection;

(*e*) where is the money invested or lying?

The Honourable Mr. C. V. MEHTA: (*a*) Rs. 2,29,895-13-4 up to 13th May 1924.

(*b*) By voluntary subscriptions, donations, etc.

(*c*) Through village committees consisting of private gentlemen.

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

(*d*) No charges were incurred as the subscriptions and contributions were received voluntarily.

(*e*) In Government securities, deposits in Co-operative Societies, shares in District Co-operative Bank, bonds, mortgages, etc.

### Daddi Canal in Belgaum District.

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

(*a*) whether any plans and estimates for the construction of what is popularly known as "Daddi Canal" or "Daddi-dam" in the Belgaum District have been prepared ?

(*b*) If so, when were the said plans and estimates prepared ?

(*c*) Why has not the said work been taken in hand ?

(*d*) How many acres of lands is the said canal estimated to irrigate ?

(*e*) What is the estimated cost of constructing the said work ?

(*f*) Do the Government contemplate the taking up of the said construction work ? If so, when ?

The Honourable Mr. COWASJI JEHANGIR: (*a*), (*b*) and (*c*) The plans and estimates of the Gokak Canal Extension Project, which is now called the Ghatprabha Canal Project, including a storage dam at Daddi, were originally prepared in 1912. The sanction of the Secretary of State for India to the Project was received in 1915 but it had to be revised in the light of the experience gained on other similar projects. The revision work had to be postponed owing to the shortage of staff during the war, but it is now practically completed and the project is expected to be ready shortly.

(*d*) The canal is estimated to irrigate 148,600 acres.

(*e*) The estimated cost of the scheme in question will be approximately Rs. 5 crores.

(*f*) Government will consider the revised project at an early date.

(Discussion on the Bombay Children Bill resumed.)

The Honourable the PRESIDENT: I should like to know whether any arrangement has been arrived at as regards clause 7.

Mr. D. B. ADWANI: I have redrafted my amendment and have shown it to the leader of the Swaraj Party and the Home Secretary.

The Honourable Sir MAURICE HAYWARD: I suggest that we go on straight with clause 7. I have carefully studied the original draft and heard from the honourable member last night the lines of his proposals and find that most of his proposals are included in the amendments which are proposed by other members. I suggest that he should argue the points which he wishes to put forward on the amendments proposed by the other honourable members.

The Honourable the PRESIDENT: Before the honourable member proceeds to read out his redrafted amendment, I shou'd like to point out that after very careful consideration of these two clauses and the

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

[The President]

amendments, I find that the point of order raised by the Leader of the House is quite relevant because the honourable member (Mr. Adwani) has mixed up two points in his amendment, while clause 7 deals with one point only. The other point is dealt with in clause 14. Therefore, if the honourable member (Mr. Adwani) wishes to move any amendment on clause 7, it should only be relevant to it and within its scope, and the other part of it is clearly out of order at this stage.

Mr. A. MONTGOMERIE: I have seen the draft of the amendment which the honourable member Mr. Adwani proposes to move. I think the honourable member has mixed too many points in one amendment and changed the entire character of his original amendment.

The Honourable the PRESIDENT: What I would like the honourable member to do is to split up his amendment in two parts, and the part which is relevant to clause 7, I will allow to be moved, but not any new amendment. I will consider that as soon as I hear what the amendment as redrafted is.

Mr. D. B. ADWANI: The clause as amended by me would read as below :—

7 (1). Any police officer not below the rank of inspector or other person authorised in this behalf in accordance with the rules made by the Governor in Council may report to the nearest court or magistrate having jurisdiction under this Act the case of any person who in his opinion is a child or young person and who

(*a*) is living with a parent, guardian or husband who is unfit by reason of his criminal or drunken habits to have the care of such person,

(*b*) while living with a parent, guardian or husband frequents the company of any reputed thief or prostitute,

such court or magistrate may call upon the guardian or husband to show cause why the said person should not, during the pendency of the proceedings, be removed from his care; and may on suitable sureties being offered for the safety of such person and for his being brought before the court, permit such person to live with his parent, guardian or husband or may order his removal;

(2) Any police officer not below the rank of inspector or other person authorised in this behalf in accordance with the rules made by the Governor in Council, may bring before a court any person not living with his parent, guardian or husband, who in his opinion is a child or young person and who

(*a*) and (*b*) same as at present,

(*c*) to be deleted,

(*c*) and (*d*) same as (*d*) and (*e*) at present.....

The Honourable the PRESIDENT: I should like the honourable member to remember that he cannot expect the House to follow the amendments in that form. If the honourable member wants any part of the present clause to remain, let him not say it is the same as this, that or the other, but let him copy it out bodily in his new amendment, so that the amendment as a whole can be placed before the House to enable it to consider it after I have decided the point of order.

Mr. A. MONTGOMERIE: In order to avoid confusion, I think it would be better for the amendment to be drafted by the law officers of the Government such as the Legal Remembrancer.

The Honourable the PRESIDENT: As regards the drafting, I think it is rather too much to expect a non-official honourable member to be sufficiently experienced to put it in legal language, but that ought not to

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debar him from moving his amendment provided he makes his meaning clear. If the House accepts the substance of the amendment, then the law officers of Government will be requested to put it in legal phraseology.

The Honourable Sir MAURICE HAYWARD : I should suggest, Sir, to the honourable member that he would really do well to proceed on the amendments that have been given notice of by other members. I have gone very carefully through his amendment, and I know what he wants. I have also scanned the amendments of other members which really give him what he thinks he wants. The honourable member Mr. Bhopatkar and the honourable member Mr. Soman will practically give him all that he wants. I would strongly recommend him to consult Messrs. Bhopatkar and Soman, and to see whether their amendments do not really give him all that he wants. That would save a good deal of the time of the Council.

Mr. D. B. ADWANI : We have consulted one another for over two hours on this matter and discussed it very fully. The lines on which I wish to proceed are.....

The Honourable the PRESIDENT : If the amendment is moved as it is, it would lead to great complications in actual voting. How are so many amendments, put together in the form of one amendment, to be discussed and voted upon ? Some members may like one part of it, while others may be opposed to it. My suggestion to the honourable member is that he should take the framework of the clause as it stands. Now, take the first sub-clause to clause 7 : it reads :

"Any police officer or other person authorized in this behalf in accordance with rules made by the Governor in Council may bring before a court any person who in his opinion is a child or young person, and who....."

As far as I have been able to follow the honourable member, he desires two alterations in this part of the clause. One alteration is that the police officer should not be lower in rank than an inspector of police. He can easily move for this alteration. The second object of the honourable member appears to be that this police officer should not be permitted to take the young person to the court himself but should simply report to the court for getting him produced. That is my impression.

The Honourable Sir MAURICE HAYWARD : The honourable members Messrs. Bhopatkar and Soman have got exactly the same amendments.

Mr. D. B. ADWANI : I wish the police officer to report to the magistrate in the case of those persons who are living with their parents or guardians.

The Honourable the PRESIDENT : That point will come under clause 14.

Mr. A. MONTGOMERIE : Sir, this part, part II of the bill, deals with measures for the custody and protection of children and young persons who are destitute. Clause 14, in the next chapter, deals with cases in which an offence has been alleged. The honourable member's proposal is that these cases which are specified in clause 7 should be left as they are

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in the case of children who are not under any guardians, and that where a child is found wandering, or destitute, or in the company of a thief, and if it has a guardian, a different procedure should be adopted. That would fall under an amendment of the proviso. The proviso to clause 7 (1) makes a limitation on the power of the police officer. The honourable member desires to make a further limitation that he should take that action only on the order of a magistrate. So that, he could achieve his result by an amendment of the proviso: provided that no police officer below a certain rank shall be allowed to report to the magistrate, and that he shall not take action without the order of a magistrate. That would be an amendment of the proviso, on which we could vote, without having the whole question mixed up.

The Honourable Sir MAURICE HAYWARD: Mr. Soman has already raised that point in his amendment.

The Honourable the PRESIDENT: I think the subject is very important. If the Leader of the House has no objection, we will reserve clause 7 till after tea time, and will go on with the rest. In the meantime, I think the Home Secretary has given very valuable information to the House, and it will help them to examine the question. If there are already other amendments which will meet with the honourable member's wishes, then he need not press his amendment. If not, he can draw up his amendment on the lines I have suggested. Instead of making it one amendment, he can split it up and make several amendments of it. I will give the honourable member time to do so. After tea time we will take up this clause.

The question is that clause 10 stand part of the bill. To that there is an amendment from the honourable member Mr. Jog, which is to delete the whole clause.

Mr. V. N. JOG: I do not wish to move it, Sir.

Mr. G. B. PRADHAN: I have given notice of an amendment to my honourable friend Mr. Jog's amendment.

The Honourable the PRESIDENT: If the amendment is not moved, the amendment to the amendment also cannot be moved.

The next amendment is from the honourable member Mr. Nariman.

Clause 10 (*Causing or allowing child or young person to beg*):

(1) Whoever *for his own profit* causes any child or young person, or having the actual charge of or control over a child or young person allows that child or young person to be in any street, premises or place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether or not there is a pretence of singing, playing, performing, offering anything for sale, or otherwise, shall be punishable with imprisonment of either description for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

(2) If a person having the actual charge of or control over a child or young person is charged with an offence under this section and it is proved that the child or young person was in any street, premises or place for any such purpose as aforesaid and that the person charged allowed the child or young person to be in the street, premises or place, he shall be presumed to have allowed him to be in the street, premises or place for that purpose unless the contrary is proved.

(3) The Governor in Council may by notification in the *Bombay Government Gazette* exempt from liability to punishment under this section any class of person in any district or place where this Act may be in operation.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I have given notice of two amendments to this clause. The first one is.....

The Honourable the PRESIDENT: We are now dealing with sub-clause (1) of clause 10. The honourable member's second amendment is to sub-clause (2). I ca'l upon hi to move his amendment to sub-clause (1) first.

Mr. K. F. NARIMAN: Sir, my first amendment to sub-clause (1) of clause 10 is as follows:

Delete the words 'whether or not there is a pretence of singing, playing, performing, offering anything for sale or otherwise' in sub-clause (1).

I do not know the attitude of Government so far as this clause is concerned. My objection to the words which I have moved to omit is the same which I had raised before to similar vague and indefinite clauses. In this case, I want to know from the Honourable the Home Member or the Home Secretary as to what is the meaning of the word pretence. The wording is: "whether or not there is a pretence of singing, playing, performing, offering anything for sale or otherwise." Who is to differentiate whether a child who is singing, playing, or performing any of the other acts mentioned is *bona fide* engaged in the performance of those acts, or is making a pretence of doing so? I do not know of any other measures of Government, whether in this country or any other country where such a vague term is used in the case of provisions the breach of which involves punishment. For instance, I do not think it is anywhere provided that a man who makes a pretence of committing a theft shall be liable to punishment. What is the meaning of the word "pretence"? Surely it is having a meaning which cannot be understood either by the officer or the magistrate, and such a vague expression should never be permitted in a penal section. Besides there are many other objections to this provision. Particularly in this country we have known young boys as well as girls are engaged in performing what is known as innocent pastime of singing in the streets and earning a livelihood by such performance. I do not see there can be any objection to their engaging in such performance. It does not touch them morally, nor does it affect them physically in any adverse manner. It is an innocent pastime and it is a source of income. I do not know how the Honourable the Home Member will differentiate between a European or Indian circus and the poor acrobats giving performance in the streets who could not start a circus, because they are poor. If they are engaged in such innocent performances, why should they be prevented from doing them and penalised? I hope better counsel will prevail and this clause will be deleted. Particularly on religious occasions (for instance, *garbha*), little children of various communities will go about in the streets singing. Apart from the religious aspect of it, it is an honest source of income to many people. I hope the Honourable the Home Member will accept this amendment. The amendment does not interfere with the principal clause which deals with objectionable practices. I hope therefore Government will accept my suggestion.

Mr. G. B. PRADHAN: I can move my amendment to the honourable member Mr. Jog's amendment as an amendment to the honourable member Mr. Nariman's amendment.

The Honourable the PRESIDENT: I do not see any difference. An amendment must be by way of amending an amendment. The honourable member's amendment does not in any way appear to be different to the one moved by the honourable member Mr. Nariman.

Mr. G. B. PRADHAN: While the honourable member Mr. Nariman wants to delete the words, I want to retain those words and add an exception to the clause.

The Honourable the PRESIDENT: The net effect is the same. Why should there be two amendments?

Mr. G. B. PRADHAN: While the honourable member Mr. Nariman's amendment seeks to remove those words, I want to make an exception in the case of certain class of people.

The Honourable the PRESIDENT: Your amendment is this:

"Add an exception to clause 10.

*Exception.*—But this section shall not apply to children or young persons who seek aid for mental, moral, physical or intellectual development. It shall not also apply to such classes of persons who are by profession given to acrobatic performances or who maintain themselves by music or singing."

While you retain those words, you add an exception: "but this section shall not apply to such classes of persons who are by profession given to acrobatic performances, etc." I personally do not see any difference between the two.

The Honourable Sir MAURICE HAYWARD: The honourable member Mr. Bhopatkar has got a similar amendment standing in his name.

The Honourable the PRESIDENT: I do not see any difference between the two.

Mr. G. B. PRADHAN: The object of my amendment is to see that this Act does not apply to professional singers or acrobats, who are different from those who give such performances for the purpose of begging.

The Honourable the PRESIDENT: My difficulty has been whether this is in any way different from the amendment of the honourable member Mr. Nariman. I see that the honourable member Mr. Pradhan's amendment restricts the scope of the amendment of the honourable member Mr. Nariman by giving permission only to certain classes of people.

Mr. M. R. JAYAKAR: This can come in only if the honourable member Mr. Nariman's amendment is lost. If the honourable member Mr. Nariman's amendment is passed, there is no scope for this amendment.

The Honourable the PRESIDENT: That is true. The honourable member wants to move his amendment in order to give the House an opportunity to choose either of the amendments. The House can decide.

Mr. A. MONTGOMERIE: The honourable member Mr. Pradhan's amendment is a direct negation of the honourable member Mr. Nariman's

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amendment, as one seeks to remove all the words, while the other wants to retain them, and add certain words.

Mr. B. G. PAHALAJANI: The honourable member Mr. Pradhan's amendment can be moved, in case the honourable member Mr. Nariman's amendment is not carried.

The Honourable the PRESIDENT: The difficulty is that the honourable member Mr. Pradhan has not given notice of his amendment. I cannot keep on accepting amendments and condoning delay till all the clauses have been disposed of. I see the force of the argument of the honourable member Mr. Montgomerie. This comes under the rule which provides that no negative amendment shall be moved. The effect of this amendment is to retain those words which the honourable member Mr. Nariman wants to delete and the exception cannot come to this part of the clause. It is not an amendment in the form of substituting such and such words for such and such other words. While one member wants to delete certain words, another member wants to retain them, which is a direct negative.

Mr. A. MONTGOMERIE: Sir, I shall deal with the honourable member Mr. Nariman's amendment. I think he asked who is to determine whether it is a pretence or a *bona-fide* endeavour to earn a livelihood. It is to be determined by a first class magistrate who has jurisdiction in the matter.

Then he suggests that this particular form of wording is unheard of in the legislation of any other country. I would only quote from the law of England on the subject:

"Any person who causes or procures any child or young person, or who, having custody, charge, or care of a child or young person, allows him to be in any street, premises or place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise, is liable," etc.

The wording to which he takes objection is taken direct from the law of England on the subject, and it is obviously necessary in order to avoid evasions of the law. We discussed this very fully in the select committee, and it was pointed out that in order to evade the law against sending the child to beg in the streets, people might give the child a packet of slate pencils and induce it to make a pretence of selling them or to sing songs or to make noises purporting to be singing. It is for the magistrate to determine whether in essence or reality the child had been sent out to beg and whether this show of disposing of some paltry article or this singing is really a genuine performance or is merely a cover for begging. Without that, I think it will be agreed that the law might be evaded and people might, for the purpose of exciting compassion, make use of children and induce them to make a pretence of engaging in some activities.

Then, with regard to playing, performing and doing acrobatic feats, we discussed that also, and the only question to my mind is whether we do want that children of tender years should be brought up as tumblers or acrobats. The honourable member for Thana has talked to us of

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the pleasure which these children give us when we watch their performance either at Matheran or on the streets or in the circus.....

The Honourable the PRESIDENT: The word "acrobat" is not in the clause. That amendment is not before the House.

Mr. A. MONTGOMERIE: Now, talking of playing, performing, I take it that these are not proper means of earning a livelihood: they are more a form of begging. We cannot justify ourselves on the ground that they give us pleasure. We have not heard anything about what happens to these players and acrobats when they pass these tender years; and even if it is a fact that they give us pleasure, I do not think it is a reason for allowing the parents to make use of them for the purpose of these performances, which I am afraid have only one inevitable end, either in the case of boys or of girls. I would therefore suggest that there is very good reason for having these words in the section.

I do not know whether he has excluded from his motion the rest of the amendment.....

The Honourable the PRESIDENT: That will be put as a second amendment. The amendment I put before the House is:

Delete the words "whether or not there is a pretence of singing, playing, performing, offering anything for sale or otherwise."

The rest of the amendment I will ask him to move separately.

MOULVI RAFIUDDIN AHMAD (Central Division): Mr. President, I confess that I have a great deal of sympathy with the mover of this amendment. I have heard the remarks made by the Home Secretary with so much ability and I may add gallantry, but I am not convinced.

The whole weakness of his argument lies in the fact that these words under reference are taken bodily from the Act of England, although the circumstances of the two countries are different. I find that in England mendicancy is prohibited: one cannot beg in the streets. Therefore, provision is made in the English Act that if any child is sent to beg in the form of selling matches, etc., then the guardian of that child should be punished. In India the thing is entirely different. Moreover, in this country there are no work-houses. When there are no work-houses, it will be a great hardship on poor widows who have to provide for their children; as long as you do not prohibit begging altogether, this part of the clause is quite unnecessary. We have made sufficient provision in the previous words. Moreover, Sir, the object seems to be to prohibit any kind of cruelty to children. Well, as the honourable member has already said, here it is a question of living; and with the best of intentions it will be impossible for us to go into the motives of the parents. Then, there are, as my honourable friend pointed out, certain classes of people who are called religious mendicants, and they will consider it a kind of religious interference in their profession if they were not given freedom to beg; and therefore, I think that it will be a great hardship in the social life of the people. The object of Government is gained by the previous wording, and no harm will be done by the deletion of these words. I therefore support the amendment.

Mr. M. R. JAYAKAR (Bombay University): Sir, I support the amendment of Mr. Nariman, and I do so on the ground that I want Government to proceed cautiously in laying down this principle of preventing a person from employing a child or a young person for begging. If Government could recognise that these words, which are objected to, if allowed to stand in the section, would cause a very serious interference with the habits and liberties of the people, I have no doubt they would agree to the deletion of these words "whether or not there is a pretence of singing," etc. The first part of the clause is perfectly good, and I suppose the House will be agreed on maintaining it. But the words "Whether or not there is a pretence" will raise many difficulties. I am not for the moment criticising the word "pretence," though I may say that I do not agree with the explanation of the honourable member. But I would object to the words which follow "singing, playing, performing". Although the objection to the word "pretence" may be removed, the objection to the words which follow would remain. Perhaps Government are not aware, and I wish to tell them, that for about a fortnight, generally in the month of September, the ladies of respectable families go about collecting alms with the aid of singing. This is especially the case among Gujaratis. These ladies who take upon themselves to collect alms will, I fear, not be protected by the proviso "for their own profit", because the money they collect is used by themselves. They go about collecting alms from door to door, singing songs. This is one instance which shows the necessity of our being very careful about the wording of this section.

The second thing is—perhaps Government are not aware of this also—that under the stress of poverty many respectable families are driven to let their children go from door to door begging food morning and evening. And I may mention to Government that some of their trusted and esteemed officers in public service have in their early infancy begged for help from door to door in the form of food. Are not Government going to protect such cases of begging? I am desirous that Government officials in their ignorance of the habits and customs of the people may not insist on the retention of these words which would operate harshly. Government will find in the streets of Poona, *e.g.*, hundreds of boys going from door to door with a sling in hand asking for cooked food. I therefore submit that Government should proceed very cautiously having regard to the novelty of this measure. Let us stop at the first 8 lines and then, as society advances and these habits are eradicated with more affluence in the country, the clause may be made more drastic. The honourable the Home Secretary told us that these clauses were taken bodily from the English Act. I do not think that you find in English streets respectable but poor boys going about asking for cooked food from door to door. Therefore, having regard to these novel customs here, I hope the Government will agree that these words ought to go. Again who is going to determine this "pretence"? We will unnecessarily drag a child to a court of law when it is not a case of pretence. Until that is decided the child will be harassed. If words like, *e.g.*, "habitually" were inserted into the section, they might have given some protection.

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But such an amendment cannot be moved at this stage. I therefore suggest that Government should not insist upon the retention of these words, but agree to the amendment.

Mr. L. B. BHOPATKAR (Poona City): Sir, I support the amendment that is before the House, not on the grounds made out uptill now by the previous speakers but on some other grounds. This was one of the several clauses on which there was a keen discussion in the Select Committee, and the wording that was ultimately approved by the majority was not in my opinion a happy one. I grant that the addition of the words "for his own profit" cover some cases, but the retention of the clause which is under consideration, viz., "whether or not there is a pretence of singing, playing, performing, offering anything for sale or otherwise", was unnecessary and is still unnecessary. Clause 10 is mainly directed against only one thing, and it is the profession of begging. This clause merely states :—

"Whoever for his own profit causes any child or young person, or having the actual charge of or control over a child or young person allows that child or young person to be in any street, premises or place for the purpose of begging or receiving alms or of inducing the giving of alms....."

When that wording is there and especially when one finds these words, viz., "inducing the giving of alms", I fail to see the necessity of having the subsequent words, viz., "whether or not there is a pretence of singing, playing, etc." The point that I am making out is that these words in the light of the previous words are quite redundant and absolutely unnecessary, inasmuch as sufficient authority has been given under the preceding words to put a stop to habitual begging.

The second ground on which I support the amendment, is that if these words are allowed to be retained in the clause, they will seriously interfere with the legitimate professions of some classes of persons, especially in India. I cannot bring myself to agree with the argument that has been advanced by the honourable the Home Secretary, that because certain words do find place in an English statute, therefore they should be safely imported into an Indian statute. The conditions and circumstances in the two countries do differ materially, and in India especially, as has been pointed out repeatedly, there are certain professions in which it is very difficult to find out whether it is professional begging or not. As my honourable friend Mr. Pradhan has stated, there are the professions of street musicians, acrobats and so on in which it will be very difficult to say whether they merely make a pretence of singing or whether they really sing. In other words, by keeping the words as they are, the House would vest a large and almost arbitrary power in the hands of the police and the magistracy. On these two grounds, Sir, namely, that the words are redundant and that they will interfere with the legitimate professions of certain classes of Indian people I support the amendment and also request the House to accept it.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, I would certainly like to move my amendment, but as it is disallowed on technical grounds, I ought to support the amendment proposed by the

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honourable member for Bombay City (South), Mr. Nariman. I should have allowed these words to remain and would have qualified them, but then as it seems to me that the words are not going to be modified or any exception added, then let the words be deleted altogether, and let the persons who are by profession acrobats or singers, or may be persons exposing anything for sale or doing anything not as a begging by profession, but there may be persons and I have pointed out several cases in the select committee that the clause even does not make an exception, as regards boys who beg for their mental and educational development let these persons be protected, and that is why these three words in italics have been added. So my submission is that these three or four words are absolutely unnecessary in this clause, and so long as there are no poor houses, so long as you are not making provision for sending these people to the workhouses, these persons ought to be allowed to follow the profession which is their ancestral profession, and we are not here to remove them from this profession and to teach them a better profession, but we are here simply to prohibit persons from begging publicly in public streets, and that is why that Act is made, and when the Act is aimed at professional beggars these words which my honourable friend from Bombay wishes to be removed ought to be deleted from the clause.

Mr. J. BAPTISTA (Bombay City, North): Mr. President, I suggest to Government the acceptance of this amendment. In my opinion there is no harm if the words are deleted from the Act. In England you know it is a common thing that you find people in the street selling matches, but they are simply making a pretence of selling matches while they are really begging. Therefore these words which are taken from the English Act are due to the peculiar history of begging in England which does not exist in this country. And it is a great mistake to take these words from an English Act and insert them in a legislation in this country What difference does it make to Government whether there is begging as begging ? The courts will have to decide whether it is begging or not. A man may be pretending to be singing or playing for the purpose of begging, but it is the court which has to decide whether he is pretending and whether he is begging. Let them delete these words and the court will have to decide precisely the same question. To decide that question, *viz.*, whether he is begging or not, the court, it appears to me, may put the burden of proof on the man to prove that he is genuine and that he is not pretending. Now, that is against all jurisprudence, particularly English jurisprudence, to put the burden on a man who is guilty, and this is my chief reason for asking Government to accept this amendment. It will absolutely make no difference whatever. But if my honourable friends imagine that by deleting the words they will prevent all begging by singing and so on, they are making a great mistake. Still I believe it would be wiser to accept the amendment.

Mr. K. F. NARIMAN: I do not wish to reply.

The Honourable Sir MAURICE HAYWARD: I should like to explain the position, Sir, as it appears to us. We are advised that the words

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are necessary in order to prevent the raising of false defences, that it is not really a case of begging, but it is a case of *bona fide* display or of *bona fide* music or singing. We are advised that we ought to have those words and therefore we have put them in. Such defences have, I believe, been raised at Home and therefore no doubt the words have found their way into the statutes in England. It was thought that such defences would probably be raised here and that it would be a wise precaution to have those words in the statutes out here. But I am certainly rather impressed by the legal advice given by the two honourable members that such defences, if raised, would be absolutely of no avail and that to cut out these words would make no difference at all. If that is so, it does not matter really whether the words are there or not. I am sure, if such defences are raised, the honourable members would at once discredit them, whether they are for the prosecution or for the defence. It is quite clear that what it was intended for was to prevent false defences being raised, to distinguish betweeen a case of a mere pretence and a case where there was a *bona fide* endeavour to obtain a livelihood by these particular means. With regard to the particular cases of hardship mentioned, they really do not come in, because they were, as I understand it, cases of people who were begging for their own sake. They would be either cases of students who may beg in order to provide for their livelihood or for the prosecution of their own studies, or those ladies who by begging are allowed by custom to take the money for themselves. Those cases would not fall within the clause at all, and moreover, if they are in danger of falling into those clauses, there is the exemption under clause 3. That clause is put there so that any case of hardship should be excluded where the clause would not apply properly to this country. I only need to add, Sir, that we had on the select committee the judgment of members who are well acquainted with the customs of this country, even if there be deplorable ignorance on the part of Members of Government notwithstanding their residence for no inconsiderable length of time in this country. Therefore, I would ask the House to remember that there is some danger of certain cases being left out and I must leave it to the House to say whether they think on the whole that those words ought to be retained or be omitted.

Question put and carried.

Mr. K. F. NARIMAN (Bombay City, South): Sir, the next amendment that I beg to move is:

> Instead of the word "three" substitute the word "one" and instead of "one hundred" substitute "fifty".

I hope it will be realised that after all, we are dealing with beggars and I may say that more or less people are driven to this calamity. It is not a matter of choice; it is a misfortune for which we should sympathise with the persons concerned rather than penalise them. I ask Government to do something for these people so that there may not be any necessity for begging. We won't allow them to sing; we won't allow

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them to perform; we won't allow them to beg! Then, what is left to them to do? The only course that is left to them would be to steal.

The Honourable Sir MAURICE HAYWARD: Let them work.

Mr. K. F. NARIMAN: I am glad of that suggestion. If this clause applies only to able bodied beggars who find work and do not work, I should certainly sympathise with the clause and would be the first to allow it to operate and to co-operate with it. The man may be infirm, he may be blind or he may be willing to work and not find work. What is to become of such a person? Are we to throw such persons on the streets? Or are they to steal? I think it is better that they should beg rather than steal.

Question proposed.

Mr. A. MONTGOMERIE: I rise, Sir, to oppose this amendment on the ground that the honourable member's argument is entirely irrelevant. He says we are penalising beggars. What are the beggars to do if we penalise them? They would have to steal! But the clause does not penalise begging. It penalises persons who for their own ends make children beg, which is entirely a different thing. Exploiting a child, putting a child in the street to beg, which would be destroying its life, is to be adequately punished by a fine of Rs. 50 as he says, and the morals of children are to be neglected! Instead of having the punishment reduced, I should like to see it largely increased. I think it is one of the worst things that you could possibly do to a child,—to allow it to learn to tell lies and many other evil ways. The clause is not meant to penalise persons who beg. No man is penalised under this clause if he is begging. It penalises persons for exploiting children or using them for begging for their own profit. I would oppose this amendment very strongly. I would rather see the penalty increased than reduced.

Mr. B. K. DALVI (Belgaum District): Sir, formerly the punishment provided for this class of offence was six months and Rs. 200. The whole matter was gone into in the select committee and ultimately we arrived at the conclusion that it be reduced to three months and Rs. 100.....

The Honourable the PRESIDENT: No.

Mr. B. K. DALVI: I may be wrong in that respect. Taking the argument of my honourable friend Mr. Nariman, he says, if we are to punish the beggars, how are we to get Rs. 100 out of them? But that argument is fallacious. I in return would ask my honourable friend, whence is the beggar to provide even the Rs. 50 he proposes? I entirely agree with the Home Secretary when he says that the clause would not punish the beggars, but only those persons who force children to beg for their own ends. And I think unless the punishment is deterrent, the object of the clause will not be achieved.

Mr. K. F. NARIMAN (Bombay City, South): The principle I wish to maintain, Sir, is that in all cases it will not be a case of exploitation. There may be real genuine cases of a calamitous nature. I will give you an instance. Suppose there is a blind widow with two or three children

[Mr. K. F. Nariman]

of a young age. She has got no other means of livelihood except the means of begging and so she must take her children along with her to help her in begging. If she is not allowed to take her children along with her, how is she to maintain herself and the children if you make this clause penal. That widow is also liable to be punished under this clause with a sentence of three months' imprisonment and a fine of fifty rupees. There may be really genuine cases where there would be no question of exploitation of children but which would be cases of dire and painful necessity. I therefore cannot understand the logic of the arguments advanced against my amendment by the honourable member Mr. Dalvi who asks how, if a beggar is able to pay a fine of fifty rupees, he would be unable to pay a fine of a hundred rupees. I should say if a beggar has a hundred rupees, certainly he would not be a beggar and I do not think he would go to the degradation of begging on the public streets if he has got hundred or even fifty rupees in his pocket. Therefore, I think the imposition of a fine seems to be ridiculous and I hope the House will give my amendment its very sympathetic consideration.

The Honourable Sir MAURICE HAYWARD: Mr. President, I must oppose this amendment because the exploitation of young children is a serious matter and in bad cases the punishment ought to be up to the maximum of three months' imprisonment. But because three months is prescribed as the maximum, that does not mean that that is going to be given in every case. In hard cases it may be a day, it may be practically nothing, but that is the maximum to cover any bad cases of exploitation of children. A very bad case would be a case where the man has already collected a lot of money, more than a hundred rupees he has got in his pocket and still he sends out children to collect more and that case would be a very suitable one to be fined Rs. 100. I think that it ought to be maintained to cover not the hard cases, but the bad cases of the exploitation of children.

Question put and lost.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Sir, the amendment which I desire to move is as follows:—

In clause 10, sub-clause 1, add the following after the line 12:—

"or causes or incites or abets for the purpose of inciting young person to bet or to gamble or to borrow money, or whoever for his own benefit takes an article on pawn from a young person whether offered by that person on his or her own behalf or on behalf of any other person, whoever employs or allows a young person in the Bar of licensed premises or in premises specially licensed only for the sale of tobacco or such other drug, or whoever causes or encourages or incites in a young person a habit of taking any intoxicating liquors or drug or smoking in a manner as would inculcate in a young person the habit of drinking or taking drug or smoking, or whoever employs a child or a young person in a theatre in a manner likely to cause such child or young person suffering or injuries to his or her health or causes or allows such child or young person to take part in a proceeding in a play which would likely cause or incite in such child or young person looseness of morality or who fails to provide for such child or young person employed in a theatre some educational facility or proper care or residence separate from ill-famed persons."

I made this suggestion in the select committee, but it was not accepted. However, I am glad to say that I find from the speech of the Honourable the Home Member that he has no serious objection to it. The only

[Mr. Hooseinbhoy A. Lalljee]

objection seems to be that the Honourable the Home Member is of opinion that public opinion must be had on this point. I do not see any reason for obtaining public opinion especially when public opinion on this point is so very well known. If at all anybody has got any doubt about what are the public sentiments of Indians in this respect, it would only indicate that that person is not in touch with Indian life. I make bold to say so, because I believe every honourable member in this House will agree with me that the religion of the separate sects of the population of this country, their habits and, above all, the poverty of this country, really demand that such things should be avoided as soon as possible. I understand that these provisions have been made in the English Act and therefore I ask why should it not be done in India? What is the difference? In India the climate is far hotter than in England, the prosperityof the people here is much poorer than in England, the health conditions of the people in this country are far inferior to those in England. When these directions are necessary in England, why are they not necessary in this country? Who will doubt that these evils are the evils which must be eradicated as soon as possible? We have had instances in this House where we have found out that there are some people who are against singing or even against begging, but I make bold to say that in this House as well as outside this House no Indian will ever say that gambling, or betting, or drinking liquor or taking any intoxicating drugs is not injurious or undesirable. I think it is time that if the Government wants that this bill should be appreciated by the public, then these fundamental points on which the Indian sentiment is keen must be accepted by the Government.

I want also to draw the attention of the House to the punishment to be awarded for such offences under this Act. I am sorry that my honourable friend Mr. Nariman has said that he would like the punishment to be awarded for such offences should be reduced, but I do not agree with his views on this point.

With these words, I ask the Council to accept my amendment.

Question proposed.

Mr. L. B. BHOPATKAR (Poona City): Sir, I wish to move an amendment to the amendment moved by the honourable member, Mr. Hooseinbhoy Lalljee. By my amendment I have made some necessary changes in the amendment which has been moved. The honourable member Mr. Lalljee has, throughout his amendment, used the expression "young person" only. I think, Sir, that the word 'child' should also be included in the amendment; and if the object of the amendment is to be properly carried out, then it should not be confined to young persons only, but it should also be extended to children. I have accordingly added the word 'child' wherever necessary. The second change that I have proposed is to delete the subsequent portion of the honourable member Mr. Lalljee's amendment in order to make his amendment consistent with the tenor and tone of the bill. I think that the last 12 lines of the amendment would

[Mr. L. B. Bhopatkar]

be rather inconsistent with some of the provisions of the bill. My amendment will thus be—

"Add the following words after line 8 in sub-clause (8) of clause 10:
'or causes or incites or abets a child or young person to bet or to gamble or to borrow money, or whoever for his own benefit takes an article on pawn from a child or young person, whether offered by such child or young person on his or her own behalf or of any other person, or whoever employs or allows a child or young person to be employed in the premises licensed only for the sale of an intoxicant'."

I request the House to accept my amendment.

Mr. A. MONTGOMERIE: Sir, I do not rise to oppose this amendment, but to ask the honourable member if he will not consider withdrawing it. I do not in any way oppose the principles involved in the amendment. My only reason for taking this course of action is the fact that this amendment will require the sanction of the Government of India, and obtaining that sanction now will mean the holding up of the bill. I would like to assure honourable members that we are in entire sympathy with the objects which they have in view in moving this amendment, and if any honourable member agrees to draft a bill embodying these suggestions, it will receive the most sympathetic consideration from Government and he will be given all necessary help in drafting the bill. There is no bill which I would welcome more readily than such a one. The fact that these provisions which are included in this amendment and various other amendments of a similar nature were not embodied in this bill was due to the fact that as has been impressed on us by many speakers today and yesterday it was necessary for Government to proceed cautiously, and we did what we thought was immediately required. If the House is in favour of legislating in the direction indicated by the amendments, I can promise the sincerest support to any measure which is directed to improving the position of children. In order not to hold up the measure as it stands, I hope both the honourable members will withdraw their amendments on the understanding that whenever such legislation is brought up, Government will most sympathetically consider it and give it every assistance.

The Honourable the PRESIDENT: Are the movers of the amendments inclined to accept the suggestion made by the Home Secretary?

Mr. L. B. BHOPATKAR: I am rather inclined to delete the last portion of my amendment, so that the bill may not be delayed.

The Honourable the PRESIDENT: The sanction of the Government of India will be required to every part of the amendment, because it is introducing entirely new matter and a new principle.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Sir, in view of the assurance given, and if there is going to be any delay in the passing of the Act, I for my part do not wish to press my amendment.

Amendment by leave withdrawn.

Mr. L. B. BHOPATKAR: Sir, I also ask for the leave of the House to withdraw my amendment.

Amendment by leave withdrawn.

Mr. K. F. NARIMAN, (Bombay City, South): Sir, the amendment standing in my name runs thus:

"Delete sub-clause (2) of clause 10 and instead of (3) insert (2)."

The sub-clause reads thus:—

"If a person having the actual charge of or control over a child or young person is charged with an offence under this section and it is proved that the child or young person was in any street, premises or place for any such purpose as aforesaid and that the person charged allowed the child or young person to be in the street, premises or place he shall be presumed to have allowed him to be in the street, premises or place for that purpose unless the contrary is proved."

My submission is that it is opposed to the ordinary principles of equity, law and justice. Ordinarily a man is presumed to be innocent until the contrary is proved. Here it starts with the presumption that the person is guilty. It is a wrong principle. I do not think this will be found in any statute book of any country.

Mr. D. R. PATIL (East Khandesh District): Sir, if you read sub-clause (2) of clause 10, it says:

"If a person having the actual charge of or control over a child or young person is charged with an offence under this section and it is proved that the child or young person was in any street, premises or place for any such purpose as aforesaid and that the person charged allowed the child or young person to be in the street, premises or place he shall be presumed to have allowed him to be in the street, premises or place for that purpose unless the contrary is proved."

The sub-clause, you will find, is not happily worded as the words coming after the word "place" in line 7 are redundant:

A part of sub-clause reads thus:

"If a person having the actual charge of or control over a child or young person is charged with an offence under this section and it is proved that the child or young person was in any street, premises or place for any such purpose as aforesaid and that the person charged allowed the child or young person to be in the street, premises or place."

This much part clearly contemplates that it must be proved by the prosecution that the person charged has allowed the child or young person to be in the street, premises or place. If that is so, I do not see the sense in using the words:

"He shall be presumed to have allowed him to be in the street, premises or place for that purpose unless the contrary is proved",

because the major portion of the wording of sub-clause 2 is covered by sub-clause 1. If you want to interpret sub-clause 2 from the major portion of it, the meaning is clear though an ambiguity is tried to be created by the latter portion of the same by the burden of proof being shifted from the prosecution to the accused. In the face of these remarks this sub-clause should be deleted.

Mr. A. MONTGOMERIE: Sir, if I have followed the arguments of the last speaker correctly, he said that the clause was clear but ambiguous. If I may alter his own words, his own meaning is not clear, though it is ambiguous. He is not quite correct in saying that the words are redundant. If you read the clause, you will find that, if a person allows a child to be in the street, premises or place, the prosecution has to prove that that person has allowed the child to be on the street. Then if the child is actually found to be begging, then the

[Mr. A. Montgomerie]

presumption is that the person has allowed the child to be in the street for that particular purpose, so that the words are not redundant.

With regard to the remark of the honourable mover of the amendment, that words of this sort interfering with the burden of proof are not to be found in any English statute, I can assure him again that he is mistaken, as these words of this particular clause have been taken from an English statute. I am aware that this clause is liable to criticism on the ground that it lays the burden of proof on the accused. That is a principle peculiar to English law; and not to be found in any other jurisprudence—that of France or Germany for example. The English lawyers are the originators. As the main supporters of that principle have themselves abrogated it in cases of this sort, I think we have good ground to say that it is not altogether contrary to the principles of English law. We have to look at the facts. Suppose, for instance, that a child is found in the street begging; and that he is in charge of a parent or a guardian. The ordinary supposition is that all of us, unless we prove otherwise, are really responsible for the act of our children. If we do our duty as parents, then we are responsible for the acts of our children. I may say for instance, that I am not responsible for the act of my child who is 6,000 miles away. But if he were living with me, I will certainly say that I am responsible for his acts. It is my duty to see that he does not do any wrong action. If he is found on the street begging, I should not consider it as an undue burden placed upon me if I were called upon to prove that it was not my fault. Putting it in another way, by deleting these words you make it impossible to charge the person who deliberately allows the child in the street for begging. Suppose for instance the parent of a child says that he sent the child with a message and that he took that opportunity for begging and that he has never done it before. In such a case no court would interfere. Except under such circumstances, it is only fair to call upon the parent of the child who is responsible for the conduct of the child in the ordinary discharge of his duty to explain the conduct of the child.

Mr. B. G. PAHALAJANI (Western Sind): Sir, this is one of those instances in which, I believe, the Government and the representatives of the people are in opposition. Of course, the honourable the Home Secretary has considerable sympathy and compassion for the children, though he lives in the Olympian heights of Mahableshwar or Malabar Hill. But we poor people who live in the plains and live amongst the poor know exactly the difficulties of poor people. We know that if this burden of proving that the child was not allowed by a guardian to be in the street for begging, etc., is shifted on to the guardian it will work an incalculable hardship on him. If honourable members will read the second sub-clause, they will find that only two things are required to be proved by the prosecution—first that the person has the actual charge of or control over the child, and secondly that the child did go in the streets and beg. It is easy to prove that the child was

[Mr. B. G. Pahalajani]

begging, because he has been caught in the act of begging. The wording is :

"having the actual charge of or control over a child.....and it is proved that the child or yong person was in any street....."

That means that the guardian may only let him go in the streets without even having reason to know or believe that the child will go and beg in the streets, without the slightest intention or knowledge that the child will do so, and yet if he does so it is the guardian that must prove his innocence. If a person is in his own house, or is engaged in a mill or in any other place of trade, and he simply allows the child to go in the streets, and that child begins to beg, he must prove that he did not let the child go in the streets to beg. It is an extremely difficult task to prove a negative, and those who are acquainted with law know that an affirmative can be proved with ease but, a negative never, except under very exceptional circumstances. Therefore, the British system of jurisprudence which prevails in India has made it necessary for the prosecution to prove its case before the accused can be called upon to defend himself. Honourable members will see the difficulty in the case of poor people who have very little to live upon, if the burden of proof is placed on them and they are compelled to call defence witnesses from different parts of the country and to pay for their expenses, because in non-cognisable cases their expenses must be paid by those who call them. To compel them to prove that they did not send the children to beg in the street, will work a hardship upon the poor people that cannot be imagined by this House. I would, therefore, submit to the House that this shifting of the burden of proof is not warranted by the circumstances of the case, and this House should be united in throwing out this clause.

The result of throwing out sub-clause (2) will be that the burden of proof will be placed according to the ordinary law on the prosecution; and that is already provided for in clause 10 (1) :

"Whoever for his own profit causes any child or young person, or having the actual charge of or control over a child or young person allows that child or young person to be in any street, premises or place for the purpose of begging or receiving alms."

Whoever, therefore, allows a child to go in the streets for begging will be considered as having committed an offence under this bill. Under sub-clause (1) the burden of proof is on the prosecution, under the ordinary law. Sub-clause (2) repeats the words in sub-clause (1) only to shift the burden of proof on the accused under circumstances in which he will never be able to prove. I will give a practical instance. A poor man, a labourer, living in the city of Poona gets up in the morning and sends his child to the bazaar to get some eatables; he then takes the morning train to Bombay and he returns in the evening. In the meanwhile, the child he sent to the bazaar does not buy the eatables but begins to beg, and is taken in the act of begging by the police. When the poor labourer returns home in the evening he finds his child has been found begging, and he is prosecuted. How is he going to prove that he did not send the child to beg ? This sub-clause will therefore work great hardship which we cannot easily imagine, and it will make it an extremely expensive business for any accused to prove his innocence. Not only that but as everybody acquainted with law knows that *alibi*

[Mr. B. G. Pahalajani]

of an accused that only negative defence that is capable of being proved is rarely believed by courts. What is the use of compelling an accused to make a sham defence in court, when we know that it will not be believed? Therefore, it is not only expensive, but extremely difficult for the poor man to prove his innocence. This is what I may call an oppressive clause. It is not necessary for the sake of the poor children and it is a clause which in the hands of even the courts will be an instrument of oppression on the people for whose benefit it is intended.

Mr. B. K. DALVI (Belgaum District): Sir, as you are aware, an amendment to the same effect stands in my name. I therefore support this amendment. Of course, almost all the grounds in support of the amendment have been covered by my honourable friend Mr. Pahalajani. I support this amendment, because sub-clause (2) offends against the ordinary principles of jurisprudence. I am aware there are some local laws in which the burden of proof is thrown upon the accused—for example, there is the Gambling Act and also the Abkari Act—yet having some experience of cases under these laws, I may assure the House that in 90 per cent. of such cases the accused are convicted and it goes very difficult and almost impossible to convince the court of the innocence of the accused as the burden of proof is thrown upon them. Therefore, I submit, that this legislation being a new one and for the most part encroaches upon the authority of the parent, the burden of proof should not be thrown upon the parent, and the ordinary principle of jurisprudence making the prosecution to prove its case, should be observed.

The Honourable Sir MAURICE HAYWARD: Mr. President, I feel I must oppose this amendment, because if it is passed, the preceding clause will have no effect. There is nothing very alarming in the clause. According to the law of evidence, it is well recognised in England, that in such cases the burden of proof should be laid on the person who is able to give the required evidence; and in this case the person having control of the child is the person who really knows exactly what happened when the child went on the streets. There is nothing unreasonable, therefore, in asking him to show how the child got on the streets and was begging. I therefore recommend honourable members to consider seriously whether they ought to allow this amendment. If they really want this section to be effective and to stop the exploitation of children by people who simply send them out to beg for their own profit, I think they will be well advised to allow this clause to remain in the bill. It is quite plain what it means. It means that the burden of proof is thrown on the man whose child is found begging when it has been proved that he has allowed the child to go on the street. If the child went on the street without his permission then the presumption does not arise, but if it is proved that he did allow the child to go on the street, then the presumption is that he sent it there for begging. The burden being thrown on him does not mean that it is thereby proved. It is open to him to rebut it and it will not really be difficult for him to rebut

[Sir Maurice Hayward]

the presumption. I think therefore that this House will be well advised to allow this clause to stand part of the bill.

Question put that "delete sub-clause (2) of clause 10, and instead of (3) insert (2)"

House divided. Ayes 45; Noes 33. Amendment carried.

*Division No. 3.*

**Ayes.**

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| ADWANI, Mr. D. B. | MUKADAM, Mr. W. S. |
| ANGADI, Mr. S. N. | NANAL, Mr. B. R. |
| BHOPATKAR, Mr. L. B. | NARIMAN, Mr. K. F. |
| BHUTTO, KHAN BAHADUR S. N. | NAVLE, Mr. N. E. |
| COOPER, KHAN BHADUR D. B. | PAHALAJANI, Mr. B. G. |
| DALVI, Mr. B. K. | PATEL, Mr. A. E. |
| DESAI, Rao Saheb D. P. | PATEL, Mr. D. N. |
| DEV, Mr. S. S. | PATEL, Mr. G. I. |
| DIXIT, Dr. M. K. | PATIL, Mr. D. R. |
| GUNJAL, Mr. N. R. | PRADHAN, Mr. G. B. |
| JAYAKAR, Mr. M. R. | RAHIMTOOLA, Mr. HOOSENALLY M. |
| JOG, Mr. V. N. | SAHEBA, Mr. H. D. |
| JOSHI, Mr. P. G. | SAPTARSHI, Mr. C. M. |
| KALBHOR, Mr. G. M. | SAYED GHULAM NABI SHAH |
| KAMBLI, Mr. S. T. | SHINDE, Mr. R. D. |
| KARKI, Mr. M. D. | SHIVDASANI, Mr. H. B. |
| KAZI INAITULLAKHAN | SOMAN, Mr. R. G. |
| LALLJEE, Mr. HOOSEINBHOY A. | SURVE, Mr. A. N. |
| MAHOMED AYUB SHAH MAHOMED KHUHRO, Mr. | SWAMINARAYAN, Mr. J. C. |
| MANSURI, KHAN SAHEB A. M. | THAKERSI, Mr. PUNJABHAI |
| MAVALANKAR, Mr. G. K. | THAKOR of AMOD, the |
| MEHTA, Dr. M. M. | THAKOR of Kerwada, the |
| | VELKAR, Dr. M. B. |

*Tellers for the Ayes:* Mr. B. K. Dalvi and Mr. D. R. Patil.

**Noes.**

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|---|---|
| ADDYMAN, Mr. J. | HAYWARD, the Honourable Sir MAURICE |
| BAPTISTA, Mr. J. | HEPPER, Sir LAWLESS |
| BOLE, Mr. S. K. | HUDSON, Mr. L. S. |
| BUNTER, Mr. J. P. | JADHAV, the Honourable Mr. B. V. |
| CHATFIELD, Mr. G. E. | JEHANGIR, the Honourable Mr. COWASJI |
| DABHOLKAR, Mr. V. A. | KANGA, Mr. J. B. |
| DADACHANJI, Dr. K. E. | KAY, Mr. J. A. |
| DEHLAVI, the Honourable Mr. A. M. K. | LAWRENCE, the Honourable Mr. H. S. |
| FERNANDEZ, Dr. COSMAS | MEHTA, the Honourable Mr. C. V. |
| FRAMJI, Mr. K. S. | MONTGOMERIE, Mr. A. |
| GHOSAL, Mr. J. | OWEN, Mr. A. C. |
| GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH | PAINTER, Mr. H. L. |
| GIBSON, Mr. R. E. | PRATT, Mr. F. G. |
| GRANTHAM, Mr. V. A. | THOMAS, Mr. G. A. |
| GRIFFITHS, Mr. V. M. | WADIA, Mr. N. J. |
| HATCH, Mr. G. W. | WILES, Mr. G. |
| | WOODS, Mr. E. E. |

*Tellers for the Noes:* Mr. E. E. Woods and Mr. A. C. Owen.

The Honourable the PRESIDENT: Then the next amendment from the honourable member Mr. BHOPATKAR fails because the clause is deleted.

Clause 10, as amended ordered to stand part of the bill.

Clause 11 (*Allowing child or young person to be in brothel*).

Whoever having the actual charge of or control over a child or young person between the ages of four and sixteen allows that child or young person to reside in or frequent a brothel shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Mr. K. F. NARIMAN (Bombay City, South): Sir, the amendment that I now beg to move is as follows:—

"In clause 11, add 'Provided that a brothel-keeper or a prostitute shall not be deemed to have committed this offence if he or she resides with his or her own male child up to the age of 16 years or female child up to the age of 9 years in the brothel'."

I do not know, Sir, if it is due to oversight that such a proviso has been omitted. When we look at the penalty provided in this clause, which is two years, we understand, Sir, that the object of the legislature or the framers of the bill would be that persons who seduce outsiders and bring them for the purpose of prostitution should be liable to a penalty. I quite agree that the penalty is not too high for such people. But what is the provision made for prostitutes where they are living with their own children in a brothel up to the age of say six years. We do not expect those parents to drive away their children! So long as the institution of a brothel remains, so long as a brothel is not made an illegal institution, we cannot compel these persons to drive away their children. I do not think that was the intention of the framers, that their children ought to be driven away from their parents. In my amendment I have taken particular care, Sir, to provide that so far as the female children are concerned, the protection is up to the age of nine years, because it is after that age that danger to their morals may commence. But till then, to remove a young baby say of two or three years from her own parent or mother would be, on the contrary, inflicting cruelty on that baby....

The Honourable Sir MAURICE HAYWARD: What about four years?

Mr. K. F. NARIMAN: I am sure that nobody will say that from four years to nine years there is any danger, howsoever immoral the mother of the child may be, of a female child up to nine years being in danger. Therefore it is quite necessary that this proviso be added.

Question proposed.

Mr. A. MONTGOMERIE: I rise, Sir, to oppose this amendment. The honourable member Mr. Nariman has missed out one possibility. There is no suggestion that we should fling out children of prostitutes into the streets. There is one remedy which the honourable member has omitted to mention. The possible remedy is that the brothel-keeper or the prostitute having children could find some other means of livelihood and should cease to be a brothel-keeper or a prostitute. That is one possible solution of his difficulty. At least I think it is a solution which he will recognise as a reasonable solution. The clause as it stands would make it even more dangerous than it is at present to be brothel-keepers or prostitutes. Does anyone feel any objection to making the life of a brothel-keeper both arduous and dangerous? It is not to be thought of. The case of a prostitute is a harder one. I think that between the ages of four and nine any female child in a brothel would be exposed to danger, if not from the mother, at least from the frequenters of brothels, and even up to the age of nine, even below the age of nine, there are opportunities for corrupting the mind of a child and doing physical injury to it which danger or risk I do not think any one would willingly see any child run. I would suggest to the House, Sir, that this clause should stand part of the bill as it is. It is more important to show our sympathy with the

[Mr. A. Montgomerie]

children than to avoid any possible hardship which may be involved to the brothel-keeper.

Mr. K. F. NARIMAN (Bombay City, South): I do not wish to reply, Sir, but I would like to make a little correction in the amendment I have proposed, namely, instead of the words "she or he resides with her or his" the words "he or she resides with his or her" be substituted. It is only a verbal alteration.

The Honourable the PRESIDENT: I take it that the House allows this verbal alteration?

Question put and leave granted.

The Honourable Sir MAURICE HAYWARD: I submit, Sir, this amendment ought not to be allowed. Certified homes are being provided for custody of children between the ages of four and sixteen who are found in brothels, and there is the other remedy which has been pointed out, namely, that the woman can leave the brothel and she can go and live in her own house. I submit, Sir, this amendment ought to be rejected by the House.

Question put and lost.

Clause 11 ordered to stand part of the bill.

Clause 12 (*Causing or encouraging seduction, etc., of young girl*) ordered to stand part of the bill.

Clause 13 (*Young girls exposed to risk of seduction, etc., or cruelly treated*) ordered to stand part of the bill.

The Honourable the PRESIDENT: With regard to clause 14, my attention has just been drawn by the Deputy President to the fact that that clause will be affected by the honourable member Mr. Adwani's amendment to clause 7. If so, we will now go back to clause 7.

Mr. A. MONTGOMERIE: No; it is not affected.

The Honourable the PRESIDENT: It is not likely to be affected...

The Honourable Sir MAURICE HAYWARD: I suggest going on to clause 7 now.

The Honourable the PRESIDENT: Before I allow the honourable member Mr. Adwani to move his amendment, I should like to propose the question that clause 7 do stand part of the bill.

Question proposed that clause 7 do stand part of the bill.

Mr. D. B. ADWANI (Karachi City): Sir, the amendment which I wish to move is as under:—

**That in sub-clause (1) of clause 7 the words "not below the rank of inspector" be added between the words "police officer" and the word "or".**

My reasons are that the power proposed to be given in clause 7 is of a very responsible nature. In giving a very large power of this kind in the hands of any police officer, even below the rank of sub-inspector except where the child or young person is under the care of his parent or guardian, we must safeguard the interests of the public.

My amendment therefore proposes that a police officer not below the rank of an inspector should be given this power, namely, to take a child

[Mr. D. B. Adwani]

to a police station. We must remember that in many cases a police officer will have direct initiative without any other check or control over him and any police officer even a constable will be able to take a child straight from a street to the court, and a sub-inspector from the custody of a parent or guardian. These are very large powers to be placed in the hands of subordinate officers of the rank of a constable and sub-inspector, more especially in the case of the mofussil where police officers wield a vast amount of power without any check in the shape of public opinion. The point is very obvious, and it does not need any long speech from me to make out a case for my amendment.

Question proposed.

Mr. A. MONTGOMERIE: Sir, I rise to oppose this amendment on the ground that it would make absolute nonsence of the whole clause. It is not a police sub-inspector even that is suggested. The clause says that *any* police officer may bring before a court any child or young person under certain circumstances. Under what circumstances? If the child or young person is found wandering and has no home, settled place of abode or visible means of subsistence, or is found wandering and has no parent or guardian and is found destitute. In the average Deccan district there are two sub-inspectors of police, so that if in any particular village some unfortunate child is found wandering without parents or guardian, starving and destitute, under the honourable member Mr. Adwani's proposal the first thing that will be necessary to do would be to wire to the police head-quarters to forward one inspector of police to take charge of one destitute, orphan child. I think when we put the thing in plain language like that, it will show what actually it means. I think the honourable member himself will recognise that no matter how much we may insist on not giving powers to any policeman, still we cannot confine the power to take charge of a wandering orphan child to an inspector of police alone.

There is another practical difficulty, namely, that under the proposals of the retrenchment committee we are considering a scheme for the complete elimination of inspectors of police and we hope to place that scheme before the Council at the next session. The result therefore will be that in order to give the clause any meaning it will be necessary to wire to head-quarters not for the head-quarter police inspector but for the District Superintendent of Police to come out at once into the village and take charge of one orphan child, because if you have not got any other officer of the rank of an inspector and if only an inspector under this clause is to be entitled to take charge of children who are found destitute or wandering without any home or settled place of abode or visible means of subsistence, then only the District or Deputy Superintendent of Police would have to be available to be sent out. I suggest therefore that the amendment if accepted, would turn the whole clause into nonsense.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I have again the misfortune of disagreeing with the honourable member, the

[Moulvi Rafiuddn Ahmad]

Home Secretary. If this argument is carried to its logical extent, then any policeman would be authorised to do this duty.

Mr. A. MONTGOMERIE: That is exactly why we say in the clause that any police officer can have that power.

MOULVI RAFIUDDIN AHMAD: That is what we object to. Our objection is that any other officer who is not of the rank of an inspector should not be authorised to take a child to a court. We know policemen in country villages. There are temptations in the way of policemen and in a matter like this the rank of a police officer is a very great consideration. The fact should be taken into consideration that an inspector has at any rate a long service behind him; he is a man of some experience; he is a man of some influence, and he will not be so easily misled as an officer of subordinate rank. I do not see any reason why any harm should result even if a wire were sent to the District or Deputy Superintendent of Police at the headquarter police station, because there will be no urgency and a day or two's delay would not matter much. I certainly say that in order to satisfy the public it is necessary that the amendment should be accepted by Government. With regard to difference in rank between a sub-inspector and an inspector I may add that a sub-inspector might possibly have put only five or six years' service or even a year's service, whereas an inspector has necessarily to put in 14, or 15 or 16 years' service before he reaches that rank. That is a very great consideration which will weigh with the public. I do not therefore agree with the arguments advanced by the honourable member, the Home Secretary, and I think the amendment moved is a very sensible and an important one at that, and which should be accepted by the House.

Mr. M. R. JAYAKAR (Bombay University): Sir, there is some difficulty in following the remarks of the Honourable the Home Secretary. It may be that I am not able to understand him. The clause, as it stands, reads:

"Any police officer or other person authorised in this behalf.....may bring before a court any person who in his opinion is a child or young person and who...."

It is not provided that the person who finds a child wandering must be identically the person who has to bring the child before a court. They may be two different persons. For instance, a subordinate police officer may find a child wandering in the streets, but the function of dertermining and applying his mind to the question whether the child should be brought before a court, which is a very responsible function, may be performed by an inspector or any other superior officer who was not on the spot when the child was so found. What I think the Honourable the Home Secretary supposes is that both these functions are to be performed by one and the same person, but it is not necessarily so. The officer who finds the child wandering and the officer who decides whether the child should be brought up before a court need not be one and the same. The case which has been taken as a hypothetical one by the honourable the Home Secretary is a case where the child is found wandering

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by a subordinate police officer. Even in such a case there is no harm in allowing an inspector or other officer of higher rank to decide on the very important question whether the child should be brought up before a court. We submit that this duty should always be in the hands of trusted and experienced police officers like inspectors. If the clause had been worded in a different way, *e.g.*, as " who may bring before a court any person who, in his opinion is a child or young person and whom he found wandering ", certainly the remarks of the Home Secretary would have been perfectly justified. But that is not the wording of the section, and as long as the clause stands as at present, I submit that these two functions may be performed by two different individuals. The function of finding a child wandering may be performed by a subordinate police officer, but the superior function, namely, of deciding whether the case is deserving of being brought before a court of law, ought always to be in the hands of an experienced and trusted police officer like an inspector.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I am sorry the Home Secretary thought it fit to describe this amendment as nonsense. I should like to say that the whole clause as it stands appears to me to be nonsense, and I will show how it is nonsense. First and foremost, I want the law officers of Government, particularly the Advocate-General who is here to-day, to determine whether the clause, as it stands, does not clash with another provision of law, which is an all-India Act, namely, the Guardians and Wards Act, under which jurisdiction is exercised by the High Court alone. The Advocate General will tell us, when a child is in the custody of parents or natural guardians and when that custody has to be removed by any person, what processes, what proceedings and what litigation are necessary, before the High Court passes an order transferring the guardianship of the child, and what safeguards are exercised by the High Court before it transfers the guardianship of the child to somebody else. By the present legislation you are going to make the High Court absolutely impotent to interfere. At present any person has to go to the High Court for removing the guardianship of a particular parent over a child for any particular reason. But if the present clause is passed, it will mean that any person, for any reason, may go to the next police station and try and convince a police officer—it is easier to convince a police officer than the High Court—that the guardianship of a particular person over a child or young person should be removed, and the magistrate may pass an order to that effect. I do want the Advocate General to make that position clear—whether by an Act of this kind we are going to override the very salutary and wholesome provisions of an Imperial Act, which has been in existence not only in this presidency but in the whole country and in all other civilised countries, that before you remove the natural rights of guardianship of a parent over a child, you must prove and satisfy the highest judicial court in the country that such a removal is necessary. Here, by one stroke of the pen, you transfer that high judicial function to a sub-inspector or inspector of police. It is not right that that right should be made removable by a summary trial, and we know how these

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summary trials are conducted. I consider that this is a most mischievous section, by which one of the most important rights of a parent to look after a child, which can only be interfered with by the High Court, a privilege of the High Court as well as of the citizens, is sought to be taken away and transferred to a mere sub-inspector of police. The Home Secretary does not even relish the idea that it should be done by a higher officer than a sub-inspector. Personally, I do not see much difference between a sub-inspector of police or a Superintendent of Police. I should rather wish that things should stand as they have been for the last several years in all countries, and in order to remove the right of guardianship you must go to the High Court and satisfy the requirements of that court. I do not know whether I should call it a point of order, but it should be considered whether it is competent for a lower legislature to have a provision completely overriding the provisions of an Imperial Act and interfering with the jurisdiction of the High Court.

Mr. J. B. KANGA: Sir, I do not see why the honourable member says that the Guardians and Wards Act is affected and clause 7 is *ultra vires* and should not be in the bill. When he refers to the High Court, I think he is thinking of the city of Bombay and not of the whole of the Presidency.

Mr. K. F. NARIMAN: I mean the highest civil court.

Mr. J. B. KANGA: However that may be, it must be remembered that the sanction of the Governor General has been obtained to the passing of the Act. The honourable member for Bombay, South (Mr. Nariman), is probably aware that certain contracts unless reduced to writing were declared void by the Cotton Contracts Act, which was in direct contravention of the provisions of the Indian Contract Act, which is an Act of the Imperial Legislature. I see not the slightest difficulty as regards this clause 7 as it stands at present. The grounds put in sub-clause (1) (*a*), (*b*), (*c*) and (*d*) are obvious grounds for the removal of guardianship. Take the first ground; it is "found wandering"; the second is "found destitute"; but in the first case there is the provision "and has no parent or guardian who exercises regular and proper guardianship"; in the second case it is "and whose parents or other guardian may be undergoing transportation or imprisonment." That is obviously a case for the removal of guardianship. Sub-clause (*c*) provides for the case of a child who is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of such child. Sub-clause (*d*) refers to a child who frequents the company of any reputed thief or prostitute, and so on. I submit, Sir, that the High Court so far as Bombay city is concerned, and the highest civil courts for the rest of the presidency, would be considerably relieved if such cases are placed before a first class magistrate who can deal with them. I do not see any the slightest objection to the clause as it stands.

The Honourable the PRESIDENT: The honourable mover for a reply.

Mr. D. B. ADWANI (Karachi City): Sir, I was surprised to hear the remarks of the Home Secretary who said that if we adopt this amendment, it would make nonsense of the whole section. I feel positively, that if we do not pass this amendment, the section as it stands would be nonsense, for the reason that any ordinary police officer, even below the rank of a sub-inspector, would be enabled to remove a child or young person from the guardianship of a parent under sections of the bill which are not at all clear. The Advocate General told us just now that the meaning of the expressions was clear enough. I would ask the Advocate General to define clearly the expressions "criminal or drunken habits." These are certainly vague. No two persons will be able to explain the meaning of these expressions exactly in the same way. Any ordinary police officer will be able to remove the child or the young person from the custody of the parent or guardian without any notice whatsoever, and will decide for himself whether he is a person of criminal or drunken habits. The honourable the Home Secretary says that it would be difficult for an ordinary police officer to wire to the inspector, and asks if in the meantime the child should be allowed to perish. It seems to me that he has made this remark without first hand knowledge of the actual condition of affairs. It can be presumed that the destitute or wandering child will continue to live in the same way that he was living for all these years. It would be a matter of a few days. He will not perish. I do not believe that the honourable member can seriously put forward an argument of that kind. With regard to the other point namely that the Government was likely to do away with the posts of inspectors, in view of the Retrenchment Committee's recommendations, I cannot say how long it will take the Bombay Government to carry out these recommendations. Looking to their antecedents it might take them many years. If and when the time comes, that the inspectors are removed, it will be for this House to make an alteration in the Act. Meanwhile, it is essential that the power should not be placed in the hands of any officer below the rank of inspector. With these remarks I put the amendment before the House.

The Honourable Sir MAURICE HAYWARD: Mr. President, I submit there has been considerable misapprehension regarding this clause. The clause provides that any police officer may take a child which is found wandering or destitute before a magistrate. It is necessary to provide this, because instant action is necessary if a child is found wandering or destitute without anybody to look after it. In a big city like Bombay for instance, if a child is found in the street without anybody to look after it, there is the danger of its being run over by a motor-car or motor bus or its dying of starvation. In such cases you must have some one on the spot to look after the child and the person to do that is the police officer on duty on that spot. This is being done in big cities at home and the police officer on duty is the person to take such instant action. With regard to this particular case the police officer is given this power. This clause does not deal with children in charge of parents or guardians. If the honourable member reads the proviso, he will find that children in charge of parents are specially excluded from the jurisdiction

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of the ordinary police officer. The honourable member Mr. Bhopatkar has given notice of an amendment to provide that a child in charge of a parent should not be removed by any police officer below the rank of an inspector in the city of Bombay and in the case of mofussil below the rank of a sub-inspector. This is a preliminary clause and it simply applies to the cases where there is no one to look after the child and where instant action is necessary to avoid the danger of its being passed over by a motor-car or a motor bus. There has been some misapprehension and it is not an unreasonable misapprehension in view of the fact that this is rather complicated legislation. This provision is really necessary. In a city like Bombay children go astray and in such cases instant action is necessary. I do not think it is advisable to put the inspector here. It is quite arguable that a police officer below the rank of an inspector should not remove a child from custody of its parent within the city of Bombay. This question can be considered when the honourable member Mr. Bhopatkar's amendment comes up. The present amendment has been moved under some misapprehension and I hope the honourable member will realise that and withdraw the amendment. Otherwise it will leave children who are found wandering or destitute without anyone to look after them.

Question put and lost.

Mr. V. N. JOG (Dharwar District): Sir, I beg to move:

**"That in clause 7, sub-clause (1) (*a*) omit the words "who exercises regular and proper guardianship."**

I have already said yesterday that the power of determining whether it is regular and proper guardianship should not be left to the police officer. If the child is found to be temporarily wandering, even when there is a parent or guardian, any petty police officer may take the child to the court and the poor parent or guardian will be put to the trouble of going to the court and fetching the child. So, Sir, I move that these words be omitted. The police officer should only take such children as have no parent or guardian. Then, I cannot understand what "wandering" means. If a child is found in the streets for a few moments it may be called wandering. If the child is found temporarily wandering, he may be taken to the parent or guardian, who may be given a warning but not put to the unnecessary trouble of going to the court and to prove that the child was in regular and proper guardianship.

Amendment proposed.

Mr. A. MONTGOMERIE: I should state, Sir, that these words are required to cover definite cases which occur in Bombay. This is what happens in a good many of the cases of the children taken under protection by the Society for the Protection of Children in Western India. The children are found wandering and they are taken under protection: and as soon as this is done, these so-called parents in Bombay come dashing round to the Homes and get their children back, and as soon as they get them the first thing they do is to take them back to beg in Ahmedabad or some other place. That is why we have put in the words

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"regular and proper". I would suggest to the honourable member that he might leave these words to stand, in view of definite cases which have occurred in Bombay.

Mr. V. N. JOG (Dharwar District): Sir, if any parent allows his child to beg, then we have a provision in clause 10 under which he can be punished. Simply because a child is found wandering for a few moments, in spite of the fact that he has a parent or guardian he should not be sent to a certified place and the parent made to lose the child for a number of years. I submit, therefore, Sir, that the amendment may be accepted.

The Honourable Sir MAURICE HAYWARD: I submit, Sir, that this amendment ought to be rejected. The select committee considered it carefully and they put in the words "regular and" so as to exclude the case of any guardian who did really provide any sort of guardianship at all. This is simply to provide for the case where there is really no guardian and there is only a pretence of guardianship. These words do meet cases which are required to be met, and I think the House will be well advised to reject the amendment.

Question put and lost.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I move:

**that sub-clause (*c*) of clause 7 be deleted and the following sub-clauses (*d*) and (*e*) be renumbered (*c*) and (*d*).**

The clause reads as follows:

**"(*c*) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of such person; or"**

I have already dealt with this point in the course of my general remarks, and I do not wish to take up the time of the Council.

Question proposed that sub-clause (*c*) of clause 7 (1) be deleted and the consequential renumbering of the sub-clause be made.

Mr. P. G. JOSHI (East Khandesh District): Sir, I beg to support the amendment for the reason that the terms "criminal or drunken habits" are very vague. I am afraid that the term "criminal" might be taken to include political offences, and I think that children of political convicts are likely to be taken under this clause. Unless, therefore, it is made positively clear that this clause is not applicable to children of political convicts, I think that it is absolutely necessary that this clause should be omitted.

Mr. A. MONTGOMERIE: Sir, perhaps it might be that the amendment might have a better chance of being accepted if after the honourable member Mr. Joshi's suggested amendment the words "not involving violence" were inserted. But with regard to the parent or guardian of drunken habits, I must say that I have not that sympathy with the habits of the genial drunkard "who may be the kindest of parents" which the honourable member Mr. Nariman seems to entertain. On the whole I regard the drunken habits of the parents or guardians as the greatest source of misery to children in the world. Whether a parent

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belongs to the highest or the lowest class, there is no question that much illtreatment of children results from his drunken habits; and the possibility of genial drunkenness, which the honourable member Mr. Nariman contemplates is not a sufficient reason for leaving the children with parents of drunken habits.

Mr. M. R. JAYAKAR (Bombay University): Sir, I find some difficulty with regard to the acceptance of clause (*c*). While the Leader of the House was persuading the House not to accept the substitution of the word 'inspector' for 'sub-inspector', I clearly understood him to say that all these clauses, (*a*), (*b*), (*c*), (*d*) and (*e*) under clause (1) were all cases where there was no guardian or parent in charge of the child and on that ground some of us were persuaded not to press for the word 'inspector'. It seems that (*c*) is a case where there is a guardian or parent, and as such it ought to fall under the cases provided by the proviso. Then the question arises why this distinction is made. The reason for not accepting 'inspector' in clause 7 (1) (*a*) disappears so far as cases under (*c*) are concerned. When it comes to clause (*c*) even a petty police officer gets the chance of setting the law in motion so as to take a child out of the custody of the parent.

Mr. N. E. NAVLE (Ahmednagar District): Sir, I rise to support the amendment moved by my honourable friend, because the words 'drunken habits' are very vague. Many of my agriculturist brothers are given to these habits and there is every chance of their being found under the clutches of this part of the law, so it would create a hardship upon the poor agriculturists who are unfortunately given to this evil. I don't want to support drunkenness. But that is not the way of punishing drunkards. You may punish them under any other law. I therefore support the amendment unless I am allowed to amend the amendment at this state.

Mr. B. K. DALVI (Belgaum District): I would certainly have supported the amendment if it only had referred to the deletion of the word 'drunken', and I entirely agree with my honourable friend from Ahmednagar, Mr. Navle, who stated that agriculturists being unfortunately addicted to this vice the present clause is sure to affect them most harshly and I think by reason of only a drunken habit a man is likely to be presumed by a court to be unfit to take care of his children. So I think if Government were to accept the deletion of the word 'or drunken', then certainly the rest of that clause would be acceptable. It would not then work hardship in the case of backward classes who are mostly agriculturists. But the amendment as it stands I cannot support.

I would therefore, Sir, with your permission move an amendment for the deletion of the words 'or drunken'.

The Honourable the PRESIDENT: Amendment proposed to the amendment is:

"That the words 'or drunken' in line 3 of clause (*c*), sub-clause (1) of clause 7 be deleted."

Mr. P. G. JOSHI: I rise to a point of order. The grounds on which the honourable member Mr. Pradhan's amendment was refused apply to this amendment.

The Honourable the PRESIDENT: There is no point of order. Both the amendments are before the House.

Mr. K. F. NARIMAN (Bombay City, South): Sir, if it were not for the amendment proposed by my honourable friend the honourable member from Belgaum, Mr. Dalvi, I would have wanted an assurance from the honourable members on the Government side that if this clause is persisted to be allowed to remain that it will be operated and acted upon equally on all classes of men, that it will be applied to all the members of the aristocratic clubs in Bombay. For, so far as drunken habits are concerned they are more prevalent among the aristocratic and higher classes. They are the classes who indulge in this pleasure. It is considered as a part of fashion to have a peg or two in a club and when a poor man after the day's labour goes just to have a little rest and takes a little drink to refresh himself after his day's labour he is put down as a man of drunken habits. It is also positively dangerous for a rich man's son to be in the company of a drunken father and the principle should be made applicable equally to both the rich and the poor. That is the point which I wish seriously to urge particularly upon my non-Brahmin friends. It will operate against the depressed and poor classes alone and not against the rich people. I therefore hope my amendment will be carried.

The Honourable Sir MAURICE HAYWARD: I submit, Sir, that both these amendments ought to be rejected. The aristocracy, I hope, are not so addicted to criminal habits as to the other habit which the experience of my honourable friend from Bombay leads him to suppose they are. But I think we might leave them aside, out of the question altogether, and consider rather those in a less exalted position. I think there will be no doubt that in the case of criminal habits the sort of criminal habits which are intended, namely, the criminal habits which render the parents unfit to look after their children, action ought to be taken. They are criminal habits which render them unfit to take charge of their children. I do not suppose that the honourable member who referred to political convicts would argue that their political offences made them unfit to take charge of their children. If that is so, it would not apply to them. It would only apply to those criminal habits which make them unfit to look after their children. I think in those cases the law ought to intervene. Then again with regard to drunken habits, surely in the case of parents whose habits are so badly drunken that they are unfit to look after their children, the law ought to interfere to preserve the life of those children. The clause will apply, as I have already said on more than one occasion, mainly to the city; it will not apply to the rural areas. It will not apply to the agriculturists who, two of my honourable friends have assured me, are generally of drunken habits. I say that is most unfair to the agricultural population. I have had a very considerable experience of the agricultural population in the Deccan, and I think I I can say without risk of dispute that the agriculturists in the Deccan

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are the most sober people in the world. I think my honourable friends need have no fear whatever that the clause re : drunken habits will have any effect whatever upon them. I therefore think that neither the amendment to leave out the words 'drunken habits' is necessary, nor far more should we leave out the whole of the clause referring to those of criminal habits. I submit, Sir, that we shall be well advised if both these amendments are rejected by the House.'

Question put that the word 'or drunken' in line 3 of clause (c) sub-clause (1) of clause 7 be deleted.

House divided. Ayes, 45. Noes, 38. Motion carried.

*Division No. 4*

**Ayes.**

ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
ANGADI, Mr. S. N.
BAPTISTA, Mr. J.
BHOPATKAR, Mr. L. B.
BHUTTO, Khan Bahadur S. N.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DALVI, Mr. B. K.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
GUNJAL, Mr. N. R.
JAYAKAR, Mr. M. R.
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KALBHOR, Mr. G. M.
KAMBLI, Mr. S. T.
KAREI, Mr. M. D.
MAHOMED AYUB SHAH MAHOMED KHUHRO, Mr.
MAVALANKAR, Mr. G. K.
MEHTA, Dr. M. M.
MUKADAM, Mr. W. S.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NAVLE, Mr. N. E.
PAHALAJANI, Mr. B. G.
PATEL, Mr. A. E.
PATEL, Mr. D. N.
PATEL, Mr. G. I.
PATIL, Mr. D. R.
POWAR, Mr. M. B.
PRADHAN, Mr. G. B.
SAHEBA, Mr. H. D.
SAPTARSHI, Mr. C. M.
SAYED, GHULAM NABI SHAH
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHINDE, Mr. R. D.
SHIVDASANI, Mr. H. B.
SOMAN, Mr. R. G.
SURVE, Mr. A. N.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
THAKERSI, Mr. PUNJABHAI
VELKAR, Dr. M. B.

*Tellers for the Ayes*: MR. B. K. DALVI AND MR. N. E. NAVLE.

**Noes.**

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ADDYMAN, Mr. J.
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
DABHOLKAR, Mr. V. A.
DADACHANJI, Dr. K. E.
DEHLAVI, the Honourable Mr. A. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GIBSON, Mr. R. E.
GRANTHAM, Mr. V. A.
GRIFFITHS, Mr. V. M.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HUDSON, Mr. L. S.
JADHAV, the Honourable Mr. B. V.
JEHANGIR, the Honourable Mr. COWASJI
KANGA Mr. J. B.
KAY, Mr. J. A.
KAZI, INAITULLAKHAN
LAWRENCE, the Honourable Mr. H. S.
MANSURI, Khan Saheb A. M.
MEHTA, the Honourable Mr. C. V.
MONTGOMERIE, Mr. A.
OWEN, Mr. A. C.
PAINTER, Mr. H. L.
PRADHAN, Mr. R. G.
PRATT, Mr. F. G.
SAYED SHAHJADE SAHEB HAIDAR SAHEB
THAKOR of Kerwada, the
THOMAS, Mr. G. A.
WADIA, Mr. N. J.
WILES, Mr. G.
WOODS, Mr. E. E.

*Tellers for the Noes*: MR. L. S. HUDSON AND MR. V. A. GRANTHAM.

The Honourable the PRESIDENT: Sub-clause (1) (*c*) of clause 7 has become amended by the omission of the words "or drunken". The clause, therefore, stands as follows:

"is under the care of a parent or guardian who, by reason of criminal habits, is unfit to have the care of such person; or"

I will now put the honourable member Mr. Nariman's amendment to delete the clause as I have now read out

Question put and lost.

Mr. V. N. JOG (Dharwar District): The amendment to sub-clause (1) (*c*) which I beg to move, Sir, is simply a verbal change. It is as follows:

In clause 7, sub-clause (1) (*c*), insert the words "for the purposes of prostitution" after the word "residing" in the first line.

Under the clause as it stands even a child of a year might be removed from the custody of a parent prostitute. If the child is remaining there for the purposes of prostitution, then only it should be removed, that is, if the child is fourteen years or upwards but below sixteen years.

Mr. A. MONTGOMERIE: I am afraid, Sir, I must oppose this amendment. The first object of the clause is to keep a child from being contaminated so that it may not turn into a prostitute itself when it grows up into a woman. According to the honourable member's amendment we can only deal with children above the age of 14 which are used for the purposes of prostitution. Although the honourable member said that he was suggesting a merely verbal change in the clause, I am afraid he will now see that it very greatly alters the whole purpose of the clause as it now stands.

Mr. B. K. DALVI (Belgaum District): Sir, I would certainly oppose the amendment. The clause as it stands refers to a child or young person residing in the same house used by a prostitute for the purposes of prostitution and the clause is therefore meant to keep away a child from the pernicious influences of a prostitute; but if a child is allowed to stay or reside in a house which is used by a prostitute—and it will be so allowed in certain cases if the amendment is accepted—it will certainly be exposed to the pernicious influence of that prostitute. If my honourable friend Mr. Jog's amendment is accepted and such a child is brought before a court of law, it would go very difficult to prove that the child is there for the purposes of prostitution, it being below fourteen years or in some cases, below sixteen years, so that the object with which this clause is introduced would certainly be frustrated. Besides, by omitting the words "for the purpose of prostitution" after the word "prostitute" the amendment has rendered the whole clause practically useless.

Mr. V. N. JOG: I beg leave to withdraw the amendment.

Amendment by leave withdrawn.

Mr. K. F. NARIMAN (Bombay City, South): Sir, the amendment which I wish to move is as below:

In clause 7, sub-clause (1) (*c*) delete the word "house" and insert the word "premises" instead.

[Mr. K. F. Nariman]

So far as this amendment is concerned, if I get an assurance from the honourable members of Government that the word "house" will be confined only to the residential premises actually in occupation of a prostitute, I shall withdraw my amendment. There are several instances in Bombay where a building is partly occupied by a prostitute on one of the floors and other floors are in the occupation of respectable parties for want of a proper accommodation. Lest this word "house" might be construed as the entire building and in order that the other occupants living in the same building may not be brought under the purview of the clause, I thought it necessary to move this amendment so that the clause will only cover such premises which are in the actual occupation of a prostitute.

Question proposed.

Mr. A. MONTGOMERIE: Sir, the word "house" as used in this clause means a residential unit. There may be a number of such "houses" in a single building. "Premises" is a larger term and does not necessarily mean a particular portion used as a residential unit and the word "house" has been put in with that special purpose in order to restrict the clause to the residential unit in the occupation of a prostitute. I think this explanation will meet the objections of the honourable member.

Mr. K. F. NARIMAN: I beg leave to withdraw my amendment.

Amendment by leave withdrawn.

The Honourable the PRESIDENT: There are several amendments to the proviso. While the other amendments attempt to amend the proviso as it stands, the honourable member Mr. Adwani wishes to substitute a new proviso in place of the existing one, and that is the second part of the elaborate amendment of which he has given notice.

Mr. D. B. ADWANI (Karachi City): Sir, the amendment which I wish to move is:

Delete the proviso at the end of clause 7 (1) and substitute the following:—

"Provided that when any such child or young person has a parent or legal guardian who has the actual charge or control over the child or young person, the police officer or other person as aforesaid shall, in the first instance make a report to the nearest court or magistrate having jurisdiction under this Act. Such court or magistrate may call upon such parent or guardian to show cause why the said child or young person should not during the pendency of the proceedings, be removed from his care; and may on suitable sureties being offered for the safety of such child or young person and for his being brought before the court, permit the child or young person to remain in the actual charge or control of his parents or guardian or may order his removal till the court passes order under the Act."

It will be readily seen from my amendment that I do not desire that a police officer, even of the rank of an inspector, should have the direct initiative in being able to remove from the care of a guardian or a parent a child who is living with him. It seems to me, Sir, that this disturbance of domestic relationship is a very serious thing, and even an inspector of police should not have that power, and therefore it is absolutely necessary that a court or a magistrate should, in the first instance, call upon the parent or guardian to show cause why action should not be taken. In my opinion it is necessary that a reasonable opportunity should be given to such parent or guardian to show that the child should

[Mr. D. B. Adwani]

remain under his care or guardianship during the time that the court is holding the enquiry and the proceedings are going on. I do not say that the child or young person should be under the permanent control or charge of the parent or guardian, but it is only fair that a parent or guardian should have an opportunity of showing to the court that the child should remain with him during the pendency of the proceedings, and that no harm will come to that child or young person, and that he will produce it on the date fixed by the court. If we do not pass the amendment, let us imagine the consequences of the clause as it stands. It means that a sub-inspector of police, according to the proviso as it now stands, will be able to remove from the care or guardianship of a person, a child or young person who is, by reason of criminal habits, unfit to have the care of such child or young person. What will the police officer have to decide ? He will have to decide that the parent or guardian, is of criminal habits. That is a very important matter to decide. Again, he will have to decide that the person, by reason of such criminal habits, is unfit to have the control of the child. Again under sub-clause (*d*) if, while the child or young person is with the parents or guardian the police officer will have to decide if the child or young person frequents the company of any person whom he considers to be a reputed thief or prostitute ; and he will, if he so decides, be able to remove the child or young person from the custody of his parents or guardian. In that case, he will have to decide two things namely that a certain person is a reputed thief or prostitute and that the child or young person does frequent his or her company, that is, goes to him or her often enough. Therefore, for all these reasons, it seems to me that this preliminary enquiry is absolutely necessary, and that the parent or guardian who has the control of the child or with whom the child or young person is living should get an opportunity, in the first instance, to show that he should have the charge or control of the child during the pendency of the proceedings.

Question proposed.

Mr. R. G. SOMAN (Satara District): Sir, I wish to move an amendment to this amendment. It is:

"Omit the word 'legal' before the word 'guardian'."

Mr. D. B. ADWANI: Sir, I have no objection to accepting the amendment.

Question put and leave granted to omit the word 'legal' before the word 'guardian'.

Mr. A. MONTGOMERIE: Sir, I have nothing to say. We are ready to accept the amendment to the proviso to clause 7. I do not see any objection to it. In Bombay it does not really involve any delay. It is true that there may be many cases which might arise, especially those of children living in brothels, in which it would have been advisable to leave the power of taking the child to another place to the police officer. We must remember that we are not dealing with ordinary parents, but with parents of criminal and drunken habits. In the case

[Mr. A. Montgomerie]

of a child in a brothel, there is a possibility that the parent's first care, on receiving a notice from the magistrate, would be to abscond with the child. Therefore, we are running a risk in accepting this amendment, but, on the whole, I see no great danger in accepting it, and Government will accept it.

The Honourable Sir MAURICE HAYWARD: I think it is all right, and I am quite prepared to accept it, if this form meets with the approval of the House.

Question put and carried.

The Honourable the PRESIDENT: The next amendment is by the honourable member Mr. A. N. Surve. It is:

**Insert the word "further" occurring in line 7 of sub-clause (2) of clause 7, between the words "for" and "inquiry" occurring in line 6.**

Mr. A. MONTGOMERIE: Sir, the word "enquiry" is a misprint for "enquiring". If the amendment is for the word "enquiry" substitute the word "enquiring", it will cover the case.

Amendment:

**Substitute the word "enquiring" for the word "enquiry" in clause 7 (2)**

put and carried.

Mr. A. MONTGOMERIE: Sir there is one consequential amendment:

**"In line 2 of sub-clause (2) of clause 7 add the words "or young person after the word "child."**

This is merely a consequential amendment in order to bring it in a line with the previous sections.

Question put and carried.

Mr. L. B. BHOPATKAR (Poona City): Sir, my amendment is very simple:

**"That the word "not" in line 8 of sub-clause (3) of clause 7 be omitted."**

The Honourable the PRESIDENT: Does the Honourable the Home Member accept the amendment? It will save the time of the House.

The Honourable Sir MAURICE HAYWARD: I wish to hear the honourable member. It is a question of drafting.

Mr. L. B. BHOPATKAR: My arguments are the same as those advanced by the honourable the Deputy President in regard to sub clause (2) of clause 10. In this case also it should be the duty of the prosecution to show cause as to why an order should be passed. The proper form will be to call upon the prosecution to give the various reasons for the passing of that order, and not for the accused to show cause why the order should not be passed. And such a procedure will be in accordance with the principle of law obtaining in this behalf. I, therefore, request the House to pass my amendment.

Mr. M. R. JAYAKAR (Bombay University): In the amendment which was moved by the honourable member for Karachi and accepted by the House, similar wording is used: "to show cause why the said child or young person should not during the pendency of the proceedings be removed, etc." The wording always takes this form.

The Honourable the PRESIDENT: Has the honourable member Mr. Bhopatkar leave of the House to withdraw his amendment?

Amendment by leave withdrawn.

Mr. A. MONTGOMERIE: Another consequential amendment:

"In line 2 of sub-clause (3) of clause 7 add the words "or young person" after the word "child."

Question put and carried.

The Honourable the PRESIDENT: The honourable member Mr. Nariman's amendment to add new sub-clause (8).

Mr. B. G. PAHALAJANI: The new sub-clause which the honourable member proposes to move is covered by the proviso moved by the honourable member for Karachi, which has been accepted by the House.

The Honourable the PRESIDENT: My attention has been drawn to the fact that the proviso which the House has accepted as moved by the honourable member for Karachi covers the whole point of the new clause.

Mr. K. F. NARIMAN: I submit not. It makes provision for the custody of the child pending the enquiry.

The Honourable the PRESIDENT: Yes.

Mr. K. F. NARIMAN (Bombay City, South): Sir, the new sub-clause (8) which I wish to add runs thus:

*Add new "Sub-clause (8)":* "Provided that when the Magistrate thinks fit, he may allow such child or young person to remain in the custody of a parent or guardian giving an undertaking in a prescribed form to the Court and the Court may from time to time adjourn the inquiry and compel the production of the child in Court to satisfy it that the said undertaking is being carried out."

The object of this new sub-clause is to give the parent or guardian, who, on account of circumstances, might not have discharged his duties towards the child time, before taking the drastic step, to consider and if he is penitential, to give him a chance to improve which will be not only conducive to the welfare of the child but of the parent or guardian also. So far as the welfare of the child is concerned, he is asked to give an undertaking as prescribed by the magistrate and the court may from time to time adjourn the enquiry and compel the production of the child in court to see that the undertaking is being kept up. By this clause, the parent's right will be maintained as well as the object to restore the child will be gained.

Mr. A. MONTGOMERIE: In order to make the object of the sub-clause clear as to the person who should give the undertaking, I would suggest to the honourable mover to add the words "on such parent or guardian" after the words "parent or guardian."

Mr. K. F. NARIMAN: I have no objection.

The Honourable the PRESIDENT: The new clause will read thus:

"Provided that when the magistrate thinks fit, he may allow such child or young person to remain in the custody of a parent or guardian on such parent or guardian giving an undertaking in a prescribed form to the court and the court may from time to time adjourn the enquiry and compel the production of the child in court to satisfy it that the said undertaking is being carried out."

Question put and carried.

Clause 7 as amended ordered to stand part of the bill.

Clause 14 (*Detention of child or young person in place of safety*) ordered to stand part of the bill.

Clause 15 (*Disposal of child or young person by order of court*) ordered to stand part of the bill.

Clause 16 (*Warrant to search for child or young person ill-treated*).

(1) If it appears to a magistrate duly empowerd under this Act from information on oath or solemn affirmation laid by any person who in the opinion of the magistrate is acting in the interests of a child or young person, that there is reasonable cause to suspect that—

(*a*) the child or young person has been or is being wilfully ill-treated or neglected in any place within its jurisdiction in a manner likely to cause the child or young person unnecessary suffering or to be injurious to his health; or

(*b*) that an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860, has been or is being committed in respect of the child or young person,

the magistrate may issue a warrant authorizing any police-officer named therein to search for such child or young person and if it is found that he has been or is being wilfully ill-treated or neglected in manner aforesaid or that any offence as aforesaid has been or is being committed in respect of the child or young person, to take him to and detain him in a place of safety until he can be brought before the magistrate, or authorizing any police-officer to remove the child or young person, with or without search, to a place of safety and detain him there until he can be brought before the magistrate; and the magistrate before whom the child or young person is brought may commit him to the care of a relative or other fit person in like manner as if the person in whose charge or control he was had been committed for trial for an offence punishable under this Act.

(2) A magistrate issuing a warrant under this section may in his discretion by the same warrant direct that any person accused of any offence in respect of the child or young person be apprehended and brought before him or direct that if such person executes a bond with sufficient sureties for his attendance before the magistrate at a specified time and thereafter until otherwise directed by the magistrate the officer to whom the warrant is directed shall take such security and shall release such person from custody.

(3) The police-officer executing the warrant shall be accompanied by the person laying the information if such person so desire, and may also if the magistrate by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

(4) In any information or warrant under this section the name of the child or young person shall be given if known.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I beg to move—

That in clause 16, sub-clause (1), before the words "the magistrate may issue a warrant authorizing", add the following words:

'the magistrate may issue a sub-poena in the first instance against the person or persons in whose care, custody or control such child or young person is, to forthwith produce the said child or young person in court and in default of such production.'

Now, Sir, I really earnestly hope that this amendment will also be accepted by the Government on the same grounds as the other one. The object is to secure the production of the child and to secure the future welfare of the child. And I think if you can carry out that object by being as little hard on the parents and guardians as possible, I do not see any reason why there should be any objection to being a little more gentle with the parents or guardians. So far as the issue of a search warrant is concerned, and the admission of a police officer into any private house is concerned, it will be most strongly resented by any citizen. We know that even in the magistrates' courts, even in cases of serious and grave fraud, where the production of a document or article is urgently necessary, the magistrates do not issue a search warrant usually for the

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production of such document or article : they issue a sub-poena or a summons to the party, and if he fails to comply with it, then only the second and more drastic course of issuing a search warrant is taken. In this particular case, there is no reason for the issue of a search warrant. Wherever a document or an article is concerned, perhaps when a summons or sub-poena is issued the party with a view to destroy an important piece of evidence might tamper with the document or destroy the article, so that it may not be possible to be produced. This is the only reason why the magistrate should issue a search warrant instead of a summons. In this case, I do not think such an apprehension need exist. People would not tamper with the children or destroy them, and the production of the children will be ensured even though a sub-poena is issued before a search warrant. I do hope that this extremely drastic measure of issuing a search warrant enabling a police officer to enter private quarters or a zenana or *pardanashin* place will not be resorted to in the first instance. I find there is no exception to the general policy, whether it be a zenana or a *pardanashin* place : even there the officer has the right to enter. I may mention, Sir, that in my next amendment I am dealing with this subject. But I do hope that this safeguard will be accepted. It does not interfere with the working of the section as it stands and it does not endanger the safety of the child.

Question proposed.

Mr. M. R. JAYAKAR (Bombay University) : Sir, I rise to support this amendment, and I do hope Government will accept it. If the House turns to clause 9, where the words "wilfully neglects or ill-treats" occur for the first time, they will find that the first four lines of that clause contemplate cases of a person, presumably a guardian or parent, having actual charge of or control over, a child or a young person. Therefore, clause 16, sub-clause (*a*) contemplates cases of families or houses or zenanas where there are parents or guardians who are guilty of wilfully ill-treating or neglecting the child. I submit, Sir, that in cases of that character at least, the guardian or parent must have a chance of being able to show why the custody may not be taken away. If it were a case of a brothel or a house of that character, the more drastic remedy would have been proper, but having regard to the wilful ill-treatment or neglect, which under clause 9 is contemplated in the case of guardians or parents, I submit that the remedy of a summons may be resorted to in the first instance and if it proves unsatisfactory then the drastic course contemplated may be taken.

Mr. A. MONTGOMERIE : Sir, I am afraid we cannot accept the amendment exactly in the form in which it is put. As you will see, Sir, the clause as it stands refers not only to the cases mentioned by the honourable the leader of the Swaraj party, but also to cases of offences under the Indian Penal Code, such as rape in which obviously a warrant would be necessary in the first instance and in the cases mentioned by the honourable gentleman, there are cases in which it will be incumbent on the court to issue a warrant. It would all depend on the information laid before the court. The mover of the amendment

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suggested that children were not in exactly the same position as documents or articles which might be removed. Unfortunately they are. There is no doubt about it. And if it were a case of trying to get a girl out of a brothel the probabilities are that the first thing that would happen is that the brothel-keeper would elope with her to Hyderabad where so many of them come from, and in that case a warrant would be the only thing. It would depend entirely on the information laid and it should be in the discretion of the magistrate whether to issue a warrant or not. If the mover of the amendment would substitute the word 'summons' for 'sub-poena'—'summons' is the language of the Indian criminal legislation in such cases—and would substitute *for* the words 'and in default of such production' the word 'or' and the words 'or may' for the words 'the magistrate' in line 25 of the bill, the honourable member's amendment will be accepted. If the honourable member's amendment is accepted as it is worded, in a case where there is a charge of rape or of grave injuries being inflicted upon some child, it will be incumbent upon the magistrate first to issue a summons, and only in default, to issue a warrant, and not as an alternative in the discretion of the magistrate. If the amendment suggested by me will suit the honourable member and if he is willing to accept it, we are quite willing to accept his amendment. I think he will see that there are cases in which it should be incumbent upon the magistrate to issue a warrant in the first instance: otherwise the whole object might be defeated.

The Honourable the PRESIDENT: The suggestion is, that a clause should be inserted as follows after sub-clause (*b*)—

"the magistrate may issue a summons in the first instance against the person or persons in whose care, custody or control such child or young person is to produce forthwith the said child or young person in court, or may issue a warrant authorising any police officer named therein to search for the child or young person ....."

Mr. K. F. NARIMAN: I accept the amendment.

Amendment by leave allowed to be amended.

Amendment, as amended, put to the vote and carried.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I move:

Add the following words at the end of clause 16, sub-clause (1):

"Provided that if the said child or young person is in the custody or control of a zenana or *pardanishin* lady, the magistrate shall only issue a sub-poena and the person to whom sub-poena is issued shall be deemed to have complied with the requisition if instead of personally attending she causes the said child or young person to be produced in court."

It is a necessary corollary to the other amendment. Otherwise a *pardanishin* lady will be compelled to come to a court. If this amendment is accepted, the object will be served and the lady will be saved the trouble.

Question proposed.

The Honourable the PRESIDENT: The House will now adjourn to 2 o'clock to-morrow, Wednesday, the 15th October 1924.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

*Wednesday, the 15th October 1924*

The Council re-assembled at the Council Hall, Poona, at 2 p.m., on Wednesday, the 15th October 1924, the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
ANGADI, Mr. S. N.
BAPTISTA, Mr. J.
BHOPATKAR, Mr. L. B.
BHUTTO, KHAN BAHADUR S. N.
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
CHAUDHARI, Mr. L. S.
COOPER, KHAN BAHADUR D. B.
DABHOLKAR, Mr. V. A.
DADACHANJI, Dr. K. E.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DESAI, RAO SAHEB D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GIBSON, Mr. R. E.
GRANTHAM, Mr. V. A.
GRIFFITHS, Mr. V. M.
GUNJAL, Mr. N. R.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HUDSON, Mr. L. S.
JADHAV, the Honourable Mr. B. V.
JAYAKAR, Mr. M. R.
JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KAMBLI, Mr. S. T.
KANGA, Mr. J. B.
KARKI, Mr. M. D.

Kay, Mr. J. A.
Kazi Inaitullakhan
Kokani, Mr. G. J.
Kothari, Mr. V. R.
Lalji Naranji, Mr.
Lalljee, Mr. Hooseinbhoy A.
Lawrence, the Honourable Mr. H. S.
Madan, Mr. J. A.
Mahomed Ayub Shah Mahomed Khuhro, Mr.
Malji, Rao Bahadur Ambashankar Uttamram.
Mansuri, Khan Saheb A. M.
Mavalankar, Mr. G. K.
Mehta, the Honourable Mr. C. V.
Mehta, Dr. M. M.
Montgomerie, Mr. A.
Mujumdar, Sardar G. N.
Mukadam, Mr. W. S.
Nanal, Mr. B. R.
Nariman, Mr. K. F.
Navle, Mr. N. E.
Nekaljay, Mr. R. S.
Owen, Mr. A. C.
Pahalajani, Mr. B. G.
Painter, Mr. H. L.
Patel, Mr. A. E.
Patel, Mr. D. N.
Patel, Mr. G. I.
Patil, Mr. D. R.
Powar, Mr. M. B.
Pradhan, Mr. G. B.
Pradhan, Mr. R. G.
Pratt, Mr. F. G.
Rahimtoola, Mr. Hoosenally M.
Saheba, Mr. H. D.
Saptarshi, Mr. C. M.
Sardesai, Mr. S. A.
Sayed Ghulam Nabi Shah
Sayed Shahjade Saheb Haidar Saheb
Sedgwick, Mr. L. J.
Shankarrao Jayaramrao Zunzarrao, Mr.
Shinde, Mr. R. D.
Shivdasani, Mr. H. B.
Soman, Mr. R. G.
Surve, Mr. A. N.
Surve, Mr. V. A.
Swaminarayan, Mr. J. C.
Thakersi, Mr. Punjabhai
Thakor of Amod, the
Thakor of Kerwada, the

THOMAS, Mr. G. A.
VELKAR, Dr. M. B.
WADIA, Mr. C. N.
WADIA, Mr. N. J.
WILES, Mr. G.
WOODS, Mr. E. E.

The Honourable the President: Order, order. Questions.

OFFICERS IN THE CADRE OF BOMBAY EDUCATIONAL SERVICE.

*Mr. D. B. ADWANI (Karachi City): Will Government be pleased to state—

(*a*) the total strength of officers in the cadre of the Bombay Educational Service?

(*b*) the names of such officers together with the length of their service and academic qualifications if any as have been promoted to the Bombay Educational Service from the subordinate Educational Service, during the last five years?

The Honourable Mr. B. V. JADHAV: (*a*) 122.

(*b*) The accompanying statement † gives the information required

NON-BRAHMIN PUBLIC PROSECUTORS IN CENTRAL AND SOUTHERN DIVISIONS.

Mr. S. N. ANGADI (Belgaum District): Will Government be pleased to state how many non-Brahmin public prosecutors are there in all in the Central and Southern Divisions?

The Honourable Sir MAURICE HAYWARD: There are in the Central and Southern Divisions six Public Prosecutors and 8 Assistant Public Prosecutors who are non-Brahmins.

Mr. S. N. ANGADI: Will the honourable member be pleased to say what castes the public prosecutors belong to?

The Honourable Sir MAURICE HAYWARD: I can give further details if required. They are as follows:—

Six non-Brahmin public prosecutors include 1 Lingayat, 2 Prabhus, 3 Christians out of a total of 12 public prosecutors, and the 8 non-Brahmin assistant public prosecutors include 1 Mahomedan, 1 Maratha, 1 Parsi and 5 Prabhus, out of a total of 19 assistant public prosecutors.

Mr. L. S. CHAUDHARI: Sir, are Christians included in the category of non-Brahmins?

The Honourable Sir MAURICE HAYWARD: They are, yes.

Mr. R. G. PRADHAN: Will the Honourable the Home Member give us a definition of a non-Brahmin?

The Honourable Sir MAURICE HAYWARD: I believe a non-Brahmin is a man who is not a Brahmin.

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

† *Vide* Appendix No. 27.

Mr. N. E. NAVLE : Are the Europeans considered as non-Brahmins ?

The Honourable Sir MAURICE HAYWARD : There is no European public prosecutor among the three Christians.

### Indigenous Systems of Medicine.

Mr. L. B. BHOPATKAR (Poona City) : (*a*) Will Government be pleased to state whether they have taken any steps to encourage the study, teaching and practice of the indigenous systems of medicine since the introduction of reforms in 1921 ?

(*b*) Have they made any inquiries of any other provincial Governments as to action taken by them in this respect ?

(*c*) If the answer to (*b*) is in the affirmative, will they be pleased to lay the replies of these Governments on the Council table ?

The Honourable Mr. B. V. JADHAV : (*a*) In 1921 the District Local Board, Satara, applied for the sanction of Government to establish and maintain an Ayurvedic dispensary from its own funds. The permission was granted and that body was at the same time informed that Government would consider its application for a grant-in-aid to the dispensary after its existence for some time and experience of its utility. Similarly, in that year Government approved an annual grant-in-aid of Rs. 200 to the Ayurvedic Vidyalaya Institution by the District Local Board, Ahmednagar, from its own funds for a period of three years. Government are prepared to consider applications for grants-in-aid from local bodies for the establishment of Unani or Ayurvedic dispensaries.

(*b*) and (*c*) No inquiries have been made of other p ovincial Governments.

Mr. R. G. PRADHAN (asked a question which was inaudible). The answer by the Honourable Mr. Jadhav was also inaudible.

### Retrenched Graduate Teachers.

Mr. L. B. BHOPATKAR (Poona City) : (*a*) Will Government be pleased to state whether they have issued any orders to the educational and other departments to give preference in making new appointments to graduate teachers whose services have been dispensed with owing to retrenchment ?

(*b*) If so, will they be pleased to lay on the table a copy of such orders ?

The Honourable Mr. B. V. JADHAV : Orders have been issued to the Director of Public Instruction. A copy* of Government memorandum to him no. 2563-F., dated the 13th October 1923, is placed on the table.

### Technical and Industrial Education.

Mr. L. B. BHOPATKAR (Poona City) : Will Government be pleased to lay on the Council table full particulars of any steps taken by

* *Vide* Appendix No. 26.

them to promote the technical and industrial education after the publication of the Technical and Industrial Education Committee's Report in 1922 ?

The Honourable Mr. B. V. JADHAV : No action has been taken on the report of the Committee on Technical and Industrial Education which is still under consideration.

### Veterinary Dispensaries.

Mr. L. B. BHOPATKAR (Poona City) : (*a*) Will Government be pleased to state the number of veterinary dispensaries in the presidency in the year 1921 and in the present year ?

(*b*) Will Government be pleased to state whether it is a fact that in the past veterinary assistant surgeons have been put on a par with sub-assistant surgeons in the matter of pay and allowances ? If so, are they treated so now, and if not, what are the grounds therefor ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (*a*) The number of dispensaries in the presidency proper at the end of the year 1921-22 was 80 and that at the end of the year 1923-24 was 83.

(*b*) It is true that for purposes of pay veterinary assistant surgeons were formerly compared with sub-assistant surgeons. In 1922 the sub-assistant surgeons were given revised rates of pay amounting to 100 per cent. above pre-war rates. In revising the pay of veterinary assistant surgeons in 1924 Government did not consider it right to raise the rates by the same percentage.

Mr. L. B. BHOPATKAR : May I know what is the revised pay of the veterinary assistant surgeons ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The honourable member will find it in this year's budget.

### Principal, Elphinstone High School, Bombay.

Rao Saheb D. P. DESAI (Kaira District) : (*a*) Will Government be pleased to state whether it is a fact that Mr. Sutaria was Principal of the Elphinstone High School for the last four years and has also acted as Inspector, Bombay Division ? How many years' service has he put in in the educational Department ?

(*b*) Will Government be pleased to state what are the qualifications of the present principal of the Elphinstone High School ? Is it a fact that Mr. Sutaria has reverted as headmaster of the Broach High School ?

The Honourable Mr. B. V. JADHAV : (*a*) Yes, over 28 years.

(*b*) The qualifications of the present Principal of the Elphinstone High School are as follows :—

B.A. First in First Class (Bombay University),
M.A. First Class First in Mathematics (Bombay University),
Mathematical Tripos, Pt. I, First Class (Cambridge University),
Mathematical Tripos, Pt. II, Wrangler (Cambridge University).

He holds also the Cambridge Secondary Teachers' Diploma. He has served in several Grammar Schools in England from the authorities of which he has received excellent testimonials. He was also for some time Principal of a college in Dharwar, and later on Reader in Education in the Dacca University.

The answer to the latter part of this question is in the affirmative.

Rao Saheb D. P. DESAI: What is the name of the principal?

The Honourable Mr. B. V. JADHAV: Mr. Katti.

### Oxen, Cows and She-Buffaloes in each District of the Presidency.

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

(1) Whether any census of plough oxen, milch cows and she-buffaloes was taken this year?

(2) If so, what are the respective numbers of these in each taluka of East and West Khandesh, as ascertained in that census?

(3) How many (*a*) plough oxen, (*b*) milch cows and (*c*) she-buffaloes there were in each district of the Presidency, except East and West Khandesh, as ascertained in the quinquennial censuses of 1915-16 and 1919-20 and also of 1924-25, if there was any census in 1924-25?

The Honourable Mr. A. M. K. DEHLAVI: (1) No. The next quinquennial census (for 1924-25) will be held in January 1925.

(3) The figures for 1915-16 and 1919-20 will be found in the season and crop reports for those years, to which the attention of the honourable member is invited.

### Forest Land in Poona District.

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

(*a*) whether they have received any complaints from the Poona District as regards any lands situated within any forest demarcation line?

(*b*) Is it a fact that the royalty charged on teak and other trees situated within a forest demarcation line is more than that charged on such trees when situated elsewhere?

(*c*) Is there any rule as to who is the owner of the second growth of teak and other trees in the demarcation line? If so, what is that rule?

(*d*) If under that rule Government is the owner of second growth, is the owner of the land permitted to graze his cattle on that land, after the second growth has appeared?

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

(*b*) Yes, so far as teak trees are concerned. The rate of royalty has been increased from Re. 1 to Rs. 1-8-0 in respect of teak trees within the demarcation lines in certain talukas of the Poona, Satara and Ahmednagar Districts. The rate for other trees has not been changed.

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

(*c*) The honourable member is referred to No. 63 of the rules issued under section 214 of the Land Revenue Code. The rule states in which lands the after-growth of reserved trees belongs to Government.

(*d*) Yes.

### Sub-registry office at Otur.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state the grounds on which the sub-registry office at Otur in taluka Junnar, district Poona, has been abolished ?

The Honourable Mr. A. M. K. DEHLAVI: The office in question was abolished as the work done in it was not sufficient to justify its existence. The villages comprised in the sub-district were distributed among the Junnar and Narayangaon sub-districts so as to cause the least inconvenience to the public.

### Vernacular School Masters in Sind.

Mr. D. B. ADWANI on behalf of HAJI ABDULLAH HAROON (Karachi City): Will Government be pleased to furnish—

(*a*) the number of vernacular school masters, Hindu and Mussalman, respectively, in each of the seven districts of Sind;

(*b*) the number of post offices managed by school masters belonging respectively to the same communities;

(*c*) the number of school masters belonging respectively to the said communities who have been promoted to the selection grade during the last three years;

(*d*) the number of school masters belonging respectively to the said communities, who have been posted in a district other than that in which their native place is situated ?

The Honourable Mr. B. V. JADHAV: The information has been called for.

### Inspection of old Monuments by the Superintendent, Archæological Survey, Western Circle.

*Mr. M. D. KARKI (Kanara District): (*a*) Will Government be pleased to state whether the Superintendent, Archæological Survey, Western Circle, inspected any monuments in the district of Kanara in 1920 or 1921 ?

(*b*) If so, did he leave any conservation notes on any of the monuments inspected by him ?

(*c*) If so, in respect of which monuments did he leave such notes ?

(*d*) Have all the suggestions in those notes been carried into effect ?

(*e*) If so, when and by whom ?

(*f*) What has been the cost incurred in each case ?

The Honourable Mr. COWASJI JEHANGIR: No monuments in the Kanara District were inspected by the Superintendent, Archæological

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

Survey, Western Circle, during the years 1920 and 1921. Monuments at Bhatkal and Banavasi in the same District were inspected during the months of September 1919 and December 1919 respectively. Conservation notes were drawn up for four monuments, viz.: (1) Narasinha Devasthan, (2) Santappa Narayana Tirumala Devasthana, (3) Joshi Sankara Narayana Devasthana, and (4) Khetapai Narayana Devasthana. Work according to the recommendations embodied in the conservation notes on Monument No. (1) only has been taken in hand by the Public Works Department since 1921-22. A sum of Rs. 1,983 has been spent on the work against a revised estimate of Rs. 2,054. It will be completed during the current year.

Mr. M. D. KARKI: Is the Honourable the General member aware that the first of the four monuments referred to in the reply is being repaired out of the materials removed from the roofs of monument No. 4 to its detriment?

The Honourable Mr. COWASJI JEHANGIR: I am not aware of that fact. If the honourable member will put in another question, I shall certainly make enquiries; or if he will come to me, I will make enquiries.

### Newspapers in Kanara.

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state why the "Kanara Leader" and the "Kanara News" are not supplied with press notes, *Bombay Government Gazette*, selected administration reports, which are supplied to other newspapers in the Bombay Karnatak?

The Honourable Mr. COWASJI JEHANGIR: For reasons of economy official publications are not supplied to newspapers whose circulation is less than 1,000 copies.

Mr. M. D. KARKI: Considering that there are only two newspapers in the whole district, will Government be pleased to supply.....

The Honourable the PRESIDENT: That is a suggestion for action.

### Government assistance for Clearing 'Strip Land' in Kanara.

Mr. M. D. KARKI (Kanara District): (*a*) Will Government be pleased to state whether they have taken any action on the recommendation of the committee appointed to consider and adopt measures for the protection of crops from wild animals and stray cattle as contained in paragraph 44 of their report that cultivators should be given assistance in the original clearing of the 'strip land' round their cultivated areas and that cultivation should be allowed on such strips for two years after the clearance commences?

(*b*) If so, what action has been taken in the matter?

(*c*) If no action has been taken as yet, do they intend to give effect to this recommendation of the committee; if so, when;

(*d*) if not, the reasons therefor?

The Honourable Mr. A. M. K. DEHLAVI: The reports of the Commissioners have been called for on the proposal. The requisite action will be taken on receipt of the reports.

### Police Superintendent's Bungalow at Karwar.

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

(*a*) what has been the cost of constructing the bungalow at Karwar for the use of the District Police Superintendent;

(*b*) what was the original estimated cost of constructing the bungalow;

(*c*) whether it is a fact that in view of the heavy cost incurred the District Superintendent of Police is unwilling to occupy the same;

(*d*) what do Government propose to do with the bungalow?

The Honourable Sir MAURICE HAYWARD: (*a*) Rs. 31,529.

(*b*) Rs. 28,044.

(*c*) The District Superintendent of Police has represented that the rent of the bungalow is high.

(*d*) The District Superintendent of Police will occupy the bungalow for which he will pay rent under the usual rules.

Mr. M. D. KARKI: Is it not lying vacant now? If so, from what time?

The Honourable Sir MAURICE HAYWARD: I do not know. I require notice.

### Schemes by Bombay Port Trust.

*Mr. LALJI NARANJI (Indian Merchants' Chamber): Will Government be pleased to state how many new schemes of the Bombay Port Trust have been sanctioned by them during the last ten years? What percentage of profit does each scheme earn and what was the profit originally expected?

The Honourable Mr. COWASJI JEHANGIR: A statement† showing the new major works sanctioned by Government for the Bombay Port Trust during the last 10 years is appended with explanatory remarks as to the return derived therefrom. New schemes and works are undertaken by the Trust if they are considered necessary in the interests of the trade and for the efficient working of the Port and not always for the sake of earning profit. The charges levied for the use of any new work are generally calculated to cover interest and sinking fund charges and working expenses.

Mr. LALJI NARANJI: (Asked a question which was inaudible).

The Honourable Mr. COWASJI JEHANGIR: The appendix is perfectly clear. I have nothing to add to it.

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

† *Vide* Appendix No. 28.

COMPLAINTS OF CIVIL NATURE AGAINST DECCAN SARDARS.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to furnish a list of the Sardars of the Deccan against whom complaints of a civil nature have been tried and decided by the Agent or Assistant Agent to Government for them from 1884 to 1923 under Bombay Regulation XXIX of 1827 and the Act XIX of 1835 ?

The Honourable Sir MAURICE HAYWARD: Government are not prepared to supply the information, as the expenditure of time and labour in collecting it would be out of all proportion to any purpose it appears likely to serve.

FOREST LAND FOR CULTIVATION.

*Mr. W. S. MUKADAM (Panch Mahals District): (*a*) Will Government be pleased to state on what date the Divisional Forest Officer, Panch Mahals, gave possession of certain forest land to Mr. Dalal of Rustampura for cultivation ?

(*b*) Will Government be pleased to state whether within recent years any persons have been given possession of forest land for cultivation in Panch Mahals by the Divisional Forest Officer without their having signed any *kabulayats* ? If so, what are their names ?

(*c*) Will Government be pleased to state on what date the *kabulayat* regarding the forest land given for cultivation to Mr. Dalal of Rustampura was signed by him ?

(*d*) Will Government be pleased to state whether the Conservator of Forests, Northern Circle, has given permission to the Divisional Forest Officer, Panch Mahals, to give possession of forest land to any one for cultivation without taking his signature on the *kabulayat* ?

(*e*) Will Government be pleased to state whether it is a fact that they have asked the Divisional Forest Officer, Panch Mahals, to serve some persons with a notice to the effect that forest land given to them for cultivation should be returned ?

(*f*) If so (i): Will Government be pleased to furnish the names of such persons ?

(ii) On what date was this order issued to the Divisional Forest Officer, Panch Mahals ?

(iii) On what date were the notices served on the individuals concerned ?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) 28th April 1923.

(*b*) Yes. The names of persons to whom possession of land was given without taking formal agreements will be found in the list placed on the Council table in connection with the honourable member's question† asked at the last session.

(*c*) 25th April 1924.

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

† *Vide* Vol. XII, pages 828, 829.

(*d*) No such permission is necessary and none has been granted.
(*e*) No.
(*f*) Does not arise.

### Statistics about certain Examinations.

Mr. W. S. MUKADAM (Panch Mahals District): Will the Government be pleased to put on the Council table the following information for the last five years in the form given below:—

| Name of examination. | Year. | Number of students who appeared. | Number of students who passed. | Percentage of successful students. |
|---|---|---|---|---|
| Final M.B.B.S. .. | | | | |
| Final L.C.P. & S. .. | | | | |
| Intermediate M.B.B.S. .. | | | | |
| B.Sc. .. .. | | | | |
| B.Ag. .. .. | | | | |
| B. Engineering .. | | | | |
| Preliminary Scientific .. | | | | |

The Honourable Mr. B. V. JADHAV: Information is being obtained.

### Indigenous Systems of Medicine.

Mr. W. S. MUKADAM (Panch Mahals District): (*a*) Will Government be pleased to state whether they have taken any steps to encourage the study, teaching and practice of indigenous systems of medicine since the introduction of new Reforms? If so, what steps have been taken?

(*b*) Are they aware that some encouragement is being given in the matter by the Bihar Government? If so, have they made any inquiry in this connexion?

The Honourable Mr. B. V. JADHAV: The attention of the Member for the Panch Mahals is invited to the reply given to question put by the honourable Member for Poona City, Mr. L. B. Bhopatkar.

### Tour of Deputy Educational Inspectors in Gujarat.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state whether it is a fact that some deputy educational inspectors in Gujarat go on tour without their own conveyance and bedding, etc., and that the village teachers have to make arrangements for such things?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

DURBAR GRANT FOR EDUCATION.

Mr. D. B. ADWANI on behalf of MUKHI JETHANAND PRITAMDAS (Eastern Sind): (*a*) Will Government be pleased to state on what principle Rs. 75,000 were set apart for girls' education out of the recurring Durbar grant of Rs. 6,70,000 distributed among the different divisions of the Bombay Presidency ?

(*b*) What amount was spent in each Division out of this grant from its commencement up to the year 1921-22 when it was merged in the general revenues ?

The Honourable Mr. B. V. JADHAV: (*a*) Rs. 75,000 were set apart for girls' education by the Government of India in making the grant of Rs. 6,70,000 in the year 1912-13 to facilitate the carrying out of the policy of that Government in pursuance of which the following principles were commended to Local Governments for general consideration:—

(*a*) The education of girls should be practical with reference to the position which they will fill in social life;

(*b*) It should not seek to imitate the education suitable for boys nor should it be dominated by examinations;

(*c*) Special attention should be paid to hygiene and the surroundings of school life;

(*d*) The services of women should be more freely enlisted for instruction and inspection; and

(*e*) Continuity in inspection and control should be specially aimed at.

(*b*) The collection of the information asked for will involve an amount of labour incommensurate with any advantage likely to accrue from its collection and Government are not, therefore, prepared to take steps to collect it.

Mr. D. B. ADWANI: With regard to question (*b*), will the Honourable Minister say whether the proportionate amount has been allotted to Sind ?

The Honourable Mr. B. V. JADHAV: I think the necessary amount has been allotted.

Mr. D. B. ADWANI: Has the proportionate amount been allotted or not ?

The Honourable Mr. B. V. JADHAV: At present I cannot give any reply; but if notice is given, I shall make enquiries.

IMPERIAL GRANT FOR EDUCATION.

Mr. D. B. ADWANI on behalf of MUKHI JETHANAND PRITAMDAS (Eastern Sind): (*a*) Will Government be pleased to state on what principle Rs. 75,000 were set apart for girls' education out of the Imperial grant of Rs. 5,93,000 distributed among the different divisions of the Presidency.

(*b*) What amount was spent in each division out of this grant, from its commencement up to the year 1921-22, when it was merged in the general revenue ?

(*c*) How many girls' schools in Sind applied for special grants and how many applications were rejected ?

The Honourable Mr. B. V. JADHAV: (*a*) Rs. 75,000 were set apart for girls' education by the Government of India in making the grant of Rs. 5,93,000 in the year 1913-14 to facilitate the carrying out of the policy of that Government, in pursuance of which the following principles were commended to Local Governments for general consideration:—

(*a*) The education of girls should be practical with reference to the position which they will fill in social life;

(*b*) It should not seek to imitate the education suitable for boys nor should it be dominated by examinations;

(*c*) Special attention should be paid to hygiene and the surroundings of school life;

(*d*) The services of women should be more freely enlisted for instruction and inspection; and

(*e*) Continuity in inspection and control should be specially aimed at.

(*b*) and (*c*) The collection of the information asked for will involve an amount of labour incommensurate with any advantage likely to accrue from its collection, and Government are not therefore prepared to take steps to collect it.

### AGRICULTURAL IMPROVEMENT IN RATNAGIRI DISTRICT.

*Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state what amounts they have spent during the last ten years for agricultural improvement in the district of Ratnagiri?

The Honourable Mr. A. M. K. DEHLAVI: The information asked for is given in the accompanying statement. †

### VILLAGE PANCHAYATS.

*Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state how many Village Panchayats have been constituted in this presidency under the provisions of the Village Panchayats Act (Bom. Act IX of 1920) and the names of the villages in which they have been constituted?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The accompanying statement‡ shows the number and names of Village Panchayats in the Bombay Presidency.

### SUKKUR BARRAGE ESTABLISHMENT.

*Mr. D. B. ADWANI on behalf of Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased to furnish the number of Europeans, Hindus, Mussalmans and others separately, in each of the various grades, employed in all the departments connected with the construction of the Sukkur Lloyd Barrage together with the pay of each grade, and also state how many of them are Sindhis and how many non-Sindhis in the different grades concerned?

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

† *Vide* Appendix No. 38.

‡ Kept in the Secretary's Office.

The Honourable Mr. COWASJI JEHANGIR: The requisite information regarding the establishment charged to the barrage is embodied in the statement† attached.

DISTRICT COURT, HYDERABAD.

*Mr. D. B. ADWANI on behalf of Mr. NOOR MAHOMED (Hyderabad District): (*a*) Will Government be pleased to furnish the total number of the civil appeals and other miscellaneous civil matters pending in the court of the district judge, Hyderabad?

(*b*) How many of them are of over one year, two years, three years and four years respectively?

(*c*) Whether Government intend to take any action with regard to the arrears of civil work in the said court?

The Honourable Sir MAURICE HAYWARD:

| — | Civil suits. | Appeals from Decrees. | Appeals from orders. | Miscellaneous Civil applications. |
|---|---|---|---|---|
| Less than a year .. .. | 5 | 82 | 10 | 30 |
| Over one year .. .. | 6 | 67 | 5 | 13 |
| Over two years .. .. | 4 | 53 | 4 | 5 |
| Over three years .. .. | .... | 23 | 1 | 4 |
| Over four years .. .. | 1 | 22 | 1 | 2 |
| Total .. | 16 | 247 | 21 | 54 |

The above statement gives the state of work at the end of July 1924.

(*c*) It is hoped that these delays will cease to occur, if and when a separate court is established at Nawabshah.

ASSISTANT SURGEONS IN BOMBAY PRESIDENCY.

*Mr. D. B. ADWANI on behalf of Mr. NOOR MAHOMED (Hyderabad District): (*a*) Will Government be pleased to furnish the total number of appointments of assistant surgeons in the Bombay Provincial Medical Service in (*i*) the presidency proper, and (*ii*) Sind?

(*b*) How many of these appointments are held by Sindhi Hindus and Sindhi Mussalmans respectively?

(*c*) How many temporary hands have been discharged during the last 3 years from the presidency proper and Sind respectively; and how many of them were Sindhis and how many non-Sindhis? What was the period of service put in by each of them?

(*d*) How many of the such discharged hands have been taken back into Government service? How many of them were Sindhis and non-Sindhis respectively and what was the period of service put in by each of them before their discharge?

†*Vide* Appendix No. 37.

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

The Honourable Mr. B. V. JADHAV: The accompanying statement* furnishes the information required.

### NORTH-WESTERN RAILWAY CROSSING.

†Mr. D. B. ADWANI on behalf of Mr. NOOR MAHOMED (Hyderabad District): (*a*) Are Government aware that there is a crossing on North Western Railway to the east of the Hyderabad (Sind) Railway Station, known as the New Graveyard Crossing?

(*b*) Are Government aware that a very large number of railway trains both of the North Western Railway and the Jodhpur Bikaner Railway pass this crossing day and night?

(*c*) Are Government aware that funeral parties from the town are detained here for a considerable time?

(*d*) Has it come to the notice of Government that there have been fatal accidents to some of the members of these funeral parties?

(*e*) Is it not a fact that the people of Hyderabad have been long asking for a bridge at this crossing?

(*f*) Do Government intend to take any action in the matter?

The Honourable Mr. C. V. MEHTA: (*a*) Yes.

(*b*) About 30 to 35 trains pass every 24 hours.

(*c*) Funeral parties going from the town to the new graveyard are sometimes detained at the crossing pending the passage of trains. No complaints have been made to the railway authorities during the past 18 months.

(*d*) Two accidents are said to have occurred in 1917. In one a party of 30 men were returning from the graveyard, 2 of whom were run over and killed. Since then no accident has been recorded. No accident has so far occurred to ordinary traffic over the crossing.

(*e*) and (*f*) It is understood that the Hyderabad municipality has the provision of a subway at the level crossing under consideration.

### RE-ESTABLISHMENT OF ADMINISTRATIVE MEDICAL OFFICE IN SIND.

Mr. D. B. ADWANI on behalf of Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased to state whether any action has been taken on the memorial presented by subordinate medical service officers in Sind to Dr. Paranjpye the former Minister, for the re-establishment of the administrative office in Sind for the purpose of regulating transfers, leave, etc., in Sind and, if so, what action has been taken?

The Honourable Mr. B. V. JADHAV: Government are not aware of any memorial having been presented by subordinate medical service officers in Sind to Dr. Paranjpye on the subject.

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* *Vide* Appendix No. 36.

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

### Amendment of District Municipal Act.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state whether they have received any petitions from the public bodies praying for amendment of section 48 (1) (*a*) of the District Municipal Act, so as to invest the municipalities with the power of controlling the slaughter of bovine cattle, if they so desire?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The answer is in the affirmative.

### Consumption of Foreign Liquor.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state whether they are aware that the consumption of foreign liquor is gradually increasing? If so, what steps do they intend to take to check the increase?

The Honourable Mr. A. M. K. DEHLAVI: No. The reply to the last part of the question does not arise.

### Abolition of Toll-bars in Kaira District.

Mr. D. N. PATEL (Kaira District): (*a*) Will Government be pleased to state when they intend to abolish tolls on all the provincial roads in the Kaira district?

(*b*) On what grounds are tolls abolished on some of those roads, while they are retained on the rest?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*a*) Tolls are being abolished gradually. Those on certain provincial roads in the Kaira district have already been abolished and those on the remaining roads will be abolished when their turn comes.

(*b*) As it was decided to abolish tolls yielding a revenue of one lakh only during the year 1924-25, a few roads in certain districts in the presidency were selected for the abolition of toll.

### Divisional Boards of Agriculture.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state the functions of the divisional boards of agriculture constituted in the Bombay presidency?

The Honourable Mr. A. M. K. DEHLAVI: The attention of the honourable member is invited to Press Note No. 2962, dated 21st October 1921 announcing the constitution and functions of divisional boards of agriculture. A copy* of the Press Note is placed on the Council table.

### Wells in Kaira District.

Mr. D. N. PATEL (Kaira District): (*a*) Will Government be pleased to state whether they are aware that a great number of wells

* *Vide* Appendix No. 24.

in the Kaira district have been rendered useless for irrigation purposes owing to the level of the water therein having gone down ?

(*b*) If so, do they intend to take any steps in this connection ; if so, what steps do they intend to take ?

The Honourable Mr. C. V. MEHTA : (*a*) Yes.

(*b*) Government are considering the question of the development and improvement of agricultural wells throughout the Presidency and the case of Kaira district will receive due attention. Government hope to be in a position to take steps shortly in the matter.

DEVELOPMENT DEPARTMENT SCHEMES AND PROJECTS.

*Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government supply the following information in a tabular form regarding each of the schemes and projects under the Development Department ?

(1) Original estimates,
(2) Estimates as revised from time to time,
(3) Final estimates as expected at present,
(4) The actual cost up to 31st December 1923,
(5) The balance of the estimated cost of completing the schemes,
(6) The time of commencement,
(7) The progress, *i.e.*, how much work has been done up to 31st December 1923,
(8) The time when the schemes are expected to be completed,
(9) The expected profit or loss.

The Honourable Mr. COWASJI JEHANGIR : Two statements,† one in respect of Bombay City Schemes and the other in respect of Suburban Schemes, giving the information desired by the Member, are appended.

Mr. HOOSENALLY M. RAHIMTOOLA : Does the column 4 in the statement represent the total estimated cost ?

The Honourable Mr. COWASJI JEHANGIR : If the honourable member will refer to the statement he will find that the heading reads " Final estimates (for land and works) as revised from time to time ". These are the last final estimates.

Mr. HOOSENALLY M. RAHIMTOOLA : Do they represent the total cost ?

The Honourable Mr. COWASJI JEHANGIR : Yes, they do.

Mr. D. B. ADWANI : Are the estimates likely to be revised again ?

The Honourable Mr. COWASJI JEHANGIR : I cannot give an answer to that question at the present time.

Mr. K. F. NARIMAN : Is it not a fact that the original estimate of the Bombay Back Bay Reclamation was four crores before the scheme started ?

The Honourable Mr. COWASJI JEHANGIR : At what time ? The scheme was in contemplation for a large number of years.

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

† *Vide* Appendix No. 38A.

Mr. K. F. NARIMAN: Is it not a fact that His Excellency Sir George Lloyd in his opening speech at the first Council, while giving a description of general events, stated that the estimated cost of the Back Bay Reclamation was four crores?

The Honourable Mr. COWASJI JEHANGIR: The first estimate of Sir George Buchanan in 1919 was somewhere near four crores, but it was increased subsequently on account of the rise in the cost of materials.

Mr. K. F. NARIMAN: Why is the original estimate in column 4 mentioned as seven crores?

The Honourable Mr. COWASJI JEHANGIR: That is the last revised estimate.

Mr. K. F. NARIMAN: Why does column 2 give the original estimate as seven crores which amount is exactly the one shown in column 4, which the Honourable Member of Government says is the last revised estimate?

The Honourable Mr. COWASJI JEHANGIR: The estimate in the second column is the original *sanctioned* estimate. The estimate which the honourable member is alluding to as the original estimate of four crores was never the *sanctioned* estimate.

Mr. K. F. NARIMAN: I understand information asked for was about the very first original estimate.

The Honourable Mr. COWASJI JEHANGIR: There are several estimates made which are not sanctioned. The one that the honourable member is alluding to is one of those cases which generally are made before an estimate is really sanctioned.

Mr. K. F. NARIMAN: Was not four crores the original estimate?

The Honourable Mr. COWASJI JEHANGIR: That was not the original estimate. It was seven crores. The estimate the honourable member has in mind is the estimate which Sir George Buchanan first placed before Government.

Mr. K. F. NARIMAN: Is not Sir George Buchanan a marine expert specially engaged for the purpose and is his estimate considered a mere guess-work?

The Honourable Mr. COWASJI JEHANGIR: The honourable member will realise, if he has any experience of these works, that estimates are always made first but are not accepted by Government if the scheme is not to be carried out; when a scheme is to be carried out, then the estimate is ultimately sanctioned and the last sanctioned estimate was seven crores.

Mr. K. F. NARIMAN: That gives no explanation of the enormous difference between the original estimate made by an expert, namely, four crores, and the last revised sanctioned estimate of seven crores.

The Honourable the PRESIDENT: The honourable member is not asking a question, he is making a statement.

Mr. K. F. NARIMAN: Can the honourable member explain the enormous rise in the estimate as prepared by the expert, namely, the rise from four to seven crores?

The Honourable the PRESIDENT: I think the Honourable the General Member has already stated that the increase in the estimate is due to the rise in the cost of materials. Those are the words which he used.

Rao Saheb D. P. DESAI: Is this seven crores absolutely the final estimate or is it likely to be revised again?

The Honourable Mr. COWASJI JEHANGIR: It is the final estimate at present.

Rao Saheb D. P. DESAI: Will it be exceeded?

The Honourable Mr. COWASJI JEHANGIR: As far as my knowledge and information go, I do not think it will be, but I cannot guarantee it.

Mr. G. L. PATEL: What is the difference in prices ruling in 1919 and those when the final revised estimate was sanctioned?

The Honourable Mr. COWASJI JEHANGIR: I cannot say off-hand but if the honourable member will give me notice, I shall be glad to let him have the information.

Mr. K. F. NARIMAN: Is it not a fact that the prices of materials have gone down since 1920 and has there been any reduction in consequence in the estimates?

The Honourable Mr. COWASJI JEHANGIR: I shall be glad to supply the information if notice is given.

Mr. K. F. NARIMAN: Does not the Honourable the General Member know the wellknown fact that prices have gone down since 1920?

The Honourable the PRESIDENT: The honourable member cannot criticise the reply given. The Honourable the General Member is entitled to claim notice.

Mr. K. F. NARIMAN: Is the Honourable the General Member aware that prices have considerably gone down since 1919-20?

The Honourable Mr. COWASJI JEHANGIR: The honourable member seems to consider that one can give an off-hand answer to an important question of this kind without going into facts and figures. He must realise that in some cases prices have gone down but in others they have not and it all depends upon what is really being used in the Back-bay Reclamation.

The Honourable the PRESIDENT: The Honourable the General Member is entitled to claim notice.

Mr. K. F. NARIMAN: Can the Honourable the General Member mention any instances in which prices have gone up since 1919-20?

The Honourable Mr. COWASJI JEHANGIR: I am not prepared to answer a question of that sort without notice.

Mr. D. B. ADWANI: When were the estimates shown in column 4 finally arrived at?

The Honourable Mr. COWASJI JEHANGIR: In 1921.

Mr. G. L. PATEL: The original estimate as shown in column 2 is seven crores; the final estimate shown in column 4 is also seven crores. Where

is the difference between the cost of prices if the two estimates are the same ?

The Honourable Mr. COWASJI JEHANGIR : I have nothing further to add. The honourable member does not seem to understand.

EXPENDITURE INCURRED ON MITHRAO CANAL.

*Mr. SAYED GHULAM NABI SHAH (Thar and Parkar District) : Will Government kindly state the area of lands annually irrigated by the Mithrao canal and the expenditure annually incurred on the maintenance of that canal (*i*) from 1908 to 1916 and (*ii*) from 1916 to 1924 ?

The Honourable Mr. COWASJI JEHANGIR : (*i*) and (*ii*) A statement† showing the area irrigated on the Mithrao Canal and the expenditure incurred on its maintenance from 1908-09 to 1922-23 is placed on the Council Table. Figures for 1923-24 are not available.

LOCAL FUND MADRESSAH AT MIRPURKHAS.

*SAYED GHULAM NABI SHAH (Thar and Parkar District) : Will Government be pleased to state why the local fund madressah at Mirpurkhas has not yet been converted into a high School in accordance with Government Resolution no. 1578, dated the 5th June 1923 ?

The Honourable Mr. B. V. JADHAV : In the Government Resolution quoted Government decided that the District Local Board Madressah at Mirpurkhas should be taken over and maintained as a model Government High School when funds became available. Owing to financial stringency and the urgent demands in other directions it was not found possible to make any provision in the current year's budget for the conversion of the Madressah in question into a Government school.

Mr. HOOSENALLY M. RAHIMTOOLA : Will it be taken over when the funds become available ?

The Honourable Mr. B. V. JADHAV : Yes.

BOMBAY PORT TRUST.

*Mr. R. D. SHINDE (Nasik District) : Will Government be pleased to state—

(*a*) what is the total number of posts carrying a salary of Rs. 500 and over in the Port Trust, Bombay ;

(*b*) how many of these posts are held by Europeans and Anglo-Indians ;

(*c*) how many of these are held by Indians ;

(*d*) what are the educational qualifications of the Europeans and Anglo-Indians referred to in (*b*) above ?

The Honourable Mr. COWASJI JEHANGIR : (*a*) 169 excluding the appointments of the Chairman, the Port Officer and the Assistant

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

† *Vide* Appendix No. 30.

Port Officer which are made by Government. Of these 169 posts 7 are vacant.

(*b*) 129.

(*c*) 33.

(*d*) A statement * showing the educational qualifications of the Europeans and Anglo-Indians referred to in (*b*) above is appended.

Mr. R. D. SHINDE: The statement shows the number of officers with matriculation standard as 11. Does it mean the seventh standard or does it indicate passed matriculates?

The Honourable Mr. COWASJI JEHANGIR: That means upto the matriculation standard, but I cannot be sure.

Mr. R. G. PRADHAN: Are not Indians of matriculation standard available for employment?

The Honourable Mr. COWASJI JEHANGIR: Indians are available.

Mr. R. D. SHINDE: Are Indians who have studied upto the matriculation standard paid Rs. 500 a month?

The Honourable Mr. COWASJI JEHANGIR: I am not in a position to answer it. The appointments are entirely in the hands of the Port Trust.

Mr. M. R. JAYAKAR: Has the Honourable Member any objection to disclosing the name of the fortunate individual who is paid Rs. 500 a month and who is a failed matriculate?

The Honourable Mr. COWASJI JEHANGIR: I am not in a position to give the name. The appointments are all made by the Port Trust.

Mr. H. D. SAHEBA: In appendix 35, second item, will the Honourable Member please explain the 'Public School' qualification?

The Honourable Mr. COWASJI JEHANGIR: That means that he has been through an English Public School.

Mr. H. D. SAHEBA: What does it correspond to in this country? Matriculation, B.A., or what?

(No reply).

Mr. H. D. SAHEBA: Is this higher or lower than the matriculation standard?

The Honourable Mr. COWASJI JEHANGIR: I would request the honourable member to address his question to the Honourable Minister for Education.

Mr. R. G. PRADHAN: In appendix 35, page 82, item No. 9, the educational qualification of 11 officers is given as the matriculation standard. Does it mean that they are failed matriculates?

The Honourable Mr. COWASJI JEHANGIR: I am not in a position to give an accurate affirmative or negative answer, but it looks like it.

Mr. B. G. PAHALAJANI: Does the Honourable Member know that there is no examination like the Public School Examination in England?

The Honourable Mr. COWASJI JEHANGIR: It means that those employees of the Port Trust have been through an English Public School, and that is the answer.

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*Vide appendix No. 35.

The Honourable the PRESIDENT: This is being continued too far. The honourable member Mr. Shinde may ask his next question.

### Municipality at Bhagur.

*Mr. R. D. SHINDE (Nasik District): Will Government be pleased to state—

(*a*) What is the percentage of agriculturist residents in the population of Bhagur, Nasik district?

(*b*) Have Government ascertained the views of the agriculturists on the question of establishing a municipality at Bhagur?

(*c*) If so, when was it done?

(*d*) Have Government inquired whether the village is in a position to maintain a municipality?

(*e*) If so, when was this inquiry made, and who were consulted?

(*f*) Are Government aware that the majority of the residents do not want a municipality at all?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*a*) About 70 per cent.

(*b*) and (*c*) This has been partly replied to. Agriculturists were present at the meeting convened by the Collector. The Deputy Collector also ascertained their views about the middle of November 1923.

(*d*) and (*e*) Already replied to.

(*f*) The majority of the residents are asking for a municipality.

### Forest Land in East Nasik.

*Mr. R. D. SHINDE (Nasik District): Will Government be pleased to state—

(*a*) what is the total area of forest lands in the East Nasik forest division which is suitable for cultivation;

(*b*) whether any steps are being taken to make such lands available for cultivation?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) About 17,000 acres.

(*b*) An area of about 11,280 acres has already been given out for cultivation. The work of giving out the remaining area for cultivation is in progress.

### Agricultural Class at Ozar in Nasik District.

*Mr. R. D. SHINDE (Nasik District): Will Government be pleased to state—

(*a*) whether it is a fact that they decided to open an agricultural class at Ozar, taluka Niphad;

(*b*) If so, why has the class not yet been opened?

The Honourable Mr. B. V. JADHAV: (*a*) and (*b*) Enquiries made of the Director of Public Instruction show that the class has been opened with effect from 3rd July 1924, *i.e.*, soon after the completion of the course of agriculture by the teacher under training.

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

VETHIAS OR VARTANIAS IN THE GUJARAT DISTRICT.

*Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to give in a tabular form the following information with respect to each of the talukas of the Gujarat districts:—

(*a*) Name of the taluka.

(*b*) Name of the district.

(*c*) Number of villages in the taluka.

(*d*) Amount of the land revenue demand for the latest year available.

(*e*) Number of Vethias or Vartanias in each taluka.

(*f*) The total remuneration received by Vethias or Vartanias in each taluka.

(*g*) What part of this remuneration is in cash and what part of it is in the form of remission of the land revenue demand of lands in the possession of these Vethias or Vartanias?

The Honourable Mr. C. V. MEHTA: Clauses (*a*) to (*d*) The attention of the honourable member is invited to the Calendar of Land Revenue Settlements in the Bombay Presidency corrected up to 31st July 1923, printed as Appendix J† to the reply given to the honourable member Mr. P. G. Joshi's question asked at the first session of the Legislative Council for the year 1924.

(*e*) to (*g*) A statement‡ containing the information asked for is appended.

DISTRICT BUNGALOW AT AHMEDABAD.

*Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state (*a*) what has been the cost of building the district bungalow at Ahmedabad, which is situated opposite the bungalow of the Commissioner, Northern Division;

(*b*) what is the annual cost of maintaining the bungalow in a state of proper repair;

(*c*) what servants are kept at the bungalow and what is the yearly cost in respect of the pay of such servants;

(*d*) for how many days was it occupied by touring officers whose headquarters are not at Ahmedabad in each of the last two years, giving the designation of each of such officers and the number of days of his stay?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*a*) The total cost of the district bungalow amounts to Rs. 2,01,972 including furniture and electric installation.

(*b*) Rs. 3,400 including Rs. 500 for electric energy.

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

† *Vide* Vol. XI, pages 549 and 1610 to 1623.

‡ *Vide* Appendix No. 34.

(*c*) The following servants are kept at the bungalow and the yearly cost in this respect amounts to Rs. 1,308 as under :—

| No. | Servants. | Yearly cost. |
|---|---|---|
| | | Rs. |
| 1 | Cook .. .. | 420 |
| 1 | Hamal .. .. | 300 |
| 1 | Mali .. .. | 216 |
| 1 | Sweeper .. .. | 180 |
| 1 | Pagi .. .. | 192 |
| Total 5 | | 1,308 |

(*d*) It was occupied in 1923 by six officers for 29 days and in 1924 by 12 officers for 59 days as shown below :—

| In 1923. (From August to end of December 1923.) | | In 1924. (From January to date.) | |
|---|---|---|---|
| Designation of Officer. | No. of days of stay. | Designation of Officer. | No. of days of stay. |
| 1. The Consulting Surveyor to the Government of Bombay, Poona .. | 4 | 1. The Mechanical Engineer to Government, Poona .. | 3 |
| 2. The Inspector of Drawing, Bombay .. .. | 11 | 2. The Postmaster General, Bombay .. .. | 2 |
| 3. The Settlement Commissioner and Director of Land Records, Poona .. | 6 | 3. The Inspector General of Prisons, Poona .. | 8 |
| 4. The Honourable Member of the Viceroy's Executive Council, Delhi .. | 4 | 4. The Deputy Inspector General of Police, Poona .. | 4 |
| 5. The Honourable Member of the Executive Council of the Government of Bombay | 1 | 5. The Inspector General of Police, Poona .. | 7 |
| 6. The Superintending Engineer, Northern Division, Bombay .. .. | 3 | 6. The Registrar of Co-operative Societies, Bombay .. | 4 |
| | 29 | 7. The Commissioner of Income Tax, Bombay Presidency, Bombay .. | 4 |
| | | 8. The Deputy Educational Inspector, Bombay .. | 7 |
| | | 9. The Investigator, Labour Office, Bombay .. | 4 |
| | | 10. The Assistant Registrar, Co-operative Society, Surat | 5 |
| | | 11. The Superintending Engineer, Northern Division, Bombay .. .. | 7 |
| | | 12. The Consulting Surveyor to the Government of Bombay, Poona .. .. | 4 |
| | | | 59 |

The bungalow was also occupied in 1924 by five persons, who were not Government officers, for 36 days in all.

Mr. H. B. SHIVDASANI: Do Government consider it worth while to spend so much money when the bungalow is occupied for such a small number of days in the year?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: That asks for an opinion, Sir.

Mr. B. G. PAHALAJANI: Is this bungalow in respect of which the Accountant General and the Government of India raised such serious objections?

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

Mr. B. G. PAHALAJANI: What is the result of those objections? Have the Government of India and the Accountant General disallowed the expenditure?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: No, Sir.

### Government Residential Bungalows at Ahmedabad.

*Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to supply the following information in respect of each of the Government residential bungalows situated at Ahmedabad (including the city, Shahibag, Camp and Ellis Bridge area)?

(1) The year in which it was acquired or built;

(2) Total cost of the bungalow, including land and outhouses;

(3) The rent of the bungalow calculated on the basis of the usual percentage of its capital cost;

(4) The registered rent of the bungalow;

(5) The name and designation of the officer who was occupying the bungalow on the 1st July 1924;

(6) The salary of the abovementioned officer;

(7) The rent (exclusive of the rent in respect of sanitary, electric installation, etc.), which the officer is paying;

(8) The difference between the rent as calculated on capital basis and the rent paid by the officer;

(9) What percentage of the officer's salary does the loss (8 above) come to?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The requisite information is embodied in the statement † attached.

Mr. H. B. SHIVDASANI: In appendix 33, page 76, it is stated that the rent of the bungalow known as Main Shahi Bagh, calculated on the basis of the usual percentage of its capital cost, comes to Rs. 230, but that the registered rent of the bungalow is Rs. 170. What are the special reasons for making the registered rent below the rent calculated according to rules?

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

†*Vide* Appendix No. 33.

The Honourable Khan Badadur SHAIKH GHULAM HUSSAIN: This is one of the old buildings, built probably by the Moghuls. It has not cost Government anything, and the Public Works Department cannot charge the Commissioner, Northern Division, more than Rs. 170. The rent was fixed many years ago but not on the capital basis.

Mr. H. B. SHIVDASANI: How is this amount of Rs. 230 calculated ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: They have taken the approximate cost at the present day, which is about Rs. 55,000, and the rent is calculated on that basis.

Mr. H. D. SAHEBA: With regard to item No. 8 of the appendix, Bungalow No. 47, why is the present occupant of the building not charged any rent ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I shall be glad to have notice of the question.

Mr. H. B. SHIVDASANI: Item No. 10 of the appendix: why is an officer whose pay is Rs. 250 provided with a residence the rent of which is Rs. 422 ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The cost of the building was Rs.35,000 and the cost of the land was Rs. 40,000. On the basis of the capital cost, the rent chargeable will be Rs. 422. The salary of the officer is Rs. 250. The rule since 1921-22 is that an officer should pay 7½ per cent. on the capital expenditure or 10 per cent. of his salary, whichever is less.

Mr. D. B. ADWANI: Is the rent charged per year ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: No; it is the monthly rent.

### Pasture Land for the Satara District for Cattle Grazing.

*Mr. R. G. SOMAN (Satara District): (*a*) Will Government be pleased to furnish the number of villages in each taluka in the Satara district which have pasture or forest lands wherein cattle are allowed to graze on payment of grazing fees, and the extent of such lands ?

(*b*) Will Government be pleased to state the amount of grazing fees recovered annually in every taluka of the same district ?

The Honourable Mr. A. M. K. DEHLAVI: The information required by the honourable member is contained in the accompanying statements.†

### Survey of Koyana Valley by Engineers of Tata Company.

*Mr. R. G. SOMAN (Satara District): (*a*) Will Government be pleased to state whether they are aware that surveyors or engineers of the Tata Company entered private fields in the Koyana Valley for the purpose

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

† *Vide* Appendix No. 32.

of surveying and measuring, against the will of the owners of those private lands ?

(*b*) Will Government be pleased to state whether any village officers in Javli and Patan talukas in the Satara district have been ordered by their superior officers to assist those servants of the Tata Company in the matter of supplies and *bigar* ?

The Honourable Mr. C. V. MEHTA : (*a*) No complaints have been received from the owners of private lands against the surveyors or engineers of Messrs. Tata Sons, Limited, for entering their lands against their will.

(*b*) The answer is in the negative.

Mr. P. G. JOSHI : The question part (*a*) is whether Government are aware that the engineers of the Tata Company entered private fields. I want a direct reply to that.

The Honourable Mr. C. V. MEHTA : Government are not aware.

### Official President of the Taluka Local Board, Javli.

*Mr. R. G. SOMAN (Satara District) : (*a*) Will Government be pleased to state whether any complaints have been received by the Commissioner, Central Division, from members of the taluka local board of Javli in the Satara district in the matter of the nomination or election of an official president of that board, during the last five years ?

(*b*) Will Government be pleased to state why there has been no non-official president of the said local board ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (*a*) In 1919 and 1920 complaints were received by the Commissioner from Mr. V. S. Divekar, a member of the board.

(*b*) No non-official member fit for the post could be found.

### Royalty on Trees in Satara District.

*Mr. R. G. SOMAN (Satara District) : (*a*) Will Government be pleased to state the amounts of royalty recovered annually on teak wood, sandal wood and other trees in Patan, Javli and Satara talukas and Shirala petha within the demarcated limits adjoining the forests during the years 1920-21, 1921-22 and 1922-23 ?

(*b*) Is it a fact that proprietors of demarcated lands recently classed as No. 1 are not allowed to cut the special trees even though they are prepared to pay the royalty therein ?

(*c*) On what principle is the classification of demarcated lands effected and under what provisions or rules of law ?

(*d*) Is it a fact that the amount of royalty on trees has been raised from Re. 1 to Rs. 1-8-0 recently ?

(*e*) If so, will Government be pleased to state the reasons for the increase and state the rules or provisions of law under which this increase has been effected ?

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

The Honourable Mr. A. M. K. DEHLAVI: (*a*) Details of the amount of royalty fees recovered annually in each taluka are not immediately available. The following figures show the revenue realised annually during the last three years on teak and sandalwood in numbers within the demarcation line in the following ranges:—

| Range. | Taluka. | 1920-21 | 1921-22 | 1922-23 |
|---|---|---|---|---|
| | | | | Rs. a. p. |
| Satara .. | Satara, Koregaon, Khatav, Javli, Wai. | Nil | Nil | 510 0 0 |
| Patan .. | Patan .. | Nil | Nil | 1,862 8 0 |
| Dhebewadi .. | Patan and Shirala. | Nil | Nil | 5,673 8 0 |
| Karad .. | Karad and Shirala. | Nil | Nil | 9,292 8 0 |

(*b*) As the numbers within the demarcation line have been registered for future inclusion in reserved forest, the recovery of royalty fees for trees in all first class numbers was held in abeyance with a view to afforesting the areas [*vide* Article 226 (2), Bombay Forest Manual, Volume II, page 199]. But since afforestation was given up early in 1923, Government have been disposing of these trees to the occupants.

(*c*) The demarcation line numbers reserved for future inclusion in forest were classified into two classes for departmental purposes according to the comparative value of the areas as forest. All numbers containing valuable tree-growth as the result of several years protection by the Forest Department and situated on hill slopes, with a soil unsuitable for purposes of cultivation were placed in the first class. Second class numbers included all numbers fit for cultivation and which contained a comparatively poor growth of trees, *i.e.*, numbers which were poorly stocked and were more suitable for agriculture than forest. This classification was not based on any provisions or rules of law. As all numbers within the demarcation line were not suitable for inclusion in Reserved forest as originally contemplated, a departmental classification of numbers was necessary.

(*d*) and (*e*) The royalty fees only on teak trees within the demarcation line were raised from Re. 1 to Rs. 1-8-0 per tree. The fees were raised on account of the tree-growth in these numbers being very valuable due to their protection by the Forest Department for several years.

### Compensation for Acquisition of Land on Satara-Mahableshwar Road.

Mr. R. G. SOMAN (Satara District): (*a*) Will Government be pleased to state whether it is a fact that the amounts of compensation awarded for the acquisition of land in certain villages of the Javli taluka for the purposes of the Satara-Mahableshwar road have not yet been paid to the proprietors of the lands thus acquired?

(*b*) If so, will Government be pleased to state why those amounts have not yet been paid?

The Honourable Mr. C. V. MEHTA: (*a*) Out of the lands in Javli taluka taken up for the Satara-Mahableshwar road, compensation for those in the village of Karanje has already been paid to the owners concerned. As regards the remaining lands acquisition proceedings are going on and it is expected that compensation will be paid at a very early date. Steps have been taken to expedite the acquisition proceedings as far as possible.

(*b*) The delay in payment of compensation is due to the difficulty of demarcation and measuring the lands. Instructions have been issued to guard against such delays in future.

PHOTOZINCO SYSTEM IN REGISTRATION DEPARTMENT.

Mr. R. G. SOMAN (Satara District): (*a*) Will Government be pleased to state whether they are aware of the complaints made by the public against the introduction of the photozinco system in the Poona district?

(*b*) Is this system being introduced in any registration offices in the Satara district?

(*c*) What is the amount of estimated savings which will be made by such introduction in the Satara district?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) Yes. Presumably the honourable member refers to the system of registration by photography.

(*b*) The system is in force in Satara, Walva, Karad offices in Satara district.

(*c*) The total amount of savings effected so far is Rs. 1,134. It is not practicable to give the estimated savings for the whole district since only 3 offices in the district are affected.

GRANTS TO SECONDARY SCHOOLS.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state whether there is any resolution laying down any proportion between the annual grant to a Secondary school and the maximum supplementary grant allowable to it, and if so, will they be pleased to lay a copy of it on the table?

The Honourable Mr. B. V. JADHAV: Rule 2A, Chapter II, of the Grant-in-Aid Code for Schools and Colleges in this Presidency lays down that the supplementary grant to an Anglo-Vernacular or English teaching school shall not exceed one-third of the ordinary annual grant earned by it. In the case of poor and deserving schools, however, this maximum may be raised to half the ordinary grant.

FINES LEVIABLE UNDER THE CATTLE TRESPASS ACT, 1871.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to place on the Council Table a copy of the rules or resolutions under which the cattle pound fees have been recently raised?

The Honourable Mr. C. V. MEHTA: The attention of the honourable member is invited to Government notification No. 2192-B, dated the 29th March 1924.

MUNICIPAL WATER WORKS SCHEME, ISLAMPUR.

Mr. R. G. SOMAN (Satara District): (*a*) Will Government be pleased to state whether it is a fact that a proposal for the sanction of a scheme of water-works for the municipality of Islampur was forwarded by that municipality to Government in 1913 and has since been under their consideration ?

(*b*) If so, why has their consideration taken so much time ?

(*c*) What do Government intend to do in the matter ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The Islampur water supply project in the rough reached Government in July 1915. The same was approved in the rough in September 1915. The fair project was ready by August 1916 but some time was spent in consulting the municipality and ascertaining the capability of that body to finance the scheme. The fair project was, however, approved in November 1917 but the consideration of the financial aspects of the scheme was deferred till after the termination of the war when the rates provided could be reconsidered and amended if necessary.

In December 1920 it was reported to Government that the scheme which was estimated to cost Rs. 2,45,608 originally was expected then to cost Rs. 5,36,315. It was then considered that this scheme would perhaps be beyond the means of the municipality and so proposed to prepare a scheme on a 10-gallon per head basis. The Collector of Satara was asked repeatedly to ascertain the views of the municipality in the matter and Government have not yet received proposals to finance the scheme.

FEEDING OF CATTLE IN CATTLE POUNDS.

Mr. A. N. SURVE (Bombay City, North) : Will Government be pleased to state what arrangements exist for feeding cattle when it is impounded in a cattle pound ?

The Honourable Mr. C. V. MEHTA: For the whole Presidency except the Presidency town the responsibility for the feeding and watering of the cattle lies with the pound-keeper under section 9 of the Cattle Trespass Act. Attention is also invited to paragraphs 4 to 5 of the Cattle Trespass Manual.

For the Presidency town: the Bombay City Police Act, 1902, applies, and the question should be addressed separately to the Home Member.

Mr. A. N. SURVE: With reference to part one of the question, may I point out that the Cattle-Trespass Act is not available to members of this House and our library does not contain a copy of that book ?

The Honourable Mr. C. V. MEHTA: I do not know who is in charge of the library. Honourable members can very easily get a copy for the library.

TRANSFER OF TALUKA LOCAL BOARD CLERKS AND PEONS FROM THE REVENUE ESTABLISHMENT.

Mr. A. N. SURVE (Bombay City, North): (*a*) Will Government be pleased to lay on the table a copy of their resolution No. 7935 of

30th June 1923, sanctioning the transfer of the taluka local board clerks and peons from the revenue establishment with effect from 1st October 1923;

(*b*) Will Government be pleased to state whether the local boards possess the power to dispense with the services of those employees for unfitness or want of qualifications, irrespective of the length of service rendered by them?

The Honourable Mr. C. V. MEHTA: (*a*) The honourable member evidently refers to resolution No. 7935, dated 20th June 1923. A copy * of the resolution is laid on the Council table.

(*b*) The honourable member is referred to section 122 of the Bombay Local Boards Act.

### Separate Schools for Depressed Classes.

Mr. A. N. SURVE (Bombay City, North): (*a*) Will Government be pleased to state on what principles the depressed classes have been given separate schools in rural areas?

(*b*) Did the Mahar population of Mithabao, taluka Devgad, district Ratnagiri, apply for a separate school?

(*c*) If so, has their request been complied with? If not, why not?

The Honourable Mr. B. V. JADHAV: Information has been called for.

### Bombay Port Trust.

† Dr. M. B. VELKAR (Bombay City, South): Will Government be pleased to state whether any provision has been made for appointing Indians in the higher grades in the Port Trust service, and, if so, what provision has been made?

The Honourable Mr. COWASJI JEHANGIR: The Bombay Port Trustees have agreed to the principle that the number of Indians in the higher grades of the Port Trust service should be increased as opportunities occur and that all new appointments should be thrown open to Indians, who will be given preference of selection as far as is consistent with efficiency. Opportunities for regular promotion to the senior ranks of the service are afforded. No differentiation is made between European and Indian employees, and in the filling of vacancies from outside, applications are considered regardless of nationality, the only exceptions that have been made have been in the case of three probationers recently recruited in which cases applications were restricted to Indians.

At Karachi no provision has yet been made as there are no vacancies at present in the higher grades. A higher grade appointment was created last year when applications were invited and an Indian was appointed.

At Aden no special provision has been made for the appointment of either Indians or Europeans in the higher grades. The Port Trustees' policy is to select the best man irrespective of the fact whether he is a European or an Asiatic. The difficulty as regards Aden is that the

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* *Vide* Appendix No. 31.

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

majority of the higher appointments in the Port Trust require special technical qualifications and the educational facilities available in Aden are not such as to produce candidates with these qualifications. In spite of this, however, a few men born and educated in Aden have risen to the higher ranks in the Port Trust service.

DACOITIES IN BOMBAY CITY AND SUBURBS.

*Dr. M. B. VELKAR (Bombay City, South): (*a*) Will Government be pleased to furnish the number of dacoities committed in (*i*) the city of Bombay and (*ii*) its suburbs in 1921, 1922 and 1923, up to the end of May?

(*b*) How many of such dacoities were committed by Pathans and how many by other than Pathans?

(*c*) How many of the victims of these dacoities were Hindus, Mahomedans, Parsis, Indian Christians and Europeans respectively?

(*d*) In the case of how many of the dacoities could the perpetrators be traced and punished in a court of Law?

The Honourable Sir MAURICE HAYWARD: Statements† giving the required information are laid on the Table.

The Honourable the PRESIDENT: Before honourable members resume the discussion of the Children's Bill I should like to inform them that I have received a letter from the honourable member Mr. R. G. Pradhan asking for my consent to allow him to apply for leave to move the following motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance:—

"That the business of this Council be adjourned to discuss a definite matter of urgent public importance, *viz.*, to request the Government to forward to the Government of India the considered opinion of this Council that full provincial autonomy or responsible Government be established in this Presidency."

I should like to invite the attention of honourable members to the Rules and Standing Orders that govern all motions dealing with the adjournment of the House to discuss a definite matter of urgent public importance. The Rule which applies is Rule 12. It runs as follows:—

"The right to move the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely:—

(*ii*) not more than one matter can be discussed on the same motion, and the motion must be restricted to a specific matter of recent occurrence."

In view of this rule only such urgent matters as are of recent occurrence can alone be discussed on a motion for adjournment. Obviously the subject matter of the motion of which notice has been received is not a matter of recent occurrence.

The reason why this restriction has been imposed appears to me to be that the ordinary procedure of giving notice of resolutions should not be mixed up with motions for adjournment. There may be a difference of opinion as to what constitutes a matter of recent occurrence; but it cannot be disputed that the occurrence must have taken place at the latest, within 15 days of the beginning of the session, 15 days being the time required for the notice of resolutions. The idea underlying this is

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

† *Vide* Appendix No. 29.

[The President]

that in those matters of urgent public importance for which adjournment could be moved, it would not be possible for an honourable member to utilise the ordinary Rules and Standing Orders for giving notice. In this case the subject has been before the House for a considerable time and any honourable member could have given notice of a resolution within the time allowed in order to bring it before the House. I realise that the difficulty in that case might have been that it did not obtain a high place in the ballot. But provision has been made in the Rules and Standing Orders that in certain cases priority can be obtained for a motion which is on the agenda paper. Looking to all these points it appears to me that the remedy sought for by the honourable member is inapplicable under the Rules and Standing Orders; and it is not possible for me to give him my consent.

Question again proposed:

Add the following words at the end of clause 16, sub-clause (1):

"Provided that if the said child or young person is in the custody or control of a zenana or *pardanashin* lady, the Magistrate shall only issue a sub-poena and the person to whom sub-poena is issued shall be deemed to have complied with the requisition if instead of personally attending she causes the said child or young person to be produced in Court."

Mr. A. MONTGOMERIE: Sir, I think the aim of this amendment is met by the previous amendment which has been accepted by the House. In the course of discussion on the last amendment, it was pointed out that in cases of ill-treatment of children it would be imperative to issue a warrant at once. In all such cases when a report is made to the magistrate, by the last amendment he is given the discretion to issue a summons. This amendment would unduly limit the power of the magistrate. I would point out that many of the cases are such as would naturally call for the issue of a warrant.

To prohibit the magistrate from issuing warrant in cases mentioned in the amendment would be to limit his power in a dangerous way. There are some clauses already in the Criminal Procedure Code under which he has got to issue warrants.

Mr. B. G. PAHALAJANI (Western Sind): In order to meet the difficulty raised by the honourable member the Home Secretary and at the same time to accept the amendment, which is an extremely desirable one, it would meet the purpose of this case, if we retain the amendment as it is and substitute the word 'ordinarily' for the word 'only'.

The Honourable the PRESIDENT: Your suggestion is to substitute the word 'ordinarily' for the word 'only'.

Mr. B. G. PAHALAJANI: I will just show that the word 'ordinarily' alone will meet the requirements of the whole case. After passing sub-clause (1) as amended, if we pass this amendment, namely, that the magistrate shall ordinarily issue a summons, there is no difficulty in conforming sub-clause (1) to sub-clause (2). Sub-clause (1) provides that a man or a woman should come before the court and produce the child. The present amendment of Mr. Nariman tries to prevent the contingency of a zenana lady or a *pardanashin* woman being compelled to attend the court for production purpose only and it is

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laid down in clear wording that in the case of a zenana or *pardanashin* lady, sufficient compliance is to be deemed to have been made if the child is produced before the court. This amendment does not prevent the guardian being subjected to the provisions of clause 9 of the bill and punished. Clause 9 is the penal clause and under that clause a zenana lady or a *pardanashin* lady is as liable to be convicted as any other. This amendment is only intended to enable her to produce the child through a person other than herself. Therefore I think that if the word 'ordinarily' is put in for 'only' the difficulty will be met.

The Honourable Sir MAURICE HAYWARD: I accept that.

Mr. K. F. NARIMAN: I accept it. I ask for leave to substitute the word 'ordinarily' for 'only' in my amendment.

Question put and leave granted for amending the amendment.

Amendment put

Add the following words at the end of clause 16, sub-clause (1):

"Provided that if the said child or young person is in the custody or control of a zenana or *pardanashin* lady, the Magistrate shall ordinarily issue a summons and the person to whom such summons is issued shall be deemed to have complied with the requisition if instead of personally attending she causes the said child or young person to be produced in Court."

and carried.

Mr. B. G. PAHALAJANI: 'Lady' is not a legal word. We may change it into ' woman' .

The Honourable the PRESIDENT: That is merely a verbal alteration: the Home Department will take note of the suggestion, and if they want it, propose the change at the third reading.

Mr. B. K. DALVI: I have handed over another amendment.

The Honourable the PRESIDENT: How can I admit amendments at this late stage?

Mr. B. K. DALVI: I have sent in an amendment to Mr. Nariman's. I had put it there.....

The Honourable the PRESIDENT: I cannot reopen a question which has been voted upon. I am very sorry: it is not my fault. I have put the amendment to the vote.

Mr. B. K. DALVI: It was placed there before the amendment was put to the vote.

The Honourable the PRESIDENT: I have given all possible indulgence to honourable members in this matter. My attention was not drawn to it early enough. I have now put the amendment to the vote, and it has been declared carried and I cannot go back.

An Honourable MEMBER: There is a verbal alteration required in this clause. 'She' ought to be 'he or she'.

Mr. A. MONTGOMERIE: Under the General Clauses Act, a word covering the masculine will apply to the feminine.

Clause 16 as amended ordered to stand part of the bill.

*Clause 17 (Compensation for false and frivolous or vexatious information).*

17. (1) If in any case in which an information has been laid by any person under the provisions of section 16 the Magistrate after such inquiry as he may deem necessary is of

opinion that such information was false and either frivolous or vexatious the Magistrate may for reasons to be recorded in writing direct that compensation to such an amount not exceeding one hundred rupees as he may determine be paid by such informer to the person against whom the information was laid.

(2) Before making any order for the payment of compensation the Magistrate shall call upon the informer to show cause why he should not pay compensation and shall consider any cause which such informer may show.

(3) The Magistrate may by the order directing payment of the compensation further order that in default of payment the person ordered to pay such compensation shall suffer simple imprisonment for a period of 30 days.

(4) When any person is imprisoned under sub-section (3) the provisions of sections 68, and 69 of the Indian Penal Code, 1860, shall so far as may be apply.

(5) No person who has been directed to pay compensation under this section shall by reason of such order be exempted from any civil or criminal liability in respect of the information given by him but any amount paid as compensation shall be taken into account in any subsequent civil suits relating to such matter.

(6) An informer who has been ordered to pay compensation exceeding fifty rupees may appeal from the order as if such informer had been convicted on a trial held by the Magistrate directing the payment of compensation.

(7) When an order for the payment of compensation is made in a case which is subject to appeal under sub-section (6) the compensation shall not be paid to the person ordered to receive it before the period allowed for the presentation of the appeal has elapsed or if an appeal is presented before the appeal has been decided and where such order is made in a case which is not subject to appeal the compensation shall not be paid before the expiration of one month from the date of the order.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Sir, I beg to move:

In clause 17, sub-clause (1), after the word 'exceeding' in line 12, substitute the words 'five hundred' in place of the words 'one hundred'; and in line 15, the following should be added after the words 'was laid':—

'and may direct prosecution against such informant under section 182 or 211 of the Indian Penal Code.'

Sir, I moved this amendment in the select committee, but for the reasons stated in the report, it was not accepted. My reason for pressing it is, although this is an Act for the benefit of children, at the same time I do not believe that it is an Act which wants Government not to protect parental rights. Sir, in this respect we ought to be very careful. At the same time as we do something good to the public, we must remember that we should not give a handle to people who want to play mischief with respectable people. There have been instances in Bombay where respectable but poor people were harassed, and such instances are not infrequent. It has often been said that magistrates have power to direct that proceedings be taken against people who make frivolous complaints, but we all know that it is very seldom that magistrates direct that action should be taken against such persons. It has always been left to the party aggrieved to make an application. Where the parties are poor but respectable people it has often been that they are in the first instance even unable to bear the cost and it becomes impossible for them to get a sanction. We all know the delays occurring in the law courts, and the cost to parties. When postponements after postponements are granted, poor people are practically ruined. In order to ruin these respectable and poor people, some mischievous people put in frivolous applications, and these poor people are ruined in defending themselves, and as far as the mischief-mongers are concerned they go scot-free. Sir, I gave one instance in the select committee, and I do not wish to repeat it here But there have been instances where people were dragged from their homes

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by obtaining warrants against them, and cases have proceeded against them for days and months. In some cases big people have remained in the background and put up penniless complainants; and the result has been these respectable but poor people are ruined and the complainants go scot-freee. For these reasons I wish to press this amendment and my only view is that if you have got something in the Act itself, it may probably help people to ask the magistrate to direct a prosecution without incurring the cost and it will also deter mischief-makers, for the provisions will be clearly before his eyes and the magistrate can find it out and it is for that reason that I ask the Council to accept this amendment.

Question proposed.

Mr. B. G. PAHALAJANI (Western Sind): Sir, in the interest of the bill itself I will request my honourable friend to withdraw this amendment, because so far as the second part of the amendment is concerned the magistrate may, if he thinks it a fit case, direct a prosecution against the informant under section 182 or 211 of the Indian Penal Code under his inherent powers. I think it is very clear that section 182 or 211 of the Penal Code will apply whether the provision is there or whether it is not. When any court is determining any matter, whether under the Penal Code or under any Act in which any officer is moved, the words in section 182 of the Penal Code are quite clear. Whenever any officer or public servant is given any information which the person giving the same knows or believes to be false, the offence under section 182 is complete. I mean in offences like these, there is no special power to *compel* or *permit* a magistrate to prosecute. That power is inherent in the existence of the magistrate and he can exercise that power if he chooses independently of any power being conferred on him. I do not think therefore that this addition is at all necessary because the power already exists in the Criminal Procedure Code and the Indian Penal Code.

So far as the substitution of the words "five hundred" in place of the words "one hundred" is concerned, I will only place before the House the fact that the Criminal Procedure Code, which deals with serious offences like theft, provides the highest punishment by way of compensation to be Rs. 50 only. This bill has doubled that punishment from Rs. 50 to Rs. 100, a procedure which I do not find in any other Act: to raise that from Rs. 100 to Rs. 500 would be rather preventing people to report genuine cases. Under these circumstances I hope the honourable mover will withdraw this amendment.

Mr. A. MONTGOMERIE: Sir, the first part of the amendment which increases the penalty would require the sanction of the Government of India, and so I do not think it can be allowed. In any case it will hold the bill up.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Sir, I do not understand why in this case the sanction of the Government of India is required at this stage; however, as I am not a lawyer I do not wish to discuss it but I submit that if at every stage sanction of the

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ment of India is required, then I do not know how we can proceed with the work.

With regard to the point that the honourable the Deputy President has made, I submit, Sir, that this point was raised in the select committee. I am not going to give.....

The Honourable the PRESIDENT: May I draw the honourable member's attention to the fact that ordinarily references to the select committee are not allowed in debate? Casual reference is permitted and I have allowed it. But what happened in the select committee cannot be disclosed in the debate. The honourable member can state what happened in the select committee in his own words as his own argument without mentioning the select committee.

Mr. HOOSEINBHOY A. LALLJEE: What I have proposed is not compulsory on the magistrate. What I say is that it will be entirely discretionary. The magistrate has got such powers but I have already said that magistrates are not exercising that power and they do not do it because the parties must apply for it. My point has been that poor but respectable people have been ruined in the defence and they have got no money to ask for further prosecution, and it is for that reason that I say that when you are going to take away children from parents and when people's houses are going to be searched and girls are being taken away from their mothers, then you must do something to protect them from false complaints and you must not assume that there will be all genuine complaints. It is no easy thing to cast a slur upon a young girl. When people go to ruin families, they must suffer and therefore something must be provided by which if nothing could be done by us compulsorily, at least the magistrates should have power to do it and it is the duty of this Council to direct the magistrates, when such legislation is being proceeded with, that they should protect respectable but poor people. When you think of Rs. 50 or Rs. 100 as compensation I hope my honourable friend, the honourable member for Bombay City, South, Mr. Nariman, will bear me out that a man must have Rs. 100 for one hearing if he wants to save his child and for a man who has spent much more than Rs. 100 or even Rs. 1,000, this compensation of Rs. 100 is worth nothing. The House ought not to treat this matter as a simple matter. This is an important question and I do feel, Sir, that this provision ought to be made in the bill. It is entirely discretionary with the magistrate and if he does find that families are troubled unnecessarily, then he will direct a prosecution. As the law at present stands, the magistrates generally do not direct a prosecution. I will give one instance. Very recently in an election suit in the Small Causes Court some poor but respectable men were harassed by several serious charges being preferred against them but were found false; not satisfied with that, the same serious charges were made against them again in police court by a man in the street backed up by big people and the case was being carried on for days on behalf of that man in the street by well known barristers and vakils and ultimately the charges were withdrawn. The poor people against whom several serious charges

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were made in two courts and warrants were issued could not get redress. People did suggest to them to apply for compensation but the men who were harassed were so poor and so troubled that they did not dare to proceed in the matter. Such things happen frequently and when that is so, we must protect these people. For these reasons I appeal to honourable members of this House to carry this amendment.

The Honourable Sir MAURICE HAYWARD: I submit, Sir, that Rs. 100 is a substantial fine. The arguments of the honourable mover would apply entirely to something outside this bill, and would be very good argument for an amendment of the Criminal Procedure Code. I submit that Rs. 100 is more than the ordinary limit of compensation and the select committee considered this and they thought it would not be advisable to go further in extension of the provisions of the Criminal Procedure Code.

With regard to the other part of the amendment which the honourable member has proposed, namely, the direction to prosecute, I do not think that is necessary. The magistrate can always order a prosecution and he would do so if it was a case which he thought could not be met by the Rs. 100 fine. He would order prosecution and there would be nothing for the complainant to do but to appear and support the prosecution. I think therefore that this amendment ought really to be rejected as not essentially necessary. And there is the other objection that the raising of fine from one hundred to five hundred rupees would require the sanction of the Government of India. The honourable member pointed out that it is doubtful, but that is the law, because it increases the penalty and that would mean delay in a reference to the Government of India. I refrain from raising the further question whether it would be in order to raise an amendment at this stage which requires the sanction of the Government of India.

The Honourable the PRESIDENT: I will put the first part of the amendment first, namely:

"After the word 'exceeding' in line 10 of sub-clause (1) of clause 17, substitute the words 'five hundred' in place of the words 'one hundred'."

Question put and lost.

The Honourable the PRESIDENT: I will now put the second part of the amendment:

"In line 13, the following should be added after the words 'was laid' :—
'and may direct prosecution against such informant under section 182 or 211 of the Indian Penal Code'."

Question put and lost.

The Honourable the PRESIDENT: The next amendment is from the honourable member Mr. Joshi, to sub-clause (6) of clause 17.

Mr. P. G. JOSHI (East Khandesh District): Sir, I beg to move the amendment that stands in my name which reads as follows:

"Delete the words 'exceeding fifty rupees' from sub-clause (6) of clause 17."

My amendment is very simple and there should be no difficulty in the way of its being accepted by Government. As the clause stands at

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present, Sir, if there is an order of a magistrate asking an informer to pay a compensation not exceeding Rs. 50, there is no way of redress. I think, Sir, this state of affairs is not desirable. The present bill is made applicable to the mofussil and I hope some of the provisions of this bill will sooner or later be applied to the whole of the presidency. Those honourable members who come from the mofussil and who have experience of the mofussil courts know full well how justice is administered by those courts and on what considerations their decisions are based. I therefore think that if this salutary check of appeal is removed, the decisions of the magistrates will be far from satisfactory. For this reason, Sir, this amendment is very necessary. If this part is preserved as it stands at present, the only way to an aggrieved party is to appeal to the High Court under its revisional jurisdiction. As honourable members are aware, the High Court is generally too busy with matters of greater importance and generally in 99 cases out of 100 the revisional jurisdiction appeals are thrown out by the High Court. So also, Sir, the process involved in appeals to the High Court is very expensive. For these reasons, I think, Sir, that the amendment which I move is very necessary and justifiable. As has been shown by the Honourable the Deputy President, there is a provision in the Criminal Procedure Code—section 250—which empowers a magistrate to compensate an accused to the extent of fifty rupees and that order is appealable. Similarly, Sir, I think that this order under this Act should be also made appealable and the amendment carried.

Question proposed.

Mr. A. MONTGOMERIE: Sir, the point is that the clause is practically the same as in the Criminal Procedure Code, because under the Criminal Procedure Code the right of appeal against an order of this kind is against an order of a second class magistrate. The powers under this Act are reserved entirely to first class magistrates under section 5. Secon class magistrates do not exercise any jurisdiction. So the limitation of the power of appeal is exactly the same as under the Criminal Procedure Code, section 250. That is the reason why this clause is put in. Section 250 of the Criminal Procedure Code reads thus:

"A complainant or informant who has been ordered under sub-section (2) by a Magistrate of the second or third class to pay compensation or has been so ordered by any other Magistrate to pay compensation exceeding fifty rupees may appeal from the order, in so far as the order relates to the payment of the compensation, as if such complainant or informant had been convicted on a trial held by such Magistrate."

So the provision in the bill as it stands is exactly the same as the provision in the Criminal Procedure Code, because no second or third class magistrate has any right to pass an order. I suggest it should be left as it is at present. Cases under the Criminal Procedure Code, as was pointed out in the discussion on the previous amendment, may be more serious than any cases of this kind.

Mr. P. G. JOSHI (East Khandesh District): Sir, so far as the mofussil is concerned, there is practically no difference between a second class magistrate and a first class magistrate, and I appeal to the House that the amendment which I have moved be carried.

The Honourable Sir MAURICE HAYWARD : Sir, I think the words ought to stand. It is a first class magistrate only that will act in these cases. If there was anything very serious, then it would be a question for revision.

Question put and lost.

Clause 17 ordered to stand part of the bill.

Clause 18 (*Bail of children and young persons arrested*).

" Where a person apparently under the age of sixteen years is arrested on a charge of a non-bailable offence and cannot be brought forthwith before a Court, the officer in charge of the police station to which such person is brought may in any case and shall unless the charge is one of culpable homicide or any other offence punishable with death or transportation release him on bail if sufficient security is forthcoming, unless for reasons to be recorded in writing the officer believes that such release would bring him into association with any reputed criminal.

" Provided that when any girl apparently under the age of sixteen years is arrested the officer in charge of a police station who has made the arrest or before whom the girl is produced shall release her at once if any person who in his opinion is a sufficient surety enters into a bond for such sum of money as the officer considers sufficient to produce her before the Court and to appear in her stead if required at the police station.

Mr. A. MONTGOMERIE : With regard to clause 18, Sir, I propose what is only a verbal amendment, namely ;

" Add the words ' or section ' after the words ' police station ' in line 8 of clause 18."

A police station in the mofussil is equivalent to a police section in Bombay. It is only a verbal amendment.

Question put and carried.

Clause 18, as amended, ordered to stand part of the bill.

Clause 19 (*Custody of children and young persons not discharged on bail after arrest*).

" Where a person apparently under the age of sixteen years having been arrested is not released under section 18 or otherwise, the officer in charge of the police station shall cause him to be detained in the prescribed manner, until he can be brought before a Court.

Mr. A. MONTGOMERIE : With regard to this clause, too, the same words " or section " ought to be added in line 7 after the words " police station ". I formally move, therefore, the following amendment :

" In clause 19, line 7, after the words ' police station ', add the words ' or section '."

Question put and carried.

Clause 19, as amended, ordered to stand part of the bill.

Clause 20 (*Remand or Committal to Custody*) ordered to stand part of the bill.

Clause 21 (*Attendance at court of parent of child or young person charged with an offence, etc.*).

" (1) Where a child or young person is charged with any offence or where a child is brought before a Court on an application for an order to send him to a certified school, his parent or guardian may in any case, and shall, if he can be found and resides within a reasonable distance and the person so charged or brought before the Court is a child, be required to attend at the Court before which the case is heard during all the stages of the proceedings, unless the Court is satisfied that it would be unreasonable to require his attendance.

(2) Where the child or young person is arrested, the officer in charge of the police station to which he is brought shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the Court before which the child or young person will appear.

(3) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual charge of or control over the child or young person :

" Provided that if that person is not the father, the attendance of the father may also be required.

(4) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a Court.

(5) Nothing in this section shall be deemed to require the attendance of the mother or the female guardian of a child or young person if such mother or female guardian does not according to the customs and manners of the country appear in public, but any such person may appear before the Court by a pleader or agent."

Mr. A. MONTGOMERIE : I desire to move an amendment as under :—

"In line 20, clause 21, add the words 'or section' after the words 'police station'."

Question put and carried.

Mr. A. MONTGOMERIE : I beg to move the following amendment :—

"In line 32, clause 21, substitute the words 'such parent or guardian' for the words 'that person'."

Question put and carried.

Mr. A. MONTGOMERIE : I beg to move the following amendment :—

"In line, 49, clause 21, substitute the words 'mother or female guardian' for the word 'person'."

Question put and carried.

Clause 21, as amended, ordered to stand part of the bill.

Clause 22 (*Sentences that may not be passed on a child or young person*), ordered to stand part of the bill.

Clause 23 (*Commitment of a child to a certified school*), ordered to stand part of the bill.

Clause 24 (*Power to discharge youthful offender or to commit him to suitable custody*), ordered to stand part of the bill.

Clause 25 (*Power to order parent to pay fine, etc., instead of child or young person*).

"(1) Where a child or young person is convicted of an offence punishable with fine and the Court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the Court may in any case, and shall if the offender is a child, order that the fine be paid by the parent or guardian of the child or young person, unless the Court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.

(2) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898.

(4) A parent or guardian may appeal against any such order as if it had been an order passed in proceedings against himself."

Mr. K. F. NARIMAN (Bombay City, South) : Sir, I beg to move the following amendment :—

"In sub-clause 1, clause 25, delete last clause from 'unless the Court' up to last and substitute instead 'if the Court is satisfied that the parent or guardian has either encouraged or conduced to the commission of the said offence'."

This is one of the extraordinary clauses in this bill where a father is made responsible for the payment of fine inflicted on a child or young person although in the ordinary law a man is only responsible for the commission of a crime himself or if he abets the commission of that crime. The ordinary principle of law has been departed from in this particular case and a father is made responsible for the payment of fine on his child, whether the offence is committed with or without the knowledge of the

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father, whether the father connives at it or not and whether the father abets or does not abet the commission of that crime. I think this is a departure from a very wholesome principle of law and a further safeguard is necessary. I have tried to show that a father should be made responsible only if the court is satisfied that the parent or guardian has "either encouraged or conduced to the commission of the said offence", and I hope that the amendment will be more acceptable to the House than the cumbersome construction in the clause "unless the court is satisfied that the parent or guardian cannot be found" (of course when a parent or guardian cannot be found there is no question of the payment of fine) "or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person". That again is putting a burden upon a father who, as the Honourable the Deputy President described, has to prove a negative fact which is very difficult to be proved. I hope, therefore, the amendment will be accepted by the House.

Question proposed.

Mr. D. B. ADWANI (Karachi City): Sir, I should like the honourable member from Bombay to clear up one point, namely, in case a parent does not perform his duties properly and does not take proper care of his child, is he to be allowed to go scot-free? If that point can be satisfactorily answered, it may enable us to make up our minds one way or the other.

Mr. A. MONTGOMERIE: Sir, I entirely agree with the last speaker as to what is the essence of the honourable member Mr. Nariman's amendment. It is really allowing a parent to get out of his responsibility for his own children. If a child is brought up into court for having committed an offence under this Act, I should imagine no decent father will refuse to be held responsible for the offence comitted by his own child, and to pay the fine that may be imposed upon him. *Prima facie*, we are always responsible for the children that we help to bring into the world and the amendment proposed would only mean an attempt to get rid of our responsibility in this respect. It is not a responsibility which any parent should feel to be a burden. I hope that the House will not support the amendment.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I should have been glad to have from the honourable member Mr. Nariman more information regarding his amendment. In the case of dogs, the owners are responsible for dog-biting, if it is proved that they knew that their dogs were in the habit of biting. In this case it would be rather difficult to throw the responsibility on a parent when he did not know about the criminal habits of his child. Therefore, I would support the view held by the honourable member Mr. Adwani.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I really did not expect opposition at least from this side of the House. I thought it was a principle which was well recognised that a person should not be punished for the offence of anybody else unless some sort of responsibility

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could be fixed upon him, and the words "if the court is satisfied that the parent or guardian has either encouraged or conduced to the commission of the said offence" I thought would cover all cases. There are numerous instances wherein in spite of the care and attention devoted by the parent, in spite of all that the parent could do, a child does go astray, particularly a child of sixteen years, and in spite of all the efforts of the parent, the child goes and commits an offence. In that case to throw the burden upon the parent to prove that he has exercised all due care would be rather too hard on such a parent. Instead of that, why not make him directly responsible? As soon as a court is satisfied that the parent has either "encouraged or conduced"—those are very comprehensive terms. These are very comprehensive terms which carry much further than the ordinary case of abetment. He would not be liable for punishment under the ordinary sections of the Penal Code, because it requires much more than mere inducing or encouraging. The father's responsibility, I recognise, is more than that of an ordinary abettor. At the same time, in the case of a father who has *bona fide* tried his very best to prevent the commission of an offence on the part of his child, to throw the burden on the father to prove his innocence, and to have the father punished for the offences of the child would be against all principles of law. I therefore hope that my amendment will be accepted.

The Honourable Sir MAURICE HAYWARD: Sir, I submit that if a child commits an offence and has been fined, the parent of the child ought to come up and pay the fine. Take the ordinary case of a child going and helping itself at a refreshment stall. It may be that the father is in no way responsible for it, but the father ought to pay compensation to the stall-holder. It is very easy for the father to prove that he really had not in any way induced the commission of the offence, in that case he would not be fined. Presumably, the child being in his charge, it is not a very unreasonable presumption to make that if a child does go about committing offences, the parent must be responsible for them, and I think in those cases it is not really a hardship on the parent that he should pay the fine. The child has not got the money to pay, and it is surely not unreasonable to expect that the parent should be mulcted in a small sum in order to enforce his responsibility on behalf of the child. I think the House will be well advised to leave this provision which is the provision in the English Act. I submit, therefore, that this amendment ought to be rejected by the House.

Question put and lost.

Clause ordered to stand part of the bill.

Clause 26 (*Detention in the case of certain crimes committed by children or young persons*), ordered to stand part of the bill.

Clause 27 (*Methods of dealing with children and young persons charged with offences*).

"Where a child or young person charged with any offence is tried by any Court, and the Court is satisfied of his guilt, the Court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the Court to deal with the case, the case should be dealt with, namely, whether,

(a) by discharging the offender after due admonition; or

(*b*) by committing the offender to the care of his parent, guardian, other adult relative, or other fit person on such parent, guardian, relative or person executing a bond to be responsible for his good behaviour; or

(*c*) by so discharging or committing the offender and placing him under the supervision of a person named by the Court; or

(*d*) by sending the offender to a certified school; or

(*e*) by sending the offender to a reformatory school; or

(*f*) by ordering the offender to be whipped; or

(*g*) by ordering the offender to pay a fine; or

(*h*) by ordering the parent or guardian of the offender to pay a fine; or

(*i*) where the offender is a young person, by sentencing him to imprisonment; or

(*j*) by dealing with the case in any other manner in which it may legally be dealt with:

Provided that nothing in this section shall be construed as authorizing the Court to deal with any case in any manner in which it could not deal with the case apart from this section.

The Honourable the PRESIDENT: Clause 27. To that there is an amendment by Mr. Hooseinbhoy Lalljee, but he is not present. There is another amendment by the honourable member Mr. Dev, and I call upon him to move it.

Mr. S. S. DEV (West Khandesh District): Sir, the amendment which I propose to move is:

"Drop sub-clause (*f*) of clause 27 and change the following sub-clauses into (*f*), (*g*), (*h*) and (*i*)."

I find that in considering some of the clauses of the bill, the House has become a little dull to-day, but I hope this sentence of whipping will arouse the House. The sentence of whipping, wherever it obtains, is barbarous and in the case of children it is also cruel We, who are out to protect our children, must protect them from being whipped. Are you going to inflict the punishment of whipping on children in the manner in which you whip hardened criminals? If a father were to whip his child—I cannot contemplate such a case, because no father would be so cruel as to whip his child—we would immediately haul him up before a magistrate under clause 9 for having ill-treated his child. A thing which we would not allow a father to do we ourselves must not be prepared to do. I do maintain that whipping is cruel wherever it obtains. I do not know whether whipping is allowed in England, but if it is, I shall be surprised to hear it.

An Honourable MEMBER: Whipping exists in England.

Mr. S. S. DEV: Wonderful, but we are not going to imitate England in the matter of whipping. We may have much to learn from England, but let us teach England that whipping ought to be abolished. Therefore, I again say that we must delete this clause. You have other methods of correcting a child. I could understand if you had provided caning, just as a school-master does.

The Honourable Sir MAURICE HAYWARD: Whipping is caning.

Mr. S. S. DEV: Whipping in the fashion in which you whip prisoners on their bare buttocks is not, I think, caning like a school-master. If you are going to whip a child just as they whip prisoners in jail, or

[Mr. S. S. Dev.]

criminals outside, I strongly oppose it and I hope that the whole House will support my amendment when it is put to vote by saying "Aye" to it, a little more loudly.

Question proposed.

Mr. A. MONTGOMERIE: Sir, I rise to oppose the amendment moved by the honourable member for West Khandesh (Mr. Dev). This clause does not give any new power to the magistrate. It is merely provided for the guidance of the magistrate; it is an enumeration of the methods of punishment which are laid down under the law. Whipping will not be inflicted *under* this Act. It is already provided under the Whipping Act. It merely states what are the legal methods of punishing a child; it does not give any new power. If it is suggested that this is entirely a new provision, then it is entirely wrong. It would be bad draftsmanship to leave it out. It is meant to be an enumerating clause, which expresses the various measures under the law by which a child can be punished. I think the honourable member has drawn a terrifying picture of this method of administering punishment to juvenile offenders. So far as I remember my criminal law, it is laid down that the punishment of whipping in the case of children shall be administered in the way of school discipline. I think if the honourable member looks up his law books again, he will find that whipping in the case of juvenile offenders is to be administered in the way of school discipline. As for the horrible effects of whipping in youth I think there are few among my compatriots who could rise in their places and say that they had escaped the effects of caning at school or of the parental rod. I think, on the whole, the picture that the honourable member has drawn is somewhat exaggerated. In any case, this section does not give anybody any new power which they do not already possess. It would be bad draftsmanship if we omit one particular form of punishment which is admissible under the general law.

Mr. M. R. JAYAKAR (Bombay University): Sir, I rise to support the amendment, and I do so with all the emphasis at my command. I regret I could not follow the Home Secretary in the light-hearted manner in which he has dealt with this question. I can assure him that so far as the Indian members of this House are concerned, wherever the word "whipping" of Indians occurs in our legislation we shall resist its perpetuation to the last drop of our blood. There are reasons why our feelings should be so poignant in this matter. The causes are historical why this form of punishment is detested by Indians. What they are, I will not mention in detail here. I will merely state that some of us have seen, *e.g.*, in the Punjab massacre, what the whipping of Indians means. That memory has clung to our minds as the grossest humiliation and brutality. Speaking for my Party, we will resist with every nerve and fibre any attempt to introduce or perpetuate in our criminal legislation the punishment of whipping. We are told that whipping means nothing but caning. I can assure the honourable the Home Secretary that there is no form of punishment which strikes at the root of Indian self-respect with greater affront and brutality. Unfortunately I have seen

[Mr. M. R. Jayakar.]

this in person. Probably the honourable the Home Secretary has not seen it outside prisons. If any honourable member wishes to know what whipping can be degraded to, let him go through the Congress Committee's report on the Punjab massacre; and he will find how bestial it can become in the hands of a vile autocrat. I therefore submit that as this question involves the self-respect of the Indian people, the Government will not unduly press their view. I hope every member of this House will support my view.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir, I rise to support the amendment and fully endorse every word that has fallen from the honourable member for the Bombay University. He told us that he had seen whipping outside the jail and has given us the instance of the Punjab affairs. I would go further and say that I have personally seen whipping within the jail itself. It is the worst kind of punishment that can be inflicted on an Indian, as it takes away the self-respect of the man. As a self-respecting Indian I would not join hands in passing such a legislation. I have seen cases where whipping is resorted to, it has made criminals worse instead of effecting any improvement. Such kind of punishment is sure to break the spirit of the man and strike at the root of his self-respect. It is but fair and proper that the House should protest against it and show the strength of the feeling by passing the amendment unanimously.

Mr. K. F. NARIMAN (Bombay City, South): Sir, this is a sub-section which, quite apart from those dealing with the protection of children, deals with the procedure when children are charged with offences. Government wish to protect the children and the protection they wish to offer is by the method of whipping. As the honourable member the leader of my party pointed out, whipping not only inflicts bodily injury but it takes away self-respect. I have been wondering at the unreasonable attitude adopted by Government benches for small concessions we have been asking for such as that a father should not be charged with deliberate neglect of his children. They are strongly opposed to such innocent concessions on the ground that children ought to be protected; and at the same time they are advocating a method of punishment which, as rightly said by the honourable leader of my party, is at once brutal and bestial. I hope the Government benches will gracefully accept the demand of the House. What is the demand? Is there no other punishment? The aim of the Act is to ensure the moral and physical welfare of children, and to protect them from any ill-treatment or infliction of cruelties upon them. The sub-clause that is now vehemently supported by Government is for inflicting what is known as the brutal and barbarous punishment of whipping upon children under 16 years of age. My honourable friend the leader of our party has told you that he has himself seen the infliction of that punishment. I wonder how there can be humanity in the man who inflicts this punishment. I have also seen this brutal punishment inflicted in my professional capacity. At such a sight our feeling runs so high that we are even on the verge of committing a breach of

[Mr. K. F. Nariman.]

peace and feel inclined to inflict that punishment on the very man who inflicts whipping. I wonder how so many people who have whipped have escaped being whipped at public places. Looking to the sentiment of the House, I hope Government will gracefully accept the amendment.

The Honourable Sir MAURICE HAYWARD : I am sorry, Sir, that matters of prejudice have been introduced in the discussion. This is a question of children and not grown up people. If honourable members will be so kind as to read the clause which we have already passed, they will find that they have already provided for this form of punishment under sub-clause (4) of clause 9. It would be unfair to punish the parent for administering minor school discipline to children. Therefore sub-clause (4) of clause 9 reads as follows :—

(4) Nothing in this section shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child or young person to administer punishment to such child or young person.

In that the punishment contemplated is the punishment of whipping. I want to remove another misapprehension. There is a misapprehension in the minds of certain honourable members that whipping is something like flogging with a cat-o'-nine tails. It is not that. In the case of children it is nothing more than in the form of a school discipline. Section 392 of the Criminal Procedure Code lays down the form in which whipping should be administered. The term whipping is simply a technical term. The Criminal Procedure Code lays down all forms of punishment and among others it lays down how the sentence of whipping is to be administered for children over 16 years of age : Whipping should be inflicted with a light ratan not more than half an inch in diameter—a very thin cane. In case of children under 16 years of age it should be administered in such a way and on such part of the person and with such instrument as the local Government directs. I have not got the direction here ; but in the case of persons under 16 years of age it has been prescribed that it shall be administered in the way of school discipline. The cane will be light and if at all the punishment is administered it will be in the form of school discipline. Now, of course that is a question on which there is a great deal of controversy whether it is a good thing to whip a child or not. There is the old adage, 'spare the rod and spoil the child'. Well, there are a great many people who are in favour of that : and there are other people who say 'No : it is not a good thing to whip a child. If you whip a child once, he will require to be whipped again.' I think most probably the truth is between the two. You have got to see what the child is like. Some children you can whip with advantage and do not want to be whipped again. There are other children, whom if you whip will do again the very thing you do not want them to do : you may whip them five or six times, and they won't improve. The magistrate has got to be a man of some sense, and he has got to decide whether it is going to be of any use. He is not going to whip a child if it is not going to be of any use. The special magistrates who will try them will not inflict this sort of punishment except in cases where it

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might be of some use. I might remind members that this clause will apply to all castes and communities and it will apply to Europeans as much as to anybody else.

I think as the law now stands, as we have the Whipping Act, this is not the place to raise this question. It will be time to do so when the Whipping Act comes in for amendment, and that will be the occasion when members can move the question of excluding whipping from the Act. But you cannot do it here practically, because it is only a recital of what a magistrate can do under this and other Acts. It does not give him any power: it merely mentions that he has this power under another Act. Even if you exclude it from this Act, he has still that power under the Whipping Act. I quite sympathise with people who think that we should get rid of whipping. I do not agree with them, but I sympathise with them. But this is not the time to raise that question: it will be time for it when the Whipping Act is up for discussion. It is only here a question of draftsmanship: it is merely recited as one of the things which a magistrate has power to do. If you want to get rid of whipping go to the Whipping Act. I hope honourable members will leave this as it is.

Mr. D. B. ADWANI (Karachi City): Sir, I have listened to the remarks of the Honourable the Home Member, but I am not convinced at all by what he said. He pointed out in the first instance that this is merely a recital of the power which already exists. Honourable members will remember that only a very short time ago, the Honourable the Deputy President, and, I think, the Home Secretary himself requested the honourable member (Mr. Lalljee), on the ground that the provision for punishment in the case of a wrong informer was a mere recital of a provision which already existed, to withdraw the amendment. On the same ground, and I think I am quite right in what I am saying, namely, that the honourable member, the Home Secretary, should follow his own advice and withdraw his objection to the amendment, and delete this clause. The case of punishment of a child by his own parent rests entirely on a different footing from the punishment inflicted under a law, because however sensible a magistrate may be, we must remember, Sir, that the magistrate has to inflict the punishment through somebody, and it all depends upon that particular man how that punishment is meted out. And looking to the very nature of things, I am quite certain that in the long run the punishment will be very harsh in its nature, and therefore we are determined to oppose it in every possible way.

Furthermore, even though the power already exists, I think that if that power is specifically mentioned, it will become an entirely different matter and punishments of the nature will be more frequent than if the punishment is not mentioned at all. I therefore strongly support the amendment.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): I am not convinced by the argument of the Honourable the Home Member. I think the Honourable the Home Member said that when a child is whipped it will be in accordance with school discipline. But advanced notions

[Mr. J. C. Swaminarayan]

now-a-days about school children are that they are not improved by corporal punishment. In most schools the cane has been abolished. This is bringing in the cane once more in an Act which aims at the amelioration of the children. Let not the child be subjected to this punishment. I think it will be a most serious blot to keep this in the bill which aims at the protection of children.

The Honourable Sir MAURICE HAYWARD: I would like to say, Sir, that if it is a blot on the bill, cut it out. It makes no difference.

Question put

that sub-clause (*f*) of clause 27 be deleted and the following sub-clause be renumbered (*f*), (*g*), (*h*) and (*i*),

and carried.

Clause 27, as amended, ordered to stand part of the bill.

Clause 28 (*Contribution of parent*) ordered to stand part of the bill.

Clause 29 (*Boarding out of children*) ordered to stand part of the bill.

Clause 30 (*Placing out on license*).

(1) Where a child or youthful offender is detained in a certified school, the managers of the school may at any time with the consent of the Chief Inspector, or after the expiration of eighteen months of the period of detention without any such consent, by licence permit the child or youthful offender on the conditions prescribed in this behalf to live with any trustworthy and respectable person named in the licence willing to receive and take charge of him.

(2) Any licence so granted shall be in force until revoked or forfeited by the breach of any of the conditions on which it was granted.

(3) The managers of the school may at any time by order in writing revoke any such licence, and order the child or youthful offender to return to the school and shall do so at the desire of the person with whom the child or youthful offender is licensed to live. If the child or youthful offender refuses or fails to return to the school, the managers of the school may, if necessary, arrest or cause to be arrested the child or youthful offender and take him or cause him to be taken back to the school.

(4) When a licence has been revoked or forfeited and the child or youthful offender refuses or fails to return to the school, the Court may, if satisfied by information on solemn affirmation that there is reasonable ground for believing that his parent or guardian could produce the child or youthful offender, issue a summons requiring the parent or guardian to attend at the Court on such a day as may be specified in the summons and to produce the child or youthful offender, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be punished with a fine which may extend to fifty rupees.

(5) Where a parent or guardian is directed to pay a fine under this section the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898.

(6) The time during which a child or youthful offender is absent from a certified school in pursuance of a licence under this section shall be deemed to be part of the time of his detention in the school: provided that, where a child or youthful offender has failed to return to the school on the licence being revoked or forfeited, the time which elapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the school.

Mr. B. K. DALVI (Belgaum District): Sir, I beg to move:

In clause 30, sub-clause (1), delete the words 'or after the expiration of eighteen months of the period of detention without any such consent', and add at the end of the sub-clause 'with a view to educate him or train him for some useful trade or calling.'

I will first of all deal with the first part of the amendment. I cannot quite follow why this period of 18 months is mentioned at the expiration of which the managers of a certified school could at their discretion license out a child or young person to any respectable or trustworthy person. I do not think the period of 18 months makes any difference.

[Mr. B. K. Dalvi]

Perhaps it might be argued that if within that period the child or the young person improves, then that discretion should be given to the managers of the certified school. But in that case I submit that it would not go very difficult to obtain the consent of the chief inspector, which can even be obtained within a very short period. But if you remove that controlling authority and the control which is exercised through the chief inspector then, of course, that discretion is likely to be abused by the managers of the certified schools. So if the responsibility that exists to consult the chief inspector before the child or young person is so handed over is done away with, then I think the powers that are given to the managers are likely to be misused. Besides in a similar provision of the Bengal Act, *viz.*, section 33, this period is not mentioned, and I do not think why that period should be mentioned in our Act.

As regards the second amendment, I want to add certain words with a specific object, *viz.*, that this handing over of the child or licensing out of the young person with a respectable or trustworthy person should be done with some object. We know that the child or young person who is detained in a certified school gets some training or education. But if it is to be removed and handed over to a person howsoever respectable he may be there is no guarantee under the present Act that the child or young person will have similar prospects by such removal. I do not want the child to be removed to that respectable person, without any such guarantee forthcoming and I therefore want to add these words 'with a view to educate him or train him for some useful trade or calling.' I want to add these words with a view that the child should have a better training or education. I submit that a similar provision does appear in section 33 of the Bengal Act. However I have improved the wording of the Bengal Act by adding the words 'with a view to educate him'. These words do not appear in the Bengal Act. But I have added them in the present section because in the definition of certified schools we have included educational institutions also. So under the present Act in a certified school a child or a young person may get education or training of some calling or industry; so if it is to be removed at all it must be with a view to give the child better training or education. I have therefore proposed this amendment; I do not think Government will have any objection to accept the amendment proposed.

Question proposed.

Mr. A. MONTGOMERIE: Sir, we have no objection to accept the second part of the amendment. But as regards the first part we leave it entirely to the House to decide. I do not see any real reason why the honourable mover wishes to bind the discretion of the managers. The reason why the words 'or after the expiration of 18 months of the period of detention without any such consent' are put in is that we think that the school manager has a better idea whether the child or young person is fit to be permitted to live with any trustworthy or respectable person. Why should we cast any reflection on the managers of the schools? Before the end of 18 months the child or young person can be permitted to

[Mr. A. Montgomerie]

live with a trustworthy or respectable person, only with the consent of the inspector. But at the end of 18 months the manager of course is in a position to know whether the child can be safely let out and therefore I do not see any particular objection to the period of 18 months. It gives a little more power and authority to the managers of outside institutions.

Mr. B. K. DALVI (Belgaum District): Sir, if the second part of my amendment is accepted, I will not press for my first part, and I will withdraw it with the permission of the House.

Question put and leave refused.

*(After recess.)*

The Honourable the PRESIDENT: I should like to inform honourable members that the amendment we are discussing is that of the honourable member from Belgaum, Mr. Dalvi, to clause 30, sub-clause (1). The amendment is in two parts. Government have expressed their intention to accept the second part. Therefore if any honourable member wishes to address the House on the first part he should do so.

MOULVI RAFIUDDIN AHMAD (Central Division): Mr. President, I do not think that there is any necessity for this period of 18 months. I do not see any particular advantage in having that period so prominently mentioned in the clause. I have not heard any sound argument urged with regard to its retention. Of course, it is natural for the mover to wish that whatever he has drafted should be retained, but I do not think that it is always right to keep what is already in the draft. On the contrary very often it is necessary that it should be fully discussed and if found defective, then it should be removed. I think the best thing on the part of Government benches is to accept this amendment. I think that it would be wise on the part of the Honourable the Home Member to accept the first part of the amendment when he has accepted the second.

Mr. B. K. DALVI: I have nothing to add in reply.

The Honourable Sir MAURICE HAYWARD: Sir, I understand the honourable mover does not press the first part of his amendment but that the House refused to grant him leave.

Mr. B. K. DALVI: As the House refused me permission to withdraw the first part of my amendment, I want to press for the amendment as a whole.

The Honourable Sir MAURICE HAYWARD: It does not matter really very much. I think, Sir, in this clause we have followed the English Act where the managers of certain certified schools are allowed after 18 months to themselves admit the child to be on license and I think it is quite reasonable to allow the managers of certified schools this permission. Before the school is certified the executive has got to be satisfied that they are properly managed schools, and I do not see any particular harm in the retention of these words. I submit to the House that they may well just allow this permission to the managers of the schools.

The Honourable the PRESIDENT: I will first put the first part of the amendment to the vote, namely:

"In clause 30, sub-clause (1), delete the words 'or after the expiration of eighteen months of the period of detention without any such consent'."

Question put and carried.

The Honourable the PRESIDENT: I will now put the second part of the amendment, namely:

"Add at the end of sub-clause (1), clause 30, the words 'with a view to educate him or train him for some useful trade or calling'."

Question put and carried.

Mr. S. S. DEV (West Khandesh District): Sir, I beg to move the amendment that stands in my name. It runs thus:

"In clause 30, sub-clause (1), after the words 'respectable person', add the words 'of the same religious denomination as the child'."

You know, Sir, that in adopting the definition of a "fit person" we have allowed the addition of a clause "which undertakes to bring up or to give facilities to bring up any child entrusted to its care in conformity with the religion of its birth". Now here we allow the managers of a school to permit a child to live with any trustworthy and respectable person. It is absolutely necessary in this case, when we allow a child to live with any individual, howsoever trustworthy and respectable he may be—in fact it is imperative—that that respectable and trustworthy person should belong to the same religious denomination as the child. It is a simple matter and I think, just as Government gracefully accepted the amendment with regard to the definition of a "fit person" they would be pleased to accept this amendment also.

Question proposed.

Mr. B. K. DALVI (Belgaum District): Sir, I think my honourable friend Mr. Dev will have to withdraw his amendment when he reads sub-clause (4) of clause 47. It reads thus:

"Where a child or a youthful offender is boarded at or is permitted by licence to live with any other person the manager of the school shall select for this purpose a person of the same religion as the child or youthful offender or a person who gives a satisfactory undertaking that the child or the youthful offender shall be brought up in accordance with the religion of such child or youthful offender."

So I think, Sir, this has already been provided for in sub-clause (4) of clause 47 and I therefore consider that my honourable friend Mr. Dev need have no apprehensions in the matter.

Mr. A. MONTGOMERIE: Sir, I think the honourable member for Belgaum district (Mr. Dalvi) has put the thing correctly when he stated that the suggested amendment is already in the bill, namely, in clause 47, sub-clause (4). That sub-clause was specially put in to meet exactly this case. It already covers the difficulty pointed out by the honourable member Mr. Dev.

Mr. S. S. DEV (West Khandesh District): Sir, when I moved my amendment I had already in my mind sub-clause (4) of clause 47. But sub-clause (4) does not cover the whole of my point. If you read it carefully, you will find that it first requires that the manager of the

[Mr. S. S. Dev]

school shall select a person of the same religion and then it goes on to say "or a person who gives a satisfactory undertaking, etc". In this case I do not want that that child should be entrusted to a respectable or trustworthy person of a different denomination even if he gives an undertaking. This clause empowers the managers of a school to allow a child to live with an individual who may be considered respectable and trustworthy but who may not be of the same religion. That person, I submit, ought to be of the same religious denomination. Under sub-clause (4) there is an alternative provision that that person may give an undertaking and may not belong to the same religious denomination. I don't want it. I want this to be definitely stated that that person must be of the same religious denomination and no other.

The Honourable Sir MAURICE HAYWARD: I submit, Sir, that this will be a pity. The object of clause 30 is to enable the managers of a school by license to permit a child to live with any trustworthy and respectable person with a view to its education or training in some useful trade or calling. It is not always possible to find a person of the same denomination as that of the child to carry out the training in that particular trade and I think it may be very desirable to license him out to learn his trade with some respectable and trustworthy person even though not of the same denomination. He may be able to give him the necessary religious facilities though not of the same religious denomination. That is what the select committee provided by sub-clause (4) in clause 47, which they specially inserted. I think, Sir, that in the interests of the training of the children this amendment ought to be rejected.

Question put and lost.

Mr. B. K. DALVI (Belgaum District): Sir, the amendment which stands in my name and which I now beg to move is as follows:

"In clause 30, sub-clause (4), line 37, add after the word 'on', the following words, namely, 'oath or'."

This is a formal amendment and was, as a matter of fact.....

The Honourable Sir MAURICE HAYWARD: I would accept this amendment, Sir.

Question put and carried.

Clause 30, as amended, ordered to stand part of the bill.

Clause 31 (*Penalty for abetting escape of youthful offender or child*) ordered to stand part of the bill.

Clause 32 (*Period of detention*) ordered to stand part of the bill.

Clause 33 (*Discharge and transfer*) ordered to stand part of the bill.

Clause 34 (*Establishment and certification of schools*) ordered to stand part of the bill.

Clause 35 (*Management of schools*) ordered to stand part of the bill.

Clause 36 (*Inspection of schools*) ordered to stand part of the bill.

Clause 37 (*Power of inspectors*).

"A certified school shall be liable to inspection at all times and in all its departments by the Chief Inspector and by the Inspector and Assistant Inspector."

Mr. L. B. BHOPATKAR (Poona City): Sir, the amendment that I propose is in these terms:

"In clause 37 at the end should be added 'and by the members of the Bombay Legislative Council and by such members of the Legislative Assembly and the Council of State as represent the Presidency of Bombay therein'."

I think, Sir, that it is not only a small amendment, but it is also an amendment that is desirable from all points of view. The bill being a new bill, everybody is rather apprehensive about its operation when it becomes an Act. Secondly, it must also be borne in mind that, the Legislative Council being the ultimate custodian of the interests of the public, so far as legislation is concerned it is its duty to verify that every Act, which it passes, is given effect to according to its spirit. And, thirdly, for the due and proper operation of this Act it is absolutely essential, at least in its initial stages, to associate as far as possible public opinion therewith.

On these three grounds, I submit, Sir, that this amendment should be accepted by the House.

Question proposed.

Mr. A. MONTGOMERIE: I suggest, Sir, that this amendment seeks to introduce a somewhat new principle in the constitutional law. I do not remember any English Act which appoints the whole number of the members of Parliament as visitors to such institutions. That would mean that any charitable or other institution or private agency conducting schools would have added to its list of visitors all the members of the Bombay Legislative Council and representatives of Bombay in the Legislative Assembly and the Council of State. I do not think any private institution, even though it is ready to receive children under this Act, would desire anything of the kind. Government will naturally under section 52 appoint visitors to these institutions just as in the case of jails, etc. I think it would be most undesirable constitutionally to make a rule that membership of the legislature confers the right of inspection of public or private institutions which would in any way function under this Act. I feel that the sense of the House will reject this amendment.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I agree with the honourable member, the Home Secretary especially, with the argument which he has put forward, that it would be introducing a very new element into the constitution should we accept the amendment. I am sure such of the members of this Council as are interested in particular institutions of this kind will be permitted to visit those institutions as visitors, and under those circumstances I hope my honourable friend will withdraw his amendment.

Mr. L. B. BHOPATKAR (Poona City): Sir, I really fail to see what constitutional point is involved in the amendment which I have proposed to clause 37. As far as I know constitutional law, I do not see that any principle of that law will be violated, if my amendment is accepted by the House. As to the objection, namely, that there will be a plethora of visitors, and no public or private institution will relish the idea of the members of the legislatures visiting and inspecting the institution, I should say, Sir, that if it can and will have to tolerate the inspectors or

[Mr. L. B. Bhopatkar]

assistant inspectors appointed by Government, certainly it will, with much more willingness, tolerate the members of the legislatures, and especially the members living near by as its inspectors. There is absolutely nothing, so far as I see, that should weigh with the Government for not accepting the amendment. On these grounds, I submit that the amendment should be accepted by the House.

The Honourable Sir MAURICE HAYWARD: Mr. President, I am sorry that I do not think I ought to accept this amendment because certified schools of a private nature would thus be open to be inspected by any member of this honourable House. I do not suggest that honourable members of this House would not in general be welcome but there would be practical difficulties, and I think that is really the question, the practical point. You would have charitable Hindu orphanages. I do not know that they would altogether welcome being inspected in detail by members who are not of the same religious persuasion. You would have charitable Mahomedan orphanages. I do not know that it would be altogether appropriate that the inspection should be conducted by the Hindu members of the Legislative Council. I think that the suggestion already made that the visitors should be selected under the rules to be framed under the Act will meet the case. Under clause 52 (c) (the appointment of visitors and their tenure of office) it is proposed to appoint visitors to all these certified schools and we should naturally appoint members representing the division or the place where the schools are and I think that that really would meet the case. It is really not much use asking honourable members from Sind to come down and inspect certified schools in Poona and Bombay. What we should do is, we should appoint separate visitors as required for Sind and Bombay. I think it would be advisable not to make the amendment proposed.

Question put. House divided. Ayes 44; Noes 33. Motion carried.

*Division No. 5.*

**Ayes.**

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ADWANI, Mr. D. B.
BAPTISTA, Mr. J.
BHOPATKAR, Mr. L. B.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DADACHANJI, Dr. K. E.
DALVI, Mr. B. K.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
GUNJAL, Mr. N. R.
JAYAKAR, Mr. M. R.
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KAMBLI, Mr. S. T.
KARKI, Mr. M. D.
KAZI ISAITULLAKHAN
LALLJEE, Mr. HOOSENBHOY A.
MANSURI, Khan Saheb A. M.
MAVALANKAR, Mr. G. K.
MEHTA, Dr. M. M.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NAVLE, Mr. N. E.
NEKALJAY, Mr. R. S.
PATEL, Mr. D. N.
PATEL, Mr. G. I.
PATIL, Mr. D. R.
POWAR, Mr. M. B.
PRADHAN, Mr. G. B.
PRADHAN, Mr. R. G.
SAHEBA, Mr. H. D.
SAPTARSHI, Mr. C. M.
SARDESAI, Mr. S. A.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHINDE, Mr. R. D.
SHIVDASANI, Mr. H. R.
SURVE, Mr. A. N.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
THAKERSI, Mr. PUNJABHAI
VELKAR, Dr. M. R.

*Tellers for the Ayes:* Mr. L. B. BHOPATKAR and Mr. H. R. SHIVDASANI.

Noes.

| | |
|---|---|
| Ahmad, Moulvi Rafiuddin | Jadhav, the Honourable Mr. B. V. |
| Bhutto, Khan Bahadur S. N. | Jehangir, the Honourable Mr. Cowasji |
| Bunter, Mr. J. P. | Kanga, Mr. J. B. |
| Chatfield, Mr. G. E. | Kay, Mr. J. A. |
| Dabholkar, Mr. V. A. | Lawrence, the Honourable Mr. H. S. |
| Dehlavi, the Honourable Mr. A. M. K. | Mahomed Ayub Shah Mahomed Khuhro, Mr. |
| Fernandez, Dr. Cosmas | Mehta, the Honourable Mr. C. V. |
| Framji, Mr. K. S. | Montgomerie, Mr. A. |
| Ghosal, Mr. J. | Owen, Mr. A. C. |
| Ghulam Hussain, the Honourable Khan Bahadur Shaikh | Painter, Mr. H. L. |
| Gibson, Mr. R. E. | Pratt, Mr. F. G. |
| Grantham, Mr. V. A. | Sayed Ghulam Nabi Shah |
| Griffiths, Mr. V. M. | Thomas, Mr. G. A. |
| Hatch, Mr. G. W. | Wadia, Mr. N. J. |
| Hayward, the Honourable Sir Maurice | Wiles, Mr. G. |
| Hepper, Sir Lawless | Woods, Mr. E. E. |
| Hudson, Mr. L. S. | |

*Tellers for the Noes:* Mr. A. C. Owen and Moulvi Rafiuddin Ahmad.

Mr. A. MONTGOMERIE: Sir, before clause 37 is ordered to stand part of the bill, I think a small verbal amendment is necessary. I think that the words "the inspector and assistant inspector" should be changed to "the inspectors and assistant inspectors". Or else, the word "the" before the word "inspector" should be substituted by the word "an".

The Honourable Sir MAURICE HAYWARD: I move, Sir, the following amendment:

"Substitute the word 'an' for the word 'the' in line 5 of clause 37."

Question put and carried.

Clause 37 as amended ordered to stand part of the bill.

Clause 38 (*Medical inspection*) ordered to stand part of the bill.

Clause 39 (*Power of Governor in Council to withdraw certificate*) ordered to stand part of the bill.

Clause 40 (*Resignation of certificate by managers*) ordered to stand part of the bill

Clause 41 (*Effect of withdrawal or resignation of certificate*) ordered to stand part of the bill.

Clause 42 (*Disposal of inmates on withdrawal or resignation of certificate*) ordered to stand part of the bill.

Clause 43 (*Auxiliary homes*):—

"The Governor in Council may establish auxiliary homes for the reception of any inmates or any classes of inmates of certified schools or may certify any other such home heretofore established or which hereafter may be established by any other agency, and the certificate may be withdrawn or resigned in like manner as a certificate of a school and every such home shall, for such purposes as are specified by the Governor in Council, be treated as part of the school or schools to which it is attached."

Mr. A. MONTGOMERIE: Sir, I move that the word "certified" be inserted before the word "school" in line 14 of clause 43.

Question proposed.

Question put and carried.

Clause 43, as amended, ordered to stand part of the bill.

Clause 44 (*Liabilities of managers*) ordered to stand part of the bill.

Clause 45. (*Inspection of institutions for reception of poor children*):

(1) The Governor in Council may cause any institution for the reception of poor children or young persons supported wholly or partly by voluntary contributions, and not liable to be inspected by or under the authority of any Government department, to be visited and inspected from time to time by persons appointed by it for the purpose of securing the health and welfare of the children and the sanitation of the premises.

(2) Any person so appointed shall have power to enter the institution at all reasonable hours and to make a complete inspection thereof and of all registers and accounts relating thereto. Any person who obstructs him in the execution of his duties shall be liable on conviction to a fine not exceeding fifty rupees.

(3) Where any such institution is carried on in accordance with the principles of any particular religious denomination, the Governor in Council shall, if so desired by the managers of the institution, appoint, where practicable, a person of that denomination to visit and inspect the institution.

(4) Where any such institution is for the reception of girls only, the inspection shall, where practicable, be conducted by a woman.

Mr. R. G. PRADHAN (Nasik District): Sir, the amendment which I beg to move is:

"Omit clause 45."

The grounds on which I have suggested this amendment, and on which I would urge and appeal to the House to accept it, are stated in my minute of dissent and I earnestly appeal to the members of this honourable House to give it their most serious consideration. Sir, at first sight, this clause 45 looks innocent enough, and, probably, some members on the opposite benches might be wondering why I am suggesting that this clause should be deleted. If honourable members will read the clause, they will find that the object of the inspection, as stated in the clause, is to secure the health and welfare of the children and the sanitation of the premises.

At the same time in part 2 of the clause it has been stated that the inspection should be complete and should extend not only to the inspection of the premises in order to see whether the premises are in a satisfactory sanitary condition or not but also that it should extend to all papers, registers and accounts relating to institutions contemplated by the section. I really fail to see why if the inspection is intended to secure the health and welfare of the children and the sanitation of the premises, that inspection should be so comprehensive and should be so inquisitorial as to include the inspection of registers and accounts relating to the institutions. If the nature of inspection as is provided for in the second part of the section is so comprehensive, it is permissible to a man to suspect that there is something behind the section, and that under certain circumstances, at any rate, there is every possibility that the power given thereunder might be abused by over-zealous local officials. That is then my first ground, *viz.*, that the power given under this section is apt to be abused, particularly in times of political agitation, by over-zealous local officials who may have some ill-feeling against persons conducting the institution, or against persons who are actively connected with the institution. It may seem, particularly to members on the opposite benches, that to have a suspicion of this kind denotes an extraordinarily suspicious temperament. Sir, some members of this honourable House will remember that within recent times certain sections of certain pieces of legislation have been abused by over-zealous local officials.

[Mr. R. G. Pradhan]

When the Criminal Procedure Code was enacted many years ago, whoever thought at the time that section 144 of that Act would be abused as it has been abused recently in certain places ? When the District Municipal Act was enacted, who dreamt that a certain section of that Act would be abused by local officers, to prevent legitimate activities connected with checking intemperance ? And yet such things have happened. When political agitation goes on and when political feelings are aroused, a section of this kind might be abused by over-zealous and not very scrupulous officials.

My second reason for deleting this clause is that if we look to the main object of the bill this clause seems to be absolutely unnecessary. Certainly we are interested in the protection of children ; we are interested in preventing ill-treatment of children. If it is found that a child under the care of an institution is being ill-treated or neglected directly or indirectly on account of the insanitary condition in which the premises have been kept or otherwise, then the manager of that institution can be held responsible under section 9 of this Act. Section 9 which we have passed provides for ill-treatment and neglect of children. That will apply to managers of such institutions in case they do not take proper care of the children in their institutions. Therefore my submission is that if they are found guilty of having neglected children under their care, the penal clauses of the bill can be enforced against them. The main purpose of this bill is to prevent ill-treatment, or neglect of children, and that can be served by having recourse to section 9 of the Act. This clause therefore appears to be absolutely unnecessary.

My third ground for the deletion of this clause is that inspection by Government of institutions of this kind ought to go hand in hand with contribution. There should be no control, no inspection on the part of Government, until and unless that control or inspection is accompanied by financial assistance. I do not see any reason whatsoever why institutions of this kind should be inspected by Government. Why should Government be so anxious to extend their inspection to these institutions? These are the main grounds on which I appeal to the House to agree to the deletion of this clause.

I am very glad to say that my honourable friend, Mr. Jayakar, the leader of the Swaraj Party, shares my view. He opposed this clause when it came up before the Council for the first time. I may say in passing that there is not much difference between the clause as it originally stood and as it has been amended now. He opposed the clause on the ground that it was dangerous and he wondered why it had found a place in the bill. I am reminding the members of the Swaraj Party of the view of their leader and I hope they will strongly support my amendment.

Question proposed.

Mr. A. MONTGOMERIE : Sir, I rise to oppose this amendment. The honourable member who has moved the amendment has not said a word about the purpose of this clause. He simply questioned the right of the Government to inspect an institution to which they pay nothing. Government has the right to interfere in order to save the lives of children.

[Mr. A. Montgomerie]

When he talked about the retention of the second part of the clause, he knows as well as myself why it has been retained. It has been retained at the earnest desire of practically all the members of the select committee, not because we insisted upon it. In the previous debate on the bill I had drawn attention to one case, in which hundreds of children, not by ill-will on the part of those who were managing the institution, but simply by neglect of ordinary precautions, simply because of the fact that the institution was not subject to inspection hundreds of children died in that institution. It was suggested once in the course of the debate that after all the lives of those children were saved for some short time, and that an institution of that sort, which was dealing mainly with foundling children, did actually preserve their lives from what might have been the natural fate of widows' children. That is possibly true. But I would appeal to the feelings of this House whether it might not have been better for these children that they should have been strangled at birth, that they should have been murdered in two minutes rather than allowed to die a lingering death for six or twelve months. The point about institutions of this sort, Sir,.....

Mr. M. R. JAYAKAR: May I know what institution the honourable member is referring to?

Mr. A. MONTGOMERIE: I do not wish to name the particular institution, but I can give the name to the honourable member privately if he likes.

The point about an institution of this sort, or any institution which offers itself to take in small children, the point about it which gives Government a right to interfere is the fact that it holds itself out publicly to take in such children, and it is the business of the State, and I hold it is the business of this House, to see that any institution which takes upon itself that great duty should be subject to proper inspection. I brush aside as absolutely irrelevant the suggestion that was made by the honourable proposer that there is some deep and dark political scheme behind this. I can assure the House that my one interest in this bill is the interest of humanity, the interest of children. If I can leave this country with the conviction that I have done something to help any of the children to as good a life as I desire for my own children, I shall leave this country a happier man. The bill has not been introduced in order to give local officers or anybody else an opportunity of trying to enter institutions for political purposes. The bill has been introduced to preserve child life. I hold that there is absolutely no word in this section which does not represent a duty which the State ought to take upon itself, a duty the neglect of which would be a disgrace to the State. I hold that no institution should be allowed to remain responsible for the lives of small children without being subject to inspection. The best institutions, those that are conducted honestly under proper lines, have nothing to fear by any inspection. Those that are not conducted on proper lines, but whose sole fault is perhaps ignorance, have everything to gain by expert inspection such as would be offered to them, for instance, by the civil surgeon of a district.

[Mr. A. Montgomerie]

In the particular institution to which I was referring, the inspection of the civil surgeon was followed by an immediate improvement in the conditions of the institution, by the introduction of improved methods of sanitation, and by the introduction of improved methods of feeding the children. If I give you a description of the actual state of affairs which the civil surgeon found in that place, due entirely to ignorance and not to ill-will at all, it will make you almost sick. That is the state of affairs which led to these deaths. I appeal to the House, not on any political grounds, but entirely on the grounds of humanity, to carry through this section.

Mr. D. B. ADWANI (Karachi City): There is one aspect of the matter to which the honourable the Home Secretary did not refer, and that is the other side of the question. It is all very well to say that this measure has been conceived in a spirit of philanthropy, in a spirit inspired by noble sentiments; but what about the people who will put into operation the clauses of this bill? Surely the Government of Bombay is not competent to control every little thing which happens in this presidency! They already hold a form of centralised power which is unprecedented in the history of the world. We have to see what is the particular executive, the particular agency, which will be employed to see that the provisions of this particular section are properly carried out. That has not been mentioned at all. The other point is that there are clauses of the bill which give Government sufficient power to deal with cases of the sort mentioned by the Home Secretary. For example any police officer who comes to know that a particular child is not properly attended to or is being neglected he can under the clauses of this bill, when it becomes law, take that child to a place of safety or take him before a magistrate and the institution or person having the care of the child will then have to be examined. Under these circumstances, considering the fact that large powers have already been given to police officers and to magistrates, I do not see the necessity of a section of this sort, particularly when we know from experience that clauses of this nature are likely to be misused when they are actually put into operation.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, I am sorry I cannot support the proposal of my honourable friend to delete the whole clause 45. This clause was discussed in the select committee. The powers of inspection are merely confined to securing the health and welfare of the children and the sanitation of the premises. The power of inspecting all papers was taken away, and the word "registers" is kept merely because the persons who inspect.....

The Honourable the PRESIDENT: I will draw the honourable member's attention to the fact that he should not go into details as to what happened in the select committee. He can give his reasons why he approves of particular words or clauses.

Mr. G. B. PRADHAN: The registers are allowed to be inspected because the number of children admitted and the number of children who died must be made known to the person who inspects the premises. The

[Mr. G. B. Pradhan]

inspection is allowed not for interfering with the internal management of the institution, or with the way in which the institution is conducted, or with the sort of education given, but simply to secure the health and welfare of the children and the sanitation of the premises. To secure this inspection I think an expert officer ought to be admitted.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir, I am sorry I also cannot support the amendment, because this clause is for the purpose of securing the health and welfare of the children and the sanitation of the premises. We have before us the instance of some national schools. I have found in one of these schools, where there is no proper inspection, the school masters and boys instead of attending their legitimate studies were simply singing and whiling away their time. The only right objection that can be raised is that the accounts of these institutions should not be open to inspection by Government because they have been financed by private funds to which Government is not a subscriber. Because so far as accounts are concerned, I do not see Government are a party to these managements. They are financed by private money and that is the only objectionable point out of the whole course.

Mr. M. R. JAYAKAR (Bombay University): Mr. President, I have listened very carefully to the speech of the Honourable the Home Secretary. I may say that I remain yet unconvinced that it is necessary to give Government the wide powers which are mentioned in clause 45. I may remind honourable members that when this bill was introduced for the first time before this House, mine was one of the early voices which rose to call attention to the wide wording of clause 45. I may frankly say that a part of the objections which could then be levelled against this section has been removed by the addition of the words in italics, which the select committee has introduced but I must say that in spite of these words I still remain unconvinced that, having regard to the purposes of this Act—and they are narrow and limited to one consideration only—it is necessary or advisable to give to Government the wide powers claimed under section 45. I entirely agree with the view which the Honourable the Home Secretary, with such pathos, has propounded in his speech. I was personally touched to hear that his own interest in getting this bill through was the interest of a father in relation to the children of this country, and I do hope that he will have the satisfaction to read, when he retires, that this Act is being worked satisfactorily by the officers of Government. But we who come here for a more prosaic purpose of closely scrutinizing the clauses of this bill, cannot neglect our duties in our enthusiasm for the cause and take it for granted that all the sections will be administered in the charitable and considerate spirit in which the Honourable the Home Secretary's speech was couched. We must see whether this clause does not give more than necessary powers to the Government. I agree with the view that if there are institutions (the Home Secretary has been good enough to mention one name to me though I cannot disclose it to the House) which are guilty of neglect and illtreatment towards their wards, we have to provide for such contingencies. I venture to point out in this connection to the House, that

[Mr. M R. Jayakar]

in section 9, which we have already adopted, there is enough power to call to account such institutions. With your permission, Sir, I will read clause 9 :

"Whoever having the actual charge of or control over a child"

This would include institutions, which are only a group of men. The clause goes on to say

"or young person abandons, exposes, or wilfully neglects or illtreats such child or young person in a manner likely to cause such child or young person unnecessary suffering or injury."

Injury is defined in detail by the subsequent clauses and when such injury arises, the institution is liable to be hauled up before a court of law and punished. What is there to prevent a case of the character imagined by the Home Secretary from being proceeded against under section 9 ? The institution may be called upon to explain its conduct or to give the necessary undertaking under the several ways provided by the numerous sections to which our attention has been called in the course of this debate ?

Khan Saheb A. M. MANSURI : May I know how Government are to know if they are not to go there to inspect these institutions ?

Mr. M. R. JAYAKAR : The ears of Government are very long (Laughter). Government make a yearly outlay to maintain a department for whose powers of espionage I have nothing but admiration, and my honourable friend, Khan Saheb Mansuri need not be at all apprehensive that Government' s watch-dogs will remain quiet over offending institutions. I am sure the Honourable the Home Secretary will vouch for the truth that Government files are full of reports relating to such institutions, and I will go further and say that there is not one individual here or outside who can escape the vigilance of these antennæ of the Government. But what we are concerned with at the present moment are the extraordinarily wide powers which this section gives. I do not wish to make my speech " a declamation " and merit the reproach of my honourable friend, the Home Secretary, though his own speech very nearly merited the epithet which he applied to the speech of my Honourable friend Mr. Pradhan of Nasik. Section 45 says—and I want my honourable friends to mark what wide words are used—Government may cause *any* institution, " whether supported wholly or partly by voluntary contributions ", and " not liable to be inspected " by Government, to be visited, etc. An institution dealt with under the other provisions of this Act, would be, under the terms of the Act, liable to inspection by Government. But this section proceeds beyond that and touches institutions which are outside the Act, and would not be liable but for this section. It is obvious therefore that Government are trying to pry into the affairs—registered accounts included—of a body which but for the section they will not be able to touch. I may frankly say to my Mahomedan friends that under this section, institutions maintained by Khilafat Committees in Bombay out of their own funds, or Madressas maintained by charitable donations will be made liable to Government inspection.

May I likewise say to my Maratha friends here that institutions maintained, *e.g.*, by the Maharaja of Kolhapur with his own money, will be

[Mr. M. R. Jayakar]

liable under section 45, the moment they give their approval to this section? Mark the words "wholly or partly", they include every case of public charitable endeowments for children, which are made liable to be inspected by or under the authority of the Government departments. The institution will be inspected and visited from time to time—the periodicity is not mentioned—by the person appointed by Government for the purpose. Now I ask the House whether this is not giving Government too great a power. May I venture to suggest to Government if they really want to have the control of such institutions under this Act, that there is a very simple remedy? Let Government turn that institution into a "certified school", under the provisions of the Act. What is the difficulty? This Act does speak of the power of certifying schools. When Government certify a school, they turn it into an institution to which they can go and inspect the accounts, etc.

Mr. A. MONTGOMERIE: Not unless they apply. Government cannot force them.

Mr. M. R. JAYAKAR: Government know how to compel them to apply. Certification under this Act is not a burden only. It is also a benefit. These can go together, and thus Government can practically compel certification. When Government "certify" schools the children of many classes are drawn to these schools. It is quite natural and proper that so far as such schools are concerned, Government should have a right to go into them and inspect the accounts, etc. They have received a benefit from Government and must submit to the burden. But let the House note that we are not dealing in this section with such schools, nor with children who come under the provisions of the Act. This I think is perfectly clear. The child spoken of in this section is not necessarily the one dealt with as under the other provisions of this Act, not, *e.g.*, a child found wandering, etc., and brought before a magistrate, etc. That is not the meaning.

The Honourable Sir MAURICE HAYWARD: Oh yes.

Mr. M. R. JAYAKAR: I am sorry I differ. I maintain that the children referred to in this section are not necessarily those dealt with under the other provisions of this Act. I am not sure the Advocate General will not agree with this view. At all events, it is clear that it would be a matter of controversy whether this particular section is not *ultra vires*, *i.e.*, outside the scope and power of this Act and should be embodied in this measure. This Act is intended to deal with children, boys who come under the cognizance and the notice of law in particular ways.

But may I point out to the Government benches that clause 45 goes widely beyond that? It speaks of "children", which means *all* children not only those who are dealt with by this Act.

The Honourable Sir MAURICE HAYWARD: I submit, Sir, that the word "child" is defined in the bill and that definition will cover the points mentioned by the honourable member.

Mr. M. R. JAYAKAR: With great respect to the Honourable the Leader of the House, I maintain that my view is right and the word "children", would include all children whether dealt with by this Act or no. This is my view. The Honourable the Leader of the House is entitled to his view. I find from consultations going on on Government benches that on the floor of this House itself there is a difference of opinion on this point between the Honourable the Home Secretary and the Home Member. I ask honourable members to remember that if this is the state of doubt here, what difficulties will this section cause in its operation outside this house. My view is that the word "children" includes every group of children wherever they be and whether dealt with by this Act or no. If the section had been so worded as to apply only to those children who are dealt with by this Act, *i. e.* children who for one or other of the reasons mentioned therein come under the eye of the law, then perhaps the objection might disappear. But so long as the section stands as at present any group of children, wherever they may be, for instance, from the Anatha Vidyarthi Griha or a Khilafat Committee's school will be included in this section. These bodies may never desire to have a single farthing from Government by way of grant. Still they will be liable to inspection. That is penalising schools merely because they teach children. This will make it difficult for those institutions to carry on their work with independence and initiative. Government virtually say "if you train up adults, we won't interfere. But the "moment you take up the training of children therein lies the danger "that is an enough ground for the State to interfere, although you may "not accept a single farthing from the coffers of Government, or desire "to have Government recognition. The mere fact that you train up "children gives to the State, apart from the question of Government aid "or recognition, a right to inspect and interfere with you even to the "extent of examining your accounts at the hands of Government inspec-"tors" who with great respect to them I may use the adjective are inquisitorial. My experience is that Government inspectors work more with inquisitorial suspicion than a desire to help and co-operate. I am sure those who have had anything to do with the training of children as I have had will agree with me. I can recall many instances where inspectors of schools, and I want the Honourable Minister for education to note this, have regarded their function to be more inquisitorial than helpful. And so long as that is the temper of the inspection by Government officers, this House will be extremely chary of putting more power in their hands. I do hope that the Honourable Minister will reform the temper of his department and will not stop his efforts until this is done. I think many Indian educationists are coming round to the view that inspection even when it is helpful ought to be in the minimum degree. Until the Government change the present spirit of their officers I am not disposed to give to Government by a single iota more power than they possess at present. Further it is wrong that Government should seek this power under the cover of this Act. I do hope some reasonable answer will be given on this point. Clause 45 is absolutely unconnected with the main purposes of this Act. This section is the needle in the hay stack. I am sure if this section stood by itself, and I

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want honourable members to remember this point—and Government came to this House only with this section openly asking for these powers, this House will be very reluctant to give that power to Government. I will make my meaning clearer. Suppose this bill consisted of only one section, namely:

"The Governor in Council may cause any institution for the reception of poor children or young persons supported wholly or partly by voluntary contributions, and not liable to be inspected by or under the authority of any Government department, to be visited and inspected from time to time, etc."

May I ask, how many honourable members will be prepared to support Government in such a preposterous claim?

Will they not limit it to institutions which receive aid or recognition from Government?

Then again let this House note what is this power that the inspectors claim? I refer to clause 2, which says that, "Any person so appointed shall have power to enter the institution at all reasonable hours and to make a complete inspection thereof and of all registers and accounts relating, thereto, etc." It is a somewhat curious accident that in the same session of this House Government are pushing on more than two pieces of legislation, claiming rights of access, of entry, and of inquiry. Another bill is coming very soon—I mean the Statistics Bill—over which the mercantile community of Bombay has been very much exercised. I want the House therefore to be extremely careful in this matter and to realise that this is a most dangerous section. When testing the sections of an Act, we cannot assume that the laudable spirit which may inspire the Home Secretary or the Home Member will weigh with every administrative officer who is called upon to deal with these sections. The House knows how the Passport Act has been abused, it knows how the "peace and tranquillity" sections in the Government of India Act have been abused from time to time. Lawyers know that what passes in this House—these fine speeches and assurances on the part of the Government member in charge—promises given by one party to another as to motives, and interpretation are worthless in a court of law; they cannot even be looked at: they are not worth the paper and ink used for recording them. That being the case, I want this House not to be lured away from the principal blemish of this section and to insist on its deletion.

Mr. J. B. KANGA: Mr. President, I have the highest respect for the legal knowledge and learning of my honourable friend representing the Bombay University, but I may say at once that I do not agree with my honourable friend when he says that clause 45 is not within the scope of the bill and is *ultra vires*. Clause 45 is absolutely within the scope of the bill. First, look at the preamble. The preamble says "whereas it is expedient to make further provision for the custody and protection of children". The object of the bill is the protection of children. Then we have the definitions. Clause 3, sub-clause (*a*) defines a child as a person under the age of fourteen years. Then we have got the definition of a "fit person" in sub-clause (*f*) and under that sub-clause (*f*) the institutions referred to in clause 45 would necessarily fall, because a "fit

[Mr. J. B. Kanga]

person" in relation to the care of any child or young person includes any society or body corporate established for the reception or protection of poor children or the prevention of cruelty to children. Now turn to section 7. When the matter goes before a magistrate, the magistrate, instead of ordering a person to a certified school, may under clause 7, sub-clause 5, order him to be committed to the care of a relative or other fit person named by him. The magistrate, in cases of children brought before the court, is empowered to send them to institutions established for the protection of children, (whether such institutions are established by the Khilafat Committee or any other body). The custody of the children who are brought before the magistrate could be entrusted to such institutions. Well then, looking to the object of the bill and to the various clauses, it appears that the institutions contemplated by clause 45 clearly fall within the scope of the bill and therefore as such institutions do not fall within the definition of certified schools, some check or control over such institutions is necessary. Very often when children are brought before a magistrate, applications would be made by relatives or friends of the children that they should be sent to a particular school or institution which does not fall within the definition of a certified school, and the magistrate would in several cases, if he is satisfied that that institution is run on good lines, give his sanction and entrust the custody and care of such children to such institution. Such institutions should have some control or check over them. My honourable friend Khan Saheb Mansuri just now mentioned that he once inspected a school and he saw that the boys were singing there. I do not see why Government officers should not be trusted. It should be remembered that these officers have certain duties to perform and there is no reason to suppose that they will not perform them honestly. Then again there should be no fear on the part of any national school or any school started for the protection of children of an inspection by any person. When an officer goes there, the person in charge of the institution would point out what the state of the children is, how the accounts stand or how the money is spent and what is done for the benefit and maintenance of the children, how they are looked after and so on, and I do not see how such a clause as clause 45 would be abused or misused in reference to any institution which is conducted on proper lines.

However, I specially got up to answer the point made by the honourable member for the Bombay University. I say that the institutions mentioned in clause 45 fall within the definition of "fit person" and that clause 45 is *intra vires* and not at all *ultra vires*.

Mr. K. F. NARIMAN (Bombay City, South): Sir, had the honourable member, the Advocate General, confined himself to his legal function and given only legal opinion, I would not have taken up any further time of the House after the appeal made by the honourable member, the leader of the Swaraj Party. The honourable member, the Advocate General, tells the House that the Government officers should be trusted. I may tell the Advocate General that the institutions which are selected by magistrates should also be trusted. I do not understand the apprehension

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of the honourable member, the Home Secretary, who spoke very pathetically and will no doubt appeal to several members and appeal very sentimentally, but I really do not understand why he should be so apprehensive about those institutions. Those institutions have been in existence long before the Children Protection Bill is going to come into force. Those institutions have reared up several children long before this and we must take it that those institutions have got some responsible managers and respectable managers to look after the welfare of the children under their care. But having a clause of this kind, my apprehension is that you will scare away all the respectable institutions from taking up this responsibility and no respectable institutions with any self-respect will submit to this humiliation of an inspection by a Government officer of a kind which has been very well described by the honourable member, the leader of the Swaraj party. I cannot understand, Sir, if the real object of the Government is to secure the sanitation of the place or the welfare of the children, why do they want to go to the length of the inspection of registers as well as accounts? Does the Honourable the Home Member mean to suggest that a greater credit balance will show greater or better health of the children or a debit balance will show that the children are suffering from particular diseases? A clause of this nature only makes us suspicious and the honourable mover of the amendment was perfectly justified when he said that when Government wants to assume powers of this kind we must begin to suspect. Why not trust the magistrates to select only such institutions as would be above all suspicions? It is not that the children are going to be entrusted to any brutal lot; if an institution does not deserve to be trusted let the magistrate not select such institution. The power of selection is the main thing. I suppose the magistrate will exercise due care when selecting an institution to hand over children brought before him. Let him select an institution against which there has been no complaint and which bears a good record or reputation. If the amendment is rejected, the result will be that there will not be any respectable institution which will undertake such a responsibility. The inevitable result further will be that these children will have to be driven into missionary and other institutions. If Government want the co-operation of the people, as I wish and hope the honourable member, the Home Secretary desires, both inside and outside this House and of respectable institutions of this kind, then Government must drop the clause; otherwise, I can assure Government that no respectable institution will submit to this humiliation and as a last resort, the children will be driven to Christian missionary institutions which I do not believe the honourable members of this House desire.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, as I am going to vote against this amendment, I think it is right that I should support my vote with my speech. I am extremely sorry that I have to differ from my honourable friend, the leader of the Swaraj party in this matter. If one is justified in suspecting Government, he would also be justified in suspecting the Swaraj party. We know that it is not for the first time

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that it is openly avowed by members of that party that they have come here for the purpose of obstructing the task of Government. I feel therefore doubtful whether attitude of the Swaraj party in this matter is for the purpose of obstruction or for the purpose of construction. I think that if Government has become so weak that it finds it necessary in the case of a poor institution of the character under discussion to introduce political considerations it had better clear out of India. I do not think they have come to that. This is a matter of pure humanity, and I really felt very much touched by the pathetic speech addressed to this House by the Home Secretary. Even an Englishman can also be humane, I suppose. What is there wrong in it? The Government has power to inspect these institutions. These powers are sometimes liable to be abused, but to prevent abuse of the kind I would like that all the members of this Council should become visitors, if that would satisfy my friend. That provision has already been just voted for in the case of another clause and I would only be too pleased if all the members of this Council were added to the present one.

I think it is laying down a very wrong principle to say that Government should never be allowed to visit an institution towards the upkeep of which they do not contribute. I think there are times when Government officials would be justified in doing so, and Government may appoint non-officials for the purpose. Government do not say that they will appoint only officials for this purpose. I hope the Home Secretary will appoint the honourable member (Mr. Jayakar) himself and others as members of the committee of visitors. They will go there to help the institution. I am very sorry that the Home Secretary did not mention the name of the institution which was so badly managed, and he did not give us details about it. He would have strengthened his case considerably if he had given us the name of the institution, and mentioned what happened there, and why the inmates died, and why the Civil Surgeon made such a report. He might have his own reasons for not giving these details to the Council, but I think it would have cleared the issue, if he had done so. Honourable members are aware that I have not always been a supporter of Government; I have opposed them many times, but when it is a question of entertaining unreasonable suspicion, I cannot be a party to it. I therefore say that all those persons who are sincere in this matter should give the benefit of the doubt to the Home Secretary. I am quite convinced that it is a wrong thing to introduce politics in a matter like this. But some members have politics on their brains in season and out of season. Everybody can understand that Government has a right to protect the health of the children, the lives of the children, and the sanitation of the places where they are brought up. I therefore say that I am very sorry that a wrong attitude is taken with regard to the intentions of Government. It may be that my honourable friend the member for the Bombay University (Mr. Jayakar) is quite right about the Passport Act and yet he may be wrong in the present instance. I greatly admired the mimetic oratory of my honourable friend from Nasik (Mr. R. G. Pradhan), but

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he did not convince me. My contention is that section 144 may have been misapplied, the Passport Act may have been misinterpreted, but I do not believe that Government are actuated by political motives in asking for the retention of this clause. I therefore say that it is right that this amendment should be rejected also that the motive of the Home Secretary should not be doubted, and that this clause should be retained where it is.

The Honourable Mr. B. V. JADHAV: Sir, I had no intention of taking part in this debate, but the honourable the Leader of the Swaraj party has cast certain aspersions on the department which I have the honour to administer, and, in justification of the conscientious officers that have been doing the very necessary duty of encouraging education among the masses and the classes, I think it is my duty to say a few words in their defence. The inspection of educational officers, Sir, has been described as inquisitorial, and I think the honourable the Leader of the Swaraj party disparages the attempts of the Educational Department in this respect. But I take this opportunity of assuring him and the members of this House that the inspection of schools conducted by the department is done on proper lines, and the best evidence that can be adduced for this statement of mine is that, after three years, the municipality of Ahmedabad, which is described as the people's municipality, have offered their schools for inspection by this department. It means to say that the inspection is not despised, and that the inspection is invited, and that a fresh certificate has thus been given to the members of the Education Department for the proper conduct of their duties. I do not think I need say anything further on this point. It may be said that that is due to the change in the angle of vision of Government, but I think the angle of vision of Government has not materially changed; Government has always been solicitous for the welfare of the ryots, but, perhaps, there might be a change in the angle of vision on the other side.

The honourable member for Bombay South (Mr. Nariman) took objection to the examination of the account books. He said, " What is the necessity of looking into the finances of an institution ? Is a credit balance to be taken as efficient management or a debit balance to be taken as bad management ?" I may tell him that, if an institution is in financial difficulties, and there is a great deficit in their finances, then of course they will not be able to carry on the work of the institution properly; the children will naturally be neglected. I think the examination of the account books is quite necessary in order to see whether the management is in a position to conduct the institution properly.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Sir, I do not understand why Government are pressing for this section. We are going to enact an Act by which we shall very soon have a large number of children to accommodate in the institutions. Government have not got a single school for the purpose, nor are they prepared to provide funds for such schools for the large number of young persons and children which they hope to protect by this Act. If that is the position of Government, I ask Government in all sincerity whether they really wish this Act to be useful to the people. If they wish the Act to be useful, how

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are they going to protect the large number of children and young persons which they hope to do, without encouraging the public to found institutions ? It is a well known fact that the public at present do not trust Government inspection, and this fact is well known to all. If that is so I ask Government again to consider whether by putting this section into the Act they will not make the public feel nervous, and whether it will not have the effect of making those institutions which are at present taking some children refuse to take them in any more. In that case, what will be the good of passing this Act ? How will the public found new institutions ? Government are not in a position to open new institutions nor will they be able to allot any funds for helping the existing institutions. Then, Sir, it behoves Government to encourage people to start such institutions, sympathise with them, to give them some money, gain their confidence, and then they can ask for inspection. I do not understand what inspection they can conduct with regard to papers, with regard to accounts, and so forth. Sir, I again say that this section can be safely put back if Government really want this Act to pass.

They appealed to me the other day to withdraw my amendment, because it would require the sanction of the Government of India and would delay the passing of this Act. Now I appeal to Government not to insist upon retaining this clause, because without institutions they cannot work the bill, and the Act will only be on paper.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Sir, I had no intention to take part in this debate. Just as after hearing the honourable member for the Bombay University, the Honourable the Minister for Education was roused from his stupor to say a few things, I too was roused from my stupor and shall place before the House correctly the information about the municipal schools of Ahmedabad in contradiction of the facts disclosed by the Minister.

The Honourable the PRESIDENT: I am afraid we are drifting into irrelevant matters. The clause before the House has nothing to do with the Ahmedabad municipality. The honourable member for the Bombay University merely gave it as an illustration as regards the general principle of inspection and the Honourable Minister for Education was entitled to reply to it in defence. But that is not the question before the House.

Mr. M. R. JAYAKAR: I only mentioned educational inspectors as an instance in point.

The Honourable the PRESIDENT: The honourable member Mr. Jayakar was perfectly right: but that cannot be allowed to be pursued on the issue before the House. If in a couple of words the honourable member gives the facts, I can allow him.

Mr. G. I. PATEL: I will merely refer to the facts. The information placed before the House by the Honourable Minister is not correct. We cannot say how a particular section will be used; and when the time to operate a section arises the Government may use that section in favour of a particular institution or in obstructing or destroying that institution. That should be the main ground on which our objection to this section

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should be based. Suppose the Government member says that that section should be taken advantage of to favour a particular institution at a certain time he may do so: immediately afterwards another Government member might say that that was not the proper time for doing so. Therefore the section can be used according to the circumstances that arise and at the sweet will of Government. The information placed before the House by the Honourable Minister is contrary to the facts. If an iota of power is given to Government, we do not know in what places it will be used to the advantages of the people and in what places it will be abused. On this ground no further power should be given to Government.

Mr. A. N. SURVE (Bombay City, North): Sir, I really do not understand what connection there is between receiving of grant and the right of inspection. Under the English law the King is the parent of all his subjects. The Latin phrase "Parens Patriæ" makes the King the parent or guardian of all his subjects; and especially so in the case of orphans who have no parent of their own and of those children whose parents are vicious or incapable. If such children are sent to an institution I do not see any reason why Government should not exercise the privilege which is vested in the King as representing the Crown. There are many orphanages which are entrusted to the care of managers and superintendents. If these persons are conscientious and good I have no doubt that the children will be well cared for; but if they are not so what guarantee is there that the children will not be ill-treated? If this right is given to Government I think it will be in the interest of those orphans. Therefore whether the institution receives a grant or not should not be brought in here. This clause will prevent the recurrence of catastrophe which must have been fresh in the minds of all. I refer to the collapse of a Muslim orphanage building in Calcutta in which hundreds of orphans suffered.

The second point I refer to is this: the honourable the leader of the Swaraj Party warned the non-Brahmins that institutions conducted with the funds of Chhatrapathi Maharaj will also run the same risk. I thank him for his warning and just assure him that those institutions are being conducted with a single purpose. We do not carry our politics into the orphanages. We welcome inspection by any agency be it Government or private. If there are any defects to be remedied, and, if they are brought to our notice, we will gratefully welcome the suggestions. To conclude, I think it will be in the interest of children that this power should be given to Government, though individually I consider the power that is asked for would in practice prove ineffectual. Suppose a Government inspector visits an institution and finds that there are some sanitary defects which require immediate attention, so far as I can see Government have not reserved any power wherewith they can compel that institution to remove those defects. In respect of licensed or certificated institutions they can refuse license or certificate, but what is to happen if the institution is not a certified institution and if it does not choose to obtain a license? In such a case I do not see how Government can enforce this section. However that be, I think it is necessary in the interest of the orphans to give this power to Government.

Mr. S. K. BOLE: I move the closure.

The Honourable the PRESIDENT: I think the matter has been amply discussed. I accept the closure and call upon the mover to reply.

Mr. R. G. PRADHAN (Nasik District): Sir, my task of replying on the debate has been very much lightened by the extremely able and powerful speech made by my honourable friend the leader of the Swaraj Party. I hope that speech will appeal to my honourable friend, my namesake, the honourable member for Thana and Bombay Suburban districts. I am sorry he is not here just now. The honourable member the Home Secretary has assured me that this clause will not be abused. I am prepared to accept the assurance so far as he is concerned, or the Honourable the Home Member is concerned. But unfortunately, there are not many Montgomeries and I am not sure that there will be a succession of Montgomeries. The administration of this provision will be in the hands of local officials. I am willing to trust the Honourable the Home Member and the Home Secretary, but they will pardon me if I am not prepared to trust all local officials. A reference has been made by certain speakers to national schools. I do not want to say more on that point than this, that that reference strengthens my fear that in all likelihood the power given by this clause might be abused and directed against national schools. I do not know whether the views expressed by these honourable members about national schools represent the views of Government. I hope they do not; but that reference strengthens my suspicion that probably when circumstances arise and when political passions are aroused—and they are bound to be aroused when political agitation goes on—it is just likely that this clause might be abused by local officials in order that some harassment may be caused to the managers and teachers of such institutions.

Then, Sir, my honourable friend Mr. Surve said that it was an inherent privilege of the Crown to exercise inspection over institutions which maintain children and orphans. Well, my reply to that argument is, if it is an inherent privilege of the Crown to exercise such inspection, where is the necessity of embodying this clause in this bill? If it is an inherent power, well, that power can be exercised whether this clause exists in this bill or not.

I appeal to the House to consider this point, which is the crux of the question, the main consideration: Is this clause really germane to the purpose of the bill? Let us not go outside the main scope of the bill. Is it really necessary for the object with which we have brought forward this bill? I submit, Sir, with all due deference to the views which have been expressed against my amendment, that this clause is entirely foreign to the main purpose of the bill. The leader of the Swaraj party has clearly elucidated that point. If you want to prevent neglect or ill-treatment of children in institutions which maintain and feed poor children, that can be done under section 9 of the bill. I say, that section 9 sufficiently covers all such cases of neglect and ill-treatment in the institution referred to by the Honourable the Home Secretary. He did not give us the name of that institution or other details, and we are not in a position to judge whether what he has told us is really true. But even a case of

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that kind, I submit, with all due deference to him, falls under section 9. The authorities of an institution such as the one he referred to, committing gross negligence, may certainly be hauled up before the Court under section 9 and dealt with. I say again that section 9 is quite sufficient; that this clause would not be within the legitimate scope of this bill; that it is unnecessary, harassing and likely to be abused; and that it violates the principle that there should be no inspection on the part of Government unless it is accompanied by financial aid. Under these circumstances I again appeal to the House to accept the amendment.

The Honourable Sir MAURICE HAYWARD: Mr. President, I am sure that there will be complete agreement at least on one thing, and that is, this clause has been fully debated. I do not therefore propose to detain the House long. I hope also there will also be complete agreement on one other point and that is in honourably acquitting my honourable friend the Home Secretary of any grave or deep conspiracy in bringing forward this bill for political purposes. (An Honourable MEMBER: We shall give him the benefit of doubt.) I hope at least he will be given the benefit of doubt by all honourable members of this House. I shall therefore only briefly refer to the place that this section has in the bill. The Honourable the Advocate General has pointed out that the word 'child' has been defined and that 'children' is simply the plural of child, and therefore the word 'children' has also been defined in the bill. He has also pointed out that 'young person' has been defined. Therefore, if we find in this clause the word 'young person' it means a 'young person' as contemplated by the bill. The bill contemplates that children and young persons shall for certain purposes be sent to what are called certified schools, that is to say, safe places which have been inspected and have undertaken to take in children. But there will be other institutions which will not be exactly of that constitution which is required for that purpose, though on the other hand they may be institutions doing very useful work for the welfare and reception of poor children. Now, if it is necessary that certified schools should be periodically inspected, and inspected not only by the "oppressive" officials but also by the enlightened members of the Legislative Council, then, I think, Sir, that honourable members will also agree that it is desirable that these other institutions which do not go so far as certified schools, but which do useful work, should also be inspected by not only those oppressive officials but also by members of the Legislative Council, that is to say, by any persons appointed by the Executive Government. And I think, Sir, that this inspection will really be welcomed by most of these institutions. The institutions referred to are not, as has been suggested by my honourable friend opposite, private institutions. They are really public institutions, because they are institutions which are supported either wholly or partly by voluntary contributions from the public. Therefore, the public has a right to know how their money is being spent in these institutions, and the only way the public can be assured of that is by having these institutions inspected

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by public officers appointed in the public service and also by members of this honourable House. I think, therefore, Sir, in principle there is nothing wrong in providing that these other public institutions supported wholly or partly by voluntary contributions from the public shall also be inspected by public officers and public spirited men who come here to do the business of this land. I think also that this public inspection would give the public confidence and it would tend to bring forward further subscriptions in support of these institutions, because it is quite true that if people are confident that the institutions are well run they are much more ready to pour forth their money in support of such institutions. I therefore think that also for the institutions themselves this inspection ought to be welcome. And I think, Sir, it is better that we should have this inspection, an inspection which shall prove a prevention rather than cure. It has been suggested that if these institutions go wrong and neglect their duty, then we should bring to bear upon them the penal section of this bill. I think, Sir, it is far better that we should have no recourse to these sections and that inspection should be permitted so as to prevent any need for such recourse, and even if such recourse were possible, I doubt very much whether any penal provisions of this kind could be applied to these institutions, which merely by neglect of the supervision of the management were responsible for injuries to the health of the children. I think therefore, Sir, on every ground, on every general principle, this is a proper clause to be included in this bill, and I hope it will receive the support of all honourable members of this House. I think it has, as amended by the members of the Select Committee, been made sufficiently definite to prevent any undue interference with the business of such institutions. There are some minor amendments which are proposed and which will be sympathetically considered and so this clause may safely be allowed to remain part of this bill. I therefore earnestly trust that honourable members of this House will vote for the retention of this clause in the bill.

Question put. House divided.

Ayes 34: Noes 49. Motion lost.

*Division No. 6.*

**Ayes.**

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| Adwani, Mr. D. B. | Mavalankar, Mr. G. K. |
| Angadi, Mr. S. N. | Mehta, Dr. M. M. |
| Baptista, Mr. J. | Nanal, Mr. B. R. |
| Bhopatkar, Mr. L. B. | Nariman, Mr. K. F. |
| Desai, Rao Saheb D. P. | Patel, Mr. D. N. |
| Dev, Mr. S. S. | Patel, Mr. G. I. |
| Dixit, Dr. M. K. | Powar, Mr. M. B. |
| Gunjal, Mr. N. R. | Pradhan, Mr. R. G. |
| Jayakar, Mr. M. R. | Rahimtoola, Mr. Hoosenally M. |
| Jog, Mr. V. N. | Saheba, Mr. H. D. |
| Joshi, Mr. P. G. | Saptarshi, Mr. C. M. |
| Kambli, Mr. S. T. | Shivdasani, Mr. H. B. |
| Karki, Mr. M. D. | Soman, Mr. R. G. |
| Lalji Naranji, Mr. | Surve, Mr. V. A. |
| Lalljee, Mr. Hooseinbhoy A. | Swaminarayan, Mr. J. C. |

Ayes—*contd.*

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|---|---|
| Thakersi, Mr. Punjabhai. | Velkar, Dr. M. B. |
| Thakor of Kerwada, the | Wadia, Mr. C. N. |

*Tellers for the Ayes*: Mr. Hooseinbhoy A. Lalljee and Mr. G. I. Patel.

Noes.

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|---|---|
| Abdul Latif Haji Hajrat Khan, Mr. | Kay, Mr. J. A. |
| Ahmad, Moulvi Rafiuddin | Lawrence, the Honourable Mr. H. S. |
| Bhutto, Khan Bahadur S. N. | Mahomed Ayub Shah Mahomed Khuhro, Mr. |
| Bole, Mr. S. K. | Mansuri, Khan Saheb A. M. |
| Bunter, Mr. J. P. | Mehta, the Honourable Mr. C. V. |
| Chatfield, Mr. G. E. | Montgomerie, Mr. A. |
| Chaudhari, Mr. L. S. | Navle, Mr. N. E. |
| Cooper, Khan Bahadur D. B. | Nekaljay, Mr. R. S. |
| Dadachanji, Dr. K. E. | Owen, Mr. A. C. |
| Dalvi, Mr. B. K. | Pahalajani, Mr. B. G. |
| Dehlavi, the Honourable Mr. A. M. K. | Painter, Mr. H. L. |
| Fernandez, Dr. Cosmas. | Patel, Mr. A. E. |
| Framji, Mr. K. S. | Patil, Mr. D. R. |
| Ghosal, Mr. J. | Pradhan, Mr. G. B. |
| Ghulam Hussain, the Honourable Khan Bahadur Shaikh | Pratt, Mr. F. G. |
| Gibson, Mr. R. E. | Sayed Ghulam Nabi Shah. |
| Grantham, Mr. V. A. | Sayed Shahzade Saheb Haidar Saheb. |
| Griffiths, Mr. V. M. | Shankarrao Jayarамrao Zunzarrao, Mr. |
| Hatch, Mr. G. W. | Shinde, Mr. R. D |
| Hayward, the Honourable Sir Maurice. | Surve, Mr. A. N. |
| Hepper, Sir Lawless. | Thomas, Mr. G. A. |
| Hudson, Mr. L. S. | Wadia, Mr. N. J. |
| Jadhav, the Honourable Mr. B. V. | Wiles, Mr. G. |
| Jehangir, the Honourable Mr. Cowasji | Woods, Mr. E. E. |
| Kanga, Mr. J. B. | |

*Tellers for the Noes*: Mr. J. A. Kay and Khan Saheb A. M. Mansuri.

Mr. R. G. SOMAN (Satara District): Sir, I beg to move:

"Instead of the words added by the Select Committee at the end of sub-clause (1) of clause 45 insert the words 'of ascertaining the health of children and the sanitation of the premises'."

The Honourable Sir MAURICE HAYWARD: I understand the honourable member is withdrawing his previous amendment.

The Honourable the PRESIDENT: The first part of the honourable member's amendment is "After the words 'to time' insert the words 'at all reasonable hours'." He has got to move that first.

The Honourable Sir MAURICE HAYWARD: I am quite prepared to accept it if the honourable member will move it.

Mr. R. G. SOMAN: I formally move, Sir, the following amendment:

"In clause 45, line 10, after the words 'to time' insert the words 'at all reasonable hours'."

Question put and carried.

Mr. R. G. SOMAN: My second amendment is and I beg to move it, namely:

"Instead of the words 'of securing the health and welfare of the children and the sanitation of the premises', in sub-clause (1) of clause 45, substitute the words 'of ascertaining the health of children and the sanitation of the premises'."

Question proposed.

Mr. A. MONTGOMERIE: Sir, I merely suggest for the consideration of the House that the words which have been put in, in this clause were

[Mr. A. Montgomerie]

carefully thought out. There is no particular reason why the inspection should not be for the purpose of securing the welfare of the children as well as their health. If the honourable member's amendment is carried, the result will be that the inspector cannot look into the welfare of the children, he cannot pay any attention to the welfare of the children or make suggestions about it. He suggests that he should merely ascertain the health of the children, that he should confine himself to their health and leave their welfare alone. I suggest, Sir, that the clause as added should be maintained.

The Honourable Sir MAURICE HAYWARD : I should like to point out, Sir, that the select committee carefully put these words in and I think it is better to say " securing the health " instead of " ascertaining the health ", because the inspector can secure it by advice to the managers in charge of the institution, and I think he should secure both the health and the welfare of the children. I would ask the House to reject the amendment.

Question put and lost.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Sir, I beg to move the amendment standing in my name which runs as follows :

" In line 18, in sub-clause (2) of clause 45, after the word ' thereof ', the words ' and of all registers and accounts relating thereto ' be deleted."

Sir, my object in moving this amendment is, as I have just said, to encourage people to form institutions for the purpose of giving protection to the children. Anything that will defeat the object of this bill should be avoided. I think the clause as it is worded at present would discourage people from forming such institutions. I hope Government will encourage people to form such institutions or associations.

Question proposed.

Mr. A. MONTGOMERIE : I would suggest, Sir, possibly that this amendment might be put into two parts, namely, " registers " and " accounts ". On the whole, I think it will be admitted that any inspection of such an institution involves an inspection of the registers, though not necessarily of the accounts. No inspection would be effective without an inspection of the registers.....

The Honourable the PRESIDENT : The honourable member can, if he likes, move an amendment to the amendment omitting " accounts ".

Mr. A. MONTGOMERIE : I do not propose to move any amendment, Sir. I am quite indifferent about the question of accounts, whether they should be inspected or not. But the words were retained at the desire of some of the members of the Select Committee, who considered that the accounts of institutions supported from public subscriptions should be subject to examination. I strongly support the retention of the word " registers ", but have an entirely open mind with regard to the right of inspecting the accounts. I hope the honourable member will see the advisability of retaining that word " registers ". So I would ask that the amendment be put into two parts.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I would entirely support the amendment moved by my honourable friend, but at the same time would suggest another amendment to the amendment to make it more definite, namely :—

"After the word 'thereof', add the words 'for for the purposes mentioned in sub-clause (1)'."

The clause will then read :

"Any person so appointed shall have power to enter the institution at all reasonable hours and to make a complete inspection thereof for the purposes mentioned in sub-clause (1)."

Then the words proposed to be omitted by the honourable member Mr. Hooseinbhoy's amendment might be omitted; and then the rest follows. That makes it more definite.

Mr. HOOSEINBHOY A. LALJEE : I beg leave to amend my amendment by confining it to the omission of the words "and accounts" in line 5, sub-clause 2, clause 45.

Question put and leave granted.

Question put and carried.

Mr. B. G. PAHALAJANI : I beg to move an amendment as below :—

In line 6, sub-clause 2, clause 45, after the word "thereto", add the words "for the aforesaid purposes".

Question put and carried.

Mr. A. MONTGOMERIE : I beg to move a verbal amendment as under :—

In line 11, sub-clause 1, clause 45, substitute the word "him" for the word "it".

Question put and carried.

Mr. A. MONTGOMERIE : I beg to move the following amendment :—

In line 13, sub-clause 1, clause 45, after the word "children" add the words "or young persons".

Question put and carried.

Clause 45, as amended, ordered to stand part of the bill.

Clause 46 (*Juvenile Courts*), ordered to stand part of the bill.

The Honourable the PRESIDENT : The Council will now adjourn till 2 o'clock to-morrow, Thursday, the 16th October 1924.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

H 753—11

*Thursday, the 16th October 1924.*

The Council re-assembled at the Council Hall, Poona, on Thursday, the 16th October 1924, at 2 p.m., the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ADDYMAN, Mr. J.
ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
ANGADI, Mr. S. N.
BAPTISTA, Mr. J.
BHOPATKAR, Mr. L. B.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Mr. V. A.
DADACHANJI, Dr. K. E.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DESAI, Rao Saheb D. P.
DEV, Dr. S. S.
DIXIT, Mr. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GIBSON, Mr. R. E.
GRANTHAM, Mr. V. A.
GRIFFITHS, Mr. V. M.
GUNJAL, Mr. N. R.
HAJI ABDULLAH HAROON
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HUDSON, Mr. L. S.
JADHAV, the Honourable Mr. B. V.
JAYAKAR, Mr. M. R.
JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KALBHOR, Mr. G. M.
KAMBLI, Mr. S. T.
KANGA, Mr. J. B.
KARKI, Mr. M. D.

Kay, Mr. J. A.
Kazi Inaitullakhan
Kokani, Mr. G. J.
Kothari, Mr. V. R.
Lalji Naranji, Mr.
Lalljee, Mr. Hooseinbhoy A.
Lawrence, the Honourable Mr. H. S.
Madan, Mr. J. A.
Mahomed, Ayub Shah Mahomed Khuhro, Mr.
Malji, Rao Bahadur Ambashankar Uttamram
Mansuri, Khan Saheb A. M.
Mavalankar, Mr. G. K.
Mehta, the Honourable Mr. C. V.
Mehta, Dr. M. M.
Montgomerie, Mr. A.
Mujumdar, Sardar G. N.
Mukadam, Mr. W. S.
Nanal, Mr. B. R.
Narielvala, Mr. H. H.
Nariman, Mr. K. F.
Navle, Mr. N. E.
Nekaljay, Mr. R. S.
Noor Mahomed, Mr.
Owen, Mr. A. C.
Pahalajani, Mr. B. G.
Painter, Mr. H. L.
Patel, Mr. A. E.
Patel, Mr. D. N.
Patel, Mr. G. I.
Patil, Mr. D. R.
Powar, Mr. M. B.
Pradhan, Mr. G. B.
Pradhan, Mr. R. G.
Pratt, Mr. F. G.
Rahimtoola, Mr. Hoosenally M.
Saheba, Mr. H. D.
Saptarshi, Mr. C. M.
Sardesai, Mr. S. A.
Sayed Ghulam Nabi Shah.
Sayed Shahjade Saheb Haidar Saheb
Sedgwick, Mr. L. J.
Shankarrao Jayaramrao Zunzarrao, Mr.
Shinde, Mr. R. D.
Shivdasani, Mr. H. B.
Soman, Mr. R. G.
Surve, Mr. A. N.
Surve, Mr. V. A.
Swaminarayan, Mr. J. C.
Thakersi, Mr. Punjabhai

THAKOR of Amod, the
THAKOR of Kerwada, the
THOMAS, Mr. G. A.
VELKAR, Dr. M. B.
WADIA, Mr. N. J.
WILES, Mr. G.
WOODS, Mr. E. E.

The Honourable the PRESIDENT: Order, order. Further consideration of the Bombay Children Bill.

Question proposed that clause 47 do stand part of the bill.

Mr. D. B. ADWANI: Sir, the amendment which I wish to move is as follows:

"Introduce the following as clause 46A:—

'The court of sessions of any district in which this Act is in operation may cause to be formed or may recognise any committee or committees drawn from among the people of the respective localities of the district, for the purpose of giving advice and assistance with regard to the carrying out of the provisions of this Act, and in fixing upon the places of safety in the district. Failing the formation of any such committee or committees the said court may empower any civil court or any civil officer or any magistrate to fix upon the place or places of safety in particular localities.'"

Sir, if we study the scheme of this bill.....

The Honourable Sir MAURICE HAYWARD: Sir, I am afraid I must rise to a point of order. I am advised that this amendment requires the previous sanction of the Government of India as it affects the courts and the procedure of the courts, which is a central subject under the Devolution Rules. Section 80A (3) (*e*) of the Government of India Act lays down that the local legislature of any province may not, without the previous sanction of the Governor General, make or take into consideration any law relating to any central subject. Unless the sanction of the Governor-General is received we may not take into consideration this amendment; that means that we may not discuss it in Council.

The Honourable the PRESIDENT: Has the honourable mover of the amendment anything to say in regard to the point of order?

Mr. D. B. ADWANI: I submit, Sir that we are not going to make any changes in a law relating to a central subject. This is only a section under a law which we are now enacting with regard to the powers of courts. I do not think this amendment is governed by the section of the Government of India Act just quoted.

Mr. M. R. JAYAKAR (Bombay University): Sir, I do not quite understand what is the "central" subject which the Honourable the Leader of the House makes out is affected by this amendment. It seems to me that it is merely a matter of giving power to a court of session to form certain committees for the purpose of the administration of this Act. I do submit that there is nothing involved in this amendment which is against a central subject. I should like to know what central subject is dealt with in this particular amendment.

Mr. P. G. JOSHI (East Khandesh District): Sir, in connection with the amendment, I should like to bring to your notice the ruling given

[Mr. P. G. Joshi]

by the late President (Sir Narayan Chandavarkar). It relates to the Port Trust Act Amendment Bill, and is as follows:

"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 purpose 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, Volume 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'."

The Honourable the PRESIDENT: It is no use reading the whole of that. Will the honourable member read anything which is relevant?

Mr. P. G. JOSHI: Yes, Sir. The ruling further says:

"The House has every right to amend the bill or to accept or reject it as amended by 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."

Mr. D. B. ADWANI: That ruling is very clear, Sir, that even if sanction is required, it can be obtained at a later stage, though I hold that sanction will not be required at all.

Mr. A. MONTGOMERIE: Sir, may I draw attention to the fact that the introduction of a new section in a bill by way of an amendment will be precisely in the same position as the introduction of legislation, and the rule says that it shall not be taken into consideration without the previous sanction of the Government of India? The honourable mover of the amendment (Mr. Adwani) desires to introduce a new section to give some extra powers or duties to the criminal courts. If he were to bring that forward in the form of a bill on his own initiative, he would require the previous sanction of the Government of India. Just as this Government have had to get every individual clause in this bill already sanctioned by the Government of India, so also he would have to ask for the previous sanction of the Government of India before introducing an amendment in the shape of a new section, which was not in the bill at the first reading and before the select committee.

The Honourable the PRESIDENT: I will state the difficulty which I am experiencing. It is not on the point that the Honourable the Home Member has raised, because I want an answer to the points that have been made by the honourable member Mr. Adwani, namely, that this is merely an amendment of an Act. I quite realise that certain amendments may require the previous sanction of the Governor-General, but as regards that, there is a distinct ruling by the late Sir Narayan Chandavarkar, with which I am in complete agreement. The procedure in regard to legislation laid down is this: that in the case of any central subject, the person—a Government or a non-official member—who desires to introduce any legislation into this Council must obtain the previous sanction of the Governor-General under section 80A of the Government of India Act. Having obtained that sanction the bill is submitted to the jurisdiction of this House, and if the responsibility of enacting any legislation is really vested in this Council, then this Council ought to be entitled to make such variations within the scope of that legislation, as it appears to them to be in the best interests of the people. Government will then have the option of deciding whether they will proceed further with that bill, and even if they do so, the Governor-General in Council has got the final power of giving his sanction or withholding it. That is the framework of this legislation. As I said I agree with Sir Narayan Chandavarkar in thinking that after going through the formality, you submit the bill to the jurisdiction of the House, and the House is entitled within the scope of that bill to make any amendment it likes and even assuming that the amendment requires the sanction of the Governor-General it can be obtained later. The honourable member the Home Secretary when he appealed to Mr. Hooseinbhoy Lalljee not to press his amendment did so because the effect of carrying the amendment would be to delay the bill as it would require the sanction of the Governor-General before Government could proceed with it.

My difficulty is whether this amendment is within the scope of the bill which is now being considered. On that point I should like to hear any honourable member who wishes to address the House. Personally it appears to me that the amendment merely gives certain powers to the Sessions Court for the formation of committees or for direction to the civil courts. If any honourable member is prepared to contend that it is not within the scope of the bill, I am quite prepared to consider that point of order.

The Honourable Sir MAURICE HAYWARD: Sir, I should like to submit with regard to the ruling referred to by you that legal opinion is not quite satisfied with it. A contrary opinion has been given by the legal adviser and the Government of India have informed us that we have not got the power to proceed with a section that requires the sanction of the Government of India. I do not say that you are bound by that view. That ruling has been questioned by a very high authority and we have instructions that wherever the sanction of the Government of India is required, we must take exception to it. I wish to point out that it is not within my power to refrain from treating that amendment as one requiring the sanction of the Government of India.

[Sir Maurice Hayward]

With regard to the other point, this particular amendment is hardly within the scope of the bill, because it is not an amendment to any particular section at all. In fact the honourable member has tried to fit this in as a new section, because there is no section in the bill which deals with this point. It is entirely outside the scope of this bill imposing entirely a new duty on the court of sessions. It is quite clear that it is a matter which would require the sanction of the Government of India, because it refers to criminal legislation which is subject to the legislation of the Indian legislature. If you refer to section 80A, sub-section 3 (*f*), it says :

"regulating any provincial subject which has been declared by rules under this Act to be, either in whole or in part, subject to legislation by the Indian legislature, in respect of any matter to which such declaration applies ;"

These are subject to legislation by the Indian legislature and the sanction of the Government of India is necessary. If you refer to the Devolution Rules clause 17 on page 120, you will see that clause says :

"Administration of justice, including constitution, powers, maintenance and organisation of courts of civil and criminal jurisdiction within the provinces....."

and these are the important words :

"subject to legislation by the Indian legislature as regards High Courts, Chief Court, and Court of Judicial Commissioners, and any courts of criminal jurisdiction."

I think the legal officers are right in saying that it requires the sanction of the Government of India.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I would controvert the Honourable the Leader of the House in this matter, because I contend that the sanction of the Government of India has been obtained. Sub-clause (*f*) of section 80A (3) says :

"regulating any provincial subject which has been declared by rules under this Act to be, either in whole or in part, subject to legislation by the Indian legislature, in respect of any matter to which such declaration applies ;"

Then sub-clause (*e*) says :

"regulating any central subject ;"

Then sub-clause (*h*) says :

"altering or repealing the provisions of any law, which, having been made before the commencement of the Government of India Act of 1919....."

These 3 clauses relate to the subject under consideration. Sanction under every one of the clauses (*e*), (*f*) and (*h*) has been obtained and specifically so stated in the preamble which reads thus :

Whereas it is expedient to make further provision for the custody and protection of children and young persons and for the custody, trial and punishment of youthful offenders and for the amendment of the Reformatory Schools Act, 1897, in its application to the Presidency of Bombay ; and whereas the previous sanction of the Governor General required by clauses (*e*), (*f*) and (*h*) of sub-section (3) of section 80A of the Government of India Act has been obtained to the passing of this Act ; It is hereby enacted as follows :—

Further it falls within your province entirely as President to give us a ruling whether when a general sanction for the passing of the whole bill has been obtained, it includes sanction for any changes that may be made in the bill. If you once hold that the sanction of the Government of India is necessary, then even the smallest amendments, we will be

[Mr. B. G. Pahalajani]

told—an omission of a word, of a conjunction or an adverb—would require the sanction of the Government of India. The only reasonable interpretation that can be put upon the sanction clause is that sanction should be required for the passing of the law as a whole. You have already declared that when the House is seized of the Act its jurisdiction cannot be ousted by the plea of 'no sanction', as the sanction for the passing of the whole Act has been obtained.

Mr. A. MONTGOMERIE: Sir, the Government of India have given us sanction to the bill as it was put before them. They have also given their sanction to the specific amendments which were introduced at the second reading. They have also informed us that if there are any amendments of substance, we must get their sanction. This is an amendment of substance in their opinion and that meets the point made by the honourable the Deputy President.

The Honourable the PRESIDENT: The point of difficulty is not what the honourable the Home Secretary has pointed out. The Government of India are entitled to give directions to the Bombay Government under the Act of 1833, which constitutes the central Government as the highest Government and the provincial Governments as subordinate to them, and by virtue of that power the Government of India might give directions to local Governments. The question is whether those directions are binding on the legislature in considering any legislative measure that may be brought forward before it. As far as the provincial legislatures are concerned, there must be some provision in the Government of India Act or the rules made thereunder which prohibits them from dealing with legislation which they are otherwise authorised to deal with. A rule which applies to the local Government under the Act of 1833 does not apply to the leglislature. That is why the whole question is raised. The honourable the Deputy President has pointed out that in the preamble of this bill it is distinctly stated "whereas the previous sanction of the Governor-General required by clauses (*e*), (*f*) and (*h*) of sub-section (3) of section 80A of the Government of India has been obtained to the passing of this Act". Now these are the very sub-sections on which the point of order is raised. I presume that the various powers which have been given to courts under this Act have received the sanction of the Government of India. The question then arises whether this Council could not give some further powers to those courts. The amendment is moved to give some further powers. Is there anything which bars this Council, in view of the sanction obtained, to give further powers to those courts? That is the issue that has been raised, and in that respect the ruling given by Sir Narayan Chandavarkar is perfectly clear, and as I have said I agree with that ruling. If that ruling was incorrect—I am taking a practical view—the whole procedure in this Council would be of little value. What I understand is that having obtained the sanction of the Governor-General in regard to a measure which is submitted to the consideration of this House, this House within the Act and within the rules made thereunder, can deal with that measure

[The President]

as they please. After the measure has been considered and amended by the legislature, it is left to the Governor-General to sanction it ultimately or to withhold his sanction. The only question that arises is whether there is anything in the Act or in the Rules which bars the Council from considering an amendment which gives further powers to the courts in addition to those that have already been provided in the very bill for which sanction has been obtained under the provisions of section 80A.

Mr. J. BAPTISTA (Bombay City, North): Sir, I should like to draw your attention to the proviso to section 80A:

'Provided that an Act or a provision of an Act made by a local legislature, and subsequently assented to by the Governor-General in pursuance of this Act, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor-General under this Act."

You will see, Sir, that under this proviso even in the case of a bill which requires the previous sanction of the Governor-General, if we introduce and pass it without obtaining such sanction, only if it receives the assent of the Governor-General, after it is passed, the fact that it did not receive the previous sanction of the Governor-General would not have any invalidating effect. If that be so with regard to a whole Act which did not receive the previous sanction of the Governor-General, I submit it is much more so regarding a particular amendment of an Act which has already obtained the sanction of the Governor-General. The point now is, can this House amend the provisions of this Act as originally presented. Sir Narayan Chandavarkar's decision on that point is clear, that this House is not debarred from amending in any way the original bill provided of course the ultimate sanction of the Governor-General is obtained. Ordinarily, Sir, even in a bill which does not require the previous sanction of the central authority, even in a bill which is within the power of this legislature, there is the proviso that the Governor must assent and eventually the Governor-General must assent, or otherwise it is not valid. Section 81 says:

"When a bill has been passed by a local legislative council, the governor, lieutenant-governor or chief commissioner may declare that he assents to or withholds his assent from the bill."

Further on, clause (3) says:

"If the governor, lieutenant-governor or chief commissioner assents to any such bill, he shall forthwith send an authentic copy of the Act to the Governor-General, and the Act shall not have validity until the Governor-General has assented thereto."

You will see, Sir, that these are provisions which deal with our ordinary bills which eventually require the sanction of the Governor-General before they can have any validity. This is not a case of that description. This is a case where the Governor-General's sanction has already been obtained. Personally, I submit, Sir, that it would not be *ultra vires* of this Council to do so, provided ultimately the Governor-General sanctions. Therefore, I do not see how this House is debarred from acting when the Governor-General has the authority to refuse sanction. I therefore submit, Sir, that it is within our powers to amend this.

Mr. M. R. JAYAKAR (Bombay University): Sir, may I point out to you as regards the present question, that in the Devolution Rules, where provincial subjects are mentioned, one of the provincial subjects is (page 120 of the Manual):.

"17—Administration of justice, including constitution, powers, maintenance and organisation of courts of civil and criminal jurisdiction within the province; subject to legislation by the Indian legislature as regards High Courts," etc.

And therefore, so far as this clause purports to affect the administration of justice by conferring certain powers on criminal courts, it *prima facie* falls within the powers of the provincial legislature. Then there is the latter part.

"subject to legislation by the Indian legislature as regards High Courts, chief courts, courts of judicial commissioners and any courts of criminal jurisdiction."

The meaning of this clause is, that as regards these courts there is a concurrent power in the central legislature. Although they are placed within the purview of the provincial administrations, still they are not removed from the control of the central legislature. The remaining courts can only be dealt with by provincial administrations. It is perfectly clear therefore that there are two kinds of courts, some, which can only be dealt with by the provincial administrations and others, which can be dealt with by the provincial administrations as well as by the central administration. As we are now dealing with the powers of criminal courts, which fall in the latter category, it is clear that we are not debarred from enlarging the powers of these courts.

Mr. A. MONTGOMERIE: The honourable member seems to have forgotten entirely section 80A (3) (*f*) of the Government of India Act which makes the previous sanction of the Governor General necessary.

Mr. M. R. JAYAKAR: That does not stand in my way.

Mr. A. MONTGOMERIE: Please refer to clause (*f*). Subject No. 17 is a subject as is referred to in this clause.

Mr. M. R. JAYAKAR: There is nothing in that section which prevents the local legislature from acting in this case. I will make my meaning clear. The words at the end of clause (*f*) are "in respect of any matter to which such declaration applies". This is not such a matter and Government will point out if there is any declaration relating to this matter, as contemplated by the said clause.

Mr. J. B. KANGA: Sir, Rule 17 of the Devolution Rules which my honourable friend, the honourable member for Bombay University, referred to is certainly controlled by section 80 (*f*) of the Government of India Act. According to that section the local legislature may not without the previous sanction of the Governor-General in Council make or take into consideration any law regulating any provincial subject which has been declared by rules under this Act (*i.e.*, rule 17) either in whole or in part, subject to legislation by the Indian Legislature, in respect of any matter (that is as regards any subject), to which such declaration applied. Now the declaration would apply to the High Court, Chief Courts, and Courts of Judicial Commissioners, and any Courts of criminal jurisdiction. Therefore I say, Sir, that section 80 (*f*) is the main thing which we

[Mr. J. B. Kanga]

have to look to. Then looking at the operative part of the section and the proviso, I submit that according to that operative part and the proviso, the local legislature may not without the previous sanction of the Governor-General make or take into consideration, they cannot even take into consideration, any law. Then comes clause (*f*) and that would apply to the present amendment. Then the proviso says :—

Provided that an Act or a provision of an Act made by local legislature, and subsequently assented to by the Governor-General in pursuance of this Act, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor-General under this Act.

No doubt there is a proviso and it would validate anything which has not received the previous assent of the Governor-General. But I submit we have got the operative part and as here the previous sanction to this bill has been obtained from the Government of India, it is difficult to say that after having obtained that sanction we can go on introducing amendments which would relate to any criminal court. I mean here powers are conferred on criminal courts. I will illustrate what I mean. Supposing in this Act we are having an amendment before us which touches the powers of the High Court or which enlarges the jurisdiction of the High Court. Then I submit, Sir, such an amendment would certainly require the previous sanction of the Governor-General in Council. Here we have got the previous sanction to the whole Act which was submitted to the Government of India and nothing more. That is the main point to be taken into consideration. Otherwise many Acts of the Imperial Legislature by amendment would be encroached upon. The sections of the Imperial legislation may be enlarged or modified. That being the case and the words being "may not take into consideration any law" and as here the previous sanction of the Governor-General has been obtained to the whole bill which was placed before the Government of India, I submit, Sir, that as far as possible the amendment should be such as would not encroach upon any Act of the Imperial legislature.

The Honourable the PRESIDENT : I am sorry the Advocate General has not replied to some of the previous points which have been made by several honourable members and which have occasioned difficulty in deciding this point, and which I have referred to in my observations.

The first point is that assuming that sanction of the Governor-General is required to any amendment, the question is whether it is not already covered by the preamble. That is the point that the Deputy President made ; and that the previous sanction of the Governor-General has been obtained to this bill under sub-clauses (*e*), (*f*) and (*h*), to which the Advocate General has referred.

Now the question is really this : Whether the powers that are conferred upon the courts under this bill can be enlarged or cannot be enlarged. The fact that the Governor-General has sanctioned the conferring of these powers which are embodied in this bill precludes the House from varying those powers, either imposing a restriction on the powers that are given in the bill, or enlarging those powers within the scope of the

[The President]

bill. The one point that I made has not yet been answered, whether the amendment is within the scope of the bill or not. That is my one difficulty.

Then with regard to the point that I made namely, that sanction of the Governor-General having been obtained under sub-clauses (*e*) and (*f*) of section 80-A of the Government of India Act, whether this Council is debarred from considering whether they cannot restrict or enlarge those powers within the scope of the bill. If they can, then comes the ruling of Sir Narayan Chandavarkar on that issue which I am placing before the House, namely that this legislature has that power and that it is safeguarded by the ultimate power of the Governor-General to withhold his sanction. That is Sir Narayan Chandavarkar's ruling and personally I agree with it. If these points cannot be considered by this legislature, the logical conclusion would be that this Council can only accept or reject bills which are placed before it after obtaining the sanction of the Governor-General. It appears to me that would be imposing such definite checks and restrictions on the powers of this legislature that I do not think that it can have possibly been intended (hear, hear). That is my difficulty and if the Advocate General and Members of Government require time, I am quite prepared not to decide the point now, but to do so after the tea interval. I should like to be satisfied that the privileges and the powers of the legislature are in no way unduly restricted by any ruling of mine (hear, hear). I will discuss the point with the Advocate General during tea time and give my ruling at 4-30.

We next go to clause 47.

The Honourable the PRESIDENT.: We will now go to the honourable member Mr. Bole's amendment.

Mr. S. K. BOLE: Sir, the amendment which I beg to move runs thus:—

Before clause 47. Insert the following additional clauses in Part VIII under Miscellaneous:—

*Penalty for being drunk while in charge of a child.*

"47. A person found drunk in any highway or public place whether a building or not or any licensed premises, while having the charge of a child apparently under the age of seven years, may be arrested. If the child is under seven, the person found drunk is liable to a fine, which may extend to fifty rupees."

*Betting, Loans and Pawns.*

"48 (*a*) A person found guilty of inciting a young person to bet or to borrow money is liable to imprisonment for a term which may extend to one month or to a fine which may extend to one hundred rupees or both."

"(*b*) It is illegal for a pawn-broker to take an article in pawn from any young person whether offered by that person in his own behalf or on behalf of any other person and the offence is liable to imprisonment for a term which may extend to one month or to a fine which may extend to one hundred rupees or both."

*Sale of intoxicating liquor.*

"49. A person giving to any child or young person any intoxicating liquor, except upon the order of a duly qualified practitioner or in case of sickness or apprehended sickness or other urgent cause, is liable to a fine which may extend to fifty rupees."

[Mr. S. K. Bole]

*Juvenile smoking.*

"50 (*a*) C person selling tobacco, *bidies*, cigarettes or smoking mixtures to any one apparently under sixteen years of age whether for his own use or not is liable to a fine which may extend to fifty rupees."

"(*b*) It is the duty of any police constable or officer in uniform to seize tobacco, *bidies* or cigarettes or any smoking mixture in the possession of any person apparently under the age of sixteen years whom he finds smoking in any street or public place. Boys found smoking may be searched but not girls."

Clause 47 may be renumbered as clause 51 and subsequent clauses may also be renumbered accordingly.

Sir, I think when we want to protect children, it is our duty to protect children from the evils of drink, smoking and betting. In England, where drink is supposed to be a necessity on account of the cold climate, there also these clauses exist in some Acts and it is therefore necessary that we must have particular restrictions on drink evils in the case of children. So also in the case of smoking. Smoking has now-a-days become a fashion. I do not think it is a necessity.. Medical opinion is against drink as well as against smoking. A non-smoker might sometimes be suffocated by the smoke which a smoker causes. So in the case of children it is very necessary to have restrictions put on smoking also. As for betting, I need not say anything. I think the time has come when even full-grown persons require to be protected from the evils of betting, and I think it is but meet that we should protect children from the evils of betting. In the case of pawns and loans I have seen in Bombay some legal practitioners and some other gangs of persons combine and get some of the children or young persons into their clutches and make them their slaves—young persons under sixteen years of age and in their case it is necessary that there should be some restrictions placed on the evil doings of these persons. I have seen some families ruined on account of such evil doings, their children having found themselves in the clutches of these unscrupulous persons. Under these circumstances, I think I need not say much to convince the House that it is necessary that these clauses should be introduced into this bill.

Question proposed.

The Honourable the PRESIDENT: The honourable member has moved all the clauses as one amendment; we will put them separately, but the discussion may proceed on the whole amendment.

Mr. D. B. ADWANI: I should like the honourable member to tell us, Sir, whether by "practitioner" in clause 49 he means medical practitioner.

Mr. S. K. BOLE: Yes, medical practitioner; certainly.

Mr. A. MONTGOMERIE: Sir, on the analogy of the decision arrived at with regard to the amendment of the honourable member from Bombay (Mr. Hooseinbhoy Lalljee) I would ask the honourable member whether he will withdraw his amendment if Government are prepared to give him an assurance that they will consider the proposal if it is brought forward as a legislation by a private member. Some of the matter introduced in this amendment is extremely controversial and I think

[Mr. A. Montgomerie]

it is only a year or two ago that one of such proposals was rejected, after a long debate, by the Bombay Legislative Council. But we are quite willing to consider the matter on these lines, without prejudice to the suggestion that the amendment is out of order or that it would require the bill to be held up until we can get the previous sanction of the Governor General. I would suggest that the honourable mover should, on the assurance already given, withdraw his amendment.

The Honourable the PRESIDENT: Does the honourable member, Mr. Bole, wish to withdraw his amendment?

Mr. S. K. BOLE: No, Sir.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I am glad that the honourable mover of the amendment did not submit to the request of the honourable member, the Home Secretary, to withdraw his amendment. I would go to the length of saying that if it is necessary to withhold this legislation or postpone it without this amendment, I think the House would rather agree that the whole legislation should be withheld or postponed till the sanction to this amendment can be obtained from the Government of India, because, as I stated in the beginning of my remarks, in the most important matter in which children require to be protected and in which this House is evidently anxious to protect children, Government for some reason or other (I will not repeat the motive which I repeated in my general remarks but I will leave it for the honourable members to understand) for reasons best known to themselves, Government will not allow the House to extend that protection to the children. I do not know why. A similar amendment was moved only yesterday by my honourable friend Mr. Lalljee. I do not know why it was insisted upon to be withdrawn. There was no assurance from Government that they would themselves bring an amendment of this kind. I could have understood if the Government had stated "we will get the sanction of the Governor General and we give a solemn undertaking to the House that on account of some oversight this important affair has been overlooked and we undertake to bring our own legislation". I could have understood that, but they leave it to the honourable member to introduce an amendment at some future date, and we do not know what sort of obstruction, not from this side of the House but from the other side of the House, may be introduced to this amendment by way of sanction from the Governor General and various other matters. I say, Sir, taking clause by clause and point by point, I do not think after all these three days that we have debated and after all the anxiety and the pathos and the sympathy that has been shown by the honourable member, the Home Secretary, for the welfare of the children of this land and for the good health of the children and for the sanitation and all other benefits of the country, I say, Sir, after all the anxiety and interest which he has shown to this House as well as to everyone outside this House, and after the statement he has made that his object is not politics but the good of the children, that his object is to save the children of this country, the House will see whether the Home Secretary was consistent

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with the declaration made yesterday when today he asked the honourable mover to withdraw his amendment on any ground whatever. If the Home Secretary dares to oppose this amendment on any ground whatsoever, I shall at once declare that all that he stated yesterday was not sincere and that his motive was not *bona fide*. If any man who has got the desire to protect the children of this soil does not help an amendment which protects the children from such vices as drink, gambling, smoking, races, borrowing, etc., which by the way are the worst kinds of vices from which children require to be protected if any honourable member in this House, be he a Government or a private member, refuses his support to an amendment of this kind, I will at once say that his whole object is not the protection of children, whatever other motive he may have. I do hope that an amendment of this nature will be carried unanimously as it will not only bring credit to the Presidency of Bombay but it will considerably add to the benefits and to the efficiency of the Act itself. Otherwise, the indirect conclusion will be that Government members desire for some reason or other that children should be protected from the cruelties of their own parents or guardians but that they should not be protected from the cruelties which indirectly are inflicted by the vices enumerated in the amendment. I should say that this House has called for restrictions to be placed not only upon children but upon grown-up children and adults also as far as the evil of drink is concerned. We do not want drink to exist in this country at all. I do hope therefore that consistently with the declaration made by the honourable member, the Home Secretary—humanity or sympathy for children is not the monopoly of Government only—and if Government benches will help and cooperate with us in saving the children from the vices mentioned in the amendment we will agree that the motive of Government benches as well as honourable members on this side is to save the children's soul and that object will be properly served.

The Honourable Sir MAURICE HAYWARD: Mr. President, I am sorry that serious insinuations should have been made against official members after all the labour and trouble which has been bestowed upon the preparation of this bill and upon introducing it before this House. I do not propose to refer further to the insinuations which have been made as I feel quite sure that they will not be accepted by any honourable member in this honourable House. I will only explain exactly what the position is. The positions is this that the amendments proposed are amendments with which we are in entire sympathy in substance. We desire to do everything we can to protect children. We have given an assurance to the honourable member Mr. Hooseinbhoy Lalljee that we will do everything to help forward any bill which he may bring forward on this point and his point was the same point as the first amendment by the honourable member Mr. Bole. We will give the same assurance to Mr. Bole that we will take the matter into consideration. We will further consider whether it will not be possible for us to bring in a Government bill. We must point out that this amendment introduces an entirely new matter

[Sir Maurice Hayward]

into the legislation, that these are matters which have been the subject of considerable controversy elsewhere and that these points have not been published yet throughout the presidency, that these points have not yet been submitted to the opinions of the various people interested either in the city of Bombay or in the mofussil or in Sind. I think, Sir, that this honourable House will agree that it is desirable, before extending the provisions of this bill in these directions, that all people in the presidency and in Sind should have due notice of what we intend to do and that we should have the benefit of their opinions as to how we should proceed. It is quite possible also that the provisions as they now stand might require some modification just as the provisions which we ourselves brought forward have had considerable modification both in select committee and in the clause to clause reading. These provisions have not been considered as yet even by the select committee; they have not been through the ordinary form of introduction, through the first reading, through the second reading and the select committee, and I submit that the proper course would be to introduce these in the regular form of a bill so that everybody should know exactly what the proposals are and to pass them as a subsequent amendment to this bill. We are tied down by rules and orders not to proceed if any substantial amendments of this sort are introduced because the Government of India, in sanctioning legislation, take the position that their sanction is given to the bill as presented to them. They say that we cannot presume sanction of anything which they have not had any notice of, they sanction merely the introduction of the legislation in the form in which it has been presented to them. They are quite prepared, however, to allow us to make any amendments within that sanction; within that sanction this House has the power to do what it likes, but anything which goes clearly without their sanction, they say (not unreasonably), is a matter which ought to be submitted to them before it is further proceeded with by this House. Therefore we are tied down to this that these amendments, which do go considerably beyond what was submitted to the Government of India, are amendments which we should have to reserve for the Government of India's sanction. I say therefore that if these amendments were pressed, we shall not be able to proceed with this bill.

Mr. S. K. BOLE: On the assurance given by the Honourable the Home Member, I beg leave to withdraw the amendment which I have moved.

The Honourable the PRESIDENT: The honourable mover wishes the leave of the House to withdraw his amendment. Has the honourable mover the permission of the House to do so?

Question put and leave refused.

Mr. D. B. ADWANI (Karachi City): Sir, I merely wish to point out that if such restrictons are to be placed by Members of Government upon us, our activities in this House with regard to legislation will be very greatly checked and this House will be turned into nothing better than a debating society, if amendments in regard to clauses which do not even

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affect Imperial legislation are not to be permitted to be moved in this Council. As regards the policy of excise, honourable members on this side are very clear about it. They have made up their minds with regard to questions of excise, and they do not require any more time to consider it. Excise is a provincial subject, and it is not even a subject under the Imperial Government. I do not, therefore, understand, on what grounds these particular amendments must first go before the Governor General. The Governor General, Sir, has given us his assent to legislate with regard to the protection of children, and we are legislating with regard to the protection of children. Can honourable members of Government say that the matters referred to in these amendments do not pertain to the protection of children, or that there is anything in these amendments which is within the jurisdiction of the Government of India and requires the previous sanction of the Governor General? But, even supposing that previous sanction is necessary, we have heard the ruling of the late President, and from that it is quite clear that we can go on with the bill.

With regard to matters of controversy, we have not heard from the Government what those matters of controversy are; they can tell us what those controversial matters are, and we can then address ourselves to the consideration of what changes should be made.

The Honourable Mr. COWASJI JEHANGIR: Mr. President, I was always under the impression that my honourable friends opposite were most strict and punctilious in following rules and regulations and upholding the privileges of this House. Now, I am beginning to come to the conclusion that very often, when it suits the purpose of my honourable friends opposite, they forget the privileges and duties of every honourable member of this House. Is this an amendment or is this a new bill? That is what I want to know. Reading through many of the clauses of this amendment, it appeared to me that my honourable friend from Bombay (Mr. Bole) was trying to make this House consider a second bill. Sir, I trust that honourable members opposite will not accuse me of want of sympathy for children. I am afraid my honourable friend from Bombay (Mr. Nariman) will surely do so.....

Mr. K. F. NARIMAN: No, Sir.

The Honourable Mr. COWASJI JEHANGIR: And that is why I made the remark. Mr. President, none of us have a monopoly of that great gift, of sympathy for children. None of us have that monopoly, but it strikes me that my honourable friend opposite (Mr. Nariman) has certainly a monopoly of one thing, and that is the art of playing to the gallery.

Mr. R. G. PRADHAN: Is that a parliamentary expression, Sir?

The Deputy PRESIDENT: It is perfectly parliamentary.

The Honourable Mr. COWASJI JEHANJIR: Sir, this is not the first time I have had occasion to make that remark. I will ask my honourable friends opposite to go through some of the sections of this amendment, and I will ask them whether they can come to any other conclusion than

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that all these sections ought to go before a select committee, and that they ought to be considered carefully, point by point before they become the law of the land. If Government had for one moment proposed an amendment of this character before the amendment had been considered by the select committee, if they had asked honourable members opposite to consider such an amendment for the first time at the second reading of a bill, my honourable friends opposite, to a man, would have risen and asked Government what they meant by asking them to consider at the second reading amendments which had never been considered by a select committee. It is a precedent which I trust honourable members opposite will not set, *viz.*, that at the second reading amendments of this kind may be brought forward without due and serious consideration, and, what is much more, without ascertaining the opinion of the public. The opinion of the public can only be obtained by the publication of a bill. These amendments have not been published. Some honourable members may be of the opinion that these amendments can with safety be made a part of the Act without previous consideration. Now, let us look at the first amendment.

It says:

"A person found drunk in any highway or public place, whether a building or not or any licensed premises, while having the charge of a child apparently under the age of seven years may be arrested. If the child is under seven, the person found drunk is liable to a fine which may extend to fifty rupees."

We have heard a good deal of criticism about entrusting the police with more powers, and, perhaps, honourable members from certain parts of this Presidency have legitimate reasons for complaining about it and asserting that greater powers should not be placed in the hands of the police. What are my honourable friends doing by this amendment? If a poor working man, leading his child home, after having had a drink or two, is found drunk, he is liable to be put up before a magistrate and fined Rs. 50. Is that a provision which honourable members desire to make without due consideration?. Then, look at another part of the amendment. It says.:

"A person giving to any child or young person any intoxicating liquor, except upon the order of a duly qualified practitioner or in case of sickness or apprehended sickness or other urgent cause, is liable to a fine which may extend to fifty rupees."

That means to say, Sir, that if, at a birth-day party, I give my child some light wine, I am guilty of a crime, which may be punished by a fine of Rs. 50. Now, I ask if it is reasonable to put such a proposition before a reasonable House, to be passed into legislation without further consideration. Such are the provisions of this amendment. By all means, as the Leader of the House has said, consider them, and if you think them worthy of further consideration in this honourable House, bring them up, but do not force them upon a House in this manner, without further consideration, without deliberation, and, above all, without the opinion of the public behind you.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Sir, it was not my intention to speak on this amendment, after I had made my speech last

[Mr. Hooseinbhoy A. Lalljee]

time, but after hearing what the Honourable the General Member has said, I am constrained to make a few remarks. My honourable friend has just told the House that we have not obtained public opinion on this question. So far as his remarks regarding the giving of a little wine to a child on his birthday are concerned, I think he is right, and that public opinion is required about it. But on the general question, to every man who has been in India, and who knows the public life of Indians, certainly public opinion is very well known. If anything is known to Indians as injurious to public health, they know it is drink and drugs, and to say that Indian public opinion is required to curtail the evil of drink and drugs is to insult Indians. Sir, as I have already said yesterday, the religions of Indians prohibit drinking, and I say, Sir, that any Indian, even if he belongs to the depressed classes, does not like that his child should be a drunkard. The Honourable the General Member said that we must obtain the opinion of the public. I ask him whether he seriously meant it? Would anybody in this House deny that Indians do not want all these vices? The drafting of his bill is on the lines of the English Act. In England if a little champagne is given to a child or, a person under 14 years of age and if it is not given for the sake of health, he will be penalised and the English law is not opposed to it. I do not know with what justification the Honourable the General Member could say that it should not be so in India. I am quite satisfied with the assurance from Government that they would support me if I bring in a bill on these lines but if they did not do so I do not mind as I feel that we have got the public opinion behind us. If the Council does not pass the bill, the public will revolt at it. In the select committee I drew its attention to this provision but it was not accepted by them. To my mind except the first clause all others are simple and there can be no objection to their accepting them. With these few words I support the amendment.

Mr. M. R. JAYAKAR (Bombay University): Sir, I am very sorry that the Honourable the General Member should have unfortunately spoken in such a strain on a subject about which he must be aware that the House is united. To say that we in this House do not represent public opinion and that we are doing something which is contrary to public opinion is to offer it the greatest insult.

The Honourable Mr. COWASJI JEHANGIR: A personal explanation, Sir. What I said was that they had not obtained public opinion.

Mr. M. R. JAYAKAR: We claim the right to represent public opinion. We claim to be in daily touch with public opinion, as it is known outside this House. What is the good of saying that we do not understand public opinion and must obtain it from outside?

The Honourable Mr. COWASJI JEHANGIR: Sir, a personal explanation.....

The DEPUTY PRESIDENT: The honourable member must accept the explanation of the Honourable the General Member that what he

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intended to say was that public opinion has not been obtained and not that it does not represent public opinion.

Mr. M. R. JAYAKAR: I will accept your ruling, Sir. I call it unfortunate, because a speech cast in a different tone might have been more suitable. I was considering whether I should not intervene at that stage and persuade the Honourable the General Member to direct the debate in a channel which might be found more suitable to the occasion than the one into which we are drifting and are led by such speeches. The House knows perfectly well that the attitude of the non-official members of this House on questions of this character is determined by steadfast and deeply entertained feelings. Government must not blame us if we take this view. If the House will permit a reference to what happened on the last occasion, in the July-August session, we then had a resolution passed about the goal of the Government's excise policy. When we had the resolution passed, we thought that some action would be taken on that. But we have yet to know whether Government have really a desire of responding to the wishes of this House on this question of excise policy. Now what the Government have done in this very session clearly proves that on questions on which Government feel deeply they know how to cut short the time. Take for instance the Statistics Bill, about which Government are so keen. What attention, what concern, what labour has been bestowed upon that bill? How many meetings have been held in order to cut short the time, because Government feel that the bill touches the essence of the labour question. Why should they not indicate to the House that they are equally earnest about these questions on which we feel so much? I wish to make an offer to Government and I hope they will accept it. Will the Government, as Government, introduce a bill on these lines in the next session, held for the legislative business of this Council? If so, I am hopeful that some of us would be persuaded to agree to the withdrawal of this amendment in favour of a bill exactly on these lines or with such verbal modifications as the Government may think necessary without departing from the substance of these suggested clauses.

Then again we are frightened by being told that matters of this kind must go to the Government of India for sanction and that will hold up this bill, as my honourable friend for Karachi remarked. Is this House going to be reduced to a mere farce or an automaton? The moment any section which is a slight departure from the original intention of the bill is introduced, are we to be told "No; this cannot be done. This must go to the Government of India; we are powerless to do it." Then what are we here for? If every slight departure from the original intention of the bill is to receive the sanction of the Government of India, I submit honourable members would protest against such a position.

Such an objection frequently raised by Government benches unnecessarily provokes this House. Why should Government take shelter under the plea that they cannot do anything because all these things must go to the Government of India. Why should they not say: "we are in complete

[Mr. M. R. Jayakar]

agreement with the House and we shall introduce the bill at the very first opportunity, provided of course the Government of India give their sanction. As regards public opinion, I can assure the Government that it is strong on this point. The Honourable the General Member said that because we are distrustful of the police, we would not put these powers into the hands of the police. My answer to that is that our keenness and anxiety to protect our children from these vices is stronger than our distrust of the police. We are of course distrustful of the police in their present condition, but we feel that these vices like gambling are spreading day by day. I represent this honourable House in the advisory committee of the G. I. P. Railway. That railway has recently started a third class special train to enable poor gamblers to go from Bombay to the Poona races. That vice was encouraged, at first, by running special trains for the benefit of first and second class passengers only. The Railway Co. are now spreading their net to attract the poor inhabitants of Bombay. When the people ask for additional trains for pilgrim traffic, *e.g.*, on the Barsi light railway, we are told that the rolling stock is insufficient, but beautiful bogie carriages are speedily provided for these race specials, carriages beautifully fitted, whether upholstered or not I am not aware, for I have not seen them nor shall I ever see them. They carry the workmen from Parel to the Poona race course. The vice is thus spreading and we feel that Government are not earnest in checking their spread.

Therefore, if we get an assurance from Government that at the next session of this Council, they will bring in a bill exactly on the same lines, nothing less than that,-we would not mind personally if they held a session in December for the purpose of this legislation—; we would be prepared to permit the mover to withdraw this amendment.

The DEPUTY PRESIDENT: May I enquire from the Government benches whether they are prepared to accept the offer made by the honourable member for Bombay University?

The Honourable Sir MAURICE HAYWARD: I have, Sir, given every reasonable assurance that any reasonable man can desire. I may assure this honourable House that we will consider with sympathy any proposals on the lines of the amendment of my honourable friend Mr. Lalljee or Mr. Bole, and that we will examine them and if necessary bring in a bill ourselves. I think, Sir, that assurance is an assurance which any reasonable person would accept. It is an assurance that we will examine sympathetically the proposals and do our best to accept them and bring in a bill. I cannot go further than that, because they must be examined and we have to obtain the sanction of the higher authority. I think that that assurance I have given, the assurance that if on a sympathetic examination we find it possible we will bring in a bill, is such as any reasonable person, any reasonable member, can reasonably approve. Those members who are anxious that this bill should pass into law would at once accept it: those that do not accept it would be showing that they do not desire this legislation, that they deliberately desire to postpone this

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legislation. I think, Sir, that that assurance ought to meet with the acceptance of every reasonable member of this House.

Mr. L. B. BHOPATKAR (Poona City): Sir, I wish to propose an amendment to Mr. Bole's amendment, and it is in these terms:

That Bill No. I of 1924 be recommitted to a select committee with instructions to consider and report on clause 47 and all amendments thereon and in the meanwhile, the sanction of the Governor General be obtained, if necessary.

The Honourable the PRESIDENT: Under what rules are you moving that? The second reading is passed and we are now considering the bill clause by clause. Your amendment ought to have been moved, when the second reading was under consideration. I should like to know under what Rule or Standing Order you are proposing this amendment.

Mr. L. B. BHOPATKAR: I rely upon Standing Order VIII, 10:

When a bill is submitted clause by clause any member may move an amendment, not being an amendment of principle, of the bill.

Of course, by the wording in which my amendment is couched, we are likely to run with the idea that it falls under Standing Order VIII, 8 (3), which authorises to move a motion that the bill as reported be recommitted to the select committee.

The Honourable the PRESIDENT: Exactly. That is the stage when such an amendment should be moved.

Mr. L. B. BHOPATKAR: The wording of the Standing Order VIII, 10, is wide enough to cover this. When a bill is submitted clause by clause, any member may move an amendment, provided it is not an amendment of principle.

The Honourable the PRESIDENT: Yes: but the honourable member ought to realise that this amendment is to a clause. The clause in the bill is to be amended and for that notice is required. The reference back to the select committee can only come at the stage when the motion for the second reading is discussed, when instead of passing the second reading the House can refer the bill back to a select committee with directions to consider particular points and report on them. I am afraid at this stage I cannot allow it.

Mr. J. B. KANGA: Sir, I want to say a few words. I want to point out to my honourable friends the decision of Sir Narayan Chandavarkar. I want to point out that decision because according to that ruling what we are at present doing is really postponing the passing of this bill for at least a year or even more. The ruling to which I refer states that when a bill is brought for second reading after it has been signed by the select committee, and that bill is amended by the House, the bill as amended has again to be sent for the assent of the Governor-General before the third reading of the bill could be moved. And if very substantial amendments are made to the bill it will take considerable time before the assent of the Governor-General is obtained. This ruling was given on the 19th February 1923, and it states:

"The House has every right to amend the bill or to accept or reject it as amended by the elect committee. The Governor-General has assented to the bill as amended by the select

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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.

Now, if very substantial amendments are proposed, amendments which really ought to find a place in a separate bill, the result would be that when the bill is sent for the sanction of the Governor-General, he will have to consider the various substantial amendments. Take the nature of these amendments: they are introducing so many penal clauses by way of amending the bill. The bill is now almost nearing the end of the second reading, and if these amendments are passed the result may be that possibly by next July or next October this bill may not be taken in hand for the third reading. Therefore see what my honourable friend for the Bombay University has just now suggested. I suggest to the honourable members to see whether it is not desirable to drop these amendments at present, which contain so many penal clauses, and see that the bill is passed as soon as possible and the assent of the Governor-General is soon obtained. We shall then be in a position to see the working of the bill and after seeing how it works for a year or two, bring in these and other amendments subsequently. I say in this bill as it stands before us there may be several things left out which are desirable of which we are not at present aware. Once you look at the working of the bill after the bill is passed, you would be in a position to consider its effect, how it works in the country, and then not only the present amendments which are put forward, but various other amendments, may be put in the shape of a bill and that bill can be brought before this Council. Therefore I am suggesting, specially in view of what my honourable friend, the honourable member for the Bombay University, has suggested, that this amendment be dropped which is in the nature of a substantial change in the sections and is in the nature of a substantial amendment. Let us pass this bill, let us see that the bill passes its third reading, and let us have a year or two to watch its working, and after taking into consideration how it has worked we shall be able and in a better position to bring in another draft bill which will contain many desirable provisions. Therefore it is desirable that this bill should be passed as early as possible and I am quite sure that it is the desire of every honourable member of this House to see that the bill becomes an Act and begins working as soon as possible. We are really postponing the passing of this bill, it may be one year or two or three years and we are postponing by so many amendments. Therefore let us see how the Act works with the amendments that we have passed, and then these amendments may be taken into consideration and may be brought in in the form of a supplementary bill and passed. I do not see there is any difference of opinion between my honourable friends opposite and the Government benches. The only question is whether it is desirable to postpone the passing of this bill by putting in several amendments which are new and which the Government of India have not considered and is it desirable to await the assent of the Government of India for a considerable time and then bring in the third reading and then pass it. That seems to me to

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be the only question and the Honourable the Home Member has said that every proposal will receive sympathetic consideration and will be taken into consideration by Government. Well, I say that if that is so all those proposals can be made and followed and all considered when the new bill can be brought in. Therefore I appeal to honourable members to drop this amendment for the present and to pass this bill and pass its third reading as soon as possible.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I had no intention of criticising Government if they had given an undertaking that was asked by my honourable friend, the leader of the Swaraj party. But so far, they gave a very qualified and halting consent to the proposal made by the honourable member for Bombay University. The Advocate General took his stand on the words of the Government of India Act and the Devolution Rules. But it seems to me that if the arguments advanced by the Advocate General are correct every amendment that has been made by the Council will go back to the Government of India for sanction. That means that all the amendments that have been made in addition to those that have been sanctioned during the period that has elapsed between the select committee's report and its presentation to the Council, will still have to be sanctioned by the Government of India. All these new amendments will have to be submitted to the Government of India, because the departmental orders of that Government to this Government are such. The Government is bound to obey that order. Such orders, such directions, issued to the Government of Bombay by the Government of India are no law, no guidance, for the Council to act upon where the only authority that the Council is bound to act upon is, Sir, your ruling and no other (hear, hear).

Mr. J. B. KANGA: May I point out, Sir, that the Deputy President is making a mistake. I was not referring to other amendments. I only said that the bill as amended, according to Sir Narayan Chandavarkar's ruling will have to go for sanction to the Government of India.

Mr. B. G. PAHALAJANI: Therefore it will not be before the next sitting of the Council that this bill can be passed into law when the sanction has to be announced, that is, the next February session. And I cannot understand why three months are not sufficient for sanctioning any other amendments that might be carried to-day, that is, those proposed by my honourable friend from Bombay, the honourable member for Labour.

So far as the undertaking of the Government is concerned, I personally feel that that undertaking has not been given in any very straightforward and clear terms, and I would have been very chary—I am giving you my personal experience—very chary to accept the undertaking as a full response, because when the first reading of my bill for the repealing of section 32 of the Civil Court's Jurisdiction Act was withdrawn at the instance of the Government, the next bill that was brought up by Government at my repeated reminders, embodied 2 or 3 nominal exceptions: and the Honourable Member in charge, the Home Member told this House in very clear words "take this or nothing". These were the words with which the undertaking to this House was fulfilled.

[Mr. B. G. Pahalajani]

Now what is there in giving an undertaking ? What is the difficulty ? The whole question is, is Government sincere in the sympathy that both the Honourable the Home Member and the Home Secretary have expressed with respect to the safety and welfare of children ? Is Government sincere ? If they are sincere, if the two leaders of that movement in the Government, the Home Secretary who was in charge of the bill and the Home Member, and if these two honourable members of this House are prepared to extend that sympathy which every one on this side, the non-official side, is prepared, to give and is now pressing for the children of the soil, where is the difficulty, Sir, on behalf of the Government to prepare a bill and to submit it to the Council, prepare it in better legal language, than the one, that my honourable friend from Bombay, Mr. Bole, has presented to the Council in ? If the Government is in sympathy, if the Government is actually anxious, pathetically anxious, about the welfare of children, I cannot understand where the difficulty is in publishing a bill, eliciting public opinion and passing it through the select committee. The Honourable the General Member actually dealt upon the necessity of obtaining public opinion before presenting such a bill. But this is done by publishing the bill. If all these preliminaries that are necessary to the publication of the bill be done beforehand, if the Government give an unqualified, straightforward and clear indication of an undertaking that this bill shall be brought in artistic and legal language next session, let that be done if Government are sincere in their sympathies.

So far as the merits are concerned' I think the Government and the Advocate General with them do not differ as regards the necessity of introducing this kind of legislation. They do not differ with regard to the necessity and as long as the necessity for the introduction of a provision for prevention of smoking, drinking, pawning, is acknowledged by Government, I do not find any difficulty on behalf of Government in giving an unqualified undertaking that they shall bring a bill after all the preliminaries have been gone into at the next session.

The Honourable Mr. H. S. LAWRENCE: Mr. President, I must confess to a sense of bewilderment at the violent character of the recent speeches in the discussion of this minor matter. I have risen to say a few words from the standpoint of a person who knows very little about the bill, because it has been prepared in my absence from this Government. I have listened to portions of this debate for three days and am much impressed with the enormous advance it is proposed to make in the protection of children from the more serious evils and dangers which beset young life. I say, as one who approaches this subject from this detached view of a mere onlooker, I feel bewildered to find that there are certain members of this House who can speak with such contempt and distrust of the Government which has made such progress in this important matter and produced a bill which is undoubtedly likely to confer such great benefit on young life. Sir, if the House were to take any action which would postpone the sanctioning of this bill, it seems to me that they would be, in mathematical language, rejecting a bill that would give them

[Mr. H. S. Lawrence]

90 per cent. of the advantage they all desire because they cannot get in the last 10 per cent. that they wish. There is plenty of time, Sir, for the discussion of these extraneous subjects which the honourable member Mr. Bole has introduced but in regard to which he is willing to give time for further discussion. They are not in any way essential to the main purposes of the bill, and I do appeal to this House to let us get on to the serious business of the House and not be deflected from our main purpose by the small embellishments and embroideries which some honourable members who have a nice artistic sense wish to attach to this bill.

Mr. B. K. DALVI (Belgaum District): Sir, I am in complete agreement with the principles involved in the amendments which are brought forward by my honourable friend Mr. Bole, and I may tell the Government benches that these are the things which are most essential, if at all any protection is wanted for the children of this presidency. But at the same time my difficulty is whether that object would be achieved by passing the amendments as they are before the House. Now, take, for instance, clause 47. It says:

"A person found drunk in any highway or public place whether a building or not or any licensed premises, while having the charge of a child apparently under the age of seven years, may be arrested. If the child is under seven, the person found drunk is liable to a fine which may extend to fifty rupees."

So this says if the child is under seven years, the man is liable to be arrested, but it does not provide as to what is to be done with that person after his arrest. So also we do not find any provision made, if that man goes with a child which is above seven years, as to whether he is to be punished or not or whether he is to be arrested or not. So also there is no provision as regards a young person. Under the present Act the age of a child is given to be fourteen years but under the amendment only a child under seven years is protected. There is also no provision, if the same man goes with a young person who is between fourteen and sixteen. So you will find that if only the child is of seven years or under seven years, the man is punished; otherwise he goes scotfree. Take, for instance, clause 48. Now it refers to betting, loans and pawns. Sub-clause (*a*) of that clause provides:

"A person found guilty of inciting a young person to bet or to borrow money is liable to imprisonment for a term which may extend to one month or to a fine which may extend to one hundred rupees or both."

So this does not protect a child; it only protects a young person who is between fourteen and sixteen. It does not protect a child below fourteen. So what is the use of passing this amendment? Next we come to sub-clause (*b*) which reads:

"It is illegal for a pawn-broker to take an article in pawn from any young person, whether offered by that person in his own behalf or on behalf of any other person and the offence is liable to imprisonment for a term which may extend to one month or to a fine which may extend to one hundred rupees or both."

So also we find here, if a pawn is taken from a young person, the man who takes it is punished. But if the same person takes a property in pawn from a child, he goes scotfree. So we will see that by passing these amendments we do not achieve the object which we have in view.

[Mr. B. K. Dalvi]

So also with regard to the sale of liquor; but I leave that sale of liquor alone at present. Now coming to "juvenile smoking", we find the following:

"(*a*) A person selling tobacco, *bidies*, cigarettes or smoking mixtures to any one apparently under sixteen years of age whether for his own use or not is liable to a fine which may extend to fifty rupees."

"(*b*) It is the duty of any police constable or officer in uniform to seize tobacco, *bidies* or cigarettes or any smoking mixture in the possession of any person apparently under the age of sixteen years whom he finds smoking in any street or public place. Boys found smoking may be searched but not girls."

Now, Sir, we find in the mofussil that sometimes parents ask their children to bring *bidies*. They at the same time take care to see that their children do not get addicted to this vice, but simply because they having got no servant—and their females cannot go to a shop—are sometimes required to send a child to bring *bidies*, are those men to be punished?

So all these considerations have to be taken into account, and it is no use passing these amendments simply because they involve certain principles with which we are in complete agreement. And if we as a matter of fact, simply because we cannot pass these amendments, want to refer them to the select committee, the effect would be that the rest of the legislation will have to stand over for a year or more. So the best thing, under the circumstances, which appears to me, is for the Government to take up this piece of legislation. Government benches have asked us or may ask us to bring it as a piece of private legislation. I ask the Government benches: Is this or is this not for the protection of children? If it is so just as you have brought the other piece of legislation, do you not think it your duty to bring similar legislation yourselves? We do not possess that expert knowledge which Government possess. We may bring in a piece of legislation but it may later on be found quite insufficient. Just as I have been able to point out some defects in the present amendments, another honourable friend of mine would be able to do the same if I were to attempt to introduce similar legislation. So the best thing for Government, if they are in sympathy with what we say, would be to give an undertaking that they would of their own accord bring in similar legislation, say at the next July meeting or within a year or so from now, and it would also be very easy for them to get sanction from the Government of India if necessary. It is no use saying "Let private legislation be brought in, we will examine it carefully, and so on". What we want is an assurance from Government that they of their own accord, just as they have brought in the rest of the legislation, will bring in legislation on the lines we have suggested and satisfy the people of this presidency to the effect that they really mean to protect the interests of the children.

Mr. A. N. SURVE (Bombay City, North): Sir, the amendments that are before the House do not ask much; take, for instance, the prohibition of supplying liquor to children. May I point out to the benches opposite that under the excise license there is a distinct clause which prohibits the licensee from selling liquor to a person of tender age. If Government is actually at this present moment prohibiting the sale of liquor to persons

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of a particular age, may I know from Government in what respect this amendment goes further than what protection is actually under the license granted to children at present ? Take the second instance. A few years ago on the floor of this very House an honourable member, who is not here now, introduced a bill under the title "Juvenile Smoking Bill" and we on this side of the House know what fate it received at the hands of Government. If Government are not going to give protection to children, why is this bill brought here ? The very title of the bill is the Children Protection Bill, but when an amendment is proposed to it, Government say " well, as far as these particular vices are concerned we will not go so far ". I am very sorry to see the attitude taken up by Government. I am sure that public opinion will support them even if they carry their measure a little further. The offer that is made to them is really very reasonable. The honourable member for Sukkur has given his own experience about Government assurances. Let me add one of my own. Sir, on the floor of this House I had pointed out a very technical mistake in the drafting of the Prevention of Cruelty to Animals Bill, and the Honourable the Home Member had in open Council given an undertaking that he would introduce a bill to rectify that mistake. But let me tell this House that for nearly fifteen months nothing was done and I had to write to Government and remind them before a measure was brought in. This is the way in which assurances are carried out. May I refer to one more point ? The amendment deals with unscrupulous creditors. I know an instance in Bombay where a young member of a millionaire family became vicious and brought ruin upon his family by passing pro-notes to his creditor. If we are really interested in the protection of children, the amendments brought before the House are really necessary for this bill, and I appeal to Government that they will not put us into a fix. The suggestion that is made is a very reasonable one. Let Government accept it. Otherwise, we will have to vote in favour of these amendments though they are badly drafted. If there is no time to correct the mistake in drafting, let Government accept the suggestion made by the honourable member representing the Bombay University.

*After recess.*

The Honourable the PRESIDENT : Order, order. I should like to inform honourable members that I have discussed the honourable member Mr. Adwani's amendment with the honourable member, the Advocate General, and he agrees with the views I expounded this morning. I therefore rule that amendment in order. It will be moved immediately after the present amendment is disposed of.

Mr. L. B. BHOPATKAR ( Poona City) : Sir, I wish to move an amendment to the amendment before the House, namely, amendment moved by the honourable member Mr. Bole as regards original clause 47. If my amendment is accepted, clause 47 will read as follows :—

" A person found drunk in any highway or public place or any licensed premises, while having the charge of a child under the age of seven years, shall be liable to a fine which may extend to fifty rupees."

[Mr. L. B. Bhoptakar]

I seek advice as to whether I can move an amendment which would bring about the above result.

The Honourable the PRESIDENT: The honourable member has already once moved one amendment and I ruled it out of order. He can get this moved by any honourable member who has not yet taken part in this debate.

Mr. M. D. KARKI (Kanara District): Sir, I beg to move an amendment to the amendment, and it is as follows:

"Omit the words 'whether a building or not' after the word 'place' in line 2; omit the word 'any' before the words 'licensed premises'; after the word 'while' instead of the words 'having the' insert the word 'in'; omit the word 'apparently' before the word 'under'; omit the words 'may be arrested. If the child is under seven the person found drunk is'; and insert the words 'shall be' before the word 'liable.'."

The amendment as amended will read:

"A person found drunk in any highway or public place or any licensed premises, while in charge of a child under the age of seven years, shall be liable to a fine which may extend to fifty rupees."

The wording of the original amendment being objected to, this amendment is proposed, and I submit it will suit the purpose.

Amendment to the amendment proposed.

The Honourable the PRESIDENT: If no honourable member wishes to address the House, I will call upon the honourable member Mr. Bole to reply.

Mr. S. K. BOLE: I have nothing to say in reply.

The Honourable Sir MAURICE HAYWARD: I do not quite understand how far we have got. Are you, Sir, putting this clause 47, or the others also?

The Honourable the PRESIDENT: I informed the House that all the clauses of the amendment should be discussed together, but each will be put to the vote separately, unless any other procedure appeals to the House. I am quite prepared to consider any suggestion that might be made. The different clauses of the amendment will be put separately, but, to save time, the discussion should be joint.

The Honourable Sir MAURICE HAYWARD: I should like to say, Sir, that if the House really want to pass these amendments, it will delay the bill, for reasons I have already explained. If they want to delay the bill by passing these amendments, I should strongly recommend them to go very carefully through each of these sections, and to see that the wording of the various provisions is really suitable, because I think, as they stand, they would not work, and I suggest, Sir, that each should be put separately, and honourable members should be permitted to move amendments to each of them in order.

The Honourable the PRESIDENT: I have already accepted the suggestion to put the clauses separately, but in view of the difficulty pointed out by the Hon'ble the Leader of the House, I will allow amendments to be moved to each of the clauses, if any honourable member wishes to do so. Then, we will consider the question of discussing them—as to

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whether there should be any further discussion. I should like to know whether any honourable member wishes to move amendments.

Mr. S. S. DEV: I have moved my amendment, Sir.

The Honourable the PRESIDENT: I understand there is a second amendment to clause 47, so that I think it would be better if we dealt with each clause separately.

The Honourable Sir MAURICE HAYWARD: That is my suggestion, Sir.

The Honourable the PRESIDENT: I think that will meet the wishes of the House. This is not a matter of resolutions, but legislation, and we must be very careful. I will now call upon the Hon'ble the Leader of the House to reply on clause 47—the original clause as it stands in print, and the amendment as proposed by the honourable member Mr. Karki. The reply will be to that part only; and then we will take clause 48 and the amendments, and I will call upon Mr. Bole to speak again.

The Honourable Sir MAURICE HAYWARD: I understand, Sir, that the honourable member Mr. Bole does not wish to reply on clause 47.

Mr. R. D. SHINDE: (Rose).

The Honourable the PRESIDENT: The Hon'ble the Leader of the House replies to this amendment. Under the rules, this becomes the substantive proposition, though it is an amendment, and the amendment proposed by Mr. Karki becomes the amendment. Therefore, immediately after the reply that the Hon'ble the Leader of the House may make, I will put this amendment to the House, and then I will permit Mr. Shinde to move his amendment. We are now discussing Mr. Bole's amendment, and the amendment to it. This clause 47 is the substantive proposition, and Mr. Karki's motion will be the amendment. The other amendments will come later on.

The Honourable Sir MAURICE HAYWARD: Not with regard to 47?

The Honourable the PRESIDENT: There is another with regard to 47.

The Honourable Sir MAURICE HAYWARD: I should like to touch on the general question first, Sir. The question is whether this House is going to accept these amendments now, which will result in a definite postponement of the bill for over a year, or whether they will reject these amendments now, and take my assurance that I will do my best to bring in a bill at a later stage. I should like that to be put first.

The Honourable the PRESIDENT: That is the procedure that I have indicated, namely, that as all these clauses have been discussed together, and speeches have been made on the whole amendment embodying all these clauses, the Hon'ble the Leader of the House would be perfectly entitled, as other hon'ble members have been permitted, to make general observations with regard to all the amendments, and then, in conclusion, to refer to this amendment only. That certainly will be allowed.

The Honourable Sir MAURICE HAYWARD: Then, I shall discuss the general question simply on this 47, and get an expression of the opinion of the House on that. If this is passed, on the others I won't refer to the general question, so that it will be submitted only once to the House.

I should like, therefore, Sir, in the first instance, to put the position once more before the honourable House. I just want them to realise the exact position. It is not of our making; it is one of the rules and the provisions of the Government of India Act, and the position is this: if amendments of this nature are made in the bill now, it means that we shall not be able to proceed to the third reading. The whole bill will then have to be resubmitted to the Government of India, and cannot be brought forward for the third reading in this session; probably, there will be no time to bring it forward at the budget session, as members will be fully occupied with the budget, and that will mean that the third reading will not be possible before next July in Poona. That means, practically, that by inserting these sections now, we shall be deliberately postponing the bill for a whole year. I want the position to be perfectly plain, that this will be the result, and I should like to put it once more to the House whether they will not accept my assurance that I will do my best to bring in a bill including these sections, by way of amendment, as early as possible. They know perfectly well what the procedure is. If not I shall try to explain. I will not promise that I will bring a bill on these lines, because the bill has to be drafted, it has to be submitted to the executive council, the concurrence of His Excellency has to be got, and then it has to be sent to the Government of India for sanction. I cannot bring it unless the Government of India gives its sanction, because these sections create new criminal offences. Under the Rules I cannot bring a bill without getting the previous sanction of the Government of India. I cannot say beforehand whether the Government of India will give its sanction or not. I will try my best to bring the bill, but I cannot give any promise. I can give the assurance that I will do my best to go carefully into all the sections of the bill and try to bring it. The wording of the present draft requires amendment. It will have to be considered carefully. The wording of this draft is taken from the digest of the English Act and it is not even substantially the wording of the Act itself. The wording requires careful overhauling before it is put into the Act. I hope honourable members will realise the limitations on my power. I will do everything that is within my power. I hope you will trust me. Why should you suspect me? What have I done to be suspected? My honourable friend sitting opposite said, while I was away called by higher authority, that I took 15 months for introducing an amendment which I promised. I suppose he is right, but I do not know the exact time. As a matter of fact I had got the bill drafted before he complained. It was a small amendment to the Cruelty to Animals Act connected with some religious ceremony, which I do not exactly remember now. I am afraid it took sometime. I do not do the drafting myself; I give the order. The Legal Department did not get the draft ready earlier as it was busy otherwise. I hope the honourable member will forgive me for the delay and will not suspect me. The honourable the Deputy President also

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accused me of delay in bringing in a bill providing exceptions to the Civil Courts Act. We included the exceptions in the bill as far as practicable, and brought the bill. It was thrown out by the Council. It was not entirely my fault if the majority of the House would not have it. I hope when I say that I will do my best honourable members will trust me.

The bill before the House is a complicated one and it took years to prepare it. I strongly recommend its passing now. Let children have it now. I appeal to you on behalf of the children, I appeal to you as men, not as politicians, to let the children of this presidency have it now. Dismiss from your mind all politics and parties. Let us join together and pass this bill at once. I appeal to the honourable members of this House on behalf of the children of this presidency. Trust me that I will try my best to bring in a bill on the lines suggested as early as possible. Pass this bill now for the children of this presidency.

Mr. A. N. SURVE (Bombay City, North): Sir, I have to thank the Honourable the Home Member for the explanation he has given me. I am sorry that my remarks were rather construed as strong. I wish I had known that the Legal Department was responsible for the delay. I thank the Honourable the Home Member very much for the explanation he has given.

Mr. M. R. JAYAKAR (Bombay University): Sir, I have listened with very great care to the speech of the Honourable the Leader of the House. The reason why I made that offer is that we wanted to put some pressure on the Government, because we realise sometimes that with the best of intentions, Government are not able to carry out what they want, in the face of the Government of India. That was my idea in making that offer. The honourable the Advocate General said that Government will want much longer time than nine months from now. I offer to complete the draft of the bill within a week's time in his Chamber in the High Court with the assistance of the Home Secretary and get it ready for early introduction in the Council, of course subject to the sanction of the Government of India. I want to meet the Honourable the Home Member in the same spirit in which he has accepted our offer by giving such help as we can in preparing the bill. Some of us know, quite as well as any honourable member on the opposite side, the art of drafting and we would be glad to give our assistance and time with a view to prepare a bill early. I hope the Honourable the Home Member will meet us on this point. So far as I am concerned I am satisfied with the assurance given by the Honourable the Home Member that he will do his very best to bring the bill as desired without delay. If the delay occurs on account of the Government of India, we will exonerate the Bombay Government. But in any case the bill is not delayed beyond July next. We would be glad to give our assistance and time in connection with the drafting of the bill in order to avoid delay.

The Honourable the PRESIDENT: I will now ask the mover of the amendment whether he wishes to withdraw his amendment.

Mr. S. K. BOLE: Can I make a speech now, Sir?

The Honourable the PRESIDENT: Do you really wish to make a speech after this?

Mr. S. K. BOLE: After the assurance given by the Home Secretary, I was willing to withdraw my amendment. Now that the Government have given the assurance to bring a bill within one year, I ask the leave of the House to withdraw my amendment.

Question put and leave granted.

Mr. D. B. ADWANI: Mr. President, I have already moved my amendment:

"Introduce the following as clause 46 A:—

'The court of sessions of any district in which this Act is in operation may cause to be formed or may recognise any committee or committees drawn from among the people of the respective localities of the district, for the purpose of giving advice and assistance with regard to the carrying out of the provisions of this Act, and in fixing upon the places of safety in the district. Failing the formation of any such committee or committees the said court may empower any civil court or any civil officer or any magistrate to fix upon the place or places of safety in particular localities'."

I wish to say, Sir, that if this amendment is carried, then it will not take the Government so long as one year or so to obtain the sanction of the Government of India, if it becomes necessary. We have during the discussion of this bill, during the select committee's proceedings, changed certain clauses of this bill. We have, for instance, deprived the second class magistrates of powers under this Act. The bill as originally drafted gave jurisdiction to second class magistrates. But we have altered that during the proceedings of the select committee and given jurisdiction to first class magistrates. I am reliably informed that the sanction of the Governor-General has already been obtained, after the meeting of the select committee to these changes.

The Honourable Sir MAURICE HAYWARD: Not the honourable member's amendment.

Mr. D. B. ADWANI: I am referring to the change made in the select committee with regard to the powers of second class magistrates in the bill as originally drafted. The bill as originally drafted gave powers to second class magistrates; but the select committee changed this and gave the power to first class magistrates. Now that is a material change: it makes a change in the criminal powers of courts; and to this change the sanction of the Government of India has already been obtained within a few days. Therefore it is not right to tell us that it will take a long time or a period of one year. This is all that I wanted to say on that point.

Coming to my amendment I submit that in studying the scheme of this bill, it has occurred to me that the provisions of this bill have been practically borrowed, and that far from there being any originality in the bill, no serious attempt has been made even to adapt these provisions to the conditions obtaining in this country; and even if any serious attempt has been made it has been unsuccessful. The select committee did something and made some changes so as to make the bill suitable to Indian conditions, and provided safeguards to the powers

[Mr. D. B. Adwani]

of the police officers. This House has gone further and made more changes limiting the powers of the police officers and safeguarding the interests of the public and of the parents and the guardians.

But there is just one more aspect of the matter to which I would like to draw the attention of the House, and that is, that no mention has been made in the bill of any private agency. I think, Sir, that in a social legislation of this character it is absolutely necessary that we should receive such assistance from private agencies as is possible. The provisions of the Children's Act in England are carried out mostly by private agencies; and I think in Bombay and other places we have got many private associations like the Social Service League and other philanthropic bodies which can easily assist us in carrying out the provisions of this bill. I think therefore that the change I am trying to introduce is absolutely necessary. It is true that in certain sections of the bill, as it has so far been passed, some reference has been made to private agency. For example in the definition of "place of safety" we have added the words "any other institution." Also in section 7 private agency is mentioned. In section 14, we have enacted that a police officer or "any other person" authorised by the Governor in Council may take a child to a place of safety. Also, when section 45 was being discussed in this House we were assured that some private committees will be appointed to inspect the institutions. But that was a mere reference. No mention has been specifically made in this bill that the aid of private bodies and institutions will be taken. It was mentioned by the Honourable the Home Member or the Home Secretary that when the Governor in Council makes these rules, then some private agency will be brought into the rules. It seems to me, Sir, that that assurance is not enough. The Government of Bombay do not always make rules to which we can give our assent. It may be stated that the rules can be changed by this House. But it seems to me absolutely necessary that the bill itself should contain some mention of private agencies. It is with a view to bring in that mention that I have tried to introduce this section. I think that the way I have put it is harmless. These private bodies will not serve to interfere with the carrying out of the provisions of this bill: they will always help in the carrying out of the provisions; they will always be able to tell Government whether or not a particular school is a good one or a particular place of safety is a good one; and generally speaking they will be very helpful in carrying out the provisions of the bill. I cannot see on what grounds at all Government can oppose a proposal of this sort.

Question proposed.

The Honourable Sir MAURICE HAYWARD: Sir, I should like to explain our position in regard to this. I am advised this also will require the sanction of the Government of India. We applied for sanction to the changes made by the select committee about a month ago, and we only got the sanction three days ago, just before we began the consideration of the second reading of this bill. It takes time to get the sanction.

[Sir Maurice Hayward]

Of course the Government of India have not given sanction to these amendments: they would wait for the member moving it to apply himself for sanction. They have told us in the letter we have received that with regard to the amendments moved they would wait for the member himself to get the sanction if it is necessary to get sanction. It is in the same way that a member moving a particular bill has himself to go and get the sanction. And I am advised that it will require sanction. If this is put in at this stage, it will mean delay in the matter for a year. When we bring in the other bill—we might bring in the first reading with the permission of the House even at the budget session—it will then be open to the honourable member if we do not insert these amendments to get them in by way of special amendments that will suit his purpose.

In regard to the merits I think he wants by this to bring us into closer connexion with private agency. Well, I entirely agree with that. We want to get into closer connexion with private agency, we want their help, because without their help, we shall not be able to find enough places of safety. But I rather doubt whether this is the best way of getting into connection with them. However, that is dealing with the merits which I do not want to touch now, but I would appeal to the honourable member to reserve his right to bring this in at a later stage and not force us to postpone the bill till the next year.

Mr. D. B. ADWANI: I am not satisfied with the observations of the Honourable the Home Member. According to your ruling, Sir, this amendment can go into the bill and then it becomes part of the bill and then in three weeks' time sanction of the Government of India can be obtained.

The Honourable Sir MAURICE HAYWARD: The point is that we cannot bring in the third reading until we have got sanction. That means we are bound to postpone it. It is not that we can go straightway to the third reading and then send it on to the Government of India. That cannot be done under the rules. So the bill will be delayed. I hope the honourable member will agree with me for the sake of children calling for protection.

Mr. D. B. ADWANI: I quite understand this, but it seems to me that sanction can be obtained in a small matter like this by wire.

Mr. A. MONTGOMERIE: Sir, if the honourable member is not willing to withdraw his amendment I am going to say a few words. Though the bill itself makes no provision for bringing any private agency into operation, I submit that the whole scheme of the bill is designed to put the working of the Act as far as possible under private agency and that we look forward in the near future especially in Bombay to having the work in Bombay city done entirely by the agents of the Society for the Protection of Children in Western India. The bill is designed on these lines and is designed to enable Government to make use of all sorts of private agencies for the care of children as soon as they are before the court. It is not proposed to incur any large expenditure

[Mr. A. Montgomerie]

in establishing certified schools by Government. In my opinion in a matter of this sort charitable institutions and educational institutions maintained by each community for the orphans and children of the community will be the most suitable institutions to which to send children. These will be the certified schools under the Act. As soon as a child has proved himself in any way amenable to correction and discipline in a certified school, the Act provides for bringing in more intimately private effort, by giving the child out to respectable people with a view that such a child can be educated and instructed. If that is not bringing private agencies closely into the matter, I do not know what is. As to the form which the honourable member has given to his amendment, I cannot see any particular reason why the District and Sessions Judge should be entrusted with the duty of appointing places of safety. The Sessions Judge is the officer in a district who is the least among all the officers in a district acquainted with the actual conformation of the district. A place of safety we have defined as any respectable institution or any respectable person who is willing for a few hours to take charge of a child who has been rescued from a brothel or has been found wandering. Why should anybody want a district committee to mark out what are to be respectable homes to which such a child can be taken? What are hospitals, what are schools or institutions, why one should want a committee to tell us that, I do not know. If the Act is ever to apply to the mofussil, wandering children may be found anywhere in a district. Unless we are going to go over all our districts and map out in every village of every district specified places of safety, I cannot see that the functions suggested by the honourable member for this committee are going to be of any use to anybody. I further suggest that in a way this is only one extension of the general proposal for district committees for every purpose which was rejected by a large majority at the last session of this Council. It is merely an extension of the same scheme and in this case I think there is even less justification than in the previous resolution.

Mr. P. G. JOSHI (East Kahndesh): Sir, it has been suggested to the mover of the amendment not to press this amendment because it will be postponing the third reading. I will bring to your notice that there are so many amendments which have been made to this bill which are likely also to require sanction of the Governor-General. In that case the third reading is not likely to be taken up at this session. So I think it is no use throwing out this amendment or withdrawing it simply because the third reading of the bill may not be taken up at this session because of some of the amendments passed.

The Honourable Sir MAURICE HAYWARD: I should like to explain that so far there are no such amendments.

Mr. P. G. JOSHI: There are many amendments to so many sections, for instance the honourable member Mr. Nariman's amendments to clause 16 *re* the *pardanashin* ladies.

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

Mr. B. K. DALVI: Now, Sir, the most important amendments which my honourable friend from Bombay, Mr. Bole, had suggested were dropped, because the acceptance of those would probably have delayed the coming into operation of this Act. As compared with those amendments the present amendment is a very trivial one according to my opinion. Of course, other honourable members may differ from me. And just to ask Government to pass this amendment and to delay the operation of the Act for want of the sanction of the Government of India is, I think, not desirable in the interest of the Act itself. Besides I do not understand the propriety of this amendment at all. It empowers the Sessions Judge to form advisory committees. It gives him a right to form such committees, and if he does not exercise that right, then it asks the Sessions Judge to empower any civil court or any civil officer or any magistrate to fix upon a place or places of safety in a particular locality. Now, Sir, is this advisory committee's decision binding upon the Sessions Judge. Besides he may or may not form such committee, it is not binding upon the Sessions Judge that he should as a matter of fact form such advisory committee. There is also no provision that if he were to form such advisory committee the advice which such committee might give, say to a magistrate or any officer, would be binding upon him. So the advice of these advisory committees would therefore be merely gratuitous and it would be in the discretion of the Government officer to accept or reject it at his own sweet will. So, even if such committees were formed, they would serve no useful purpose. Besides, in determining a place of safety there is likely to be some difference of opinion as to whether a particular institution is a fit institution for being treated as a place of safety. Especially in the mofussil, where there are party feelings, we apprehend as a matter of fact that there would be partiality by such committees in recognising a certain institution as a place of safety. So instead of serving any useful purpose, these advisory committees may lead to mischievous results. That is my opinion, others may not agree and may hold otherwise. Apart from that, I think on merits also this amendment should not be accepted. It further empowers the Sessions Judge in these words:

"Failing the formation of any such committee or committees the said court may empower any civil court or any civil officer or any magistrate to fix upon the place or places of safety in particular localities."

We find, under the present Act, it is only a first class magistrate who is empowered to try these cases and also empowered to recognise any institution as a place of safety. We have, therefore, in the select committee taken more care to see that this power should not be entrusted to a magistrate who is below the rank of a first class magistrate. But a Sessions Judge under the present amendment can empower a second class or even a third class magistrate to fix upon a place of safety which is certainly retrograde. Even if the Sessions Judge were to authorize a first class magistrate, where do we gain? Therefore, on two grounds, *viz.*, that to pass this amendment, which requires the sanction of the Government of India, would delay the Act itself, and even if sanction of the Government of India is obtained and it is passed, it would not

[Mr. B. K. Dalvi]

serve any useful purpose but on the contrary in the mofussil it is likely to excite party feelings, I propose to oppose this amendment.

Mr. D. B. ADWANI (Karachi City): Sir, the Home Secretary and the Honourable the Home Member said that I should bring in an amendment for amending the bill at the next July session. It seems to me that the sanction of the Government of India can be obtained, if Government is serious about it, even in this session. If not, Government itself can obtain the sanction and bring an amending bill in the July session on the same ground. Again, Sir, we have heard it said that rules would be made by the Governor-in-Council with regard to private agency. Now I have already explained that, according to me, it is necessary that some provision should be made in the Act itself whereby the help of private committees may be requisitioned in the carrying out of the provisions of this Act. I have also been asked why a Sessions Judge should be empowered in this matter. I thought, Sir, in a matter of this kind relating to law he was the best officer to have power relating to this Act—and not the Collector of the district, who is already overworked and from whom we are trying to take away all judicial functions. We are trying to separate the executive and judicial functions. Under these circumstances, I think, Sir, that the Sessions Judge would be the best officer in the district who can help in the carrying out the provisions of this Act.

Then, as to the functions of these committees, I have already explained that their object would be only to be of help, that they would be only of an advisory character, and there would be no interference in the working of this Act. Without these committees there would be no private body of any kind to help the magistrates, who will usually be guided by the police officers in their decisions with regard to places of safety and other matters. I think therefore that there should be no objection to have such committees.

The Home Secretary asked "Are we going to go over all our districts and map out in every village of every district specified places of safety?" I think, Sir, that remarks of this character from the Government side display a complete ignorance of the actual conditions of life in the districts. We have got panchayats in every village and with the advice of these panchayats we could fix centres as places of safety.

With regard to the remarks of my honourable friend Mr. Dalvi, I have already referred to the question of delay. He says I have put in the words "The Sessions Judge *may* or *may not*". That is always how we put these things in legal phraseology. If committes are formed—and I expect that they would be formed in every district in which this law comes into operation—and an application is made to the Sessions Judge, I cannot see how the Sessions Judge can refuse, if the committee is a good one, to recognise it. That ground will not hold for a moment. Then again committees which I propose differ very materially from the committees which the honourable member Mr. R. G. Pradhan recommended at the last session of the Council. Many of these committees already exist

[Mr. D. B. Adwani]

and they only want recognition—social service leagues and such other bodies—and I think, Sir, that their work would be entirely on a different footing from the work of committees which my honourable friend Mr. Pradhan was proposing to establish in every district. I therefore recommend my amendment for acceptance.

The Honourable Sir MAURICE HAYWARD: Sir, I do not wish to repeat what I have said about the position, that this does require sanction, and we could not go on with the third reading this session if we have to apply for sanction to the Government of India. But quite apart from that, on the merits I do not think that this is a very perfect provision. I sympathise with the honourable member's intentions of getting us further help from private agencies, but I do not think that this is a very happy proposal, that the court of sessions is to do all this. I think my honourable friend is rather mixing up executive and judicial matters when he asks the court of sessions to cause committees to be formed to find places of safety. He does not really want to do that. And then he empowers the sessions court to give orders to the civil courts. They ought to come from the District Judge, and not from the Sessions Judge. I think it would be better to allow my honourable friend a little time to consider his idea, which is a good one, and to let him hold it up until the next amending Act is before the House.

Mr. D. B. ADWANI: In view of the observations made by the Honourable the Home Member, I ask for leave to withdraw my amendment.

Question put and leave granted.

Clause 47 (*Provision as to religion*):

(1) In determining the certified school to which a child or youthful offender is to be sent under this Act, the court shall ascertain the religious denomination of the child or youthful offender and shall, if possible, select a school in which facilities are afforded for instruction in his religion.

(2) In determining on the person to whose care the child or young person shall be committed under this Act, the court shall ascertain the religious denomination of the child or young person and shall, if possible, select a person of the same religious denomination or a person who gives such undertaking as seems to the court sufficient that the child or young person will be brought up in accordance with the religion of the child or young person and such religion shall be specified in the order.

(3) In any case where the child or young person has been committed pursuant to any such order to the care of a person who is not of the religious denomination of the child or young person or who has not given such undertaking as aforesaid, the court which made the order or any court of like jurisdiction shall, on the application of any person in that behalf and on its appearing that a fit person of the religious denomination of the child or young person or who will give such undertaking as aforesaid is willing to undertake the care of the child or young person, make an order committing him to the care of such fit person.

(4) Where a child or a youthful offender is boarded at or is permitted by licence to live with any other person the manager of the school shall select for this purpose a person of the same religion as the child or youthful offender or a person who gives a satisfactory undertaking that the child or the youthful offender shall be brought up in accordance with the religion of such child or youthful offender.

(5) Where a child or young person has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not observed, the child or young person shall be deemed to have been committed to the care of a person not of his religious denomination who has given no such undertaking.

Mr. S. S. DEV (West Khandesh District): Sir, the amendment I beg to move is as under:—

In sub-clause (1), clause 47, delete the words "if possible."

Sub-clause 1 of clause 47 relates to certified schools. The definition of a certified school is given in clause 3 and it does not require the school to be of any religious denomination or to give any undertaking. I wish further to draw the attention of the House to clause 34, sub-clause 2, which says that the Governor-in-Council may certify any industrial school or other educational institution, not established under sub-section (1) to be fit for the reception of children or youthful offenders. It evidently means that by sub-clause (1) of clause 47, the courts may in the first instance select such schools in which facilities are afforded for instruction in the religion of the child, but if no such school be available, this clause "if possible" renders it possible that our children may be sent to schools belonging to different religious denominations. If we want to avoid such a contingency it is necessary that the words "if possible" ought to be deleted. By "reception of the child" I understand that the child is to be boarded and lodged there, and it is to live there in that school, and if that child is to live in that school in which religious education other than the education of its own religion is imparted, I really shudder to think what will be the effect upon that child when that child is brought up in such surroundings and under such influences and in such environments. I have no doubt that the words "if possible" ought to be deleted from sub-clause (1) of clause 47, if by this bill we do not propose to authorize Government to pick up our destitute children and hand them over, in the name of law, to missionary societies.

Question proposed.

Mr. A. MONTGOMERIE: Sir, the only real objection to this amendment is that a magistrate cannot be expected to do the impossible. If he cannot find at the moment a certified school in which religious instruction is given, he still has got to make some arrangements about the child. If the words "if possible" are allowed to be retained, a magistrate is compelled to send the child to a school where religious instruction of its denomination is given if such a school is available. If it is not possible (I hope that will be a very rare contingency specially in a town like Bombay), to find any charitable institution where religious instruction is given to the child in its own religion, then there is nothing for it but to send it somewhere where there is no religious instruction given. The magistrate is bound by the terms of the Act to send the child somewhere. I suppose the House knows that there are a good many Chinese families come to this country. It is quite possible that a Chinese child may be found wandering in Bombay without shelter or any visible means of subsistence, in which case what are you going to do with that child? The Chinamen have no institutions. Suppose we find a Chinese orphan wandering on the streets, what is to be done with that child? We have not got any Chinese institutions in Bombay in which to bring up that orphan in its own religion. We have got to do something and that is the only reason why the words "if possible" have been put in.

Mr. S. S. DEV (West Khandesh District): Sir, my reply will be simply this, that in considering the bill so far no Chinese children troubled us, and we were considering this bill solely in the interest of the children of the soil. Now Chinese children are introduced for the first time into the debate. Pray, leave them alone. The Chinese are able to take care of their own children. Let us bestow our whole care upon the children of Indians, Hindus and Mahomedans. If the words "if possible" are allowed to be there, I put it to the House, can they contemplate with complacency such a contingency that a child may be handed over to a missionary society's school for being lodged and boarded there? Under these circumstances what will be the fate of the child? The words "if possible" ought to be deleted if we are really anxious about preserving the religion of children and young persons. If I am asked what shall we do with our children if no school which affords facilities for instruction in their religion be available, I shall not hesitate to say, whatever may happen to the children, in no case should they be handed over to missionary societies. In that case it would be the duty of Government to start schools where such facilities would be afforded. The clause "if possible" is dangerous and must be deleted.

The Honourable Sir MAURICE HAYWARD: Mr. President, I suggest that it is desirable to leave the words "if possible" in the sub-clause; otherwise, it may be that there is no place where you can send a child to. A Chinese child was of course mentioned as an extreme case, but there may be cases which we cannot think of at the moment, but which may cause difficulties to magistrates if the words "if possible" are removed. It is pretty clear that a magistrate has got to select a school if he possibly can of the proper denomination. I suggest that the honourable member may be satisfied with that, and I think it will be safer to leave those words in,

Question put. House divided. Ayes 31: Noes 50. Motion lost.

*Division No. 7.*

**Ayes.**

ADWANI, Mr. D. B.
BHOPATKAR, Mr. L. B.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
GUNJAL, Mr. N. R.
JAYAKAR, Mr. M. R.
JOG, Mr V. N.
JOSHI, Mr. P. G.
KAREI, Mr. M. D.
LALLJEE, Mr. HOOSEINBHOY A.
MAVALANKAR, Mr. G. K.
MEHTA, Dr. M. M.
MUJUMDAR, Sardar G. N.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NOOR MAHOMED, Mr.
PATEL, Mr. A. E.
PATEL, Mr. D. N.
PATEL, Mr. G. I.
POWAR, Mr. M. B.
PRADHAN, Mr R. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
SAHEBA, Mr. H. D.
SAPTARSHI, Mr. C. M.
SHIVDASANI, Mr. H. B.
SOMAN, Mr R. G.
SURVE, Mr. V. A.
SWAMINARAYAN Mr. J. C.
THAKERSI, Mr. PUNJABHAI
VELKAR, Dr. M. B.

*Tellers for the Ayes:* Mr. S. S. DEV and Mr. K. F. NARIMAN.

Noes.

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| ABDUL LATIF HAJI HAJRAT KHAN, Mr | KANGA, Mr. J. B. |
| ADDYMAN, Mr. J. | KAY, Mr. J. A. |
| ANGADI, Mr. S. N. | KAZI INAITULLAKHAN |
| BAPTISTA, Mr. J. | LAWRENCE, the Honourable Mr. H. S. |
| BHUTTO, KHAN BAHADUR S. N. | MAHOMED AYUB SHAH MAHOMED KHUHRO Mr. |
| BOLE, Mr. S. K. | MANSURI, Khan Saheb A. M. |
| BUNTER, Mr. J. P. | MEHTA, the Honourable Mr. C. V. |
| CHATFIELD, Mr. G. E. | MONTGOMERIE, Mr. A. |
| CHAUDHARI, Mr. L. S. | NAIK, Mr. N. E. |
| DABHOLKAR, Mr. V. A. | NEKALJAY, Mr. R. S. |
| DADACHANJI, Dr. K. E. | OWEN, Mr. A. C. |
| DALVI, Mr. B. K. | PAINTER, Mr. H. L. |
| DEHLAVI, the Honourable Mr. A. M. K. | PATIL, Mr. D. R. |
| FERNANDEZ, Dr. COSMAS | PRADHAN, Mr. G. B. |
| FRAMJI, Mr. K. S. | PRATT, Mr. F. G. |
| GHOSAL, Mr. J. | SAYED GHULAM NABI SHAH |
| GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH | SAYED SHAHJADE SAHEB HAIDAR SAHEB |
| GIBSON, Mr. R. E. | SHINDE, Mr. R. D. |
| GRANTHAM, Mr. V. A. | SURVE, Mr. A. N. |
| GRIFFITHS, Mr. V. M. | THAKOR of Amod, the |
| HATCH, Mr. G. W. | THAKOR of Kerwada, the |
| HAYWARD, the Honourable Sir MAURICE | THOMAS, Mr. G. A. |
| HEPPER, Sir LAWLESS | WADIA, Mr. N. J. |
| JADHAV, the Honourable Mr. B. V. | WILES, Mr. G. |
| JEHANGIR, the Honourable Mr. COWASJI | WOODS, Mr. E. E. |

*Tellers for the Noes :* Mr. J. A. KAY and Mr. V. A. GRANTHAM.

Mr. S. S. DEV (West Khandesh District) : Sir, I cannot be disheartened. I move my next amendment.

"In sub-clause (2) of clause 47, delete the words 'if possible' in line 17."

This, at any rate, I believe, the Honourable the Home Member will admit, is simply a consequential amendment. This clause refers to a fit person, as I understand it. We have already incorporated the clause of an undertaking in the definition of a fit person. If that is so, you cannot conceive of a fit person who does not give an undertaking to bring up the child or to give facilities to bring it up in the religion of its birth. Therefore, the words 'if possible' in sub-clause (2), if allowed to be there, will be inconsistent with the definition that we have already adopted, and I believe the whole House will be now with me in deleting the words 'if possible' in sub-clause (2) of clause 47.

Question proposed.

Mr. A. MONTGOMERIE : Sir, I have no particular objection to this amendment, but we cannot compel the magistrate to do the impossible. Further, sub-clause (3) of clause 47 gives you the power, as soon as you can find a suitable person, to send the child to him. Sub-clause (2) applies to cases where you have not got a person of the child's own religion for the moment, and sub-clause (3) gives you the power at once to give the child in the charge of a person of its own religious denomination, as soon as you find one. There are many cases which might arise, where there would be the difficulty of deciding what the religious denomination of the child is. We have had a certain amount of trouble recently, as some of the members from Sind no doubt know, in cases in which children have had to be taken charge of, and there has been considerable conflict between the communities as to which religious denomination the child really

[Mr. A. Montgomerie]

belonged to. The magistrate may give such a child in charge of any fit person, but as soon as it is known what religion the child belongs to, and a suitable person is found forthcoming ready to take the child, sub-clause (3) gives power to take the child away from the care of the original person and hand him over to a person of his own religious denomination. I submit that the words 'if possible' are only put in to provide for contingencies which might arise, and that the very form of the words compels the magistrate, if there is such a person forthcoming, to choose him. Any error that the magistrate makes can be rectified under sub-clause (3).

Mr. S. S. DEV (West Khandesh District): Sir, I am sorry I am not satisfied. There is either something wrong with me or something wrong somewhere else. I still maintain that the words ought to be deleted. Allow me to read the relevant portion of the sub-clause.

"In determining on the person to whose care the child or young person shall be committed under this Act, the court shall ascertain the religious denomination of the child or young person and shall, if possible, select a person of the same religious denomination or a person who gives such undertaking..... ", etc., etc.

I understand—and I am open to correction, if I am wrong on this point I am prepared to withdraw my amendment—I understand that the person referred to in the sub-clause is no other person but the fit person we have defined. The other respectable and trustworthy person that you contemplate by section 30 is provided for in sub-clause (4). So, this person to whose care the child is to be entrusted under the present sub-clause is no other than the fit person, and no person is a fit person unless he gives an undertaking to bring up or to give facilities to bring up the child in the religion of its birth. Fit person includes a body corporate or a society, and a body or society will not be a fit person if it gives no such undertaking. If the person referred to in this sub-clause is some one else than the fit person, then I am wrong, but if this person is the fit person intended, and I have no doubt it is so, then I think I am certainly right in pressing my point that the words 'if possible' ought to be deleted, if we are to be consistent with ourselves.

The Honourable Sir MAURICE HAYWARD: Mr. President, I submit that the honourable member (Mr. Dev) must be consistent with himself. I think it was on his motion that we amended clause 3, and with regard to the definition of 'fit person' we added the words "who undertakes to bring up or give facilities for bringing up any child entrusted to his care in conformity with the religion of his birth". Therefore, he has accepted it there, and I think it naturally follows that he ought to accept it here. There may be cases in which it is not at once possible to hand over the child or young person to a person or institution of his own religion. He may have to be temporarily handed over to some one else. There is already provision in sub-clause (3), which says:

In any case where the child or young person has been committed pursuant to any such order to the care of a person who is not of the religious denomination of the child or young person or who has not given such undertaking as aforesaid, the court which made the order or any court of like jurisdiction shall, on the application of any person in that behalf and on its appearing that a fit person of the religious denomination of the child or young person or who will give such undertaking as aforesaid is willing to undertake the care of the child or young person, make an order committing him to the care of such fit person.

The Honourable the PRESIDENT: I shall put the amendment that the words 'if possible' in sub-clause (2) of clause 47 be omitted.

Question put. House divided. Ayes 23; and Noes 48: Motion lost.

**Ayes.**

ADWANI, Mr. D. B.
BHOPATKAR, Mr. L. B.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
GUNJAL, Mr. N. R.
JOSHI, Mr. P. G.
KARKI, Mr. M. D.
LALLJEE, Mr. HOOSEINBHOY A.
MAVALANKAR, Mr. G. K.
MEHTA, Dr. M. M.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
PATEL, Mr. A. E.
PATEL, Mr. D. N.
PATEL, Mr. G. I.
Pir RASULBAKSH SHAH SAHEBA, Mr. H. D.
SAPTARSHI, Mr. C. M.
SOMAN, Mr. R. G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
THAKERSI, Mr. PUNJABHAI
VELKAR, Dr. M. B.

*Tellers for the Ayes:* Mr. S. S. DEV and Mr. K. F. NARIMAN.

**Noes**

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ADDYMAN, Mr. J.
ANGADI, Mr. S. N.
BAPTISTA, Mr. J.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
FERNANDES, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GIBSON, Mr. R. E.
GRANTHAM, Mr. V. A.
GRIFFITHS, Mr. V. M.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
JADHAV, the Honourable Mr. B. V.
JEHANGIR, the Honourable Mr. COWASJI
KANGA, Mr. J. B.
KAY, Mr. J. A.
KAZI INAITULLAKHAN
LAWRENCE, the Honourable Mr. H. S.
MAHOMED AYUB SHAH MAHOMED KHUHRO, Mr.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
CHAUDHARI, Mr. L. S.
DADACHANJI, Dr. K. E.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
MANSURI, Khan Saheb A. M.
MEHTA, the Honourable Mr. C. V.
MONTGOMERIE, Mr. A.
NAVLE, Mr. N. E.
NEKALJAY, Mr. R. S.
OWEN, Mr. A. C.
PAINTER, Mr. H. L.
PATIL, Mr. D. R.
PRATT, Mr. F. G.
SAYED GHULAM NABI SHAH.
SAYED SHAHJADE SAHEB HAIDAR SAHEB
SHINDE, Mr. R. D.
SURVE, Mr. A. N.
THAKOR of Amod, the
THAKOR of Kerwada, the
THOMAS, Mr. G. A.
WADIA, Mr. N. J.
WILES, Mr. G.
WOODS, Mr. E. E.

*Tellers for the Noes:* Mr. J. A. KAY and Mr. V. A. GRANTHAM.

The Honourable the PRESIDENT: The next amendment is from Mr. S. S. Dev to delete sub-clause (3).

Mr. S. S. DEV: I allow that sub-clause to be retained. I do not wish to move the amendment.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, I beg to move the following amendment:

Add the following as sub-clause (4) to section 47 and renumber sub-clauses (4) and (5) and (6) respectively:—

"When a child or young person is committed to the care of a certified school in which facilities for instruction in his religion are not afforded or to a person who does not give an undertaking that the child or young person entrusted to him will be brought up in his religion (for want of a certified school or person of the religion of the child), the Court shall take an undertaking from such school or such person that the child shall not be brought up in any religion other than his own."

[Mr. H. M. Rahimtoola]

Sir, sub-clause (3) contemplates cases where a child or young person may be committed to the care of a person who is not of the religious denomination of the child or who does not give an undertaking to bring up the child in his religion. In such cases, Sir, it is absolutely necessary in order to prevent conversions to take an undertaking from such a person that he would not bring up the child in any religion other than his own. The new sub-clause I propose to add makes it compulsory that the person who takes charge of the child should give at least such an undertaking. I commend it to the House and hope it will be carried.

MOULVI RAFIUDDIN AHMAD (Central Division): Mr. President, may I say it is an extremely reasonable amendment, and I do not see why the Honourable the Home Member should not accept it.

The Honourable Sir MAURICE HAYWARD: Is it necessary, or is it already provided by the other clauses? That is what I am seeing.

Mr. H. B. SHIVDASANI: Is this not the same as deleting the words 'if possible' from the first two clauses?

The Honourable the PRESIDENT: No. This means that if the child cannot be brought up in his or her own religion, he or she must not be brought up in any other religion. The two things are entirely different.

Mr. A. MONTGOMERIE: I think I cannot raise any objection. It does not seem to conflict with anything in the Act. It is in conformity with the scheme of the Act.

The Honourable Sir MAURICE HAYWARD: I think it is all right.

Question put and carried.

Mr. S. S. DEV (West Khandesh District): Sir, I beg to move:

Delete sub-clause (5) [new sub-clause (6)] of clause 47.

The sub-clause reads:

"Where a child or young person has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not observed, the child or young person shall be deemed to have been committed to the care of a person not of his religious denomination who has given no such undertaking."

This clause means that if a person gives an undertaking he can break that undertaking with impunity. The bill has defined a fit person as a person who gives an undertaking: but it has not provided any punishment to the person who breaks that undertaking. If a person gives an undertaking and does not observe it, he may be considered not to have given any undertaking. What society would hesitate to come forward to give any undertaking, when this clause empowers it to break it? It is not given to me to do it, but if it were given to me I would make the breaking of such an undertaking severely punishable. I would provide a fine of not less than Rs. 5,000 if any society or body were to break such an undertaking given. It is a most solemn undertaking that we require of the body or society,

[Mr. S. S. Dev]

and that body or society is to be allowed to break the undertaking at its pleasure! The president or chairman of such a society which breaks an undertaking given ought to be punished. I therefore move that this clause should be deleted unless provision is made for punishing the society which gives an undertaking and breaks it.

Question proposed.

Mr. A. MONTGOMERIE: Sir, if the honourable member will read the meaning into the clause which the words bear, he will see what it says is that if a child is handed over to a person who is of the same religious denomination as the child, and that person does not bring up the child in its own religion, he shall be deemed to belong to another religious denomination, and the child can be taken away from him under the provisions of sub-clause (3).

The Honourable the PRESIDENT: May I interrupt the honourable the Home Secretary? Perhaps it would suit him better if he spoke after an amendment to this amendment of which notice has been given is moved and he can deal with both. I will call upon Mr. Shivdasani to move his amendment.

Mr. H. B. SHIVDASANI (Surat District): Sir, I beg to propose:

That in clause 47, sub-clause (5), new sub-clause (6), after the words "child or young person" in line 59 substitute the words "shall be removed from the care of the said person and the said person shall be liable to a fine not exceeding rupees one thousand." for the rest of the sub-clause.

As far as I know, there are very few cases in which a law provides that an undertaking should be taken from a person, and that if that person should fail to observe that undertaking, it shall only be deemed as if no undertaking has been taken. It can never be the intention of the legislature to bring its own courts into contempt: it can never be their object that the courts should take an undertaking and I take it that any undertaking taken by a court of law can be considered to be a solemn undertaking and that such an undertaking should be taken according to the provisions of any law, and that the person giving the undertaking shall be at full liberty to break it, and if he breaks it he will incur no penalty at all; not only so, but the child which was given to him because he gave an undertaking may also be kept on with him. The clause as it stands at present does not even provide that the child shall be taken away from him. I am not casting a suspicion by saying that Government has left this clause as it is with a view to make the work of missionary societies easy, because I know that that is not the intention of Government. But if such provisions are there on the statute book there might be some officers who might utilise these provisions for facilitating the work of missionary societies. At present Government's public policy is a policy of neutrality as regards all religions. Yet I know of instances where lands have been granted at nominal rates to converts at the recommendation of missionaries. To what lengths this may go can be illustrated by a case in which a glaring injustice occurred. There was a demand from people for a piece of land and that land was put to auction with the collector's sanction. The land

[Mr. H. B. Shivdasani]

was auctioned and Rs. 200 was realised for the land; and the sub-divisional officer sanctioned the auction. But as it happened soon after the auction was sanctioned, a missionary gave a note to a convert for the collector, and the collector in virtue of his reserve power cancelled that sub-divisional officer's order and gave the land to the convert for Rs. 20, when the land had been auctioned for Rs. 200. I do not say that every officer is going to be like that. Mr. Montgomerie may be a very good father, but some other officer may also be a very good Christian. As a good father he may like to reclaim the body of the child but as a Christian he may like to reclaim his soul also, and it is possible that if you have a certain section on the statute book, certain officers who are keen Christians may utilise such sections to reclaim the souls of depressed class Indians. I therefore think that it is proper that we should lay down that a person who gives an undertaking as aforesaid, but does not observe it, should be punished. Now, the punishment proposed by me is a fine of one thousand rupees, and it may appear to be rather high. But then the case is rather serious, that a person should give a solemn undertaking to bring up a child in the religion of its birth and afterwards break that undertaking and should convert that child from his religion. Moreover this will be a maximum punishment. The fine cannot exceed one thousand rupees. There will be no compulsion on the magistrate to inflict the maximum fine. But there are bad cases in which it may be necessary to inflict the maximum fine. As regards taking the child from the care of the said person there cannot be two opinions, but as regards the punishment I think it is necessary and desirable to keep such a heavy punishment in view of the fact that several honourable members in this House entertain a very strong opinion on these religious matters, and we know that great discontent prevails in this matter and even riots and breaches of peace occur owing to keen feeling about religious matters, and so it is desirable that such offences of converting people after getting possession of them on false pretences should be severely punished.

The Honourable the PRESIDENT: Amendment proposed by the honourable member from Surat, Mr. Shivdasani, to the amendment by the honourable member for West Khandesh District, Mr. Dev, to delete clause 47, sub-clause (5) [new sub-clause (6)] is:

"When a child or young person has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not observed, the child or young person shall be removed from the care of the said person and the said person shall be liable to a fine not exceeding rupees one thousand."

Mr. S. S. DEV: Sir, in favour of this amendment I beg leave to withdraw my own.

Amendment proposed by Mr. Dev by leave withdrawn.

The Honourable the PRESIDENT: Now, the original clause and the amendment of Mr. Shivdasani are before the House.

Mr. A. MONTGOMERIE: Sir, I rise to oppose this amendment a good deal more strongly than I did oppose the amendment which has been withdrawn. My main objection to the honourable member Mr. Dev's

[Mr. A. Montgomerie]

amendment was that it effected nothing except the removal from the Act one of the clauses which I believe he himself would desire to see in it. I oppose this amendment of the honourable member from Surat, Mr. Shivdasani, on the ground, firstly that it is unnecessary, and secondly that I do not like it. I do not like the tone of it or the way in which he moved it. I will confine myself on an aspect of his speech to thanking him for his handsome assurance of his belief in the integrity and honesty of some at least of the members on this side of the House and his belief that some of us are not determined to carry our Christianity to the extremes of fanaticism. I have suggested that the clause is unnecessary in the first place because we have just accepted an amendment from Mr. Hoosseinally making it incumbent on any person or institution which takes charge of a child to give an undertaking that it will not engage in proselytisation. He has also to give an undertaking that he will give facilities for bringing up the child in its own religion or if he himself is of the same religion he will bring up the child in that religion. People who are mainly affected by this are surely people of some honesty and integrity. They are the members of the different communities in India, who are engaged in social work. They are the institutions who called for this bill and which are daily justifying their existence by the help they are giving to children, institutions I say, Sir, which are doing very good social work. In a case like this, Sir, I often think that the best way is to try to visualise the actual facts. You get an individual who at the request of the manager of a certified school or institution or at the request of a magistrate has received into his house a child to educate him, to care for him, to bring him up. What sort of child? A produce of the gutter, perhaps a thief whom only this Act has saved from jail. You get some kind-hearted gentleman whether he is a Mussalman, a Hindoo or a Christian, who says that he is willing to take such a child into his house and to do the best for him, and all that Mr. Shivdasani can do in rewarding a person of that character is to threaten him with pains and penalties in case the child should be proselytized by this individual. *Prima facie* one may take it that people who are engaged in these social activities are people of honour and are people of truth who will abide by their undertaking and that it is to say the least bad taste to shake a thick stick in their faces. There are provisions in the Act for withdrawing the child from the protection even of Christian Missionary Societies if they are publicly proved to have been false to such undertaking. I suggest to the honourable member that to people of that sort an aspersion on their honour is more important than even the penalties he proposes.

Mr. M. R. JAYAKAR (Bombay University): Sir, I do not wish to reciprocate the warmth which has been imported into this discussion by the honourable member from Surat, as also by the honourable the Home Secretary. I only wish to point out, in a cool and dispassionate manner, what is a matter of bad drafting. The last five lines of the draft clause are:

"The child or young person shall be deemed to have been committed to the care of a person not of his religious denomination who has given no such undertaking."

[Mr. M. R. Jayakar]

This is a circuitous way of saying that this would be regarded as a case falling within sub-clause (3). If so, why not say directly that the child or a young person shall be liable to be removed and dealt with as provided for by sub-clause (3) ? That is much clearer.

Mr. A. MONTGOMERIE : We must take action first on sub-clause (3), and this is a presumption.

Mr. M. R. JAYAKAR : What I am suggesting to the Home Secretary is, why not leave the first four lines as they are and then proceed to say that the " Child or young person will be liable to be removed from the care of such person and dealt with as provided for by sub-clause (3) above. " It is a much simpler way of saying the same thing.

Mr. A. MONTGOMERIE : I have no objection to that at all.

Mr. M. R. JAYAKAR : That will make the sense very much clearer and will meet also with the wishes of the proposer of the amendment (Mr. Shivdasani). There ought to be no difficulty in accepting this part of the amendment.

Then, as regards the second part of the amendment I am sorry that unnecessary heat was imported into this question by talking of many personal matters. But, apart from these personalities, does not the House think that there ought to be some provision to ensure the undertaking given being kept up ? If a solemn undertaking is given that a child will be brought up in accordance with the tenets of a particular religion and for some reason that undertaking is not kept up, it may not necessarily be a dishonest breach of the undertaking—then there ought to be some punishment attached to the breach of the undertaking. I can conceive of cases where an undertaking is broken under circumstances which are dishonourable or dishonest. Such cases ought to be liable to punishment. Therefore, words to the effect "liable to be punished with a fine " may be inserted and only in those cases where a person breaks the undertaking in a dishonest or dishonourable manner the magistrate may deal out punishment.

The amendment that I would propose, therefore, would be :

Clause (5) (new sub-clause 6) should read as follows :—

"When a child or young person has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not observed, the child or young person shall be liable to be removed from the care of such person and dealt with according to the provisions of sub-section (3) of this section, and the person who has failed to observe such undertaking shall be liable to be punished with a fine not exceeding five hundred rupees."

Question proposed.

The Honourable the PRESIDENT : The original motion is at present put on one side. The honourable member Mr. Shivdasani's amendment becomes a substantive proposition and the honourable member Mr. Jayakar's amendment becomes an amendment to that substantive motion.

Mr. B. K. DALVI (Belgaum District) : I propose, Sir, to add the word "wilfully".....

The Honourable the PRESIDENT: The honourable member cannot propose anything at this stage. The procedure I would suggest to the honourable member would be to allow this amendment to be put to the vote and, if it is carried, he can move an amendment to it.

Mr. B. K. DALVI: Yes; thank you, Sir. I think, Sir, that except the penalty clause the amendment as it is proposed is all right, because there may be circumstances beyond the control of a person who gives an undertaking to bring up a child in his own religion, and if we were to penalise that person under such circumstances, I believe that no person would come forward to receive a child and give an undertaking as he stands the risk of being punished some day later for circumstances which may be quite beyond his control.

The Honourable Sir MAURICE HAYWARD: I should like to point out, Sir, that this is again inventing a new crime and it would have the same effect as the other amendment, to delay the bill. There would be no objection to the first part of the amendment. That is plain enough; but if you want to provide a penalty for breaking an undertaking, that is a new crime and it would require postponement and delay of the bill. I suggest that, if this is really desired by the House, it had better be brought in in the new bill. There is the fact.....

Mr. M. R. JAYAKAR: I would like to explain, Sir.....

The Honourable the PRESIDENT: Yes, if the Honourable the Leader of the House will give way.

The Honourable Sir MAURICE HAYWARD: Certainly.

Mr. M. R. JAYAKAR (Bombay University): What I say, Sir, is that if on every occasion when we want to make a penal provision in the bill the sanction of the Government of India has to be obtained and if this House is going to be frightened every time, with this difficulty, it will be very undesirable. I do not say it is the fault of the Honourable the Home Member, but I am simply pointing out the difficulty. While considering the several clauses, new things, new ideas, arise, which have to be incorporated into amendments, and if in every case that we have to provide penal sanctions as the result of our discussions, the House is going to be scared away on the ground that the sanction of the Government of India is required, it will be very difficult to proceed with the consideration of any bill.

The Honourable Sir MAURICE HAYWARD: The matter mentioned by the honourable member, the leader of the Swaraj party, is really under consideration. It is felt that these sanctions clauses do rather restrict the powers of local legislatures. I cannot say more than that the matter is under consideration and correspondence is going on. It is realised that there are difficulties, we are all feeling it, but it is a difficulty we are placed in, and I am bound to put it forward. But I may say that this amendment of the honourable member Mr. Shivdasani's was only put before us at a very late stage, we had no time really to deal with it, in fact I have had no opportunity of even putting it before the executive council. I think it would be better to reserve this for consideration in the next bill.

Mr. M. R. JAYAKAR: If that is the difficulty we are placed in, of course it has to be submitted to, and I have no option in the matter. I hope the necessary sanction of the Government of India will be obtained and a bill brought before the House at a future session of the House.

The Honourable Sir MAURICE HAYWARD: I undertake to consider this point too.

The Honourable the PRESIDENT: Does the Honourable the Leader of the House accept the first part of the amendment to the amendment.

The Honourable Sir MAURICE HAYWARD: Yes, I accept the first part.

Mr. M. R. JAYAKAR: As the Honourable the Leader of the House has undertaken to get the necessary sanction from the Government of India and to get this amendment in the next bill, I beg leave to delete the words beginning with " and the person who has failed to observe....." to the word " rupees ".

The Honourable Sir MAURICE HAYWARD: I said I would consider the point, I cannot say more than that.

The Honourable the PRESIDENT: Has the honourable member, Mr. Jayakar, leave of the House to delete the following words from his amendment:—

" and the person who has failed to observe such undertaking shall be liable to be punished with a fine not exceeding five hundred rupees. "

Question put and leave granted.

The amendment moved by Mr. Jayakar amended accordingly.

Mr. H. B. SHIVDASANI (Surat District): Sir, I do not wish to say much, but the very fact that the amendment of the honourable member Mr. Hooseinally was passed by the Council goes to show that the House attaches a lot of importance to undertakings and if this undertaking means nothing, we shall be living in a fool's paradise. If we pass this clause we shall feel secure that we have got an undertaking and that the religion of the child is safe, but if there is no provision for the punishment of the party when that party breaks that undertaking in bad cases it will cause great heart-burning and so if the Honourable the Home Member gives an assurance that he will make provision for providing a suitable punishment where the undertaking is broken.....

The Honourable Sir MAURICE HAYWARD: I undertake to consider the point.

Mr. H. B. SHIVDASANI: Not to make a provision for punishment?

The Honourable Sir MAURICE HAYWARD: I will consider the point.

Mr. H. B. SHIVDASANI: You will consider the point whether there should be a punishment or not, not that you will make a provision?

The Honourable Sir MAURICE HAYWARD: I cannot promise that now. Even the executive council has not had time to consider it.

Mr. H. B. SHIVDASANI: I do not want to cast aspersions, but I knew that it would be maintained that the dangers pointed out by me did not exist, and so I gave a concrete instance. The Collector who did it was not a bad Collector, he was a very good Collector, I have the highest respect for him, but the danger is there.

The Honourable the PRESIDENT: Please do not go into that matter any more.

Mr. H. B. SHIVDASANI: If we are satisfied that provision for punishment is to be made it will be reasonable on our part not to press this amendment, because the House attaches a lot of importance to undertakings, and it is for that reason only that we have added a special sub-clause to make a provision that if an undertaking is given and if there is no sanction behind that undertaking, that clause will become meaningless, more so because the House has now passed the amendment proposed by my honourable friend, Mr. Hoosenbhoy.

The Honourable Sir MAURICE HAYWARD: Do I understand that the honourable member will leave this over for consideration in the new bill?

Mr. H. B. SHIVDASANI: If the Honourable the Home Member accepts the principle of punishment.

The Honourable the PRESIDENT: I want to know whether the honourable member accepts the honourable member Mr. Jayakar's amendment in lieu of his own or whether he adheres to his own amendment.

Mr. H. B. SHIVDASANI: I accept it.

The Honourable the PRESIDENT: Has the honourable member leave of the House to withdraw his own amendment in favour of the amendment proposed by the honourable member Mr. Jayakar?

Question put and leave granted.

Amendment by leave withdrawn.

The Honourable the PRESIDENT: Now, the amendment moved by the honourable member Mr. Jayakar is alone before the House.

Mr. M. R. JAYAKAR: I do not wish to reply.

Question put that the sub-clause (5) [new sub-clause (6)] of clause 47 should read as under:—

"When a child or young person has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not observed, the child or young person shall be liable to be removed from the care of such person and dealt with according to the provisions of sub-section (3) of this section."

and carried.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I beg to move the following amendment:—

After sub-clause (5) [new sub-clause (6)], clause 47, add sub-clause (7) reading as under:—

"Whenever any person interested in the religion of the child or young person is informed of any attempt at conversion or tampering with his religion, he may apply to the Court for an inquiry and the Court being satisfied, may issue an order removing the said child or young person from the custody of such institution or person and hand over the custody to another fit person or institution."

[Mr. K. F. Nariman]

Before my amendment is put to the vote of this Council, I should like the Honourable the Home Member to tell me whether this innocent amendment also requires the sanction of the Governor-General because I find that after the waste of valuable time we are told that all our labour is wasted as the amendments require sanction of the Governor-General. I must say, Sir, constitutionally that seems to be a new and grave danger, and I look at it rather more seriously than the House is inclined to think as it seems to be a very grave danger to one of the rights and privileges of this House. We are given under the very meagre constitution (so far as this side is concerned) the right to discuss.....

The Honourable the PRESIDENT: The honourable member is emphasising the procedure under a misapprehension and I want to remove it. The power of making all those amendments, which have been withdrawn by honourable members on the ground that the sanction of the Governor General was necessary, is merely a matter of agreement. The constitutional powers of the House have been established under the ruling that Sir Narayan Chandavarkar gave and which I confirmed to-day. Honourable members are perfectly entitled to make all those alterations which require the previous sanction of the Governor-General while they are discussing these provisions. The point is entirely a different one, it is not a constitutional point but it is a point of expediency. The Honourable the Leader of the House has urged the expediency of not pressing for those amendments on the ground that the bill would be delayed. Now the honourable House is perfectly entitled to say in reply, if they are not satisfied, "we don't mind delay, we insist upon making those alterations" and they will be constitutionally, under the rulings aforesaid, perfectly entitled to do so. The honourable member cannot therefore criticise the constitutional position which gives the House the power of insisting upon making those alterations. It is the House itself which as a matter of expediency does not wish to delay the bill, and that is why those amendments have been withdrawn. I want to explain to the House clearly the constitutional position so that there may be no misapprehension or misunderstanding in the matter.

Mr. K. F. NARIMAN: The House ought to be thankful to you, Sir, for this very valuable ruling. It will certainly add to the protection which you, Sir, have given.

The Honourable the PRESIDENT: I merely confirmed the previous ruling.

Mr. K. F. NARIMAN: But before I touch upon the amendment, I should like to refer to another matter. While you, Sir, were away, and the Deputy President was in the Chair this afternoon, the Honourable the General Member was pleased to remark that I was playing to the gallery whilst I was moving amendments or making speeches. I think, Sir, you will permit me to say that it was an uncharitable remark. This is the first opportunity, since then, that I am getting to explain my position, and I may explain it at once and say, Sir, that I think it

[Mr. K. F. Nariman]

is more honourable and patriotic to play to the gallery of my own countrymen than to dance to the tune of a foreign bureaucracy as the Honourable the General Member, and I shall always continue to play the role which I have been playing on this side of the House rather than seek for the favours and smiles on the other side. I must say that it was a very uncharitable remark on the part of the Honourable the General Member, when we know that our labours during the past four days have resulted in some really good modifications of this bill. We have been very humbly making our efforts from our point of view; we have been able to protect the rights of parents, we have been able to protect the honour of women, we have been able to protect the sanctity of the zenana and we have been able to protect the chastity of young girls. Still with all that, at the end of four days' labour, to say that 'the honourable member was only actuated with a desire to play to the gallery' was as uncharitable as unjustifiable.

Now, Sir, I come to the amendment itself. I think my amendment is absolutely necessary, in view of the attitude taken up by the honourable members on the Government side. I find, Sir, to the great disheartening of my friend the honourable member from West Khandesh (Mr. Dev), that one after another, the amendments which he sought to introduce in sub-clauses (1) and (2) from the religious point of view, and which would have done no harm to the child, were thrown out. We are anxious for the soul of the child as well as for its body, while the other party is anxious about the body only. Unfortunately they do not appreciate our apprehensions and the attitude that this side of the House has taken up, so far as the religious question is concerned. Now, we find that such words as 'if possible', 'wherever convenient', 'whenever the magistrate thinks fit', 'whenever finances permit', etc., find their places in the bill, and it is provided that certified schools of all religious denominations can be admitted. When such latitude and indulgence have been given in the selection of the certified schools or institutions, a clause, which I consider a safety clause, is quite necessary. Supposing a person interested in the religion of the child comes to know that the religion of the child is in danger, that somebody is trying to tamper with the religion of the child, or there is an attempt at conversion, what is the remedy for that private person interested in the child? I know, Sir, the Honourable the Home Member would get up and say that there are the police, who are supposed to be the protectors of religion as well as the body, and that they will interfere and come forward to save the child. But I must say that this side of the House will not trust the police so far as religion is concerned; I do not know whether we would trust them so far as our worldly property is concerned, but no person would trust his soul to the police. I hope that this amendment will not be opposed by Government. We are now towards the end of the bill, and I hope the amendment will be accepted, because, even though it comes from an unreasonable member of the Swaraj party, I am sure they will appreciate that there is reasonableness in this amendment.

Question proposed.

Mr. A. MONTGOMERIE: Sir, I do not want to detract in any way from the handsome eulogy which the honourable member (Mr. Nariman) has paid to himself. At the same time, I do not want to add one single thorn to that martyr's crown which he so willingly wears, imposed on him by the bureaucracy. I may tell him at once that Government would have no objection to the amendment, but it appears that sub-clauses (3) and (5) of clause 47 give him precisely the power which he wants—to apply to a magistrate and take away the child from anywhere. Sub-clauses (3) and (5) give the power of taking away a child from any person who not only is tampering with his religion, but, even negatively, not bringing the child up in its own religion. So that, the whole power which the honourable member desires is already there, so far as I can see, in sub-clauses (3) and (5); even more extended powers for even a mere negative neglect of duty on the part of the fit person or the institution have been provided. Any person interested in the religion of the child has the right to apply to the court. He need not wait for any active tampering with the child's religion or proselytisation on his part. I suggest to the honourable member that he already has all that he wants in sub-clauses (3) and (5).

The Honourable the PRESIDENT: The honourable mover for a reply.

Mr. K. F. NARIMAN (Bombay City, South): I was just trying to see, Sir, whether sub-clauses (3) and (5) of clause 47 cover my point.

The Honourable the PRESIDENT: I will give the honourable member time to consider that.

Mr. K. F. NARIMAN: I think, Sir, that clause 47, (3) does not cover the whole of the ground which my amendment covers, and I think it would be better to err on the safer side in matters of this description. It would be safer, even if it be redundant, to allow it to remain there, though I do not think it is redundant. My amendment makes provision for any person who gets information that the religion of a child is being tampered with, or any attempt is made at conversion, to apply to the court for an enquiry; and after the enquiry if the magistrate is satisfied that there is some substance in the allegation, the magistrate may direct the removal of the child from that custody and hand it over to proper custody. I have expressly moved this amendment, because I know there have been instances where, when the relatives of children in missionary and other institutions have come to know that there has been such a danger, they have been themselves helpless to interfere. I therefore think it would be safer to allow this amendment, because it does not do any harm; it does not remove from the efficiency of any other clauses; the other clauses remain as they are. I could understand this objection if this amendment takes away anything from the other clauses, or in any way renders the position of the child more precarious. This is a safety clause, and I would ask the House to accept my amendment.

The Honourable Sir MAURICE HAYWARD: I submit, Sir, that this clause is unnecessary, because sub-clause (3) says:

"In any case where the child or young person has been committed pursuant to any such order to the care of a person who is not of the religious denomination as the child or young person or who has not given such undertaking as aforesaid, the court which made the order or any court of like jurisdiction shall, on the application of any person in that behalf and on its appearing that a fit person of the religious denomination of the child or young person or who will give such undertaking as aforesaid is willing to undertake the care of the child or young person, make an order committing him to the care of such fit person."

Then sub-clause (5) says:

"Where a child or young person has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not observed, the child or young person shall be deemed to have been committed to the care of a person not of his religious denomination who has given no such undertaking."

The whole thing is already there and it is unnecessary to add this sub-clause.

Question put. House divided; Ayes 41: Noes 33. Amendment carried.

*Division No. 9.*

**Ayes.**

ADWANI, Mr. D. B.
AHMAD MOULVI, RAFIUDDIN
BHOPATKAR, Mr. L. B.
DALVI, Mr. B. K.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
GUNJAL, Mr. N. R.
JAYAKAR, Mr. M. R.
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KARKI, Mr. M. D.
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY A.
MAVALANKAR, Mr. G. K.
MEHTA, Dr. M. M.
MUJUMDAR, Sardar G. N.
NANAL, Mr. B. R.
NARIMAN, Mr. K. F.
NAVLE, Mr. N. E.
NOOR MAHOMED, Mr.
PAHALAJANI, Mr. B. G.
PATEL, Mr. A. E.
PATEL, Mr. D. N.
PATEL, Mr. G. I.
PATIL, Mr. D. R.
POWAR, Mr. M. B.
PRADHAN, Mr. G. B.
PRADHAN, Mr. R. G.
RAHIMTOOLA, Mr. HOOSEINALLY M.
SAHEBA, Mr. H. D.
SAPTARSHI, Mr. C. M.
SHINDE, Mr. R. D.
SHIVDASANI, Mr. H. B.
SOMAN Mr. R. G.
SURVE, Mr. A. N.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
THAKERSI, Mr. PUNJABHAI
THAKOR of Kerwada, the
VELKAR, Dr. M. B.

*Tellers for the Ayes:* Mr. K. F. NARIMAN and Mr. L. B. BHOPATKAR.

**Noes.**

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ADDYMAN, Mr. J.
BAPTISTA, Mr. J.
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
CHAUDHARI, Mr. L. S.
DADACHANJI, Dr. K. E.
DEHLAVI, the Honourable Mr. A. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH.
GIBSON, Mr. R. E.
GRANTHAM, Mr. V. A.
GRIFFITHS, Mr. V. M.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
JADHAV, the Honourable Mr. B. V.
JEHANGIR, the Honourable Mr. COWASJI
KANGA, Mr. J. B.
KAY, Mr. J. A.
LAWRENCE, the Honourable Mr. H. S.
MEHTA the Honourable Mr. C. V.
MONTGOMERIE, Mr. A.
PAINTER, Mr. H. L.
PRATT, Mr. G. F.
SAYED SHAHJADE SAHEB HAIDAR SAHEB
THOMAS, Mr. G. A.
WADIA, Mr. N. J.
WILES, Mr. G.
WOODS, Mr. E. E.

*Tellers for the Noes:* Mr. J. ADDYMAN and Mr E. E. WOODS.

Mr. A. MONTGOMERIE: Sir, I move a verbal amendment:

"That in line 12 of sub-clause (2) of clause 47 substitute the word 'a' for the word the before the word 'child'."

Question put and carried.

Mr. A. MONTGOMERIE: I beg to move:

In clause 47, sub-clause (3), line 1, substitute 'a' for 'the'.

Question put and carried.

Mr. A. MONTGOMERIE: I beg to move:

In clause 47, sub-clause (4), (line 45), substitute the word 'out for 'at'.

Question put and carried.

Clause 47 as amended ordered to stand part of the bill.

Clause 48 (*Removal of disqualification attaching to convictions or offences*) ordered to stand part of the bill.

Clause 49 (*Control of custodian over child or young person*) ordered to stand part of the bill.

Clause 50 (*Bonds taken under the Act*) ordered to stand part of the bill.

Clause 51 (*Appeals*) ordered to stand part of the bill.

The Honourable the PRESIDENT: The House is now adjourned to 3 o'clock, on Friday, the 17th October 1924.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

*Friday, the 17th October 1924.*

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The Council re-assembled at the Council Hall, Poona, on Friday, the 17th October 1924, at 2 p.m., the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

*Present:*

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ADDYMAN, Mr. J.
ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN.
ANGADI, Mr. S. N.
BAPTISTA, Mr. J.
BEDREKAR, Khan Bahadur I. M.
BHOPATKAR, Mr. L.B.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
CHAUDHARI, Mr. L. S.
DABHOLKAR, Mr. V. A.
DADACHANJI, Dr. K. E.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GIBSON, Mr. R. E.
GRANTHAM, Mr. V. A.
GRIFFITHS, Mr. V. M.
GUNJAL, Mr. N. R.
HAJI ABDULLAH HAROON.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HUDSON, Mr. L. S.
JADHAV, the Honourable Mr. B. V.
JAYAKAR, Mr. M. R.
JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KALBHOR, Mr. G. M.

Kambli, Mr. S. T.
Kanga, Mr. J. B.
Karki, Mr. M. D.
Kay, Mr. J. A.
Kazi Inaitullakhan
Kokani, Mr. G. J.
Kothari, Mr. V. R.
Lalji Naranji, Mr.
Laljee, Mr. Hooseinbhoy A.
Lawrence, the Honourable Mr. H. S.
Madan, Mr. J. A.
Mahomed Ayub Shah Mahomed Khuhro, Mr.
Malji, Rao Bahadur Ambashankar Uttamram.
Mansuri, Khan Saheb A. M.
Mavalankar, Mr. G. K.
Mehta, the Honourable Mr. C. V.
Mehta, Dr. M. M.
Montgomerie, Mr. A.
Mujumdar, Sardar G. N.
Mukadam, Mr. W. S.
Nanal, Mr. B. R.
Nariman, Mr. K. F.
Navle, Mr. N. E.
Nekaljay, Mr. R. S.
Noor Mahomed, Mr.
Owen, Mr. A. C.
Pahalajani, Mr. B. G.
Painter, Mr. H. L.
Patel, Mr. A. E.
Patel, Mr. D. N.
Patel, Mr. G. I.
Patil, Mr. D. R.
Powar, Mr. M. B.
Pradhan, Mr. G. B.
Pradhan, Mr. R. G.
Pratt, Mr. F. G.
Rahimtoola, Mr. Hoosenally M.
Saheba, Mr. H. D.
Saptarshi, Mr. C. M.
Sardesai, Mr. S. A.
Sayed Ghulam Nabi Shah.
Sayed Shahjade Saheb Haidar Saheb.
Sedgwick, Mr. L. J.
Shinde, Mr. R. D.
Shivdasani, Mr. H. B.
Soman, Mr. R. G.
Surve, Mr. A. N.
Surve, Mr. V. A.
Swaminarayan, Mr. J. C.
Thakersi, Mr. Punjabhai.

THAKOR, of Amod, the
THAKOR of Kerwada, the
THOMAS, Mr. G. A.
VELKAR, Dr. M. B.
WADIA, Mr. C. N.
WADIA, Mr. N. J.
WILES, Mr. G.
WOODS, Mr. F. E.

The Honourable the PRESIDENT: Order, order. Bills. The question is that clause 52 of the Bombay Children Bill do stand part of the bill.

Clause 52 (*Rules*).

(1) The Governor in Council may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing, such rules may be made with regard to—

(*a*) the establishment and maintenance of certified schools and auxiliary homes and the certification of schools as certified schools and of auxiliary homes;

(*b*) the management of certified schools and auxiliary homes;

(*c*) the appointment of visitors and their tenure of office;

(*d*) the inspection of certified schools;

(*e*) the maintenance, education and industrial training of the inmates of certified schools;

(*f*) the conveyance of youthful offenders and children to certified schools;

(*g*) the grant of permission to the inmates of certified schools to absent themselves for short periods;

(*h*) visits to and communication with the inmates of certified schools;

(*i*) the punishment of offences committed by the inmates of certified schools;

(*j*) the inspection of the institutions referred to in section 45;

(*k*) the manner of detention of children and young persons under arrest or remanded or committed for trial;

(*l*) the procedure to be adopted in any case or inquiry under this Act before any court other than a juvenile court;

(*m*) the persons who may be authorized to act under section 7 or 14;

(*n*) the manner in which a child or young person may be committed to the care of a relative or other fit person, and the duties of such persons and the supervision of such children and young persons;

(*o*) the contribution by parents and other persons liable to maintain youthful offenders, children and young persons;

(*p*) the boarding out of children and the licensing and supervision of youthful offenders and children; and the submission of reports on such youthful offenders or children.

(*q*) the procedure to be adopted in juvenile courts; and

(*r*) the time within which appeals under section 51 shall be filed.

(3) All rules made under clauses (*k*) and (*q*) of sub-section (2) shall be subject to the previous approval of the Governor General in Council.

(4) The power to make rules under this Act shall be subject to the condition of previous publication and to the further condition that the rules so made shall be laid on the table of the Bombay Legislative Council for one month previous to the next session of the Council, and shall be liable to be modified or annulled by a resolution of the said Council, passed at such next session.

Mr. L. B. BHOPATKAR (Poona City); Sir, I beg to move the amendment that stands in my name in regard to this clause. It is to sub-clause (4) of clause 52. The amendment is in these terms:

"In Sub-clause (4) of clause 52, for the words 'and shall be liable to be modified or annulled by a resolution of the said Council, passed at such next session' should be substituted the words 'and shall not come into operation unless passed at such next session'."

Now, with regard to my amendment I may at the outset invite the attention of the House to the procedure that has been followed by the select committee on the Co-operative Societies Bill in this respect; and if the honourable members will compare the amendment that I have

[Mr. L. B. Bhopatkar]

suggested with the provision that has been made in this behalf by the select committee on the Co-operative Societies Bill, they will find that my amendment is not so thoroughgoing as that of the said select committee. So it cannot be said that by suggesting this amendment I have attempted to create a very dangerous precedent in this respect.

Secondly, Sir, I consider that for the proper administration of any piece of legislation the rule-making power must be absolutely subject to the control and supervision of this House; and that unless the rules framed and formulated under the said legislation are sanctioned by the House, they should not be brought into operation. It is a power which, I do not feel, conflicts in any way or manner with the constitutional duties of any legislature in this behalf. It may be said in regard to the amendment that I have suggested, that it will mean an unnecessary waste of time, if all the rules that are framed for the proper administration of this legislation are required to be placed before the House and are required to be sanctioned by it. I do say that the provisions of any legislation do stand the chance of being considerably whittled down by the rule-making power, that is generally delegated in regard to Acts. So far as the Children's Protection Bill is concerned, I do not at all for a moment mean to suggest that if this rule-making power is given to any agency, and if the House reserves to itself only the right of modifying or annulling any rule that might have been framed by that agency, that there will be a deliberate attempt made by that agency to whittle down its provisions. But I do consider, Sir, that there is just a chance of some of the provisions being considerably toned down in their aspects. In order to prevent that chance I keenly feel—and it is in pursuance of that feeling that I have suggested the amendment—that the rules should not be brought into operation, unless and until they are sanctioned and passed by the Council. It may be argued on behalf of the Government benches that it will preclude the Government from taking any action under this legislation for the protection of children. Now in answer to that argument, I do say that even though some time will necessarily elapse before the passing and the sanctioning of the rules, still considering the fact that this legislation is a new one, and that it has embodied some very controversial matters, it will be right, just and proper that the rules, on the strength of which the legislation will be brought into operation, should pass under the notice of this House, and that the House should get a chance of annulling any particular rule or modifying it, when the rules are placed before it. You will see, Sir, that if the present clause is accepted as it is, the result will be that the rules will be published and they will be laid on the table of the Council for one month previous to the next session of the Council, and immediately these two obligations are discharged by the Government, they will be brought into operation, subject only to their liability of being modified or annulled at the next session. The wording that I wish to be deleted is this, "shall be liable to be modified or annulled by a resolution of the said Council, passed at such next session". To my mind this wording is very dangerous.

[Mr. L. B. Bhopatkar]

According to this wording, it is true that the House is given a chance of moving a resolution for the modification or annulment of any rule; but if the ordinary procedure governing resolutions is followed in this case, then, even though a rule requires an immediate modification or annulment, it may be that that rule may not in fact be so annulled or modified by a resolution, because the resolution purporting to do so may not be ballotted so high up as to be taken up for consideration by the Council. By giving liberty to move only a resolution for modification or annulment of any rule, the Government have practically reserved to themselves the chance of no resolution being moved at all in this respect. There is also another thing which the House will kindly note, and it is that the further condition laid down is that all resolutions for annulment or modification of rules must be passed "at such next session". So, if a member of the Council finds that a particular rule requires modification or annulment, not at the next session but at any subsequent session, then he will be debarred from moving any resolution in regard to such rule. Such a contingency is not one which is desirable, when we consider the extensive powers given to the Council under the Government of India Act, so far as legislation is concerned.

There is also one more point which the House will do well to note that by proposing this amendment I only ask the House to consider the rules with the same carefulness with which it has considered the various provisions of the bill. For the last four days we have bestowed our best and most anxious thought upon this legislation and we have, to the best of our light legislated in the best interests of children and young persons. We should only go a step further and see that the rules thereunder are framed in such a way that complete protection would be afforded to destitute and erring children and young persons. On these grounds, I propose that my amendment should be accepted by the House and that it should be passed unanimously.

The Honourable the PRESIDENT: The amendment makes sub-clause (4), clause 52, read as follows:—

"The power to make rules under this Act shall be subject to the condition of previous publication and to the further condition that the rules so made shall be laid on the table of the Bombay Legislative Council for one month previous to the next session of the Council and shall not come into operation unless passed at such next session."

The Honourable Sir MAURICE HAYWARD: Mr. President, I agree entirely with the principle that legislation by rule ought to be very carefully checked and that legislation by rule ought not to be permitted to be degraded into legislation of substance which ought really to be passed by a legislative assembly.

I believe in the old days this principle was very strictly regarded and very few rules were allowed to be made by executive governments. I believe that owing to the great difficulty of getting legislation through the House of Commons under modern conditions, the rule-making power became very much extended, and I think you will find in some of the statutes of Parliament that very wide rule-making powers are given because governments felt it impossible to pass through the House of

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Commons any very complicated measures of legislation owing to the pressure of other matters before the House. I think now it is well recognised that that principle was driven too far and a great many things were allowed to be done under rule-making powers which ought more strictly to have been reserved for the decision of the Parliament. I think, therefore, that in the first instance we ought to be very careful when passing any legislation to see that the rule-making power is carefully restricted to the supplementary administrative rules which are required for administering the Act as laid down by the Legislative Council. I think, Sir, that if members will carefully go through the rule-making power as here described, they will see that it is restricted on those lines and that under the rules no real extension of the provisions of this Act could be made by the executive government. I think the rule-making powers have been well restricted to the subsidiary rules required for working the Act, and the provisions hitherto enforced for giving due publicity to the rules proposed and for ascertaining whether they will suit generally the public, have been what is known as " previous publication ". Previous publication is a technical matter described in the General Clauses Act and it means briefly this, that a notification has to be published to say that it is proposed to make certain rules and inviting anybody interested to send in objections within a certain time. The objections that are then received have to be considered and after they have been considered, the rules, if necessary, are amended and are finally sanctioned as amended. These rules were in the original draft made subject to this previous publication, the idea being that full publicity should be given to any rules which it was proposed to make. The select committee considered that in this particular Act it would be desirable to have further publicity and I entirely agreed that it was not unreasonable to have this further publicity, and the select committee therefore added a further condition, and that was that the rules after previous publication and after being sanctioned, should then be laid on the table of the House before the next sessions and any member of the Council should have the right to bring in a motion modifying or annulling them either in whole or in part. The select committee thought that that would be a sufficient safeguard. The reason why the select committee did not go to the full extent recommended by the honourable member for Poona was this that where you have to deal with a large body of subsidiary administrative rules it would take a long time and a great deal of the time of this honourable House if they had to go through all those rules and pass them just as they have to pass a bill. This is a new departure which will very likely be copied in other legislation and the consequence would be that this House would be inundated with a great number of petty rules which they would have to go through and which would take up an extraordinarily long time of the House. If you look at the rules under the various Acts which are now in force, you will find that there are collections of administrative rules contained in two great fat volumes known as " Local Rules and Orders of the Government of Bombay " and such rules would all have to come

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before the House to be considered in detail. It was thought that where the rules are petty it was really not right to trouble the House with a consideration of them in detail, that it would be sufficient to publish them, to lay the rules on the table of the Council, to let honourable members read them through, and if they found that they were petty, not to worry further about them; but if they found anything important, they should have the right to table resolutions and get the rules fully discussed and either modified or annulled as might seem right. I submit on general principles that is quite sound, because we do not want that all our time should be taken up in discussing petty administrative rules, which really do not much matter to anybody, instead of getting on with more important legislation and the discussion of general resolutions on general subjects of public interest brought up by honourable members of this House. I recognise that there is the very serious danger which has been pointed out by my honourable friend the member for Poona (Mr. Bhopatkar), and that is that if a resolution of this sort is regarded as an ordinary resolution, it may be blocked out altogether, and that the right which it is intended by this bill to confer on every member of the House might practically be lost. Our intention is to make this right a good right, a substantial right, and a right which any member can insist upon absolutely. I have lately been considering the Standing Orders, and if you will look carefully at the Standing Orders, you will find that neither in the Rules nor in the Standing Orders is there any provision for what is to be done with regard to official motions on a variety of subjects. It may be a motion that the report of the Public Accounts Committee be recorded; it may be a motion that certain rules like these shall be annulled, or it may be a motion like the motion with regard to the cotton sub-divisions and there is no provision in the Rules or Standing Orders as to what is to do done with such motions. Those are quite outside the ordinary resolutions, because they are not resolutions recommending anything to Government. Those motions generally recommend something to the House, recommend that something should be recorded by the House, something should be sanctioned by the House, or that something should be annulled by the House: so that, they do not strictly come within the definition of resolutions as contemplated in the standing orders with regard to resolutions. I think, therefore, that even as the standing orders now are, a resolution that something should be annulled which the House has the power to annul would not come within the chapter dealing with ordinary resolutions as recommendations to Government. The point, I submit, is already plain and beyond dispute, but we are quite ready to co-operate with members of this House in so amending the standing orders as to make it still plainer that when a member wishes to move a resolution modifying or annulling any rules, that resolution shall be treated not as an ordinary resolution but more like an official resolution, which absolutely must be taken up by the House in that session. I think, if that is made plain, this provision would be sufficient to safeguard the rights of this House to control the rules made by the executive Government, and I would suggest that that would really be in the interests of the House.

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It would save them the examination of a great many petty rules in detail, while preserving to them an absolute right to annul or modify any rule which they thought was unwise. So, I would suggest that it would be desirable, on practical grounds, to leave this provision as it is, and to make the necessary amendments in the standing orders, to make it quite plain that any motion of this sort should be a motion which should absolutely come on by right of priority at that particular session of the House.

Mr. D. R. PATIL (East Khandesh District): Mr. President, I was a member of the select committee, and we have given full consideration to this amendment. I am in duty bound to oppose it on two grounds, firstly, on the ground of a waste of time of the House, and, secondly, on the ground of a waste of public money; because, if we went on considering in the House all these rules in detail, that would mean a lot of time. I think that the rule-making power is vested always in the executive Government, and not in the legislature so far as I know. If any honourable member can show that such power is vested in the legislature, let him do so. If we want to care for public money, I think we should have full regard to the amendment suggested by the select committee. The Honourable the Leader of the House has rightly stated that precedence will be given to any resolution or motion for the cancellation or modification of any rules that may be framed, and I think that is a sufficient safeguard to prevent the framing of bad rules. When that safeguard is there, I do not think it would be wise to accept the amendment of the honourable member for Poona (Mr. Bhopatkar). With these remarks, I oppose the amendment.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I should like to correct one little impression that probably might have been created from the remarks made by the honourable mover. When he referred to the Co-operative Societies Bill, he said that the select committee had introduced a clause in effect similar to the amendment which he has moved, and that it was passed by a majority of the members of the select committee. As a matter of fact, ten members of the select committee have submitted dissenting minutes, and it is only six out of the sixteen that have taken the view which was represented by the honourable mover.

Mr. R. G. PRADHAN: (Rose).

The Honourable the PRESIDENT: The honourable member can speak only if the Honourable Minister gives way.

The Honourable Mr. A. M. K. DEHLAVI: It is a fact that the members present on the day when a similar amendment was introduced into the bill were not sixteen, and therefore it was the majority of the members present that day. But when the other members of the select committee came to know about the introduction of that amendment, they sent in their dissenting minutes to that one clause, and it is the majority of the select committee that is against the introduction of such an amendment.

Mr. R. G. SOMAN: (Rose).

The Honourable the PRESIDENT: I will allow the honourable member to address the House after the honourable member, Rao Saheb Desai.

Rao Saheb D. P. DESAI (Kaira District): Sir, I just want to say a word in order to clear the misunderstanding in the mind of the Honourable Minister. It is true that by a majority of six we introduced that particular rule-making clause in the Co-operative Societies Bill in the select committee, and there also the same arguments that were advanced by the Honourable the Leader of the House, were advanced against it. It was stated that honourable members of this Council would find it very, very difficult to go through so many rules. So far as I can see, the remarks of the Honourable the Home Member do not apply in this case. Under Co-operative Societies Act the rules are 40, out of which five or six have been taken up in the new bill. After all, Sir, the clause, as it is in the Co-operative Societies Bill, should be introduced in the Children Bill also. The House is very jealous of its powers, and would not like to give any additional power to the opposition, because, whenever such powers are given to the opposition, invariably we have found to our cost that they are misapplied, as in the case of the Land Revenue Code. I should, therefore, think that the House should be very jealous of its own powers, and it should not agree to give more power into the hands of the Government, especially rule-making powers. I would, therefore, like to support the motion of my honourable friend from Poona (Mr. Bhopatkar).

Mr. R. G. SOMAN (Satara District): I only want to have a doubt cleared The Honourable Minister for the Co-operative Department said that when the other members came to know of the change effected by the select committee they also expressed by their minute of dissent their unwillingness to assent to the clause introduced by the select committee. I only want to know when it was that they expressed by their minute of dissent their disapproval of the clause. Was it before or after the select committee report was signed?

The Honourable Mr. A. M. K. DEHLAVI: Sir, I was one of those who were not present on that day. I had at that moment an engagement at the Government House and requested my honourable colleague Mr. Jadhav to take the chair. When I returned I learnt that that element had been introduced and I thought of my dissenting minute. Therefore I am not at this moment in a position to say on what date and when each member put in his minute of dissent. All the members were not present at the same time; some absented themselves; some came in and went out as they liked. When they came to know the introduction of the clause, they sent in their minutes of dissent.

Mr. R. G. PRADHAN (Nasik District): Sir, I wish to say a few words on this important question which has been raised by my honourable friend for Poona. I wish that the Honourable Minister for Excise had not made any reference to what happened in the select committee on the Co-operative Societies Bill. because now that he has made it, I too have got to say

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something on that point. With reference to that point, whatever might have been the view subsequently arrived at by some members of the select committee, the fact is undeniable that rightly or wrongly the majority of the select committee who considered the bill decided with regard to the rule-making clause that it should be amended in the way in which it has been amended. That fact is undeniable. The members of the select committee.....

The Honourable the PRESIDENT: I hope the honourable member will not pursue that point further. Enough has already been said on it.

Mr. R. G. PRADHAN: With regard to the amendment before the House, it raises a very important constitutional question, *viz.*, whether rules made by the executive government should be subject to any check by the legislature, and if so, what should be the extent of that check, and in what manner that check should be exercised.

As regards the first part I am glad to say that there is absolutely no difference of opinion between this and the other part of the House. I am indeed very glad to say that the Honourable the Home Member admitted that some check was absolutely necessary. Therefore, what we have to consider at this stage is what should be the form of the check, what should be the nature of that check and in what way that check should be applied. This question first came before the select committee on the Co-operative Societies Bill.

The Honourable the PRESIDENT: I have asked the honourable member not to deal with that subject. He can deal with the same subject in the bill before the House.

Mr. R. G. PRADHAN: We referred to the Government of India Act. We found that two alternative courses were laid down in the Act. The first course is that the rules made under the Government of India Act will come into operation at once, but that on the presentation of an address to the Crown by the House of Commons, they might be annulled or modified. That is one course laid down under the Government of India Act. The other course is that the Secretary of State himself is empowered to decide for himself whether any of these rules should be submitted to the House of Commons in the shape of a draft. If the Secretary of State comes to the conclusion that certain rules should be submitted to the House as draft, then these rules do not come into operation unless the House of Commons passes that draft. These are the two alternative courses laid down in the Government of India Act. The difficulty which some of us felt and will feel is that we have got no such provision as is contained in the Government of India Act for the presentation of an address to His Excellency the Governor. We have therefore considered: What can be the proper course to adopt under such circumstances? One view that was held was that all the rules should be passed by the Legislative Council and that they should not come into force until and unless they were passed by the legislature. After giving my full consideration to this course I came to the conclusion that there were practical difficulties in the way of making a provision like

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this. I agree with the Honourable the Home Member that there will be practical difficulties if the provision were laid down that the rules must first be passed by the Council before they were brought into operation. I, therefore, think that the provision as it actually stands in the amended bill that is now before the House is a satisfactory one. It is in the nature of a compromise, and it has been arrived at after careful consideration. On the one hand it secures to the Legislative Council control over the rule-making power, and on the other provides for administrative exigencies in the working of the Act. I submit it is a satisfactory one and it should be adopted by the House. As I have said, the question is of great importance, and I would ask the honourable members of this House to express their views on the question so that we may arrive at a satisfactory and sound conclusion, which, as the Honourable the Home member has said, might become a precedent in all future legislation.

Mr. M. R. JAYAKAR (Bombay University): Sir, when I read this clause I was troubled by two doubts. One of them has been cleared by the speech made by the Honourable the Leader of the House. The words are "and shall be liable to be modified or annulled by a resolution of the said Council, passed at such next session." The difficulty which I felt was: if the resolution is passed at the next session, well and good; but if it is not passed at the next session because, *e.g.*, it is not reached—many resolutions in our experience are not reached during a session—any resolution which this Council may pass at the subsequent session will not have effect, because it is not a resolution passed at the "next session." Therefore, the difficulty is that if a resolution is tabled which deals with any of these rules by way of modification or annulment, and if it is not reached at the next session, then this Council loses for all time, according to the wording of this section, its control over these rules. That is one difficulty; but that has now been cleared by the Hon'ble the Leader of the House saying that he will see that the Rules and Standing Orders are so amended as to allow these resolutions to be moved as Government business in priority over every other business. Or we may add after "at such next session" the words "or subsequent sessions". That means, that if by any chance these resolutions are not all considered at the next session, they may be deferred to the subsequent session.

The Honourable Sir MAURICE HAYWARD: Cut out the words "passed at such next session."

Mr. M. R. JAYAKAR: Yes, that will remove the difficulty. The other difficulty which I feel is somewhat more serious, and that is, what is to be the fate of these rules and regulations pending their consideration, modification or annulment by this House? Reference was made to the House of Commons procedure. If my recollection serves me right, in the House of Commons, there are two methods known: one is that the rules are laid before the House, but have the effect of law before they are considered by the House. Another set of rules are such that until they are approved by the House they do not have the force of law. The popular view which I represent is that the latter procedure

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should be allowed to prevail here in the experimental stage of this measure, *viz.*, that until such rules have been considered, modified or annulled by the legislature, they should not have the force of law. It won't mean a delay of more than one session, and I hope Government will not mind the delay. Very often these rules, which are innocent looking at first sight, are very often not so. Honourable members are aware how under the Government of India Act, rules have been made which looked innocent at first, but which have taken away large powers of the councils and which even infringe the principles involved in the Act itself. It will therefore be better if the rules in this case are not allowed to come into operation until they are approved by the Council. If this principle is agreed on, I shall propose that the clause be amended thus :

"The power to make rules under this Act shall be subject to the condition of previous publication and to the further condition that the rules so made shall come into operation after they have been laid on the table of the Bombay Legislative Council for one month previous to the next session and the Council has had the opportunity of modifying or annulling the same by a resolution of the said Council."

I entirely agree with the Hon'ble the Leader of the House that it would be very difficult to get a large body like the 110 members of this House to consider in detail one after another all these regulations and rules when they are framed. We know from our experience of this bill that such a thing is very difficult. We have sat nearly five days and considered it clause by clause. What the Hon'ble the Leader of the House said is perfectly true. Therefore I am willing not to have the clause amended in the way suggested by the honourable member for Poona. But at the same time, there is another principle of which we must not lose sight, and that is, that this Council should have the final voice before these rules come into force. I do not think any member will disagree with such a view. The clause as it stands will mean that the rules will come into operation immediately they are made, whether or not this Council has had an opportunity of considering, modifying or annulling them. All that this Council has been given under this clause is a right *ex post facto* of considering these rules and annulling or modifying them after they have had effect in the country. What I want to secure is that until this Council has had the opportunity of considering these rules, and of modifying or annulling them, if the Council so chooses, they will not have the force of law. I submit that mine is a very reasonable principle and avoids all dangers that the Honourable the Leader of the House pointed out in connection with this amendment. All that I want to secure is this right for this House at least during the experimental stages of this Act. Even Government have admitted that this is an experimental measure. If Government will only realize the great courtesy that the opposition has shown to Government in not insisting upon the hanging up of this bill till another session, they will meet us in a reasonable spirit. How often was I tempted to get up and say in a spirit of retort : "What does it matter ? The heavens are not going to fall if this bill is postponed." But I curbed that desire because I wanted to reciprocate the desire of Government to see this bill through ; I hope Government will not proceed further and entail upon us this hardship that even the rules that they make

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under this Act must be enforced speedily. If the Government do so, then I must say they are asking for their pound of flesh. All that I want to secure is that though we will allow this Act to go through, the rules made thereunder will be finally under the control of this House, before they are enforced. As a lawyer I know, and I am sure the honourable member the Advocate General will agree, that it is possible so to frame the rules that what the Act gives with one hand, the rules may take away with the other. I want therefore to secure that the principle which we have laboured during these five days to enunciate and secure in the provisions of this Act will be kept intact in the rules. Let not the Act be marred by any departure or contradiction in the rules. So I say that although this Act will go through immediately, the rules made under it should be allowed to come before this House. Where is the hurry about these rules? They can as well stand over and not come into operation until this House has the chance to consider them very carefully. When copies are supplied to us we shall have the opportunity to apply our mind to them and study them carefully and then they will be passed. I have no doubt that they will be admirable rules which the Government will make. But this House ought to have the opportunity to go through them before they are passed. This Act is a measure of special significance, and I hope honourable members will stand by the principle I have enunciated in my amendment.

Question proposed.

Mr. A. MONTGOMERIE: Sir, I rise to support the plea of my learned friend the honourable member for Nasik that this clause ought to stand practically as it is. There may be some discussion about the last five words. But with regard to the rest of the section I suggest that perhaps we are losing our sense of proportion and proposing to use a hammer to crack a nut. There are two kinds of legislation. There is for instance the legislation of the Government of India Act which leaves a very great deal of the actual working out of the Act, a great deal of what is in effect legislation itself, to the rule-making power. That is a type of legislation in which very properly the legislature may and ought to demand to be consulted. There is another type of legislation in which the legislature does its own legislation. It lays down not only the general principles but the detailed working of these general principles and under the rules it merely deals with powers of the executive to carry out the petty administrative details of the Act. You take, for instance, a case like the Act which I have to deal with a good deal, the Motor Vehicles Act. The rules under that Act require constant amending. If I want to close a certain road which has become dangerous, I have to make a rule under the Act and issue it at once. I cannot afford to wait until the Legislative Council has had the chance of considering whether some one should be allowed either to break his own neck or to break somebody else's neck by driving at an excessive speed down a certain road. Rules of that sort for merely working out the petty administrative details of an Act are properly left to the executive. As a matter of theory there is no particular reason why

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these petty administrative details should ever be brought to the notice of the legislature formally. Under practically every Act rules require previous publication and bringing them to the notice of the public in a specified manner and that is in itself a sufficient protection. There may be other cases in which there is a greater possibility of any such—I might say—rules being made of rather more generality. Some of the rules under this Act might be of a more general character, but a great many of them, a great many of the rules which will have to be issued in the practical working of the Act as soon as it comes into operation, will be rules of administration, rules where juvenile courts should be established in Bombay, in what part of the city, in what buildings and rules of that sort. Suppose if we get a number of children coming under the operation of this Act and you have to set up a juvenile court in some part of the town and island of Bombay, are we to wait for perhaps four or five months from one session to another before we can take any step or before these rules are to come into effect ? The whole general principle of this Act, the detailed working of it, has been considered in full by the Legislative Council. The Legislative Council has spent four days in this legislation and the provision that any rules made under this Act be laid on the table is an ample guarantee that nothing can be done against their will. The honourable member for Poona who moved this amendment said that it might be possible to whittle down the provisions of the Act and another comment was that by these rules Government would interfere in some way with the details or principles of any section of this Act which has been fully considered. I suggest that the section should be taken clause by clause to see whether there is anything in any of its clauses by which Government could interfere with the principles of the Act or in any way diminish the security given to children in the Act. It is perfectly easy to make statements like that and say that Government wants to have its pound of flesh and that it might try to get round the wishes of the Council; if the honourable member will point out to me any loophole by which we can wriggle out, I do not say that I will try to wriggle out, but I shall praise his ingenuity. I suggest, Sir, that the point is of great importance from the constitutional point of view how are we going to frame our legislation, are we going to frame it so as to enable the executive to do its own work of administering laws framed by the legislature ? It is quite impossible for a legislature to turn itself into an administration and to issue every petty rule and every petty regulation under the Act. If it tries to do so, it will cease to be a legislature ; it will have no time to do anything else. There is only one argument, I think, to be met and that is the argument of the honourable member opposite, the Leader of the Swaraj party, that delay does not matter. Delay in petty administrative matters always matters and it is a sheer waste of the public's time to hold up these petty administrative matters for three or four months while we wait to see whether the Legislative Council will not turn them down. It is not so much the question of the Children Bill that we are now

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dealing with in this amendment, Sir, but it is a question of principle. We are making a great inroad into the work of the administration; we are rendering almost impossible in some respects the working of almost any Act. If we accept this principle, it will be extended more and more until this legislature turns itself into an administration and not a legislature.

Mr. C. M. SAPTARSHI (Ahmednagar District): Sir, I have listened very carefully to the honourable the Home Secretary's speech. His first point was that the rules are petty rules—petty matters—not matters of very great importance, but simply intended for carrying on the administrative details, and as such, as a legislative body it would not be our legitimate function to go into these administrative matters, but rather we should give a free hand to the executive to frame the rules as they like. Well, Sir, if we look at clause 52 of the bill which we are about to pass and if we carefully go through all the clauses (*a*) to (*r*), what do we find? I do not find a single clause wherein if we frame the rules they could be considered to be of petty importance. Every clause is of vital importance. The bill itself is very highly important; it is an experimental measure. We have not as yet had the experience of its working in this country. Only recently similar legislation has been carried in other presidencies, but in this presidency this is the first experiment of its kind. In the bill—in the clause—we find that every matter from (*a*) to (*r*) is vitally important to the interests of the children that are sought to be protected. Therefore, though the Home Secretary is pleased to say that these are matters of petty importance, I submit that every rule that will be made under this clause will have to be carefully gone into by such persons as are interested in the bill. I am not speaking, Sir, by way of creating a general precedent in this respect, but having regard to the particular bill, I think it is necessary that this measure should rather stand over than that we should leave the power of drafting the rules to the executive in this matter. That is my answer with regard to the first point which the Home Secretary made.

Now, Sir, he said that there is no harm in leaving the rule-making power in the hands of the executive because they are not likely to whittle down the provisions of the Act, and I rather thought that he asked the honourable mover of the amendment to point out whether there is any section in the bill which he could say would be whittled down by the executive. I submit, Sir, that the Home Secretary did not understand the point of the honourable mover of the amendment. The point is that the principles of the bill would be whittled down in the rules and not in the sections. The very least.....

Mr. A. MONTGOMERIE: I asked him to show how it could be done.

Mr. C. M. SAPTARSHI: I can show you how that could be done in several rules after the rules are made. At present there are no rules before us. When the rules are framed and are before us, I shall be in a position to say in which rules the principles have been whittled down. I can not say now, unfortunately, as the rules are not yet before us. Therefore,

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until the rules are framed, we cannot say *a priori* how the principles have been whittled down. Nor would it be proper for us to take rules from other enactments to show how they could be whittled down. Therefore, until the rules are framed, it is not possible for us to say how the whittling down could be done. We know, for instance, several cases where there has been whittling down by the Government.

Then, he advised us, Sir, that a legislative body should not be converted into an administrative body. We fully realise that, and therefore the honourable member, the leader of the Swaraj party, has said that we are not to discuss these rules clause by clause in this House as we discuss a particular bill. What we want is, when the rules are made, they should be laid on the table. Such honourable members as are interested in the rules will go through the rules and wherever they see that the principles are whittled down, the rules will be sought to be modified or annulled in this House, and what we request is that until the rules have received the final sanction of the House they should not receive any legislative authority. That is the only request—and I think it is a fair proposal—which the honourable member, the leader of the Swaraj party, has made and I submit, Sir, that the objections made by the honourable member, the Home Secretary, are too futile.

Mr. R. D. SHINDE (Nasik District): Sir, I am unable to support either the amendment of the honourable mover or the amendment of the honourable member for Bombay University. In my opinion, Sir, we must make a distinction between what are the principles of the bill which we have after four or five days' deliberation embodied in the bill and the rules under the bill. The rules under the bill are bound to be, as the honourable member, the Home Secretary, has pointed out, matters of petty administrative detail, and following the precedent which some honourable members have brought to the notice of the House relating to the Houses of Parliament, we should leave the power of rule-making to the executive Government. There is a suspicion on this side of the House—and I think rightly—that there must be some check on the rule-making power of the Government under the Act, and that I think is sufficiently provided for by the present wording of the clause which, to those who have followed the course of this bill, is clear has been the result of an understanding arrived at in the select committee.

There is only one thing to which I would draw the attention of the honourable House: that is the difficulty to which allusion was made by the honourable member the leader of the Swaraj party. That is, the exact time when the motion or motions are to be made asking for annulment or modification of these rules, and the Honourable the Leader of the House has consented to the omission of the words "passed at such next session". If that is agreed to, I think the present clause is all right and we should accept the wording as it is.

Mr. D. B. ADWANI (Karachi City): Sir, I did not desire to speak on this matter, but there is one remark of the honourable member, the Home Secretary, which puzzled me. That is when he said that rules will have to

[Mr. D. B. Adwani]

for fixing upon places of safety and for fixing upon institutions for the custody of children. Surely the honourable member the Home Secretary does not want us to believe that for fixing upon a place of safety or for starting a certified school a separate rule will have to be made. There will be a certain set of rules for the starting of certified schools or for fixing upon places of safety. A rule cannot be made for every such thing. Under these circumstances, I cannot understand what difficulty there will be for the executive in first letting this House have an opportunity of passing rules which they will make under this Act.

Mr. A. N. SURVE (Bombay City, North): Sir, the rule-making power is, I think, governed by the provisions of the General Clauses Act. Under it there is a provision (I am subject to correction but my impression is) that the rules are first published in the *Government Gazette* in draft form with a notification inviting suggestions to be communicated to a particular officer of Government by a certain date. If in future that practice will be continued, we shall have two opportunities, (1) the usual one, *i. e.*, the publication of the rules as mere proposals. All members of this House are supplied with the *Government Gazette*. If they are watchful, as they profess to be, they will have the opportunity of sending in their objections for the consideration of Government. Government may accept or may not accept them. That is another matter, but I am bringing to the notice of this House the objection which is raised by the honourable member representing the Bombay University. He says that these rules will be *ex-post facto*, that is that the rules come into operation first and thereafter we shall be having our say on them. I say, no. If we are watchful, we can prevent their coming into operation by sending in our objections. If those objections are not given effect to, then we have the second opportunity and that will be more effective, because the burden of proving the unreasonableness of the suggestions made will be on Government. This power of rule-making has been a bone of contention between the non-official and official sides for the past four years, and Government have been very strong on this point, but having regard to the persistence of the non-official side, I think, Government have now gracefully conceded to come to this position at least, and, I think, on our part it will be equally graceful if we reciprocate by accepting the suggestion contained in the amendment made by the select committee. I therefore oppose the amendment under discussion.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I am not very much concerned with the wording of the amendment, but I am concerned with the higher principle which has been referred to by the honourable member, the Home Secretary, that is to say, the principle of the power of the legislature over the power of the executive. Sir, I think if you look to the legislative history of all the colonies of England, you will find that it was always the practice of the executive to oppose the encroachment of the legislature, and it was always the policy of the legislature to compel the executive to grant what it wanted. Therefore, I am not surprised if the honourable member, the Home Secretary, is jealous of the powers

[Moulvi Rafuddin Ahmad]

of the Government, and I do say that in many matters the executive do require wide discretionary power, and that all wise legislatures will grant them these powers, limiting to themselves the power of control. I do grant also that it would be impossible for the House of Commons to govern the empire if the House of Commons insists upon every detail to be discussed by every member of the House. I do grant that. Sir, I must say that the remarks of the honourable member the Home Secretary, suggested to me that he was getting increasingly afraid of throwing more sops to Cerberus. I find, however, that he must be aware that this legislature is bound to have these powers in the long run and it would be much better for Government to grant them gracefully. I always find that Government is too late, they do not watch properly the barometer of this House and therefore at times they have to give things grudgingly which they could have given very gracefully. I am not concerned with this particular measure before the House. They may not grant it, but I warn them that it would be too late, it is too late, to offer resistance. The power of despotism is gone, autocracy has disappeared and bureaucracy also must go. I therefore think that it would be wise on their part to give way in good time. I warn them as a sincere friend both of the legislature and of Government that they should always look to the mood of the lion, that they should not twist its tail too often. I think the power is sure to come to the non-official benches after some time and so it would be wise and politic for Government to yield in time. They should keep such powers only as are absolutely necessary in the interests of administration of the country. With these words of advice to both sides I sit down because I do not know whether there is not considerable force in the arguments of both.

Mr. B. K. DALVI (Belgaum District): Sir, since the time this bill has been introduced in this Council, I have been seeing that this legislation is being tried to be put off on some pretext or another.....

Mr. M. R. JAYAKAR: It is a very serious reflection to make upon our attitude, namely that we are trying to put this legislation off on some ground or another.

The Honourable the PRESIDENT: Such reflections are unparliamentary.

Mr. B. K. DALVI: I am sorry, Sir. I withdraw that allegation. I beg to submit that if we pass the amendment which is at present before the House, the result would be the postponement of this legislation, I think, even during the whole of the life time of this House. We know, Sir, that the Primary Education Act was passed but that it could not be brought into operation because rules and regulations that were necessary to administer that Act were not brought into existence. Here again, even if we pass this legislation and then do not allow the executive to frame its own rules and put them into operation unless passed by the Legislative Council, the result will be that the Act cannot be administered. For instance, if we refer to sub-clause (*a*), we have to make rules for the establishment and maintenance of certified schools and auxiliary homes,

[Mr. B. K. Dalvi]

the certification of schools as certified schools and of auxiliary homes, (*b*) the management of certified schools and auxiliary homes; then we have the conveyance of youthful offenders and children to certified schools, the manner of detention of children and young persons under arrest or remanded or committed for trial, the procedure to be adopted in any case or enquiry under this Act before any court other than a juvenile court, the persons who may be authorised to act under section 7 or 14—with all these, if there are no rules made, I think it would be impossible to administer the Act itself. But if we pass this amendment and if anybody takes into his head to put off the operation of the Act he can very easily do it by bringing in amendments to each of the rules and going on discussing and debating upon the rules and amendments thereon session after session, then I think the rules will not be passed even during the life time of this Council, and the practical result will be that this legislation, though passed, will have to stand over to the next Council. I think, from the arguments that were advanced on both sides, there is very little difference between the two. The leader of the Swaraj party wanted to have these rules come into operation after they were passed by the Legislative Council. Now, under the clause as it stands.....

Mr. M. R. JAYAKAR: That is not my amendment, Sir. I do not say that the rules shall come into operation after they are passed by the Legislative Council. The honourable member has lost sight of the wording of my amendment.

Mr. B. K. DALVI: The amendment is that they shall come into operation after they have been laid on the Council table for one month previous to the next session of the Council and the Council has had the opportunity of modifying or annulling the same by a resolution of the same Council. This, in effect, means all the rules cannot come into operation unless considered by the Legislative Council which may, if it is so minded, move amendments to each of the rules, and try to drag on the discussion about these from session to session, with the result that this Act will never come into operation. Under the clause as it stands the rules will be there, and they will come into operation, and we shall be at liberty to modify or annul any rule which we think objectionable and the operation of the Act will not have to stand over. If Government agree to drop the words "passed at such next session", we will have ample opportunity of modifying or annulling them even at a subsequent session. So, I submit that sub-clause (4) as it stands serves the purpose of the representatives of the people as well as of Government, and I therefore oppose the amendment which has been moved.

The Honourable Mr. COWASJI JEHANGIR: Sir, I rise to sympathise with the desire of this House to have some control over the rule-making powers of Government. Up to now, Government have made the rules, and it has only been open to any honourable member of this House to bring in a resolution in the ordinary way, pointing out to Government where that honourable member differed from Government in any

[Mr. Cowasji Jehangir]

particular rule. The bill under consideration gives a much further power to this honourable House; it actually gives to every honourable member the opportunity of moving a resolution as to how any particular rule should be framed. The resolution if passed will not be in the nature of a recommendation to Government; it will have the force of law, and therefore there is a considerable advance in the provision suggested in this bill. But my honourable friend the leader of the Swaraj party desires that Government should frame no rule without the previous sanction of this House. I am afraid.....

Mr. M. R. JAYAKAR: That is not my amendment.

The Honourable Mr. COWASJI JEHANGIR: That is how it reads, but I am very glad to hear that my honourable friend has no such intention.

Mr. M. R. JAYAKAR: The honourable member has got the amendment before him.

The Honourable Mr. COWASJI JEHANGIR: I am afraid I can read nothing else into it. The amendment is that the rules shall come into operation after they have been laid on the Council table, and this Council has had an opportunity of annulling or agreeing to them, that is to say, that the previous sanction of this House is required before the rules can come into operation, or that the rules shall not come into operation unless they have had the previous sanction of this House. That is what my honourable friend wants. As my honourable friend the Minister for Co-operative Societies said, some honourable members want that no rules should come into operation until this House has had an opportunity of either agreeing to all the rules as laid on the table, or disagreeing with any one or more of them.....

Mr. J. BAPTISTA: Or by keeping silent.

The Honourable Mr. COWASJI JEHANGIR: Yes, or by keeping silent. Under this bill, as it is framed, I submit to this honourable House that they have got that power. The only difference is that as soon as publication is over the rules will come into operation immediately, but during the next session any rule can be amended by this House. But if the clause is passed as suggested by my honourable friend opposite, it can mean nothing else but that this honourable House desires to carry on, free and gratis, some part of the executive administration of this Government. Now, Sir, as the honourable member the Home Secretary has very clearly explained, sometimes, at very short notice some of these rules require to be amended and it is necessary that they should come into operation immediately so amended. If Government had to wait till the previous sanction of the House was obtained, administration would become very difficult indeed. I further desire to submit to this honourable House a constitutional point. Do they desire to legislate so as to take into their own hands executive powers? It is a very dangerous principle to start and set up. I would submit to the House that they have sufficient control over the rule-making powers of Government as provided in this bill.

[Mr. Cowasji Jehangir]

All practical control they have obtained, and I would respectfully submit that my honourable friend Mr. Bhopatkar's amendment should not be accepted. The Hon'ble the Leader of the House has cordially met the objection raised by the honourable member the leader of the Swaraj party that honourable members should be given an opportunity to discuss the rules as soon as they table a resolution. What more can my honourable friend desire? Such resolutions will practically become Government business, and will take precedence over all other resolutions. So that, the only difference is that if this House differs from Government with regard to any rule, the rule will be in operation for the short time of a couple of months or so before it can be amended by the House. But, on the other hand, you allow Government to carry on the administration as they have done in the past by allowing them to make or amend these rules as they may find necessary. Under the circumstances, I trust that the House will accept the bill as it stands, and will be satisfied that they have obtained the power which will enable them to control the rule-making powers of Government.

Mr. L. B. BHOPATKAR: Sir, I withdraw my amendment in favour of the amendment of the honourable member for the Bombay University (Mr. Jayakar).

Question put and leave granted.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I am very thankful to the Honourable the General Member for the lecture that he has given to us to be satisfied with the small mercies that the Government has given to us, and I must, on behalf of the non-official members, thank the Hon'ble the Leader of the House and the Honourable the General Member for the great mercies which they are prepared to extend to us. The importance of the question has been missed by both sides of the House. The most important question is, have rules made under an Act the force of law? Have they got legal force to the same extent as sections enacted by this House? I do not think it can be argued with safety that rules do not require as much consideration as each section of the Act that has to be passed. Those of the honourable members to my left who advocate strongly that the rule-making power should be in the hands of the executive government and that they should come into force without any check or control by the legislature, do know that the rules have the force of law. If the rules having the force of law are to be passed by the executive government, why should you not follow the same analogy in the case of Acts and treat them in the same way as rules are intended to be treated *i.e.*, passed by the executive government? The Honourable the Leader of the House pleaded that if the rules are to be passed by the Council, a good deal of its precious time would be wasted. I would advance a bigger plea that these five days which have been taken up in the consideration of this bill could have been saved by enacting the Act itself and we need not have gone into each section and the wording of each clause and we might have left it to the executive givers of law trusting to their *bona*

[Mr. B. G. Pahalajani]

*fide* and good faith to pass the Act. Members of the Executive Council are after all human. Even in the drafting of this Act there were several omissions and commissions. Even after it came out of the select committee there were several mistakes of commission and omission which the majority of the House have had to consider and rectify. If the principle of democracy that the law should be framed by the majority is adhered to, why should not the rules which have the force of law be subject to the same scrutiny as sections which are read clause by clause? I can easily understand that the amendment of the honourable member for Poona should have subjected Government to considerable trouble, because each rule has to be passed before it comes into force. Under the amendment that has been proposed by the honourable member for the Bombay University, the first portion that the rules should be laid on the table has been agreed to by Government. There is no difficulty on that point. Then if any motion is tabled for opposing it, it has to be considered. If no motion is tabled, then without the slightest difficulty the rules will come into force. So, while the amendment of the honourable member for the Bombay University is a negative one, the honourable member Mr. Bhopatkar's amendment is a positive one. There is a good deal of force in the honourable member Mr. Jayakar's amendment, that the House should have an opportunity of considering the rules before they assume the force of law. It is the highest principle of legislation that rules which have the force of law shoud become law after consideration by the Legislative Council which makes the Act. Therefore, I respectfully sul mit that this is a salutary principle and this principle, which as the Honourable the Home Member told you, was invoked by the Mother of Parliaments, that is to say, in England. As the Honourable the Leader of the House has told you, the Parliament at the commencement of its existence was very jealous of its power of making rules–a power retained down to 1890. It is only in 1890 during the time of the Irish Home Rule when there was great commotion produced by Mr. Parnell that the Right Honourable Mr. Gladstone succeeded in delegating this power from the House of Commons to the executive government. From the time of the Petition of Rights right down to 1890 this power was retained by the House of Commons. This Council is still in its infancy and it has been in its swaddling clothes for only 4 years. In its infant stage should not this House guard jealously its rule-making power? Is this the time, when we are passing through the transitional stage, for the executive government to show any distrust? If the executive government is not prepared to delegate its power for making rules and if the executive is not prepared to surrender that power to the legislative body, the result will be that there will be a tension between the executive and the legislative body. The honourable member Moulvi Rafiuddin Ahmad rightly said that this is not the time when there should be any tension between the executive and the legislative body, and that any rule having the force of law must be subject to the control of the House. As long as the Council exists, so long it has got the right to make law and as long as that right exists so long rules that have the force of law must be under the control of this Council.

Rao Saheb D. P. DESAI (Kaira District): Sir, I regret the Honourable Minister for Education is not here.

The Honourable the PRESIDENT: I do not want the honourable member to go into the Co-operative Societies Bill. I have already allowed a certain amount of discussion on that aspect. The House is aware of all relevant things with regard to that matter. I cannot allow any reference to it any more.

Rao Saheb D. P. DESAI: I just wanted to say that the Honourable Minister for Education would have cleared the atmosphere that has been created in the House, because he presided over the deliberations of a similar clause in the Co-operative Societies Bill which was still stricter than what it is here.

The Honourable the PRESIDENT: What is the honourable member's point in referring to it? We know all about it. You can without any reference to it argue that the same thing should be done here.

Rao Saheb D. P. DESAI: I do not want to move an amendment. I just wanted to say that a clause stricter than the present clause was accepted by the chairman of our committee at the time.....

The Honourable the PRESIDENT: I am very sorry that the honourable member still pursues the same subject. The honourable member the president of a select committee is not the whole Government. The honourable member could have easily moved an amendment on the same lines of that clause. If he does not want to do that, I am not prepared to grant any more latitude.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I agree to the principle that the Legislative Council ought to have control over the rule-making power of the executive. The question is whether this bill gives that power to the Council or not. At present, the rules are published, and if anybody wishes to raise an objection he can do so, and that objection is considered. But the present bill is decidedly an advance on the existing position because it lays down that all the rules shall be laid on the table of the House, and at the next session every member has the right of moving a resolution, which will be given priority over every other resolution, to get any of the objectionable rules amended or rescinded by the Council. That is a great power of control over the rule-making power of the executive.

As regards the point made by the honourable the Deputy President, that when you give the power of making rules to the executive they make rules which have the force of law, I admit that proposition. Now, Sir, according to the amendment of the honourable member the leader of the Swaraj party, power is given to the executive to make rules, but those rules will not have the force of law and will not come into operation unless they are sanctioned by the Council. I fail to see then what power the legislature is going to give to the executive. Is it simply to draw up the rules? There is no use then in retaining clause 52. The Council will be simply stultifying itself if they give the power to make the rules and then say that they will not come into force unless they are sanctioned by the Council. That means you do not give them the power, You

[Khan Bahadur Shaikh Ghulam Hussain]

can plainly say that all the rules should be made by the legislature. But if you do that, all the valuable time of the House will be taken up and it will lead to endless discussion. The proposal in the bill, Sir, makes for quicker and better business, and it will only take a very short time of the House. If we adopt the suggestion of the honourable member the leader of the Swaraj party that the Government may be given the power, but that the rules should not come into force before they are sanctioned by the Council, it will mean that Government will have no power, it will mean that the rules will have to be made by the legislature, and that will lead to endless discussion.

Honourable MEMBERS: Closure.

The Honourable the PRESIDENT: I think I must accept the closure now.

Mr. M. R. JAYAKAR: Sir, I won't be long in my speech. I just want to give my reasons for the amendment. My amendment does not mean that every rule will have to be put before this House and passed. It only means that every rule will have the chance of being considered by this House before being made enforceable. In other words my amendment says only this, as my honourable friend Mr. Baptista put it in a pithy manner, that this House wants the opportunity of remaining silent over these rules. That is really what it all comes to. When these rules are framed and put on the table, we do not want the chance of passing these rules one after another. Nothing of that kind. That is my honourable friend Mr. Bhopatkar's amendment. I merely want the opportunity to be given to this House, if it desires, to annul or modify. It may not so desire, if the rules are reasonable as the honourable member the Home Secretary imagines. Let not the executive believe that the House on every occasion will put difficulties in their way. I had to raise a point of order on the unworthy remark made by the honourable non-Brahmin member for Belgaum (Mr. Dalvi), that all these efforts of ours were meant merely to delay and obstruct the measure. I have only to refer to my honourable friend the Advocate General who only yesterday came and congratulated me on the efforts of our party to improve this bill. We have bestowed careful consideration on it, section after section. I can assure the honourable member Mr. Dalvi that if I had been offered by a client a fee running into four figures—not an unusual thing in the High Court—I could not have bestowed more attention on his case than I have bestowed on these sections. And yet he ventures to say that we have been obstructing the business of this House—I am surprised at the ungenerous comment. For five days we have been going through this bill section after section carefully, the Honourable the Leader of the House is witness to that, and yet it is argued that all these efforts are made for the purpose of obstructing the passage of the bill! When we were considering the second reading I started by saying that the Act would go through. The House is not aware how we have been taunted by people outside that we yielded to the persuasive

[Mr. M. R. Jayakar]

language of the Honourable the Leader of the House. But let that go. We have yielded, and the Act is being considered. Let not the honourable non-Brahmin member import into this House his mofussil atmosphere, with its cavilling ungenerousness; we are not obstructing the passage of this bill, I am only placing my views in the interests of the House. The only thing I want is an opportunity, if we desire to exercise it, of modifying—look at the wording—"of modifying or annulling". That is my amendment. We may not so desire, and I have no doubt that if the rules are properly framed, we shall not exercise the right. But I want this opportunity to be given to us. As the honourable the Deputy President pointed out, the House of Commons up to the year 1890 did not give this rule-making power to Government. I do not remember the exact date, for I am not a frequent reader of the House of Commons proceedings, because it makes me sad to note the contrast between things Indian and English, but occasionally I do dip into them. The House of Commons gave up this right in favour of the executive only recently. But the House of Commons legislates oftentimes for the whole Empire: and necessarily their exigencies are more imperative than ours. We are here legislating for a section of the population of one presidency. Why bring in the analogy of the House of Commons in such matters? When this House rises to the position of the House of Commons we shall entrust even our life into the hands of the administration and the officers appointd by them. Let the House note that I am claiming this privilege only in connection with this measure. I am not claiming it as a general principle in connection with all measures, however non-controversial. I have no objection to the executive framing rules with regard to such measures, but I claim this right for the House because this Act is a controversial measure, and in an experimental stage. It deals with the internal economy of Hindu and Mahomedan households. During the passage of this bill our main objection has been that Government are claiming the right to enter into our domestic life. That is the reason why I claim this privilege. The House will be surprised to hear that a more drastic section than my amendment exists in the draft of the Co-operative Societies Bill as it has emerged from the select committee. What is the Co-operative Societies Act compared to the importance of this Act? And yet in that Act of comparatively little importance the select committee recommends a clause of stricter powers than I claim in favour of our children, drunken and wandering, as they may be, in the city of Bombay or the mofussil. That is the purpose of my amendment.

Then, it is said by the honourable member the Home Secretary "but supposing our necks were about to be broken shall we come to this House and wait until the rules are passed"? May I ask, is that his conception of this measure that it is a piece of legislation to break other people's necks?

Mr. A. MONTGOMERIE: May I point out, Sir, that my reference was entirely with reference to one particular Act in connection with which alone I was referring to anybody breaking anybody's neck. I

[Mr. A. Montgomerie]

was referring in that particular case to the Motor Vehicles Act and to the power of making definite rules. I never referred to our necks being broken at all in connexion with this Act.

Mr. M. R. JAYAKAR: My answer to that is that when dealing with rules under the Motor Vehicles or similar Acts we will not claim this power. I claim it under this special Act. I am not dealing with any Act, in which the police or vehicles are in operation. I am claiming it in connection with this Act dealing with our children. Then, my honourable friend, the non-Brahmin member from Bombay said "we can prevent the operation of these rules by sending in our objections". I do not quite understand what that means, but he himself provided an answer to the question by saying "But the Government may or may not consider these objections". He himself added that reply. We may send our objections. We have been sending them on various matters. How many of our objections are rejected? Our objections will be there, we will go into beautiful orations over them, but it will be entirely at the pleasure of Government to agree to the objections or no. I want to put the power of this House on something higher than merely taking futile objections. That is the question before the House, I want my honourable friends to remember, in voting on my amendment, that it will cause no serious interference with the working of this Act at all. I have told you that I have agreed to let this Act go through this session, although several times I felt the temptation of saying many things to the Honourable the Leader of the House when he appealed with warmth to the opposition to let the bill go through. The Home Secretary asked, "Will the mover of this amendment point out under what section there is a loop-hole for Government to defeat the liberal provisions of this Act"? If the Home Secretary is prepared to spend a couple of hours with me, I will point out the sections under which there is such a loop-hole. But I do not call it a loop-hole. I do not claim this power on the ground of suspicious loop-holes in the Act, which Government will misuse. I claim this power on the ground of our greater knowledge of the conditions and circumstances of Indian life, which this Act invades in many ways. I do not claim this power solely because I am distrustful of Government though I frankly say I am often distrustful in such matters. I say that rules dealing with the custody and environment of our children should be enforced by Government only after giving a chance to correct the Government, where in their natural ignorance of the conditions of our life, they go wrong.

The Honourable Sir MAURICE HAYWARD: Mr. President, I accept the assurance of my honourable friend and acknowledge that he has done everything to give us the necessary help to pass this important bill into law for the benefit of the children of the presidency.

The question of rules is purely a practical question, what is the best thing to be done? Only a practical question, which we have got to decide as practical men. If I may say so, my honourable friend opposite has not made that distinction which ought to be made between the importance of the sections of the Act and the rules made under the Act.

[Sir Maurice Hayward]

It is a very well known distinction which was known before the great year 1890 quoted by my honourable friend, the Deputy President. At all events 1890 is good many years ago and I was a good deal younger then than I am now, that is 35 years ago. Whatever may have happened then, it has been recognised that there is a distinction between the really important and vital sections of a legislation and the purely administrative rules which have to be made and altered from time to time. What we are now dealing with is not the vital sections which we have discussed at great length and in discussing which we have received great assistance which I greatly acknowledge. But those of us who have to deal with administrative rules know we have to get those rules passed from time to time as quickly as possible. If the procedure now recommended by my friend opposite is approved, it will mean very serious delay in getting our rules out from to time time. It will mean delay in the administration of the Act. All we want is that the House shall have the power to interfere if any mistakes are made in this less important matter. But what we do want is to be able to frame rules and get straightway to work the clauses. We want to have rules made in connection with several matters, for instance, in respect of juvenile courts, procedure for those courts, and in respect of schools. It will mean that these rules cannot come into operation before they are discussed in the House, and I submit, Sir, that the amendment that is now proposed by my honourable friend opposite would practically mean that none of these rules will come into force until they have been greatly discussed in the House. My honourable friend opposite said that they shall not come into force until they are laid on the table and until there has been an opportunity of moving a resolution. That means practically that for some small alteration in some particular rule the whole of the rules have got to be held up until that small question is discussed in the House. Surely, the clause as it exists at present is better. All the rules take effect at once, but this particular rule will be liable to modification when they are brought before this House. His plan is objectionable and would hold up the whole of the rules. I submit it is a question of practical business. This clause as amended by the select committee is really a practical clause which ought to be accepted by this House. With regard to the last issue as regards the rules being passed at the next session, I am quite prepared to consider whether there should not be some opportunity for a resolution being brought and being discussed at the subsequent sessions in default of time even as sometimes happens to official business of Government.

Question put. House divided. Ayes, 37. Noes, 51. Motion lost.

*Division No.* 10.

**Ayes.**

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| Abdulpurkar, Mr. N.A. | Haji Abdullah Haroon |
| Adwani, Mr. D. B. | Jayakar, Mr. M. R. |
| Bhopatkar, Mr. L. B. | Jog, Mr. V. N. |
| Desai, Rao Saheb D. P. | Joshi, Mr. P. G. |
| Dev, M . S. S. | Karki, Mr. M. D. |
| Dixit, Dr. M. K. | Kothari, Mr. V. R. |
| Gunjal, Mr. N. P. | Lalji Naranji, Mr. |

Ayes—*contd.*

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|---|---|
| Lalljee, Mr. Hooseinbhoy A. | Pradhan, Mr. R. G. |
| Mavalankar, Mr. G. K. | Rahimtoola, Mr. Hoosenally M. |
| Mehta, Dr. M. M. | Saheba, Mr. H. D. |
| Mujumdar, Sardar G. N. | Saptarshi, Mr. C. M. |
| Nanal, Mr. B. R. | Shivdasani, Mr. H. B. |
| Nariman, Mr K. F. | Soman, Mr. R. G. |
| Pahalajani, Mr. B. G. | Surve, Mr. V. A. |
| Patel, Mr. A. E. | Swaminarayan, Mr. J. C. |
| Patel, Mr. D. N. | Thakersi, Mr. Punjabhai |
| Pathi, Mr. G. I. | Velkar, Dr. M. B. |
| Powar, Mr. M. B. | Wadia, Mr. C. N. |
| Pradhan, Mr. G. B. | |

*Tellers for the Ayes :* Mr. P. G. Joshi and Mr. R. G. Soman.

Noes.

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|---|---|
| Abdul Latif Haji Hajrat Khan, Mr. | Kalbhor, Mr. G. M. |
| Addyman, Mr. J. | Kambli, Mr. S. T. |
| Angadi, Mr. S. N. | Kanga, Mr. J. B. |
| Baptista, Mr. J. | Kay, Mr. J. A. |
| Bhutto, Khan Bahadur S. N. | Kazi Inaitullakhan |
| Bole, Mr. S. K. | Kokani, Mr. G. J. |
| Bunter, Mr. J. P. | Lawrence, the Honourable Mr. H S. |
| Chatfield, Mr. G. E. | Mahomed Ayub Shah Mahomed Khuhro, Mr. |
| Chaudhari, Mr. L. S. | Mansuri Khan Saheb A. M. |
| Dabholkar, Mr. V. A. | Mehta, the Honourable Mr. C. V. |
| Dadachanji, Dr. K. E. | Montgomerie, Mr. A. |
| Dalvi, Mr. B. K. | Navle, Mr. N. E. |
| Dehlavi, the Honourable Mr. A. M. K. | Nekaljay, Mr. R. S. |
| Fernandez, Dr. Cosmas | Noor Mahomed, Mr. |
| Framji, Mr. K. S. | Owen, Mr. A. C. |
| Ghosal, Mr. J. | Painter, Mr. H. L. |
| Ghulam Hussain, the Honourable Khan Bahadur Shaikh | Patil, Mr. D. R. |
| Gibson, Mr. R. E. | Pratt, Mr. F. G. |
| Grantham, Mr. V. A. | Sayed Ghulam Nabi Shah |
| Griffiths, Mr. V. M. | Shinde, Mr. R. D. |
| Hatch, Mr. G. W. | Surve, Mr. A. N. |
| Hayward, the Honourable Sir Maurice | Thomas, Mr. G. A. |
| Heffer, Sir Lawless | Wadia, Mr. N. J. |
| Hudson, Mr. L. S. | Wiles, Mr. G. |
| Jadhav, the Honourable Mr. R. V. | Woods, Mr. E. E. |
| Jehangir, the Honourable Mr. Cowasji | |

*Tellers for the Noes :* Mr. D. R. Patil and Mr. R. D. Shinde.

The Honourable the PRESIDENT : Before adjourning I should like to make mention of a subject which has been in my mind for some time. I have observed that honourable members belonging to the legal profession are accustomed to use the words "learned friend" in reference to honourable members of this House. May I point out to them that, so far as this House is concerned, there is no such thing as learned or non-learned members and that they should be addressed as "my honourable friend" or as "the honourable member"? I hope the House will bear that in mind.

*After recess.*

The Honourable Sir MAURICE HAYWARD : Mr. President, there is just one small point left. The honourable member, the leader of the opposition, suggested that the last five words "passed at such next session" may lead to some difficulty in case the resolution, even though an official one, was blocked out by other official business. I have thought that over and suggest that if the word "tabled" is substituted for the word

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"passed", that will make it clear that the resolution, as long as it is tabled at that next session, would have an opportunity of being passed either then or at a subsequent session, so that I would move for the substitution of the word "tabled" for the word "passed".

The Honourable the PRESIDENT: Is it the pleasure of the House to allow leave for the amendment suggested to be moved?

Question put and leave granted.

Mr. A. MONTGOMERIE: Sir, I beg to move an amendment as under:

In line 84, sub-clause (4), clause 52, the word 'passed" be deleted and the word "tabled" be inserted instead.

Mr. C. M. SAPTARSHI: I have some doubt in my mind as to whether that tabling of the resolution would be done by Government or would have to be done by a non-official member.

The Honourable Sir MAURICE HAYWARD: I suggest that the Standing Orders will be amended so that it will be obligatory business, whether Government or non-official.

Mr. D. B. ADWANI: Suppose, Sir, it is tabled and not passed at that session?

The Honourable the PRESIDENT: As I understand it, once a resolution is tabled, it will be allowed to be discussed and if after discussion it is carried, then the rules will be so amended or annulled.

Mr. D. B. ADWANI: If it is not finished at that session, what about the following sessions?

The Honourable Sir MAURICE HAYWARD: Once it is tabled at that session, then it can be passed either at that session or a subsequent session.

The Honourable the PRESIDENT: And the Honourable the Leader of the House has given the assurance that this will be obligatory business at that session.

Mr. H. B. SHIVDASANI (Surat District): Sir, I wish to move an amendment to delete the last five words of sub-clause (4), clause 52. Can I have the leave of the House to do so?

The Honourable the PRESIDENT: Has the honourable member leave of the House to move an amendment?

Question put and leave granted.

Mr. H. B. SHIVDASANI (Surat District): Sir, the amendment I beg to move is as under:

"Delete the words 'passed at such next sessions' occurring at the end of sub-clause (4), clause 52"

I do not see why the Council should be restricted to moving a modification or annulment of rules only at the next following session. I do not see why the Council should not be at liberty to modify the rules at any subsequent session if the experience of the working of the Act makes it necessary that certain rules should be changed, and I think that Government should have no objection to accept this amendment.

Question proposed.

Mr. A. MONTGOMERIE: The only objection, Sir, to the amendment is that there ought to be some finality in these matters and if action has to be taken, it ought to be taken at the earliest possible opportunity. The sub-clause as modified by the Honourable the Leader of the House makes it incumbent on every one who wishes to modify the rules to do so at the first opportunity. If, after experience it is found that a member desires to modify his opinion of the rules, it will be left to the ordinary procedure of the House to do so, namely, to table a resolution in the ordinary way, and if it is a matter of sufficient importance and if the House thinks it is a matter of sufficient importance, then naturally he will get priority and it will be a matter for the House to determine whether it is a matter of sufficient importance or not, but before we go on tinkering with rules, there ought to be some finality in the matter.

Mr. D. B. ADWANI: The point made by the honourable member is exactly the one I was trying to make, namely, if the amendment suggested by the Honourable the Home Member is carried, it would mean that if, after a resolution is put up by the Government, and for some reason or other, that resolution is not carried at that session, then the Council will be precluded from considering it at the next session.

The Honourable the PRESIDENT: The Honourable the Leader of the House has already explained that point, and I dare say in his reply he will make it further clear to the House if that is necessary.

Mr. S. S. DEV (West Khandesh District): I feel, Sir, that we would really be curtailing our powers if we were to accept the Government's suggestion. By deleting the last five words, we shall have retained the power of modifying or annulling the rules at any time and at any session of the Council. Suppose the rules are framed to-day and within a month or two we are not able to detect defects in them or their bad effects upon the working of the Act, we would be precluded from ever thereafter moving for a modification or annulment of them. The power of doing so is there and this side of the House at any rate will not be prepared to make a gift of that power to Government by voting in favour of the retention of the last five words of the clause. We must not ourselves hand over what powers we have to others. It would be suicidal to do so.

Mr. M. R. JAYAKAR (Bombay University): If, Sir, we accept the suggestion made by the Honourable the Leader of the House and allow the words to remain there, it would mean this: that this House will have the power of "modifying" or "annulling" by a resolution only at the next session. That seems to be quite absurd. This House must have the power of moving resolutions whenever they want to do so. How can anybody take away the power which we already have of modifying at any time any rules made by Government? It could not have been the intention of Government to curtail that power. I therefore suggest that the words "at such next session" should go. Otherwise, it would amount to an absurdity, namely that the ordinary power, which is given to us to move a resolution at any time we like with regard to the rules made under this Act, is to be taken away.

The Honourable Sir MAURICE HAYWARD: May I explain the position, Sir? I tried to explain it before, but the honourable member, the leader of the Swaraj party was not here at the time. I understood the objection he took was that the words "passed at such next session" would mean that if the business did not come on at such next session, owing to there being too much other official business, then it would be impossible to bring the resolution to a conclusion. Therefore, to avoid that difficulty and to say that the resolution was to be discussed in any case, whether there was time or not, I suggested the putting in of the word "tabled"—"tabled at such next session"—which would mean that notice only should be given, and then it can be discussed either at that session or, if there was no time, at any subsequent session, and I suggested that that would meet the difficulty which was actually raised.

The Honourable the PRESIDENT: The amendment of Government is that the word "tabled" be substituted for the word "passed", and Mr. Shivdasani's amendment is to delete the words "passed at such next session".

The Honourable Sir MAURICE HAYWARD: It does not make any difference to any other resolution to be brought up at any time. This provides for a special resolution which will have a special effect.

Mr. M. R. JAYAKAR: The word "liable" would cover the case.

The Honourable the PRESIDENT: Does the honourable member Mr. Shivdasani press for his amendment?

Mr. H. B. SHIVDASANI (Surat District): Sir, the Home Secretary tells us that there should be some finality about the rules. The rules will be final in a certain sense. They will be rules until they have been annulled or modified, but if he wants them to be perpetually final and not subject to alteration, he is taking things too far. There is no Act of any legislature which is not amended from time to time, as is found necessary from the working of the Act or the rules. The finality will be there, even if these words are omitted. The rules will be final and will not be changed until it is found necessary to change them. I do not quite see why the Council should be restricted to the next session only. It may take some time for the members of the Council to see the rules in actual working, and if, after the rules have been working, they find certain amendments necessary, they should have the right of moving those amendments. Unless these words are taken out, a resolution passed by the Council for the amendment of the rules will be in the nature of a recommendation, and Government need not accept it. What we want is the right, at any time in the future, to get any rule, which is found to be not working properly and to cause inconvenience to the people, modified, and it is necessary, for that purpose, to delete these words. The rules will have all the finality that they should have, and no greater finality is required for these rules than the finality of any other Act which is amended from time to time.

The Honourable Sir MAURICE HAYWARD: As I said, Sir, it is really a question of practical convenience. We are simply copying the procedure in the Government of India Act, where it says that the House has to pass a resolution within the next 30 days. There it is within the

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next 30 days with regard to rules of much greater importance under the Government of India Act. Here very much longer time is given. I think it is a matter of practical convenience, and that the suggestion I have made meets the difficulty.

Mr. D. B. ADWANI: May I request you, Sir, to make the position clear?

The Honourable the PRESIDENT: The difference, as far as I can judge, is this, that Government desire that objection should be tabled before the next session, and then it can be discussed at that session or at any subsequent session, and Government have given the assurance that they will provide the time for the discussion of these resolutions as official resolutions. That being so, the Council will have this power of amending. The difference between ordinary resolutions of public interest and these resolutions will be that these resolutions will be binding, and whatever alteration the Council makes shall have effect. In the case of ordinary resolutions, the Council can only make a recommendation, and Government are not bound to accept it. That is the position as I understand it.

The Honourable Sir MAURICE HAYWARD: Quite so, Sir.

The Honourable the PRESIDENT: The House can deal with it as it likes. I was merely asked to make an explanation, and I have tried to do so. I will put the amendment of the Honourable member Mr. Shivdasani first, as an amendment to the amendment of the Honourable member Mr. Montgomerie.

Question put, substitute the word "tabled" for the word "passed", and carried.

Amendment to the amendment put and lost.

Clause 52, as amended, ordered to stand part of the bill.

Clause 1 (*Short title and extent*), as amended, ordered to stand part of the bill.

The preamble ordered to stand part of the bill.

The Honourable Sir MAURICE HAYWARD: I should like to suggest, Sir, that as a good many amendments have been made, the draftsman should be given time to look through the bill to see whether any verbal alteration is required before bringing it on for third reading. I should, therefore, for that purpose, propose not to move the third reading to-day, but to move it the first thing on Monday.

I should also like, Sir, to make a brief statement as to the further business. We have spent a good deal of time over one bill, and we desire to save the time of the House as far as possible. We are particularly anxious not to curtail the five days given to private business, and not to drag this session over the Divali holidays. I understand that the Honourable the Revenue Member will not just now move the Bombay Land Revenue Code Amendment Bill, but will allow us to proceed to the next one on the agenda, that is the Co-operative Societies Bill which, I also understand, will not take very long. As regards that I will leave the Honourable Minister in charge to explain.

Mr. M. R. JAYAKAR: Do I understand that the Land Revenue Code Amendment Bill will be taken at the next session?

The Honourable the PRESIDENT: I should like to know what are the intentions of Government as regards that bill, whether they wish to reserve it later on for this session, or whether they intend to take it at the next session. Government may declare what their intentions are for the information of the House.

The Honourable Mr. C. V. MEHTA: The Government do not wish to move it this session.

## BILL No. XIV OF 1924 (A BILL TO CONSOLIDATE AND AMEND THE LAW RELATING TO CO-OPERATIVE SOCIETIES IN THE PRESIDENCY OF BOMBAY).

*(As amended by the Select Committee.)*

The Honourable Mr. A. M. K. DEHLAVI: I beg to submit the report* of the select committee on Bill No. XIV of 1924 (A Bill to consolidate and amend the law relating to Co-operative Societies in the Presidency of Bombay).

Mr. R. G. PRADHAN (Nasik District): I wish to raise a point of order with regard to the report of the select committee. It is a fine point of order, but I wish to raise it in order to obtain your ruling and with no other object whatsoever. You will see, Sir, that the report is signed by the Honourable Mr. B. V. Jadhav. His signature stands second. Then later on a minute of dissent is submitted and he has appended his signature to it. My point of order is whether it is open to a member of a select committee to sign the report of the select committee without intimating that he has signed the report subject to a minute of dissent and subsequently sign a minute of dissent prepared and submitted by some other members of that select committee.

The Honourable the PRESIDENT: I do not think that there is any point of order in it. I may inform the honourable member that his point of order comes to this: That a member of a select committee who may have voted in favour of a particular clause has no right to change his mind from subsequent information received before the matter comes before the Legislative Council. I do not know of any Act, rule, or Standing Order which takes away the right of an honourable member to change his views in view of any further information that he may have received. It is an inherent right of any member to change his mind in view of the facts before him.

Mr. P. G. JOSHI (East Khandesh District): Sir, clause 7 (3) of Standing Order VIII says:

"If any member of a select committee desires to record a minute of dissent on any point, he shall sign the majority report, stating that he does so subject to his minute of dissent, and shall at the same time hand in his minute."

I wish to bring to your notice that the Honourable Mr. Jadhav signed the report but did not state that he signed it subject to the minute of

*Vide appendix 59.

[Mr. P. G. Joshi.]

dissent. He has no right whatsoever to hand in his report afterwards to be incorporated in the select committee report. Honourable members, Messrs S. T. Kambli and Khuhro, have done the same thing. This is a very serious irregularity that has been committed. They did not hand their minutes of dissent when they signed the report.

The Honourable the PRESIDENT: I notice the point of order raised and I see the force of it. But I should like the honourable member to pursue the subject and tell me what would have happened, in spite of the Standing Order, if an honourable member had sent in his minute of dissent in that manner.

Mr. P. G. JOSHI: This procedure vitiates the whole thing and it is necessary to refer the bill back to the select committee to reconsider the matter and to give its decision on that particular point. The report as submitted is not valid.

The Honourable the PRESIDENT: The only thing that I can say is that it must have been an oversight of the Secretary's office. There can be no doubt about it. Just allow me to point out why it is so. These Standing Orders are as binding on the honourable members as on the Secretary's office, which is carrying out these Standing Orders so far as obligations on them are concerned. Assuming that the bill is received by the Secretary with the signature of certain members without the remark that it is subject to a minute of dissent, and then the dissenting minutes were sent in, the Secretary would be perfectly entitled to say "I have no notice of it. You have not signed stating that it is subject to a dissenting minute. You cannot do it, and I will not circulate it." Let us be a little practical. What will be the gain?

Mr. P. G. JOSHI: The majority report will stand and now they have made it a minority report.

The Honourable the PRESIDENT: You cannot call it a majority report on these grounds. That point was on a former occasion raised by the honourable member for Bombay city; and I had to deal with it. While I realise the importance of the majority report, I should like to inform the honourable member that the majority ought to insist upon their right to make the report their report and force the minority to submit dissenting minutes. There might have been occasions when several members absent themselves from the meetings of the select committee and the majority of the members present at a meeting may be in favour of a particular view. Say half a dozen members are not present. They send in their minutes of dissent when the report is received for signature. It is in this way it becomes a majority report. Fault lies on those members who absent themselves. I want honourable members to tell me what the practical effect of this procedure will be. I may inform honourable members that in this particular case—the Secretary will please take a note of that—the remedy lies in the hands of the House itself. There are two motions before the House to refer it back to the select committee. They can do so, and make the select

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committee reconsider the bill and then come forward with a report which is in accordance with the Rules and Standing Orders. Fortunately on this occasion there is that remedy. If necessary, in view of these facts I would allow a special amendment if the House feels keenly on a subject of that character. Under these circumstances I hope the point of order will not be pressed.

The Honourable Mr. A. M. K. DEHLAVI: Sir, in view of the fact that a great deal of the time of this session has been taken up by the bill which we have just gone through, and in view of the number of amendments to this bill—I think there are 152 or 153—I would move:

**That the bill be recommitted to the select committee with respect to the several amendments so far submitted, to be considered there.**

Mr. P. G. JOSHI: I rise to a point of order. The second reading ought to be moved first.

The Honourable the PRESIDENT: The report has been presented, and a point of order raised on it has been decided. The motion can be made now. Let me see the actual wording of the motion.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I move:

**That the bill be recommitted to the select committee with respect to the amendments so far submitted by honourable members of this House.**

The Honourable the PRESIDENT: The proper form, according to the Standing Orders, is "that the bill as reported be recommitted to the select committee with respect to particular amendments so far received".

The Honourable Mr. A. M. K. DEHLAVI: Sir, I move:

**That the bill as reported be recommitted to the select committee with respect to the particular amendments so far submitted by the honourable members of this House.**

Mr. S. S. DEV (West Khandesh District): I want to move an amendment to the amendment moved by the Honourable Minister. I have already submitted an amendment exactly in the form of the amendment moved by him, but I have to give that up as I have come to know what happened in the select committee. My amendment will be more drastic now. I move:

**That the bill as reported be recommitted to the select committee without limitation.**

I had intended in the first instance to move that it should go to the select committee for considering only the amendments so far received. I found that there were 73 clauses of the bill and out of curiosity I counted the amendments, and they numbered 146, that is exactly double the number of clauses: so I wanted, when there were so many amendments to the bill, that instead of constituting the whole House into a select committee, the bill should go back to the select committee for considering the amendments. But the light that has been thrown by the report of the select committee and especially the dissenting minutes make me change my mind. We have already noticed, Sir, one irregularity in the report of the select committee, and I have to point

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out three more. In his minute of dissent Rao Saheb D. P. Desai has to say :

The undue haste with which such an important measure is being hurried through appears to me to be a matter of great suspicion.

But much worse than what Rao Saheb D. P. Desai has said appears in the minute of dissent by Mr. Mukadam :

"Most reluctantly I make a note that this bill was hurried through and unfortunately sufficient time was not given to the select committee for its deep consideration. Even the discussion of certain important suggestions was not allowed in the select committee.

And then hear what Mr. Narielvala also has to say :

"I differ. The bill was hurried through and no sufficient time was allowed in the select committee to consider the measure. Also most important suggestions were not allowed to be discussed in the select committee."

In the face of these facts to impose any limitations upon the consideration of the select committee would not be proper. I find that the select committee was not given fuller opportunity to discuss all points. Two honourable members on the select committee say that they were shut out. If that was so, allow me to characterize the conduct of the select committee as scandalous. Under these circumstances, the bill ought to go to the same select committee or to another select committee if possible, without any limitation. Under the rules we cannot appoint another select committee, so let it go to the same select committee but it must go without any limitation.

The Honourable the PRESIDENT : Question proposed—

"That the bill as reported be recommitted to the select committee without limitation."

Mr. L. B. BHOPATKAR (Poona City) : Sir, I have to suggest an amendment to the amendment by my honourable friend, Mr. Dev, and it is to this effect :

"Bill No. XIV of 1924 as reported by the select committee be recommitted to the select committee with power to hear expert evidence."

The Honourable the PRESIDENT : They have got that power. I want to draw the honourable member's attention to the Standing Order which limits the motion that can be moved on this occasion. The Honourable Member in charge has the first chance of selecting any one of these motions. When once he has exercised this option, other honourable members may by way of amendment move any one of the specific amendments that are provided in the Standing Order and you cannot go beyond it at this stage. These are that the bill as reported be recommitted to the select committee either without limitation or with respect to particular clauses or amendments only, or with instructions to the select committee to make some particular or additional provision in the bill. If any amendment was moved that the bill be recommitted to the select committee with instructions to make any particular or additional provision in the bill, that amendment would be perfectly in order. But the power of calling for expert evidence is inherent in every select committee and that can only be done by way of a suggestion in your speech, because the Standing Order limits the forms of amendments. In your amendment

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you can say this that a particular principle should be examined by the select committee and if necessary take expert evidence in regard to that particular or additional provision.

Mr. L. B. BHOPATKAR : I only wish to ascertain whether the addition of these words will be made : "recommital to the select committee with a direction".

The Honourable the PRESIDENT : That is without limitation and the honourable member is drawing the definition of the word without limitation.

Mr. L. B. BHOPATKAR : According to Standing Order VI, clause 4, that power is inherent in the select committee, but in order to pointedly draw the attention of the select committee to that power.....

The Honourable the PRESIDENT : The honourable member can do that in his speech on his amendment. Here is a specific provision made that the select committee may hear additional expert evidence and representatives of a special interest affected by the measure. In his speech he can say that particular matters introduced in this piece of legislation are of sufficient importance to demand expert evidence or view of representative institutions, and I am sure that Government will respond if there is a substantial feeling in the House that such course should be followed. Of course, they would not spend any money, but if they feel that there is a feeling in the House, they will respond. I have no doubt about it.

At present there are before the House these two propositions : One is the motion to recommit the bill to the select committee restricting it to the particular amendments of which notice has been received. The other amendment is that it should be recommitted without limitation, which means that it can reconsider any parts of the bill as an open matter. These are the two amendments that are before the House, and I should like to know whether any honourable member wishes to address the House either on the original motion of the Honourable Minister or the amendment moved by the honourable member, Mr. Dev.

Mr. R. G. PRADHAN (Nasik District) : Sir, now that it has been decided to recommit the bill to the select committee, I submit that in order to avoid any further complaint it is desirable that the further inquiry should be as thorough as possible. I am anxious that there should be no occasion left for further complaint that the subject was not carefully and thoroughly gone into in the select committee, and therefore I say that the amendment that has been moved by the honourable member for Dhulia should be accepted by the House ; and I would, along with my honourable friend from Poona city, suggest that the committee should hear all expert evidence and also evidence of co-operative bodies. As a member of the select committee I am naturally anxious that there should be no room left for any complaint on the part of the House, and therefore I suggest that this question should be thoroughly gone into ; it would be much better, therefore, if expert evidence is heard and also the evidence of representatives of

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co-operative bodies. It is desirable that once for all this whole question should be thoroughly examined. Therefore I submit, Sir, that the amendment as moved should be accepted.

The Honourable Mr. B. V. JADHAV: Sir, I was a member of the select committee, and I am surprised to hear the charges that were brought against that committee that sufficient time was not given and that certain questions were not allowed to be discussed. I must say, Sir, that the questions that were brought before the select committee and which were over-ruled by the chairman were about importing certain principles in the bill that were outside the scope of the bill. Therefore the chairman was justified in withholding his permission to move them. I do not think, Sir, that under these circumstances a charge can be laid that sufficient time was not given for discussion. But all this is ancient history indeed, because Government themselves are coming forward to send the bill back to the select committee.

With regard to the other point, which I may dispose of in one sentence, Sir, is the one raised about me personally that I have changed my opinion after putting my signature to the select committee' s report.

Mr. C. M. SAPTARSHI: I rise to a point of order. Can the Honourable Minister now say anything to this House with regard to his own part in connection with the select committee's report, because the amendment of the honourable member Mr. Dev is before this House?

The Honourable the PRESIDENT: The Honourable Minister is not making any statement of what happened in the select committee, but is making a personal explanation why he has not added the words "Subject to a minute of dissent" after his signature and has still sent in a minute, and as a personal explanation I think the Honourable Minister is quite justified.

The Honourable Mr. B. V. JADHAV: I was in a minority in the select committee and there I had fully given my views and I had opposed the majority view that the rules made under the Act should be fully discussed in the Legislative Council. I had not changed my mind, but through an oversight, in a hurry, the words "Subject to a minute of dissent" were omitted.

I think the amendment of the honourable member Mr. Dev is a reasonable one and the select committee should be allowed to consider other amendments also that have been handed in at present. I do not see any objection to accepting the amendment of Mr. Dev.

Rao Saheb D. P. DESAI (Kaira District): Sir, I am glad the Honourable the Education Minister has approved of my honourable friend Mr. Dev's amendment in preference to the amendment of his colleague. He has, however, made certain criticisms regarding the attitude of certain members of the select committee. I also, Sir, have to offer some explanation regarding a question of principle that was disallowed in the select committee. I had raised it on the strength of your ruling, Sir, in this House that I might raise such questions in the select committee also, but the president in his capacity as the president of the select committee

[Rao Saheb D. P. Desai.]

disallowed the introduction or even the discussion, the remotest discussion, of those questions in the select committee.

The Honourable the PRESIDENT: How is that a personal explanation?

Rao Saheb D. P. DESAI: I want a ruling from you, Sir, whether we can discuss such questions as your ruling empowers us to discuss here, in the select committee or not—whether in such matters we are subject to the ruling of the chairman of the select committee or to the ruling of the President of this House.

The Honourable the PRESIDENT: There is a very simple answer to that. The ruling of the presiding authority of every meeting is binding and final. It is quite so obvious, I thought. So far as this House is concerned, you would have to accept my ruling, whether right or wrong.

Rao Saheb D. P. DESAI: As Government has accepted my honourable friend Mr. Dev's amendment.....

An Honourable Member: No; the Honourable Minister for Education has accepted it, not the Government.

The Honourable the PRESIDENT: The Honourable Minister in charge of the department must accept it; then it can be said that Government has accepted it. Does the Honourable Minister in charge accept the amendment?

The Honourable Mr. A. M. K. DEHLAVI: I was just going to say, Sir, that there is absolutely no intention on the part of Government to discourage any attempts on the part of the members of the select committee or other honourable members to go into the details of the bill as much as they like. I am therefore willing to accept the amendment of the honourable member Mr. Dev in the manner in which he has proposed it. And I would here only take your permission, Sir, to say with regard to the few remarks made here and there as to the conduct of the select committee—I do not think it is necessary to go into them and I do not go into them—that it should not be understood that there are no replies to all those aspersions.

The Honourable the PRESIDENT: Then, the proper procedure would be, for the Honourable Minister to withdraw his motion in favour of the honourable member Mr. Dev's amendment.

The Honourable Mr. A. M. K. DEHLAVI: Yes, Sir; I ask for leave to withdraw my amendment in favour of the honourable member Mr. Dev's Amendment of the Honourable Mr. Dehlavi by leave withdrawn.

The honourable member Mr. Dev's motion put and carried.

## BILL NO. XVIII OF 1924 (A BILL TO DETERMINE THE SALARY OF THE PRESIDENT OF THE BOMBAY LEGISLATIVE COUNCIL).

*(As amended by the Select Committee.)*

The Honourable Sir MAURICE HAYWARD: Mr. President, I present the report* of the select committee on the Bill to determine the salary of the President of the Bombay Legislative Council.

*Vide appendix 60.

The Honourable the PRESIDENT: The report is presented.

Second reading.

The Honourable Sir MAURICE HAYWARD: Mr. President, I move the second reading of the bill. I have only briefly to explain the words added by the select committee. It was considered desirable that the President should be a full time President and an independent official not burdened with other duties, either private or public. The select committee therefore added these words that the salary of the President should be three thousand rupees a month "so long as he devotes the whole of his time to the business of the said Council." I believe, Sir, that it is the general principle recognised at Home, where the Speaker devotes himself solely to the duties of the Speaker of the House of Commons, and I think, Sir, it is desirable that the member elected to the very high and responsible position of President should be in a position in which his impartiality should be above all question, and that is solely what was in the mind of the select committee. There are several amendments that have been tabled and they can be discussed on the clause by clause reading. Meanwhile, Sir, I move that this bill be read a second time.

Question proposed.

Bill read a second time.

Question put and carried.

*Bill read clause by clause.*

Clause 2. (*Salary of elected President.*)

"There shall be paid to the elected President of the Bombay Legislative Council a salary calculated at the rate of three thousand rupees a month, so long as he devotes the whole of his time to the business of the said Council."

Mr. R. G. PRADHAN (Nasik District): Sir, I beg to move:

For clause 2 substitute the words which read thus:

"There shall be paid to the elected President of the Bombay Legislative Council a salary calculated at the rate of two thousand rupees a month."

In commending this amendment to the acceptance of the House, I wish to say, at the outset, that I have tried to consider the question of the salary of the elected president on its own merits, without reference to any individual who may have occupied this office or who may be fortunate enough to occupy this distinguished office in future. As regards the view which has been pressed before us by the Honourable the Home Member that the President, whether elected or nominated, of this Legislative Council, should be a whole time worker, I am not very particular, though, I think, in view of the fact that he will not have work enough to occupy his whole time, the restriction that he should be a whole time officer should not be imposed. I am not inclined to accept the view, though I am not particular about it, and I do not wish to dogmatise about it, that the President of this Legislative Council should be a whole time worker. Unless I am incorrectly informed, the work which the president has to do is on the whole not such as to occupy his whole time throughout the year. I do not wish to speak anything more on this particular point; and the main question which we have to consider is that having regard to his duties, having regard also to his responsibilities, having regard also to the dignity of the office, and having regard to the work which he has to do, what would be a

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reasonable salary that should be paid to him ? That is the question which we have to consider. Naturally in considering this question and in trying to arrive at the right conclusion on this question, one is tempted to gather information from other councils and therefore after this bill was introduced into this Legislative Council, I made enquires from other provincial governments and perhaps the House would like to show me some indulgence if I submit some information to it on this matter. In the Central Provinces, Rs. 36,000 per year are allotted in the budget as salary of the President though the present President, the Honourable Sir G. M. Chitnavis, actually draws only Rs. 1,000 per month. When I came to know of this, I naturally felt that it was a splendid example which could well be followed by the presidents of all the legislative councils ; as an example of self-sacrifice, it could well be imitated by those gentlemen who might be honoured with this high office. But I realise that that is a personal matter to be decided by the presidents themselves. The most important and pertinent piece of information bearing on this question comes from the Madras presidency. The Madras Legislative Council has recently passed a bill, as the House may be aware, which fixes the salary of the President at the rate of Rs. 2,000 per month. I may inform the House that that bill, which has been passed by the Madras Legislative Council, was not passed after an amendment of what the original bill was ; but the original bill itself, as proposed by the Government, fixed the salary of the President at Rs. 2,000. The Government themselves in their bill fixed the salary of the elected president at Rs. 2,000, and the Legislative Council of Madras accepted that bill. I may mention in connection with that bill, that it was drafted by the Honourable Mr. C. P. Ramaswamy Iyer, the Member in charge of Law, an eminent Indian publicist, who might be expected to fully know the responsibilities and the dignity of the office of the President of a Legislative Council. I therefore think that the example which the Madras Government has set and the Madras legislature has set is one which we may also well follow. It appears to me, Sir, that Rs. 2,000 per month for the office of the President is a reasonable salary, and I would submit that no more than that sum should be paid to him.

In fixing salaries of some of these high offices, we are apt to be influenced, and, naturally, we are apt to be influenced, by the consideration that European officers are highly paid, that they draw four thousand and five thousand rupees per month and so on. They are paid on a very high scale, a scale which I myself have very often objected to. In considering, I say, what should be the proper salaries of offices of this kind, we are apt to be influenced by the consideration that European officers are paid highly, and it is human nature that we should desire that we also should be paid at the same high rates. But, Sir, in considering this aspect of the question, I would remind you that we have always consistently and uniformly protested against the high scale of salaries laid down in the case of European officers. The question of their salaries is not in our hands and therefore we have to submit to it, but then what I would urge upon the consideration of this House is this, in fixing the salary of the President of the Council,

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let us not allow our judgment to be affected by the consideration that European officers are paid highly. That is a separate question altogether, and the consideration of that question should not be allowed to affect the consideration of this question. The gentleman who may happen to be our elected president, who may be elected to preside over our deliberations and to guide them, will be an Indian, though personally I have not the least objection to a European elected or nominated member of this Council, one who has identified himself with the soul and the spirit of India, who has succeeded in making himself popular with advanced Indian thought, to be elected to that high office. If there is such a European member I should be the first man to give him my vote. I think, however, that, on the whole, we shall have an Indian as the elected president of this Council, and therefore in fixing the salary to be paid to him, let us not be influenced by the too lofty standard of the salaries of English officers. Let us fix the salary according to the standard that would be proper to Indians, to Indian conditions, to Indian notions of what the proper salary of such high offices should be. Let that be the main consideration before us, and I submit that if all that consideration is fully borne in mind, we shall come to the conclusion that Rs. 2,000 per month is a proper salary for the office of President of this Council, and that no more should be paid to the elected president. Sir, I shall not refer at any length to considerations of economy that will naturally rise in our minds, and which are not altogether negligible. My principal submission is this, that Rs. 2,000 per month as the salary of the elected president, taking all things into consideration, is reasonable, and I think we shall be guilty of wasting public money and we shall be guilty of allowing our judgment to be affected by considerations to which we should not attach any importance in a matter like this, if we fix the salary of the elected president at a higher rate.

Question proposed.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Sir, after listening to the speech of the honourable member Mr. R. G. Pradhan, I was rather surprised to find that all the details in connection with this matter have not been placed before the House by him. On this question, I believe several considerations ought to weigh with us before we decide it from one standpoint or another. In the first place, we have to consider the dignity of the Chair, we have to consider the duties that are to be performed by the honourable person who will occupy the Chair, and, at the same time, we have to consider the difference in the scales of pay which is existing between that of some of the members occupying the Government benches and that of the Chair, from which the deliberations of this House will be managed. If at all the honourable member (Mr. R. G. Pradhan) wants economy, he may very well bring forward a motion to the effect that the office of the President should be without pay, and secure the services of any gentleman who is willing to give them for the good of the country. I would like to ask the honourable member to consider whether he thinks it fit that the President of this Council should draw Rs. 2,000 per month, when the Members of the Executive Council, whose pay we cannot touch, are drawing over Rs. 5,000,

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when the Ministers are being paid Rs. 4,000 per month, and also when some of the officials of Government in this House are actually drawing Rs. 6,000 per month. I would like just to draw the attention of the House to the fact that when we take into consideration the point as regards economy and as regards other things, we have, at the same time, to take into consideration the difference in the scales of pay that we would be creating by reducing the salary of the President below Rs.3,000 per month. I for one am rather inclined to say that the scale should not be less than the scale of pay for the Ministers. Even from the point of view of economy, the amount of Rs. 3,000 is quite sufficient for the President, and there should be no further reduction, in view of the dignity of the Chair, in view of the expenses and the cost of living which the President will have to incur, and also in view of the fact that the difference in the scale of pay of the Executive Councillors and Ministers and some other officials of Government and that of the President will be very wide in case a single pie is reduced. I for one, therefore, submit that, under these circumstances, this question should not be looked at only from the point of view of economy, but it should also be looked at from various other standpoints, namely, considerations of the dignity of the Chair, the expenses of the person who will occupy the Chair, the getting of a suitable man at Rs. 2,000, and the difference in the pay of the President and many other Government officials sitting on Government benches.

There is one more point which I wish to place before the Council. Under the present constitution, we are not empowered to touch the salaries of certain officials; for instance, you are not empowered to bring in a motion as regards the pay and pension received by members of the Indian Civil Service, and also as regards the salaries of the members of the Executive Council. Now, when we are debarred from touching those salaries, I for one believe that we should not come forward to do injustice to the very Indians who come forward to serve this Council. Instead of our being in a position to reduce the salaries of the Civilians, under the recommendations of the Lee Commission, we may be obliged to pay them higher salaries, and until you make some reduction in the salaries of the Indian Civil servants, it would be a crime and a sin to ask our own men to accept lower salaries, and pay more to those people who are getting more and who are creating an atmosphere by which to still further saddle the finances of India with fresh burdens. With these words, I resume my seat.

Mr. D. R. PATIL (East Khandesh District): Sir, it is really a curious thing that my honourable friend (Mr. R. G. Pradhan) should bring in the principle of economy on this question. To talk of economy in such a case would be just like acting the part of a Baniya. My submission is this: let us look to the dignity of the Chair, let us look to the important and intelligent work that has to be performed. So far as the present President's work is concerned, I believe the pay ought to be more than Rs. 3,000, and instead of reducing it, we ought to pay him more. Every one of us is very much pleased with our present President. Let us hope

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that next time we will have the good fortune of having the same President, and let somebody bring in a motion to increase the pay of the President. I think this is a matter where there ought not to be any more speeches, and we should be willing to accept the present bill that is before us. So far as the present amendment of the honourable member (Mr. R. G. Pradhan) goes, I strongly oppose it, and I say that he should be pleased to withdraw it in the interests of this House, and the dignity of the Chair.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir, I rise to oppose this amendment moved by the honourable member from Nasik. He comes down to practise the economy of a Jew, and that in the case of our own people. He wants to cut down the salary of the President, so as to bring him down to a lower level. It is a pity that my honourable friend should have brought up such an amendment as this. Sir, our elected Ministers are paid Rs. 4,000 a month and our Executive Councillors are paid Rs. 64,000 each annually. I do not see why our own elected president who must be a man of parts should be paid below the market value. It will be impossible to get a man on Rs. 2,000, which is incommensurate with the dignity of the office of the President of this honourable House.

Mr. R. D. SHINDE (Nasik District): Sir, I rise to support the amendment moved by my honourable friend for Nasik. In this connection I wish to recall to the minds of honourable members a remark made by the honourable member for West Khandesh, Mr. Dev, that no servant in this country should expect a salary of over Rs. 1,000 a month. That remark he made during the budget session of this Council, and I do not think that he has yet forgotten it. I remember, Sir, that this remark caused some amusement in the benches opposite. But then there is some truth in it and that is why I think that the figure which is proposed by the amendment for the salary of the President is quite sufficient, equitable and just in consistence with the dignity of the office and also in the interests of the finances of this presidency. With these remarks I support the amendment.

Mr. S. T. KAMBLI (Dharwar District): Sir, I rise to oppose the amendment. I do not propose to go into the arguments of the honourable mover of the amendment. I would content myself with saying that if we want to secure the services of a well qualified and capable President it stands to reason that he should be paid a decent salary. Rs. 3,000 a month is neither a very extravagant nor a very low salary for securing such a person. It is just sufficient to induce a qualified person to offer his services for this post.

Mr. B. K. DALVI (Belgaum District): Sir, I had no mind to speak on this bill as so many honourable gentlemen have already spoken on it. But I think that this amendment should not be accepted by the House, because we have first of all to look to the dignity of the Chair. Even if we look to other councils, for instance the Bengal Legislative Council, we find

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the President of that Council is paid more than Rs. 3,000—namely Rs. 3,500. I think therefore the salary of Rs. 3,000 is a reasonable one and the amendment of the honourable member Mr. Pradhan should be rejected.

Mr. R. G. PRADHAN (Nasik District): Sir, I fail to understand why so many members of this honourable House should oppose this very reasonable amendment, and also call me so many bad names. I really fail to understand why, because I have brought forward this very reasonable amendment, they should characterise me as a Bania or a Jew. I am neither a Bania nor a Jew. My friends who know me very well know that I am liberal enough with my private purse. But, let this House realise that they are the custodians of the public exchequer, that they are the guardians of the public purse and that they should not light-heartedly consent to fixing the salary at Rs. 3,000, simply because a particular individual may happen to be the elected president, or simply because there are officers of Government drawing Rs. 4,000 a month or for other similar extraneous considerations. Sir, I had not the least intention of making any personal reference to you. But one honourable member has done so. I echo his feeling that it will be given to you to guide the deliberations of this House as its elected president. But at the same time I wish to place before you the noble example of Sir Gangadhar Chitnavis. I request the House not to be guided by personal considerations. None of the members of this House has replied to my point that while the Madras Legislative Council has fixed the salary of its president at Rs. 2,000 and has considered that figure proper, why should the Bombay Legislative Council pay more.

The Honourable Sir MAURICE HAYWARD: Have you lived in Madras?

Mr. R. G. PRADHAN: Yes, I have lived in Madras. I am not aware of any material difference between the conditions as they obtain in Madras and as they obtain in Bombay. I fail to see how one could come to the conclusion that because the salary of the President is fixed at Rs. 2,000 we are not properly valuing the dignity of his office. I submit that it is a dangerous proposition to make. We pay Rs. 4,000 to the Ministers and the Retrenchment Committee has recommended that they should be paid Rs. 3,000. We are to-day paying Executive Councillors more than Rs. 5,000. Does it make any difference between the dignity of the Honourable Ministers and the Executive Councillors? (A voice: Yes). Does the Council make any difference between the dignity of the Honourable Ministers and the Members of the Executive Council? (A voice: Yes). If they do, they are making a great mistake. Dignity depends on personal merits, on one's personal capacity on the way in which one discharges the duties of one's high office. It is an absolutely erroneous conception that the dignity of a man depends upon his emoluments. I submit, Sir, if this question is considered soberly, calmly and dispassionately, the House will come to no other conclusion than that Rs. 2,000 per month is a reasonable salary for the President. I am sure the

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House will be convinced that my amendment is a reasonable one. I am not actuated by the spirit of a Bania or a Jew; but I am actuated by a just estimate of what the proper salary should be, and also by a proper appreciation of all the considerations that should govern this question.

The Honourable Sir MAURICE HAYWARD: I submit, Sir, this is a question which must be decided on practical grounds by the honourable members of this House. Members require a President in whom every body shall have the fullest confidence as an impartial President. I shall restrict myself therefore to putting before the members of the House a few more figures to complete the figures which were given by the honourable mover of this motion in order that the matter may be dispassionately and practically decided by the honourable members of this House. The honourable mover has quoted the salary for Madras as the salary which ought to be also appropriate for Bombay. Because Rs. 2,000 a month has been held in Madras sufficient for the President of the Madras Legislative Council, therefore he argues no more should be given to the President of Bombay. He seems to argue that Madras is just the same as Bombay. I do not think that that can be supported on figures. I do not think anybody who has ever been to Madras will for a moment say that living in Madras is as expensive as it is in Bombay. I believe, Sir, that Madras is one of the cheapest places in India. Compared to Madras, Bombay is very much more expensive: probably Bombay is the most expensive place in India. I think that that must be taken into consideration as a practical point by honourable members of this House, and I think this point is proved by some figures here of the closing balance in Madras as against the closing balance in Bombay. We have not the latest figures: I think these figures are two years old. But they illustrate the difference between Madras and Bombay. The closing balance in Madras is Rs. 8,35,000; the closing balance in Bombay, Rs. 4,33,95,000 (Auditor General's Report for 1922). I submit there must be somewhere—I do not know where—considerable difference between Madras and Bombay.

I only wish to refer to one other point and that is that you must have regard to the salaries which we have found necessary for other officers. Are you going to pay your President the same salary as you pay your small cause court judge or your chief presidency magistrate? Do you think it is suitable? I do not think you will. You will realise that his responsibilities are considerably greater. On the other hand, you have Judges of the High Court, Indian Judges as well as European, drawing Rs. 4,000 a month; and you have Indian Ministers drawing Rs. 4,000. I think you ought to take those figures into consideration. And I submit you won't think that Rs. 3,000 is too much for a full-time President. I do not wish to say anything more because this is a point which has really got to be decided by the honourable members of this House.

Question put and lost.

Mr. S. S. DEV (West Khandesh): Sir, my amendment consists of two parts:

(1) In clause 2 substitute 'two thousand rupees" for "three thousand rupees" and 2) omit "so long as he devotes the whole of his time to the business of the said Council."

The Honourable the PRESIDENT: I should like honourable members to consider whether Mr. Dev's amendment is not the same as Mr. Pradhan's amendment, because Mr. Pradhan's amendment eliminates the same words as Mr. Dev's amendment does, and both seek to substitute "two thousand" for "three thousand".

Mr. S. S. DEV: I will make my position clear. In my amendment there are two clauses. I will drop the first and move only the second.

The Honourable the PRESIDENT: That cannot be done, because there is another amendment from Mr. Jayakar to the same effect. The honourable member's amendment is identically the same as Mr. Pradhan's, and as that has now been disposed of, it cannot be allowed. The next amendment is Mr. Jayakar's: "Delete the words 'so long as he devotes the whole of his time to the business of the said Council'".

The Honourable Sir MAURICE HAYWARD: I should like to know how these two amendments are to be moved. I see Mr. Bunter has another amendment to add the words "otherwise the salary shall be at the rate of one thousand and five hundred a month". I understand Mr. Bunter's amendment will amount to this: that the president, if full-time, should get Rs. 3,000, and Rs. 1,500 if not full-time. Which ought to be moved first, Mr. Bunter's or Mr. Jayakar's?

The Honourable the PRESIDENT: I will ask the House what their view is. But my personal view is that the honourable member Mr. Jayakar's amendment will determine whether the words which have been added by the select committee "so long as he devotes the whole of his time to the business of the said Council" should remain part of the bill. If they remain part of the bill, Mr. Bunter's amendment does not arise. But if those words are eliminated, then Mr. Bunter will be allowed to move simply, that the salary shall be Rs. 1,500. That will completely put all the points before the House. I hope you agree.

The Honourable Sir MAURICE HAYWARD: I quite accept it.

The Honourable the PRESIDENT: Now, the House will deal with Mr. Jayakar's amendment and decide whether the words added by the select committee should remain part of the bill or they should be eliminated. If they are deleted, then Mr. Bunter may move, that the President should be paid Rs. 1,500.

Mr. D. B. ADWANI: Does not Mr. Bunter's amendment raise the same issue as Mr. Jayakar's?

The Honourable the PRESIDENT: In a matter of this kind I will allow him to amend his motion with the permission of the House. I will put it to the House, and if they do not want to consider it then they can refuse permission. But I do not want to give any ruling on that at

[The President]

this stage. At this stage I merely indicate what I think is the best procedure, namely that Mr. Jayakar should move his amendment, when the House will determine the main issue on which Mr. Bunter bases his amendment. I do not know whether his amendment is properly worded, but however I do not want to raise that point at present. Let us first deal with Mr. Jayakar's amendment. If the amendment is carried, then the House can consider whether they will permit Mr. Bunter to move his amendment in a modified form.

Mr. M. R. JAYAKAR (Bombay University): Sir, I beg to move:

"In clause 2 delete the words 'so long as he devotes the whole of his time to the business of the said Council' occurring at the end of the clause."

I do not wish to make a long speech in favour of my amendment. I just want to place a few considerations before the House. It is for the first time that this Council will have the opportunity of having its own president from among non-official members, and the principle underlying that privilege is that, after the Council has got through its initial stages of experience for four years under the guidance of its nominated President, you, Sir, and your worthy predecessor, the Government of India Act provides that opportunity should be given to this House to elect as President a non-official member who necessarily will be drawn from the public life of this presidency. This House, as we are aware, is made up of two or three distinct sections. There are the permanent officials, people who have risen to prominence by their service to the Government, certain other members of the Government who are taken from the public life of this presidency; others who are nominated by the Government in order to obtain representation for the different interests and minorities, and a large body of this House comes from the several districts of the presidency as representing the public of various places. Now the principle of the Act is that this House, having earned some experience, during four years, should have the power of electing its own President. This power therefore is intended to be utilized in order that the Council may have for its President, a person who will be drawn from the public life of this province and consequently will be able, by reason of his experience, to guide the deliberations of this Council. My amendment seeks to maintain the spirit of this principle. The clause as drafted by the select committee is likely to act to the detriment of this principle. Under it the person we select from amongst us will become a kind of official, at least in temper, if not in character and status. I would not call him an official, because I am sure that description would not apply to him in law. But I do feel convinced, that he would gradually tend to become in temper and outlook a fossilized official, in the sense that he will be drawing a Government salary, and what is more important, he will isolate himself from public life and its enlivening impulses. I am particularly anxious that this Council should not do anything which will have the effect of doing that. I have no doubt that any member whom we elect as our President will be an honourable man and will devote, when the Council is sitting as well as otherwise, adequate time to the work of the Council.

[Mr. M. R. Jayakar]

If I am permitted to make a personal reference, you, Sir, are not a whole time President; still no member here can complain that your conduct of the deliberations or your attention to the affairs of this Council has been in any way perfunctory or inadequate, by reason of your occupation, if any, elsewhere. That in itself will prove that given the necessary ability, and desire to be useful to the Council, it is not necessary to lay down this restriction. You, Sir, if I am permitted to allude to you once more, have been able to conduct our deliberations, because you were drawn from public life and have maintained your touch with it, and I am anxious that such a touch and contact should be kept up. May I say, with great respect to the Government benches, that the tendency of whole time men is to grow encrusted on their own avocation. They get into a shell, so to say. They have no time to go into public life, or move amongst the people, they cannot participate in the activities of their presidency, and I fear the result of all this is that, slowly but surely that they get into that groove which, I am sure, sterilizes them. I am anxious that the freshness and vitality of this office should be maintained. I do not want to argue that the concerns of this Council are not so engrossing that a man may not be able to occupy therewith the whole of his time. I do not wish to argue that. My sole ground for proposing this amendment is that the principle of the Government of India Act which gives this power to the House should be kept in tact, and that the dignity and utility of this office may be maintained at the highest level. I hope this House will accept my amendment.

Question proposed.

Mr. M. D. KARKI (Kanara District): Mr. President, I rise to support the amendment moved by the honourable member, the leader of the Swaraj party. I have also given notice of a similar amendment. I am in full agreement with what has been said by the honourable the mover of this amendment. But I want to press one particular argument only and that is very simple. The suggestion made by the select committee that so long as he devotes the whole of his time to the business of the Council, he will get Rs. 3,000 a month, will in my opinion make the President keep a diary of his work. The clause newly added is also vague. "Devotes the whole of his time" seems very drastic. Besides the work he has to do in presiding over the deliberations of this Council, he has to do some work even after the session is over. Sometimes he will have to sign some papers, sometimes he will have to pass remarks or write notes on the resolutions and questions sent by honourable members. In that case he will have to receive no salary because he has not devoted his full time or the number of hours during which he worked will have to be noted in the diary, to make up the period of whole time as stated in the clause. This in my opinion is highly objectionable. The Members of Government and Ministers are in my opinion not keeping diaries of their work. There should be no limitation on the drawing of the salary of the President who is a responsible and high placed personage. The question regarding the quantum of pay is altogether a different matter.

[Mr. M. D. Karki]

When we have passed the clause so far as it relates to the quantum of pay that question has ended. The limitation proposed by the select committee should not be accepted. I therefore support the amendment.

MOULVI RAFIUDDIN AHMAD (Central Division): Mr. President, before I begin my speech I must say that I do not wish to make any personal remark about the present President. My remarks will be confined to the dignity of the Chair in the future. Well, Sir, there are one or two things in the speech of my honourable friend, the member for the Bombay University, to which I want to draw the attention of this House. He said in his speech that we wanted a President from our public men. That is absolutely true and essential. But he also says that we want him to take part in public meetings and also to take part in active political affairs. That I say is absolutely wrong. The Speaker of the House of Commons is by statute prohibited from even advocating the interest of his own constituency, and the Speaker of the House of Commons must be an example for the President of this or any other House. It would be wrong to ask the Chairman of this House or to permit him to take part in public meetings and public agitations as he will lose all his dignity if he becomes a party man (hear, hear). Therefore, that aspect of the speech is entirely wrong and I do not agree with it. Besides, I want to touch one more point. If you take a public man to occupy the chair from professional or business men it is a question whether they should be allowed to continue their occupation. It is not my idea that the Chairman of this House should be conducting a case in the High Court or in the small causes court or before a petty magistrate. I think that would lower the dignity of the Chairman. Again if he should engage himself in speculations high or low, that will also reduce the dignity of the Chairman of this House. I want him to be really a whole time man and I entirely support the proposal. I am in favour of raising the salary of the present President to Rs. 5,000 should he like to continue in office, but I do not want him to attend or devote himself to other lucrative business or address public meetings. It will make him a party man. Therefore, I disagree with my honourable friend and oppose his amendment. As we are following the example of the House of Commons in every respect, why should we not follow the example of the House of Commons in regard to the most important official of this House? We should be guided in this matter by the practice of the House of Commons. If you look at the history of the House of Commons, you will see what restrictions are placed upon the sphere of the Speaker of the House of Commons; he holds levies to which he commands members and his commands are obeyed in many other matters. He is a kind of a minor sovereign. We certainly would not like our President to appear in a petty-fogging case before a third class magistrate, for instance, or to deal in certain matters, in any matters, of speculations. It would be wrong; it would be certainly lowering the dignity of the Chair. As for the present Chairman (President), if his salary is increased to even five thousand, I won't mind.....

The Honourable the PRESIDENT: I am not a member yet; I am not qualified. Please deal with the question impersonally.

MOULVI RAFIUDDIN AHMAD: What I mean is, I am entirely opposed to the Chairman not being a whole time man. As I say, I am in favour of raising the salary, if necessary. But there are other considerations besides money. I did not support the amendment of the honourable member Mr. Pradhan. That amendment was for giving too little. But three thousand rupees is not a bad salary. It may be even increased in the future but for the present it is a good salary.

Besides I want to touch one or two remarks made by the Honourable the Leader of the House. He gave the example of Madras. He said the closing balance of Madras is Rs. 8,35,000, while that of Bombay is Rs. 4,33,95,000. Is he going to raise the salary of the Chairman in proportion? He says also that living in Madras is very cheap and that in Bombay is very high. On considerations of that kind, is he going to reduce the salaries of those civil servants in Madras? I am sure, not. Therefore, to plead the example of Madras is rather out of place. I do submit, Sir, that all these remarks are made with the best of intentions.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Sir, I fail to see any relevancy in the remarks made by the last speaker. In one breath he says he is willing to increase the salary of the President. In another breath he says that according to the procedure and the system of the House of Commons the position of the President here should be like that of the Speaker. Both these things are impossible here. I believe he readily understands that the salary has been already fixed at three thousand rupees by this time. He has ultimately (at the highest) to accept three thousand rupees, and there is no possibility of increasing that pay.

MOULVI RAFIUDDIN AHAMD: Move an amendment.

Mr. G. I. PATEL: That is out of the question at present. Secondly, he compares the position of the President here with that of the Speaker in the Parliament. I would like to draw his attention to the great difference between the constitution which obtains in England and the constitution which is adopted here. I believe he knows that in England the Speaker has not such a great necessity or keen anxiety to go to the public meetings or to address meetings or to move his constituency as is the case here. Any member of any constituency has power in Parliament to bring forward certain measures and there is nothing like dyarchy, and limitations there as there are in this Council. So the necessity of using the power which the Speaker possesses in the House of Commons is not imperative here as the circumstances there and the circumstances here are quite different. Our President may be obtained from a particular constituency, being an elected member of that constituency or say may be a member who has the interests of a certain constituency at his heart, and in view of that he has the necessity of at least consulting his constituency or taking advice of his constituency in certain matters.

[Mr. G. I. Patel]

Now, the first principle, as the honourable mover of the amendment has stated, is that we are for the first time being given the opportunity of having an elected President. Secondly, we have to profit by the example we have before us, *viz.*, " by their fruits shall ye know them". We have a President at present who is drawn from public life and we are satisfied with the work which has been performed by him and the manner in which it has been performed. Why are we to think, further, of the proposals that we should avoid this path, that we should go beyond our present experience and just start a new line of having a President who should be tied down to his post for all the twelve months of the year? This is nothing else but the gradual diverting or transforming of our elected President. If you do that, a day will come when you will find that the President would be so much tied down to the chair by constant and continuous contact with the bureaucracy that he would himself be turned into a bureaucrat. I can assure you, Sir, that it would be much better for us to have an elected President—and one who could be obtained from public life—who has greater contact with the public, who is always dealing with public questions, and who has a right to approach the public and exchange views at public meetings also. So there is no relevancy between the Speaker of the House of Commons and the President whom we are going to elect for the deliberations of our Council. Had the constitution of England and the constitution of India been similar, I would have accepted the argument of the honourable member Moulvi Rafiuddin. But there is a vast difference between the two analogies, and his analogy is not applicable to this case. Further, we want a President who is not always bound down by Government to work for all the year round. Naturally, a man working for all the twelve months under the atmosphere of Government is likely to lose touch with public. A man working for only a certain number of months—say four or five months—in such atmosphere has greater chances of spending the rest of his time with public and he has both sides of the question every time before his consideration to enable him to give decisions on any important points more accurately. We should not make him a monopoly of the bureaucrats and turn him into a bureaucrat in the end.

Rao Saheb D. P. DESAI (Kaira District): Sir, I support the amendment moved by my honourable friend Mr. Jayakar. My honourable friend from Poona, Moulvi Rafiuddin, has brought in the Speaker of the House of Commons into our discussion, but I think that we should take a practical view of the whole matter. The Speaker in England gets a bigger salary because he has more work to do. He gets about Rs. 6,000 and odd per month. That means the Speaker has got the whole work of the Empire to deal with and parliamentary work is a great deal more than the work of this Council. Here we have only a few provincial questions to manage; we have not got Imperial questions and questions of that sort. The Speaker is responsible for all those matters in England. Besides, the Speaker there is a party man, but his party is so strong over there that he need not go over his whole constituency

[Rao Saheb D. P. Desai]

to address meetings and exchange views on public matters. Here, what is the case ? An elected member has to go over his whole constituency, make speeches and explain things and offer his views on particular matters. So in my opinion, as the conditions differ, the President's position should not be a whole time one but only a part time one. Since he has not got enough work, why should you keep him always locked up in his room ? Why should you not allow him freedom to do his own private or public work ? We should look at the matter from this point of view. We should not draw comparisons with other countries. Perhaps it was on economic grounds the pay of the President was kept at Rs. 3,000, and this Council has passed that pay, and I should think that we should not now go behind that and ask the President to be a whole time President. So, in my opinion, I think the amendment moved by the honourable member Mr. Jayakar should be accepted by the House.

Mr. C. M. SAPTARSHI (Ahmednagar District): Sir, the honourable member from Poona opposed the amendment moved by the honourable member, the leader of the Swaraj party, on the ground that our Chairman should be an absolutely dispassionate person, that he should be absolutely disinterested and should not take part in any political controversy and so on. To my mind he has failed to understand the wording which has been proposed by the select committee. We also fully recognise that the person who is expected to be the President of this House should not interest himself in active political agitation so long as he continues to hold that distinguished office. It is one thing to say that he should not take part in active political agitation so long as he occupies that chair, but it is quite another thing to say that he should be a whole time official. I submit that the honourable member Moulvi Rafiuddin has not understood the distinction between these two positions. It is not necessary that any public man who occupies the position of President should be a whole time official; but it is desirable that he should at the same time not take part in active political controversy. We can for that purpose establish a convention, when we have our elected President, that the elected President, so long as he continues to hold that important position, should not take part in political agitation actively in his constituency; but for that purpose it is not necessary that he should be made a whole time official. We are not going to convert him into a whole time official. That is the aim of the amendment, and therefore the reason which the honourable member the Moulvi has proposed ought not to induce him to vote against the amendment of the honourable member, the leader of the Swaraj party.

Mr. S. T. KAMBLI, (Dharwar District): Sir, with regard to the election of the President, nothing prevents this Council from electing a President drawn from the public life of the country; but the question is whether he should be a whole time worker or whether he should be at liberty to follow his ordinary pursuits during the time the Council is not sitting or during the time the Council work does not engage him. Sir, a point has been made by the honourable mover of the amendment

[Mr. S. T. Kambli]

that the President should not be divorced from the public life of the country during the time he occupies the Chair, and that for this reason he should be allowed to be in touch with all public questions, and that he should be at liberty to go to his own constituency and address public meetings and so on. I beg to submit, Sir, that however precious this argument may seem, if the President is to be allowed the liberty of attending and taking part in public meetings and of expressing his opinions, I am quite sure that, human nature being what it is, impartiality can then hardly be expected from the President and that he will not be above suspicion. If once the President is allowed permission to join any political party, naturally he will have a certain predilection for the views of that party. If certain speakers belonging to other parties rise up in their seats to address the Council, if the President is a party man, those speakers cannot be expected to have due justice and impartiality at the hands of such a President. If the President is allowed an opportunity to join any political party or address any meeting or follow his ordinary avocations, whether it be on the stock exchange or in the court-house or anywhere else, certainly he may be led by natural predilections in favour of his own party, and will not be expected to discharge his function with that dispassionate or disinterested feeling which he is expected to bring to bear on his work. So, I beg to submit that this particular aspect of the question, namely that the President should be above every suspicion of partiality, that he should be strictly impartial and that he should be regarded as belonging to no party, should be seriously considered by this House. In considering the amendment before us, if this particular aspect of the question is rightly taken into consideration, then only one answer can be given to this amendment and that answer is that it should be rejected.

Mr. D. B. ADWANI, (Karachi City): Sir, I am quite unable to understand on what basis the select committee has said that the President of this Council should be a whole time servant of the Council with a salary of Rs. 3,000. Considering the importance and the quality and quantity of the work and the dignity of the office of President and looking to the salaries of other high officers of Government, a whole time President whose salary has been fixed at Rs. 3,000 will suffer by comparison. For example, the salary of the Director of Development is Rs. 6,000. Am I to understand that the work done by the President of this Council is only half as important and valuable as that done by the Director of Development? If that is not so, then I submit that we should regard the remuneration to be paid to the President not as a salary but purely as an honorarium, and ask him to do as much work as required by the office. We must remember that this work is onerous and important and is increasing.

With regard to the other points that have been made by the various speakers, I think that the question has been slightly mixed up. It has never been anybody's intention to make out that the President of this Council (I do not think that it was the intention of the leader of the Swaraj

[Mr. D. B. Adwani]

party) should engage in any agitation, that he should join any public political meetings and all that kind of thing. But we must remember the fact that the would-be President is not to be elected to this Council by us, but by his own constituency and therefore he has got to address his constituency, he must go on an electioneering campaign, addressing public meetings in his own constituency. All that has necessarily to be done. Barring that, the moment he takes upon himself the duties of his office as President of this Council, he does not belong to any party whatsoever. He rises above parties. That is the real point at issue.

As regards business, I cannot understand how the words that have been provided in the clause by Government or by the select committee will prevent the President of this Council from doing private business during extra hours, hours outside his office hours. Unless he becomes a Government servant, which he is not, the Government Servants' Conduct Rules cannot apply to him, and he will not be prevented from doing private business. The clause as put in by the select committee says "so long as he devotes the whole of his time to the business of the said Council." Now, if the clause is to be accepted as it is, it must be understood that he will have to sit in his chair, work or no work, for five or six hours every day during the time he holds office. Surely, the President of the Legislative Council is not in the same category as other Government servants, and the Government Servants' Conduct Rules cannot be made applicable to him. He will be, if he so desires, at liberty to do any business which he likes. I wish members of this House to realise this aspect of the question, that we cannot debar the President from doing private business. It seems to me that it is altogether unnecessary to pin him down in this way to the work which he is called upon to do at present, which is not whole time work.

Mr. H. B. SHIVDASANI, (Surat District): Sir, I was rather surprised to hear certain speakers say that they had apprehensions that if the President took part in public life, he may import his prejudices and partisanship while guiding the deliberations of this House. I think there need be no apprehension of that sort. I do not think that the man whom we are going to elect will be in any way of a lower status or calibre than a High Court Judge. I know there are several High Court Judges who, when they try suits relating to their own family property, actually do give the most impartial judgments. I have known cases of judges who have convicted their own sons and have sentenced them to imprisonment. I do not think there is any reason to suppose that a person whom we are going to consider to be fit enough to occupy the position of the President of this Council would act partially when he is guiding the deliberations of this House. I think we have absolutely no reason to apprehend such a thing. Moreover, if at any future date we find that the President, because he is not a whole time servant and because he is taking part in public affairs, is going to be partial, and is going to give decisions and rulings in a petty party spirit, we will be at full liberty to pass an amendment and

[Mr. H. B. Shivdasani]

thereby restrict his liberty afterwards. It is no use our starting with suspicion and distrust, and binding him down from the beginning, before we have had any elected non-official President and before we have had any experience and before we are in a position to see whether the man whom we are going to elect will not be as impartial as a High Court Judge in this country or any other country.

The Honourable the PRESIDENT: I think it is better to adjourn now. This is a very important question of principle.

The Honourable Sir MAURICE HAYWARD: I quite agree, Sir.

The Honourable the PRESIDENT: The Council is adjourned till 2 o'clock to-morrow, Saturday, the 18th October 1924.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

*Saturday, the 18th October 1924.*

The Council re-assembled at the Council Hall, Poona, at 2 p.m., on Saturday, the 18th October 1924, the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ADDYMAN, Mr. J.
ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
ANGADI, Mr. S. N.
BAPTISTA, Mr. J.
BHOPATKAR, Mr. L. B.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
CHAUDHARI, Mr. L. S.
DABHOLKAR, Mr. V. A.
DADACHANJI, Dr. K. E.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GIBSON, Mr. R. E.
GRANTHAM, Mr. V. A.
GRIFFITHS, Mr. V. M.
GUNJAL, Mr. N. R.
HAJI ABDULLAH HAROON
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HUDSON, Mr. L. S.
JADHAV, the Honourable Mr. B. V.
JAYAKAR, Mr. M. R.
JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KALBHOR, Mr. G. M.
KAMBLI, Mr. S. T.
KANGA, Mr. J. B.

Karki, Mr. M. D.
Kay, Mr. J. A.
Kazi Inaitullakhan
Kothari, Mr. V. R.
Lalljee, Mr. Hooseinbhoy A.
Lawrence, the Honourable Mr. H. S.
Madan, Mr. J. A.
Mahomed Ayub Shah Mahomed Khuhro, Mr.
Mansuri, Khan Saheb A. M.
Mavalankar, Mr. G. K.
Mehta, the Honourable Mr. C. V.
Mehta, Dr. M. M.
Montgomerie, Mr. A.
Mujumdar, Sardar G. N.
Mukadam, Mr. W. S.
Nanal, Mr. B. R.
Narielvala, Mr. H. H.
Nariman, Mr. K. F.
Navle, Mr. N. E.
Nekaljay, Mr. R. S.
Noor Mahomed, Mr.
Owen, Mr. A. C.
Pahalajani, Mr. B. G.
Painter, Mr. H. L.
Patel, Mr. A. E.
Patel, Mr. D. N.
Patel, Mr. G. I.
Patil, Mr. D. R.
Powar, Mr. M. B.
Pradhan, Mr. G. B.
Pradhan, Mr. R. G.
Pratt, Mr. F. G.
Rahimtoola, Mr. Hoosenally M.
Saheba, Mr. H. D.
Saptarshi, Mr. C. M.
Sardesai, Mr. S. A.
Sayed Ghulam Nabi Shah
Sayed Shahjade Saheb Haidar Saheb
Sedgwick, Mr. L. J.
Shinde, Mr. R. D.
Shivdasani, Mr. H. B.
Soman, Mr. R. G.
Surve, Mr. A. N.
Surve, Mr. V. A.
Swaminarayan, Mr. J. C.
Thakersi, Mr. Punjabhai
Thakor of Kerwada, the
Thomas, Mr. G. A.
Velkar, Dr. M. B.

WADIA, Mr. N. J.
WILES, Mr. G.
WOODS, Mr. E. E.

The Honourable the PRESIDENT: Order, order. Questions.

### MUBARAKWAH AND SUHRABWAH CANALS.

1. Mr. D. B. ADWANI (Karachi City): (*a*) Will Government be pleased to state whether it is a fact—

(i) that at a conference held at Nawabshah in 1921 between the revenue and public works department officers it was decided that regulators would be provided at the heads of the Mubarakwah and the Suhrabwah in the Nasrat Canals division?

(ii) that a regulator was constructed at the head of the Mubarakwah in 1922, while that on the Suhrabwah though sanctioned in 1923 and provided for in the budget for 1923-24 has been held in abeyance because of the sanction of the Lloyd Barrage and Canals construction scheme?

(iii) that the construction of the regulator at the Mubarakwah without a regulator being provided at the Suhrabwah has decreased the supply in the latter canal?

(*b*) Will Government be pleased to lay a copy of their resolution sanctioning the regulator over the Suhrabwah on the Council Table?

The Honourable Mr. COWASJI JEHANGIR: The information has been called for.

### TYPEWRITING FUND IN COURTS IN POONA.

* Mr. L. B. BHOPATKAR (Poona City): (*a*) Will Government be pleased to state whether it is a fact that a fund known as "typewriting fund" has been started by Government so far as the courts situate in the district of Poona are concerned?

(*b*) What is the total sum collected from its start to the end of May 1924? What is the basis on which it is collected?

(*c*) How many typewriting machines in all have been purchased out of the sums collected for the use of the aforesaid courts, and for what sum?

The Honourable Sir MAURICE HAYWARD: (*a*) A typewriter fund has been introduced by the District Judge in the Poona district since August 1921 for supplying typed copies and since June 1922 for supplying paper books in civil appeals.

(*b*) and (*c*) The total sum collected from August 1921 to the end of May 1924 was Rs. 7,220-5-0. Thirteen Royal Typewriter machines were purchased for Rs. 4,575. Copies† of the Circular and Rules of the District Judge, Poona, on this subject are laid on the Council Table.

Mr. P. G. JOSHI: Is it a fact that similar funds have been started in other districts?

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

† *Vide* Appendix No. 39.

The Honourable Sir MAURICE HAYWARD: Yes.

Mr. L. B. BHOPATKAR: (Inaudible.)

The Honourable Sir MAURICE HAYWARD: I have nothing further to add.

### Transfer of Kupwad Territory.

Mr. L. B. BHOPATKAR (Poona City): (*a*) Has the attention of Government been drawn to a correspondence which appeared in the issue of "Kesari" of 24th June 1924 about the transfer of British territory to the Sangli State?

(*b*) Is it a fact that the Chief of Sangli has made a proposal to Government to transfer to his State British territory situated in the village of Kupwad in Tasgaon taluka of Satara district for preventing political agitation being carried on there?

(*c*) If so, is the proposal receiving favourable attention from Government?

(*d*) Will Government be pleased to consult the wishes of the British subjects owning properties in the territory before any change is contemplated?

The Honourable Sir MAURICE HAYWARD: Government's attention has been drawn to the correspondence in question in the "Kesari". They are not considering the transfer of Kupwad or any portion of the village to Sangli State.

### Contracts regarding Sukkur Barrage Scheme.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to lay on the Council Table the names of the contractors to whom contracts of the amount of Rs. 25,000 and above have been given with the amounts of contracts in each case in connection with the Sukkur Barrage scheme?

The Honourable Mr. COWASJI JEHANGIR: The information has been called for.

### Divisional Veterinary Inspectors.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state the qualifications that are required for appointment to the post of a divisional veterinary inspector? How many such inspectors are there at present? What are their names and length of service of each? On what principles are such appointments, either temporary or permanent, made?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Appointments of veterinary inspectors are ordinarily made by selection from amongst the veterinary assistant surgeons who have obtained the diploma of the Bombay Veterinary College and have been employed in the Presidency for at least three years.

There are at present five veterinary inspectors in the Presidency proper and their names and length of service are given below :—

| | Name. | Length of service. |
|---|---|---|
| 1. | Mr. P. D. Maniar .. .. | 35 years. |
| 2. | Mr. R. N. Sane .. .. | 30 „ |
| 3. | Mr. P. V. Nagarsheth .. .. | 25 „ |
| 4. | Mr. Y. N. Marathe .. .. | 20 „ |
| 5. | Mr. V. N. Kulkarni .. .. | 17 „ |

Appointments, permanent or temporary, are made after taking into consideration efficiency of the service rendered, professional knowledge and administrative capacity of the individual.

### Famine Relief Code.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to place on the table a copy of the Famine Relief Code and of all rules and resolutions which regulate the realization of land revenue ?

The Honourable Mr. C. V. MEHTA : A copy of the existing Famine Code will be found in the library. A revised Famine Code is now in the Press and a copy will be supplied to the Legislative Council library when it is issued.

As regards the rules regulating the realization of land revenue, they are contained in the Rules framed under the Land Revenue Code, a copy of which will be found in the library.

Mr. L. B. BHOPATKAR : Will copies be supplied to members of this Council ?

The Honourable Mr. C. V. MEHTA : A copy will be placed in the library. The volume is a very big one and I do not think it will be possible to supply copies to members.

### Use of Watering Places, Wells, Dharamsalas, etc., by Untouchable Classes.

*Mr. S. K. BOLE: Will Government be pleased to state what municipalities and local boards have given effect to the resolution passed in the last Legislative Council regarding the use of public watering places, wells, dharamsalas, etc., by the untouchable classes ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The accompanying statement † gives the requisite information.

### Retrenchment in Excise Department.

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

(*a*) whether they are aware of the articles that appeared in the *Bombay Chronicle* of the 15th and 24th March and 30th May 1924, the

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

† Kept in Secretary's Office

*Times of India* of the 21st March 1924, and the *Indian Daily Mail* of the 27th March 1924, making certain suggestions regarding possible retrenchment in the Excise Department ?

(*b*) If so, whether any action has been taken in this connection, and if so, what action has been taken ?

The Honourable Mr. A. M. K. DEHLAVI : Some of the articles referred to have been noticed by Government. The general question of retrenchment in the Excise Department is under investigation. Since 1st March 1924, the appointments of one deputy commissioner of excise, one chief inspector and five inspectors have been abolished.

### Closing of Liquor Shops.

Mr. S. K. BOLE : Will Government be pleased to state whether they intend to take any action on the resolution passed at the meeting of mill-workers held on the 3rd June 1924 under the auspices of the Kamgar Hitavardhak Sabha regarding the closing of liquor shops, and if so, what action do they intend to take ?

The Honourable Mr. A. M. K. DEHLAVI : The Honourable Member is referred to the latter part of the reply given by Government to question put by him on the 13th October 1924.

### Compensation in Mahableshwar Road Accident.

Mr. S. K. BOLE : Will Government be pleased to state whether any compensation was paid to the peons and their relatives who recently met with an accident on the Mahableshwar road whilst travelling in a motor lorry ? If so, what was the amount paid to each person concerned ?

The Honourable Mr. COWASJI JEHANGIR : The men who were injured were given all leave concessions that were possible under the rules, and were also paid full compensation for their property which was lost or damaged. The cost of the latter amounted to Rs. 72.

Mr. S. K. BOLE : Were the peon whose face was disfigured and whose teeth were knocked off and those others who have received injuries given any compensation ?

The Honourable Mr. COWASJI JEHANGIR : They have not applied for it.

Mr. K. F. NARIMAN : Under the Workmen's Compensation Act, private employers are bound to give compensation to their injured workmen. Are not Government bound by that ?

The Honourable Mr. COWASJI JEHANGIR : Government are not bound.

Mr. K. F. NARIMAN : Are not Government bound by that Act by which private employers are bound to pay compensation ?

The Honourable Mr. COWASJI JEHANGIR : Government are not bound in this particular case.

Mr. K. F. NARIMAN : I want to ask a general question. Are Government bound by the Workmen's Compensation Act as employers to pay compensation to their servants who have sustained injuries ?

The Honourable Mr. COWASJI JEHANGIR : I do not think that question arises. If the honourable member gives notice of another question that will be answered.

Mr. K. F. NARIMAN : In this particular case are Government bound by the Workmen's Compensation Act ?

The Honourable Mr. COWASJI JEHANGIR : Government have received one application, which is under consideration.

Mr. K. F. NARIMAN : I want to know whether Government are bound under the Workmen's Compensation Act so far as this injured servant is concerned ?

The Honourable the PRESIDENT : I do not want to interrupt the honourable member. He is asking for legal opinion whether the Government are bound under that Act to pay compensation.

Mr. K. F. NARIMAN : Will Government pay compensation to the injured servant under the Workmen's Compensation Act ?

The Honourable the PRESIDENT : I may suggest to the honourable member that he can put the supplementary question in this way : Whether Government intend to pay compensation ?

Mr. K. F. NARIMAN : Do Government intend to give compensation to the injured servant ?

The Honourable Mr. COWASJI JEHANGIR : The matter is under consideration.

### Consolidation of Agricultural Land.

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

(*a*) whether they propose to take any steps to prevent the agricultural land being divided into small fragments and to consolidate the land already divided into small fragments :

(*b*) if so, what steps do they propose to take ?

The Honourable Mr. C. V. MEHTA : A bill is being prepared.

### Talati in Talegaon Municipality.

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

(*a*) whether any of the elected members of the Talegaon municipality in the Poona district is a talati ;

(*b*) whether any complaint as regards his eligibility to be such member was made to the Collector of Poona ;

(*c*) if so, what reply the Collector gave ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The information is being obtained.

PROPORTION OF BLACK AND RED SOILS REFERRED TO IN SECOND REVISION SETTLEMENT REPORT, SATARA TALUKA.

*Mr. R. D. SHINDE on behalf of Khan Bahadur D. B. COOPER (Satara District): Will Government be pleased to give the proportion of "black" and "red" soils in the 65 villages of group No. 1 referred to in the report regarding the second revision settlement of the Satara taluka which is now before Government for their consideration ?

The Honourable Mr. C. V. MEHTA : Government regret they cannot give the information on account of the labour and expense involved which will be incommensurate with the results to be obtained.

REVISION OF THE PAY OF THE SUBORDINATE JUDICIAL ESTABLISHMENT.

Mr. B. K. DALVI (Belgaum District): (*a*) Will Government be pleased to state whether it is true that at the revision of the pay of the clerks in the subordinate judicial establishment in the Bombay Presidency in April 1923, full benefits of the revision was not given to some of those clerks ?

(*b*) If so, what is the total number of clerks whose pay was so restricted ?

(*c*) Will Government be pleased to state the amount of monthly additional expense which would have been incurred if the clerks whose pay is thus restricted were given the full benefit of the revision ?

(*d*) What is the total number of clerks in all the grades of the subordinate judicial establishment in the Bombay Presidency ?

The Honourable Sir MAURICE HAYWARD : (*a*), (*b*) and (*c*) No such cases have been reported.

(*d*) 1,242.

Mr. B. K. DALVI : May I know who is to report such cases ?

The Honourlable Sir MAURICE HAYWARD : The clerks involved will make a complaint which will be reported.

Mr. B. K. DALVI : To whom ?

The Honourable Sir MAURICE HAYWARD : The complaint will be made through the immediate official superior to the authority concerned.

Mr. B. K. DALVI : Have Government made any enquiries after the receipt of the question ?

The Honourable Sir MAURICE HAYWARD : No.

Mr. B. K. DALVI : Will Government be pleased to make enquiries hereafter as the question has now been put ?

The Honourable Sir MAURICE HAYWARD : We must leave it to the clerks to apply through their immediate superiors.

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

NUMBER OF PERSONS PARDONED WHO WERE CONVICTED UNDER SECTION 124-A, INDIAN PENAL CODE.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state how many persons have been pardoned for offence committed under section 124-A of the Indian Penal Code during the last five years ?

The Honourable Sir MAURICE HAYWARD: Sentences have been remitted in six cases during the last five years.

Rao Saheb D. P. DESAI: Why was not the sentence remitted in the case of others ?

The Honourable Sir MAURICE HAYWARD: I really cannot say without notice.

Mr. K. F. NARIMAN: Is there any general policy in remitting sentences ?

The Honourable Sir MAURICE HAYWARD: An apology was asked from one gentleman and he got remission. Three other gentlemen got remission under Royal amnesty. Two other gentlemen got their sentences remitted by the Bombay Government.

Mr. M. R. JAYAKAR: Will Government consider the advisability of appointing a committee for the.....

The Honourable the PRESIDENT: That is a suggestion for action.

CAUSEWAY ON THE RIVER ARUNAVATHI NEAR SHIRPUR.

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

(*a*) whether it is a fact that several years ago the revenue officers in Shirpur Taluka, West Khandesh, collected from the people a sum of money, along with land revenue, for the purpose of building a causeway on the river Arunavathi near Amoda, a village within two miles from Shirpur on the Toranmal Road ?

(*b*) If so, what was the exact sum collected and when was it collected?

(*c*) Whether any interest accrues to the sum thus collected ?

(*d*) Do Government intend to build the causeway, and if so, when ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN:

(*a*) Yes; but there is nothing to show that the collections were made along with land revenue.

(*b*) The amount collected was Rs. 8,000. It was collected in 1916 and credited to the district local board.

(*c*) Yes, since 1920 when the district local board invested Rs. 6,600 in War Bonds. The balance was spent in purchasing material for the causeway.

(*d*) The matter rests with the district local board. In 1916 the construction of a causeway was commenced, but this work was stopped owing to the people of Shirpur asking for a bridge instead of a causeway.

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

The executive engineer was asked to report the cost of a bridge. He estimated it roughly at Rs. 70,000; thereon the district local board informed the Shirpur people that the board was unable to provide the money required. The matter rested there for some time. The people having again applied asking for a causeway instead of a bridge, the board called for fresh plans and estimate. These have been prepared by the Executive Engineer, West Khandesh, and approved by the Superintending Engineer, Central Division, for Rs. 33,071.

### Administration of Primary Education by Municipalities.

Dr. M. K. DIXIT (Surat District): Will Government be pleased to state whether they intend to constitute as local authorities those municipalities which can satisfy Government that they would undertake the responsibility for administering and controlling primary education within their jurisdiction in a suitable manner?

The Honourable Mr. B. V. JADHAV: Attention is invited to the reply given at the present session to a question on the subject put by the honourable member for Bombay City (Muhammedan Urban Constituency).

### Moral and Religious Teaching to Settlers in the Criminal Tribes Settlements.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to give full particulars regarding the arrangements made to impart moral and religious instruction in the criminal tribes settlements in this Presidency?

The Honourable Sir MAURICE HAYWARD: Moral instruction is given through the day and night schools by means of stories and also indirectly through the Boy Scouts and Girl-Guides organisations.

Full religious liberty is allowed to those in the settlements, and voluntary instructors are given entry.

MOULVI RAFIUDDIN AHMAD: Will the Honourable the Home Member state whether it is true that Bible reading and teaching is given to all inmates of the settlement?

The Honourable Sir MAURICE HAYWARD: I do not think it is true. If the honourable member wants a specific answer I must have notice.

### Compensatory Allowance to Non-Gazetted Officers in Poona.

Mr. N. R. GUNJAL (Poona District): (*a*) Will Government be pleased to state whether they have received any memorials from the non-gazetted officers of forest and other departments stationed at Poona requesting the grant of compensatory allowances?

(*b*) If so, what action has been taken thereon?

The Honourable Mr. H. S. LAWRENCE: (*a*) and (*b*) The attention of the honourable member is invited to the reply given to his question on the 13th October 1924.

### LICENSES FOR FIREARMS.

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state whether it is their policy to refuse the licenses for arms to persons who attend political meetings or conferences?

The Honourable Sir MAURICE HAYWARD: The answer is in the negative.

Mr. V. N. JOG: Will Government be pleased to announce this to all the district magistrates?

The Honourable Sir MAURICE HAYWARD: I do not think there is any necessity for interfering with the discretion of the district magistrates.

Mr. M. D. KARKI: What we want is the policy of the Government to be announced.

The Honourable Sir MAURICE HAYWARD: It will depend entirely on the nature of any particular political meeting.

### CANCELLATION OF GUN LICENSES, DHARWAR.

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state whether they are aware that the district magistrate of Dharwar has very recently cancelled gun licenses of three gentlemen of the Hangal taluka on the ground that they attended the Dharwar District Conference, held at Hangal in April 1924, and that they thus helped the non-co-operation movement?

The Honourable Sir MAURICE HAYWARD: The answer is in the affirmative.

Mr. P. G. JOSHI: Were they guilty of only attending the meeting?

The Honourable Sir MAURICE HAYWARD: They were not given licenses because they were participating in a movement which was detrimental to law and order.

An Honourable MEMBER: Is that in pursuance of a general policy?

The Honourable Sir MAURICE HAYWARD: It is the general policy not to allow arms to people who are likely to disturb law and order.

Mr. P. G. JOSHI: Did they take any part in the conference more than attendance? (*No reply.*)

Mr. W. S. MUKADAM: Was it not non-violent non-co-operation?

The Honourable Sir MAURICE HAYWARD: I cannot give any further details without notice.

Mr. W. S. MUKADAM: Are Government aware that a non-co-operator is always styled non-violent non-co-operator?

The Honourable Sir MAURICE HAYWARD: I am not aware.

TODDY LICENSE IN BIJAPUR.

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(*a*) Whether they are aware that the Collector of Bijapur has given permission to toddy licensees to hawk toddy in the streets of Bijapur ?

(*b*) Whether it is true that the municipality of Bijapur has passed a resolution protesting against this action of the Collector ?

(*c*) Whether it is true that a public meeting of the Bijapur public under the presidentship of Mr. P. A. Desai, an ex-member of this Council, has strongly protested against this action of the Collector ?

(*d*) Whether Government have taken any action in this connection ?

The Honourable Mr. A. M. K. DEHLAVI : (*a*) A license to hawk toddy in the town of Bijapur was issued for the year ending 31st July 1924.

(*b*) The honourable member is referred to the Honourable Minister for Local Self-Government, to whom a separate question may be addressed, if necessary.

(*c*) Yes.

(*d*) The license has not been regranted for the current year.

Mr. C. M. SAPTARSHI : Does the honourable member reply for the Government or for himself ?

The Honourable Mr. A. M. K. DEHLAVI : The information asked could be got from the local self-government department : that is why I have to refer the honourable member to the other department.

Mr. M. D. KARKI : May I know why the license was granted last year ?

The Honourable Mr. A. M. K. DEHLAVI : The license was granted at the discretion of the Collector.

Mr. P. G. JOSHI : May I know why the question was not sent to the Honourable Minister for Local Self-Government to answer ?

The Honourable Sir MAURICE HAYWARD : Sir, I may reply to that. The Standing Orders require the questions to be addressed to the Minister in the particular department.

The Honourable the PRESIDENT : In supplementing the explanation that the Hon'ble the Leader of the House has given I may point out for the information of the House what is actually required by the Rules and Standing Orders. The question has to be put to the individual Member or Minister of Government. As there may be considerable amount of doubt in the minds of members as to which Member or which Minister they ought to interrogate, questions are accepted by the Council office addressed to "Government", and soon after they are admitted they are sent to the particular Member or Minister of Government to whom they think they relate from the list supplied to the office. It does occasionally happen that one question affects two departments. Then it is at the option of Government either to give a reply through one Member or one Minister in regard to both departments or to answer part of the question through one Member or one Minister, and to say "This is the reply that

[The President]
the Honourable Minister for Forests and Excise gives, and if the honourable member asks any supplementary questions, he is referred to the Minister for another department." Questions addressed to "Government" are accepted by the Council office in order to afford the utmost facility to honourable members so that there may be no difficulty for them. They can simply say: "Will Government be pleased to state" and that considerably facilitates the work of honourable members in putting questions, though under the Standing Orders, as the Honourable the Leader of the House has pointed out, you can ask any particular member of Government. I have merely explained what the procedure is, and what facility the Council office offers to members by accepting questions addressed to "Government".

Mr. M. D. KARKI: I want to know why similar lists should not be supplied to honourable members.

The Honourable the PRESIDENT: That does not arise on this reply.

Mr. V. N. JOG: May I be allowed to put that question to the Minister for Local Self-Government?

The Honourable Sir MAURICE HAYWARD: Sir, I should like to explain the practical difficulty. There is no intention to burke questions at all, but if honourable members put in one question two or three different questions which relate to different departments, it may necessitate delay in answering them fully, because the answers have to be obtained from different departments. If any honourable member puts a question to me relating to the Home Department and also questions relating to Revenue and Forests, I only know about the Home Department, and I have got no information about the Revenue or the Forests departments, and it has to be sent on to the other Members of Government for information. Well, if I delay sending my answer in till I have got the answer from the other departments, it means delay in answering the question. Therefore I prefer to give my answer and refer the member to the other departments as regards the other points. But if it is a general question affecting all departments we try to find out the answer and give the answer by the Leader of the House or by the Finance Member. But there is a practical difficulty involved and I would suggest, therefore, that members should be careful in framing their questions to keep distinct parts referring to different departments and address them to different Members and Ministers.

Mr. M. D. KARKI: Should not the members know how the different subjects are distributed?

The Honourable Sir MAURICE HAYWARD: I think it is generally known, but I will certainly consider that difficulty.

Mr. W. S. MUKADAM: The reply given before was that such information was confidential.

The Honourable the PRESIDENT: But the Honourable the Leader of the House has told the Council that he will consider and see whether those lists cannot be supplied.

Mr. B. G. PAHALAJANI: That is not the reply given by the Hon'ble the Leader of the House.

The Honourable the PRESIDENT : I interpret it in that way.

Mr. B. G. PAHALAJANI : Is the Honourable the Leader of the House prepared to supply us with the detailed information ?

The Honourable Sir MAURICE HAYWARD : I will consider the question. I believe Sir Chimanlal Setalvad once supplied the information and on a later occasion I refused it. Anyway, I will reconsider the question.

Mr. V. N. JOG. : May I ask the Honourable Minister for Local Self-Government whether the municipality of Bijapur has passed a resolution protesting against the action of the Collector of Bijapur in giving permission to hawk toddy in the streets of Bijapur ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : I have no information on the point and would require notice.

Mr. H. B. SHIVDASANI : Was not the resolution in question communicated to the Honourable the Minister for Excise ?

The Honourable Mr. A. M. K. DEHLAVI : No.

Mr. W. S. MUKADAM : May I know the reason why this license was not regranted for the current year ?

The Honourable Mr. A. M. K. DEHLAVI : It was considered better to stop it.

Mr. C. M. SAPTARSHI : Did the Collector of Bijapur give the license on his own authority ?

The Honourable Mr. A. M. K. DEHLAVI : A certain amount of discretion is given to the Collector and he evidently used that discretionary power in giving the license.

Mr. C. M. SAPTARSHI : Was the license given in the interest of the promotion of temperance or prohibition ? (No reply.)

Mr. H. B. SHIVDASANI : Is toddy an intoxicant ?

The Honourable the PRESIDENT : The honourable member cannot ask for an opinion ?

Mr. C. M. SAPTARSHI : Has any collector in the history of the Excise Department refused to give license for toddy ?

The Honourable Mr. A. M. K. DEHLAVI : I require notice, because I have not gone into that history.

### Irrigation Cess in Dharwar District.

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

(*a*) what is the amount of the total annual irrigation cess (consolidated or otherwise) in the whole of the Dharwar district ? What are the figures of such cess for each of the talukas of the Dharwar district ?

(*b*) what is the annual cost of the irrigation establishment for the said district ?

(*c*) what amount was spent for improving irrigation in the said district in each of the two years 1922-23 and 1923-24 ?

(*d*) what amount, if any, was spent in removing silt from irrigation tanks in each of the above mentioned years in the said district ? What amount, if any, was spent for deepening such tanks in each of the above mentioned years ?

The Honourable Mr. COWASJI JEHANGIR: (*a*) The total amount of the irrigation cess levied in the Dharwar district is Rs. 2,80,611 made up as under :—

| Taluka. | Irrigation Cess. Rs. |
|---|---|
| Dharwar .. .. .. | 12,616 |
| Hubli .. .. .. | 5,761 |
| Kalghatgi .. .. .. | 39,533 |
| Bankapur .. .. .. | 28,518 |
| Karajgi .. .. .. | 14,202 |
| Hangal .. .. .. | 1,06,008 |
| Ranebennur .. .. .. | 3,845 |
| Kod .. .. .. | 70,066 |
| Gadag .. .. .. | 62 |
| | 2,80,611 |

(*b*) The cost of the irrigation establishment in the Dharwar Irrigation District which includes the Civil Districts of Dharwar, Belgaum and Kanara is Rs. 57,700 for the year 1923-24. The figure for the Dharwar Collectorate alone is not available.

| | Rs. |
|---|---|
| (*c*) 1922-23 .. .. .. .. | 9,140 |
| 1923-24 .. .. .. .. | 8,345 |

(*d*) No expenditure was incurred during the last two years on removing silt and deepening irrigation tanks in the district. Rs. 24,722 and Rs. 26,533 were, however, spent on special repairs of second class tanks during 1922-23 and 1923-24 respectively.

### Lopping of Roadside Trees on Hubli-Sirsi Main Road.

Mr. M. D. KARKI (Kanara District): (*a*) Will Government be pleased to state whether they are aware that the roadside trees on both sides of that portion of the Hubli-Sirsi Main road which lies within the boundaries of the Dharwar district have been indiscriminately lopped ?

(*b*) Will they be pleased to state (i) whether the work of lopping such trees is entrusted to contractors or done departmentally, (ii) whether such lopping is done with the sanction or approval of the executive engineer of the district and (iii) what price has been realised by selling or otherwise disposing of such loppings ?

(*c*) Will they be pleased to state why these roadside trees have been treated in this manner ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The information has been called for.

SHRI BHARATI ENGLISH SCHOOL AT KARKI IN KANARA.

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

(*a*) Why no grant-in-aid has been sanctioned by them to Shri Bharati English School at Karki, although it is a recognised school ?

(*b*) (i) Whether it is a fact that the members of the said school at Karki applied for the free grant of a site for the school building out of Survey No. 1036 of the village of Karki on or about the 21st April 1920 ?

(ii) If so, will they be pleased to state why the application was rejected by the Collector of Kanara ?

The Honourable Mr. B. V. JADHAV: (*a*) Enquiries are being made. (*b*) The honourable member is referred to the honourable the Revenue Member and is requested to address a separate question to him.

HAVIK BRAHMINS IN THE EDUCATIONAL DEPARTMENT.

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state how many persons belonging to the Havik caste have been serving in the following capacities in the educational department and what are their present grades:—

(*a*) Educational officers such as deputy educational inspectors, and assistant deputy educational inspectors;

(*b*) teachers in the secondary cadre;

(*c*) clerks ?

The Honourable Mr. B. V. JADHAV: (*a*), (*b*) and (*c*) Information is being obtained.

LOCAL AUTHORITIES FOR FREE AND COMPULSORY EDUCATION.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Will Government be pleased to state whether they had in view any standard or qualification in framing the definition of the term "local authorities" in the draft rules under the Bombay Primary Education Act of 1923 as published in the Government Gazette, dated the 11th October 1923, and, if so, what was that standard ?

The Honourable Mr. B. V. JADHAV: A "local authority" means a district local board or *a municipality which is authorised by Government to manage its own schools* (*vide* section 2 of the Bombay Primary Education Act, 1923). Thus all district local boards are local authorities. With regard to municipalities, schedule A to the draft rules (Chapters I to IX) under the Act published in Government Notification No. 2534, dated the 3rd October 1923, was drawn up on the following principles:—

(*a*) All municipalities with a population of 50,000 and above should be treated as "local authorities"; and

(*b*) The cases of municipalities with a population below 50,000 should be considered on their merits but municipalities with a population below 30,000 should not be treated as "local authorities" except for special reasons.

Government have no objection to constituting municipalities with a population under 30,000 as local authorities if they desire this and are considered fit to manage their own schools.

### EDUCATION IN ADEN.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Will Government be pleased to state whether their attention has been drawn to the articles in the *Bombay Chronicle* in its issues of the 23rd April and 23rd May 1924, entitled "The state of education in Aden" and "Facts about Aden"?

The Honourable Sir MAURICE HAYWARD: Government have seen the articles referred to. The question of improvement of the present facilities for education in Aden is already under consideration.

### UNIVERSITY CORPS.

SARDAR G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state how many students there are in the University Corps and how many of them are Brahmins?

The Honourable Sir MAURICE HAYWARD: On the 19th September 1924 there were 635 students in the University Training Corps and of these 335 were Brahmins.

### COURT OF BENCH MAGISTRATES AT WALAGOD.

*Mr. W. S. MUKADAM (Panch Mahals District): (*a*) Will Government be pleased to state since what date the court of the honorary bench magistrates has been working at Walagod (Rustompura) in the Halol taluka of the Panch Mahals district and who constitute the bench?

(*b*) Will Government be pleased to state how many cases have been tried by the bench of honorary magistrates at Rustompura since the time of its establishment? What income has been derived from it and what expenses have been incurred for its maintenance during the last two years?

The Honourable Sir MAURICE HAYWARD,: (*a*) The Bench of Magistrates at Rustompura, which is composed of Messrs. Dinshaw Bamanji Dalal, Maneklal Shivlal Desai and Jhaverbhai Bapubhai Patel, has been working from September 1919.

(*b*) Since the establishment of the Bench up to the 11th September 1924 the Bench tried 26 cases, and the income derived from fines was Rs. 55. The expenditure for the maintenance of the Bench for biennium ending 31st July 1924 was Rs. 336 on account of the pay of the peon.

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

REFUSAL TO GRANT FOREST LAND FOR AGRICULTURE IN HALOL TALUKA.

Mr. W. S. MUKADAM (Panch Mahals District): Is it a fact that the Divisional Forest Officer of Panch Mahals refused to grant the request of some agriculturists of Halol taluka for forest land for agriculture on the ground that they were rayats of a talukdar?

The Honourable Mr. A. M. K. DEHLAVI: Yes; but instructions are being issued not to refuse such grants in future on the ground mentioned in the question.

Mr. W. S. MUKADAM: How did the divisional forest officer, Panch Mahals, give 400 acres of land to a leaseholder of a talukdar?

The Honourable the PRESIDENT: The answer says that instructions are being issued not to refuse such grants in future on the ground mentioned by the honourable member.

Mr. B. K. DALVI: Is there any rule in the Forest Department whereby ryots of talukdars are refused such grant of land?

The Honourable Mr. A. M. K. DEHLAVI: I am not aware of one, but if the honourable member will give me notice, I will look into it.

CUSTOMS LINE AT DHOLKA.

Mr. W. S. MUKADAM (Panch Mahals District): (*a*) Has the attention of Government been drawn to the article regarding the customs line at Dholka which appeared in "Navajivan" of the 15th June 1924 at pages 334 and 335?

(*b*) If so, do Government intend to take any action in this connection?

The Honourable Mr. C. V. MEHTA: (*a*) Yes.

(*b*) Yes. The honourable member will realize that a certain amount of inconvenience is inseparable from the existence of the line. Government, however, intend to remove all real grievances of the people as far as possible.

GRANT TO GIRLS' HIGH SCHOOL, POONA.

Mr. D. B. ADWANI [on behalf of MUKHI JETHANAND PRITAMDAS (Eastern Sind)]: (*a*) Will Government be pleased to state what grant the aided High School for Indian Girls, Poona, receives?

(*b*) What justification is there for the continuance of a special grant to the High School for Indian Girls at Poona, where girls' education is comparatively more advanced than in most parts of the Presidency?

The Honourable Mr. B. V. JADHAV: (*a*) The High School for Indian Girls, Poona, is, for all practical purposes, a Government institution, the teaching staff being borne on the Provincial establishment. The expenditure on the school during the year 1922-23 was Rs. 46,004, made up as follows:—

| | Rs. |
|---|---|
| (*a*) From Provincial Revenues .. .. | 39,461 |
| (*b*) From fees .. .. | 4,906 |
| (*c*) From subscriptions and other sources.. .. | 1,637 |
| | 46,004 |

(*b*) Localities that take a special interest in education deserve encouragement.

SALARY OF ASSISTANT TAXING MASTER.

Mr. K. F. NARIMAN (Bombay City, South): (*a*) Will the Honourable the Home Member be pleased to state what is the salary of the present Assistant Taxing Officer and whether he has got any fees or allowances besides his salary ?

(*b*) Will the Honourable the Home Member be pleased to state whether it is a fact that in the litigation concerning the estate of the late Raja Bahadur Shivlal Motilal a consent order was obtained by all the Attorneys concerned to have their various bills of costs from time to time taxed privately by the said office, and if so, what is the remuneration paid to him uptil now in this connection ?

The Honourable Sir MAURICE HAYWARD : The present salary is Rs. 850 per mensem. He also gets fees at the rate of Rs. 15 per hour for taxing out of office hours bills of costs of parties to References before the Tribunal of Appeal.

He has been also receiving fees at the rate of Rs. 30 per hour under this order for work done out of office hours or on Sundays or Holidays.

Mr. K. F. NARIMAN : May I know what is the order referred to in the last part of the answer ?

The Honourable Sir MAURICE HAYWARD : The order mentioned in clause (*b*) of the honourable member's question.

Mr. K. F. NARIMAN : Is there not any rule prohibiting a Government servant from being engaged or receiving any extra remuneration ?

The Honourable Sir MAURICE HAYWARD : I do not think so.

Mr. K. F. NARIMAN : Is it not a fact that Government servants are not allowed to give private tuitions outside office hours ?

The Honourable Sir MAURICE HAYWARD : I cannot say. I think they have to get permission.

Mr. K. F. NARIMAN : In this case was permission applied for ?

The Honourable Sir MAURICE HAYWARD : It was an order of the court.

Mr. K. F. NARIMAN : Can a Government rule be broken by an order of the court ?

The Honourable Sir MAURICE HAYWARD : I think there is some discretion permitted in these matters to the High Court.

HOUSE-RENT ALLOWANCE TO GOVERNMENT PEONS IN KARACHI.

* Mr. B. G. PAHALAJANI (Western Sind): Will Government be pleased to state—

(*a*) whether it is a fact that peons of the various revenue and other offices in Karachi were drawing a house-rent allowance of Rs. 4 per mensem ?

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

(*b*) whether they were compelled to occupy quarters on old jail site as soon as they were built and that this allowance was thereupon withdrawn?

(*c*) whether it is a fact that those persons have to pay rent in addition to the withdrawal of the house-rent allowance and, if so, whether they were made aware of this at the time when they were asked to occupy these quarters ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN:

(*a*) Yes.

(*b*) Yes.

(*c*) Yes. The fact was not specifically brought to the notice of the peons ; but peons are, like other Government servants, generally liable to pay rent up to a maximum of 10 per cent. of their emoluments when provided with Government quarters.

Mr. B. G. PAHALAJANI: Do not the peons suffer a loss of Rs. 7 namely, loss of Rs. 4 rent allowance *plus* the rent of Rs. 3 charged from them ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: They have to pay rent because quarters are provided.

Mr. B. G. PAHALAJANI: What is the total loss to the peons, Rs. 7 or Rs. 8 ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: There is no loss at all.

Mr. B. G. PAHALAJANI: They have sacrified the house-rent allowance of four rupees and they have in addition to pay a certain amount of rent. How much loss do they have to suffer as a consequence ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The sum of four rupees was given to them to compensate them for house-rent they had to pay to secure accommodation. As they could not get accommodation, Government built quarters for them and asked them to occupy them.

Mr. B. G. PAHALAJANI: Did the peons ask for quarters ? Did Government inform the peons when building the quarters that they would be charged rent for them ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The peons could not get accommodation. Therefore they applied for compensation in the shape of rent. That clearly shows that they wanted quarters. Therefore Government provided accommodation for them.

Mr. B. G. PAHALAJANI: Has any representation from the peons gone against the levy of house-rent to either the Commissioner or the collector of Karachi ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I require notice.

Mr. M. R. JAYAKAR: Are Government making any profit on this enterprise ? If so, how much ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I do not think there will be any profit on this item.

EXCISE ADVISORY COMMITTEE, KAIRA DISTRICT.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state whether it is a fact that there is no excise advisory committee constituted for the Kaira district; if so, what are the reasons therefor?

The Honourable Mr. A. M. K. DEHLAVI: An Excise Advisory Committee has been constituted for each taluka of the Kaira district and for the Nadiad municipal area.

RIGHT OF ELECTED PRESIDENT, BORSAD MUNICIPALITY.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state—

(*a*) whether it is a fact that the right to elect its own president has been taken away from the Borsad town municipality (Kaira district);

(*b*) if so, what were the grounds for such order;

(*c*) whether Government intend to cede that right; if so, when?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The answer is in the negative.

RECOMMENDATIONS OF THE EXCISE COMMITTEE.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state whether they intend to give effect to any of the recommendations contained in the report of the Excise Committee appointed by the Government in the year 1922-23; if so, when, and what are those recommendations?

The Honourable Mr. A. M. K. DEHLAVI: The report of the Excise Committee is under the consideration of Government and the decision of Government on the various recommendations will be announced in due course.

CUSTOMS LINE IN DHOLKA TALUKA.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): (*a*) Will Government be pleased to state whether their attention has been drawn to the articles in the *Navjivan* of the 15th June and the *Bombay Chronicle* of the 30th June headed "Customs line in Dholka taluka" complaining of the hardships in traffic caused to agriculturists and other people of the Dholka taluka and particularly to the inhabitants of Shiyal, Bagodra, Dingda and Kanakpura?

(*b*) Will Government be pleased to place on the table a list of roads with points of custom restrictions and distances between different gateways?

(*c*) Do Government intend to take any action with regard to the grievances described in the above article?

(*d*) Is it a fact that the chowkidars recruited from the Bhil population of the Idar State are provided with rifles which they make use of in hunting hares and deer?

The Honourable Mr. C. V. MEHTA: (*a*) Yes.

(*b*) The list has been called for and will be placed on the table when received.

(*c*) Attention is invited to the reply to part (*b*) of question No. 18 put by the honourable member for Panch Mahals.

(*d*) The sepoys are supplied with fire-arms, but it is not a fact that they use the weapons for shooting animals.

Mr. G. I. PATEL: With regard to the answer given to (*b*), will the Honourable the Revenue Member be pleased to state if he has looked into all the cases and complaints received by the department before giving this final reply?

The Honourable Mr. C. V. MEHTA: Yes, the complaints were referred to the Collector of Salt who made enquiries and submitted a report which is embodied in this answer.

UTILIZATION OF FUNDS RECEIVED AS FEES IN ANTI-RABIC CENTRES.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(*a*) how the funds received as fees at the different anti-rabic centres have been utilized;

(*b*) how the other kinds of fees received from patients for treatment in hospitals and dispensaries are being utilized;

(*c*) what proportion is given to medical officials and staff out of the fees mentioned in (*a*) and (*b*)?

The Honourable Mr. B. V. JADHAV: Fees charged from paying patients at hospitals for purely medical treatment are wholly credited to Government. Fees charged for operations under certain conditions and anti-rabic treatment are distributed in the following proportion:—

| | Per cent. |
|---|---|
| Government .. .. .. | 35 |
| Operating Surgeon .. .. .. | 50 |
| Chloroformist .. .. .. | 10 |
| Assistant Staff .. .. .. | 5 |
| | 100 |

Half of the fees charged for X-ray treatment are credited to Government and the other half paid to the officer concerned.

Mr. B. G. PAHALAJANI: Are these 35 per cent., 50 per cent., 10 per cent., and 5 per cent. of the fees charged for operations distributed as shown in the answer, in spite of a resolution of this Council?

The Honourable Mr. B. V. JADHAV: The matter is under consideration and as soon as a decision is arrived at, these rates of fees will stop.

Mr. B. G. PAHALAJANI: How long will Government take to consider a resolution passed by this Council so long ago?

The Honourable Mr. B. V. JADHAV: Government will come to a decision as early as possible.

MUNICIPALITY FOR MANMAD.

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state whether the Collector of Nasik or they have received any representation from the people of Manmad urging the establishment of a municipality in that town? If so, what action have they taken thereon?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Government have not received any representation. Inquiry is, however, being made of the Collector.

DAILY ALLOWANCE AND TRAVELLING ALLOWANCE TO M.L.C's.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state the total amount paid to members of the Legislative Council on account of travelling and daily allowances for attending the February-March session of the Council?

The Honourable Sir MAURICE HAYWARD: Rs. 29,436-7-0.

MITHRAO CANAL.

SAYED GHULAM NABI SHAH (Thar and Parkar District): Will Government be pleased to state—

(*a*) What amount is annually spent by P.W.D. on the reduction of karia heads, construction of profiles and other improvements on the 30th and 45th miles respectively on the left bank distributaries *ex*-Mithrao Canal since their construction in 1916?

(*b*) What has been the resultant increase in cultivation?

The Honourable Mr. COWASJI JEHANGIR: (*a*) A statement * showing approximate expenditure on reduction of karia heads, construction of profiles and silt clearance on the 30th and 45th miles left bank distributaries *ex*-Mithrao Canal is placed on the Council table.

(*b*) As reduction to karia heads commenced only in 1923-24 it is too early to give the resultant increase in cultivation.

ABOLITION OF TOLLS IN THANA DISTRICT.

†Mr. G. B. PRADHAN on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNJARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) whether it is true that the present rates of the tolls levied on provincial roads are double those that used to be levied in the Thana district before they were reimposed;

(*b*) whether the toll is charged on the Mahim-Vada Road for every trip or only once in 24 hours, if so, how it was charged in 1922-23 and 1923-24;

* *Vide* Appendix No. 41.

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

(*c*) for what sums the toll-bars on this road were auctioned in 1922-23 and 1923-24 respectively;

(*d*) for what sum has the present contract for the above toll-bars been given, and for what period; and whether the contract was put up to auction;

(*e*) whether there were any offers for those toll-bars; if so, what was the highest offer;

(*f*) whether it is a fact that the present contract is for three years, that it was not put up for auction, and that it has been given for less than the highest offer received; if any of these facts be true, what are the reasons therefor?

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

(*b*) Toll is charged for every outward trip. It was charged once in 24 hours during 1922-23 and 1923-24. Government have since issued orders directing that with effect from 1st April 1925 tolls should be levied only once a day irrespective of the number of outward and return journeys made during the same day.

(*c*) For Rs. 12,750 for 1922-23 and Rs. 22,100 for 1923-24.

(*d*) For Rs. 7,500 for one year only. It was not put up to auction.

(*e*) As it was not put up to auction, no offer was received.

(*f*) The contract has been given for one year only. The reason for giving the contract without putting it to auction is that it was thought advisable to do so.

Mr. G. B. PRADHAN: As regards (*f*), is it not a fact that the contract was given for three years and after receipt of this question the contract was cancelled?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Yes.

Mr. G. B. PRADHAN: How do Government think it was advisable to give the contract to private contractors instead of putting it to auction, while as a matter of fact, when the tolls were auctioned, the income for 1922-23 was Rs. 12,750 and the previous year's (1923-24) income was Rs. 22,100, and for the next year the contract has been given privately for Rs. 7,500? May I know the reason?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I want notice of the question.

Mr. G. B. PRADHAN: The reply given here is: "The reason for giving the contract without putting it to auction is that it was thought advisable to do so."

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The Collector, as a rule, does this on behalf of Government. He gives out the contracts either by public auction or to private contractors. Therefore, I want notice to make enquiries why he did not auction the tolls in this instance.

## Toll on Mahim-Vada Road.

Mr. G. B. PRADHAN on behalf of Mr. SHANKARRAO JAYARAM-RAO ZUNJARRAO (Thana and Bombay Suburban Districts)i : Will Government be pleased to state—

(*a*) whether it is true that Government gave the contract for the toll on the Mahim-Vada Road, section 1, for 3 years, namely, from 1st April 1920 to 31st March 1923 for an annual payment of Rs. 3,600 to one Mr. Narayan Keshav Patel of Palghar;

(*b*) whether it is true that the toll-bars were removed from the provincial roads on 31st March 1921;

(*c*) whether the toll was reimposed on the same road subsequently and a contract for the same given out? If so, on what date was the toll reimposed and to whom was the contract given;

(*d*) whether Mr. N. K. Patel had applied for the contract when the toll was reimposed;

(*e*) whether his application was granted; if not, whether Government intend to take any action in view of the fact that two-thirds of his original contract had been cancelled;

(*f*) whether it is a fact that when tolls were removed in Poona and Kolaba districts, the contractors therefor were given compensation for the unexpired periods of their contracts?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN:

(*a*) Yes.

(*b*) Toll bars on Provincial roads were removed from the year 1914 but the Mahim-Vada Road was a Local Board road which was subsequently provincialised and the tolls on Local Board roads were abolished from 1st April 1921.

(*c*) Yes. The toll was reimposed from 1st June 1922 and the contract was sold by auction to Mr. Mahamadmiya Mohidin Saheb Rais for Rs. 12,750.

(*d*) Yes.

(*e*) No. The toll was sold by auction. He did not bid at the auctions held for the years 1922-23 and 1923-24 though he was personally asked by the Collector to do so. Government therefore consider that he has no grounds for complaint.

(*f*) No. In the Poona district, however, only in one instance a sum of Rs. 110 was awarded to a toll contractor (to whom a contract was given, from 1st April 1924 for a toll, which was abolished on 6th April 1924) as a compensation for the expenses incurred by him for the management of the toll bar and not for the unexpired period of the contract.

Mr. G. B. PRADHAN: (Asked a supplementary question which was inaudible).

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I want notice.

RECIPROCAL ARRANGEMENT WITH INDIAN STATES FOR EXECUTION OF CIVIL COURT DECREES.

Mr. H. B. SHIVDASANI: (*a*) With which of the Indian States situated within the limits of this presidency has the Government got reciprocal arrangement for the execution of civil court decrees ?

(*b*) Have those Indian States with which there is no such reciprocal arrangement been approached with a view to enter into such an arrangement, and if so,

(i) which States have definitely refused to enter into such an arrangement ?

(ii) which States have not yet given a definite reply ?

(*c*) Are Government in favour of entering into reciprocal arrangements for the execution of civil court decrees and, if so, will they be pleased to state whether they propose to try and make reciprocal arrangements for the execution of civil court decrees with those Indian States with which there is no such arrangement at present ?

The Honourable Sir MAURICE HAYWARD: (*a*) The Indian States with which Government have reciprocal arrangements for the execution of decrees are mentioned in the notification of the Government of India, Foreign Department No. 2877-I.B., dated the 13th July 1906, as subsequently amended, on page 108 of "The Manual of Circulars issued by the High Court of Bombay for the guidance of the Civil Courts and officers subordinate to it, 1912".

(*b*) and (*c*) It is for the States to approach Government for reciprocal arrangements. The courts of the States which have so approached Government have been included in the notification of 1906.

COMMUTATION OF KULKARNI WATANS IN SATARA DISTRICT.

* Mr. R. G. SOMAN (Satara District): Will Government be pleased to state :—

(*a*) Whether it is a fact that kulkarnis in the Satara district receiving commutation allowances amounting to less than Rs. 20 have been asked to be present at the respective taluka offices to state whether they are willing to give up their claim to such allowances on receipt of a lump sum equal to twenty times thereof ?

(*b*) If so, whether it is a fact that they have been given to understand in the notices served upon them that their non-attendance at the taluka office on the fixed date will be construed as their consent ?

(*c*) What is the total amount of such allowances in each taluka of the Satara district for which lump sums have been offered to the kulkarnis concerned ?

(*d*) Whether the proposed arrangement is authorized under any rules ? If so, what are those rules ?

The Honourable Mr. C. V. MEHTA: (*a*) One of the recommendations made by the Retrenchment Committee in their report regarding retrenchment in the Revenue Department was that in order to reduce the work

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

in connection with cash allowances and the heirship inquiries arising out of them all allowances of Rs. 20 should be commuted. The Commissioners of Divisions were therefore requested to consider the question and submit detailed proposals to Government. In pursuance of these orders inquiries were made in all the districts of the Central Division whether the holders of allowances, including kulkarni allowances, amounting to less than Rs. 20 were willing to commute their allowances at 20 times the amount. At the time of the inquiry in the Satara district notices were issued by the mamlatdars of certain talukas or mahalkaris of petas asking the holders to be present at the respective taluka offices to state their wishes. In the other talukas the holders were either asked to communicate their willingness in writing, or the question was discussed orally with them as opportunities occurred.

(*b*) No. The holders in the Satara taluka and the Malcolmpeth peta were given to understand that if they failed to attend *or give a reply*, it would be construed as their consent.

(*c*) No lump sum has yet been offered to any of the kulkarnis in the Satara district.

(*d*) The question does not arise in view of the reply to clause (*a*).

Mr. R. G. SOMAN : Have the detailed proposals been received from the Commissioners, referred to in the reply to (*a*) ?

The Honourable Mr. C. V. MEHTA : No ; I am afraid they have not yet been received.

Mr. R. G. SOMAN : I want to know whether Government have ascertained whether the holders of these allowances who were asked to give a reply knew how to write.

The Honourable Mr. C. V. MEHTA : No ; I do not think Government have ascertained it.

## DESTRUCTION OF RECORDS IN CIVIL COURTS.

* Mr. R. G. SOMAN (Satara District) : (*a*) Will Government be pleased to state whether they are aware that the records in the civil courts in old cases, including original papers put in by parties such as their title deeds, etc., are destroyed after a certain prescribed period ?

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

The Honourable Sir MAURICE HAYWARD : (*a*) The attention of the honourable member is invited to rule 1(*d*) of the rules for the destruction of records in civil courts subordinate to the High Court, published at pages 339—341, Part I, *Bombay Government Gazette* 1921, and to the supplemental instructions Nos. 2 and 4 here printed which were issued in 1922 by the High Court. The rules have been incorporated in Chapter XII of the Manual of Circulars of the High Court.

*Rule 2.*—The documents produced by the parties with the lists with which they were produced should be sent back to the court concerned. That court should give six months' notice and should inform the pleaders

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

concerned, if available, or if not, the parties themselves where they can be found.

*Rule 4.*—In the form of the note to be made at the foot of every decree given in Rule 1(*d*) in Addenda and Corrigenda No. 78, for the words "after the disposal of the appeal, if any," the words "according to the rules in force for the destruction of records," shall be substituted.

(*b*) The answer is in the negative.

### Cattle Fine in Satara District.

* Mr. R. G. SOMAN (Satara District): Will Government be pleased to state the amounts of fines and damages recovered every year for cattle having strayed into the forest limits during the last three years in the talukas of Satara, Patan, Javli and Shirala petha in the Satara district?

The Honourable Mr. A. M. K. DEHLAVI: The amounts of compensation and fines recovered during the last three years for cattle trespass in the Reserved Forests of the Satara Division were as follows:—

| | Amount of compensation recovered under section 67 of the Indian Forest Act. | Amount of fines inflicted by Magistrates. |
|---|---|---|
| | Rs. | Rs. |
| 1921-22 .. .. | 4,536 | 205 |
| 1922-23 .. .. | 4,890 | 46 |
| 1923-24 .. .. | 4,676 | 82 |

No details are available for each taluka separately and consequently the figures given above are for the whole Satara Division including Karad, Wai and parts of Koregaon and Khatav talukas in addition to the talukas of Satara, Patan, Javli and Shirala petha, mentioned in the question.

### Toll bar on the Sangli-Miraj Road.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state whether they are aware that a new toll bar has been established near the Willingdon College recently on the Sangli-Miraj road? If so, why and under whose orders has the toll bar been established?

The Honourable Sir MAURICE HAYWARD: Yes. The toll bar was established by the Sangli State with the consent of Government subject to the rules governing British tolls on Government roads. As the Satara Local Board declined in 1887 to maintain the British portion of the Sangli-Miraj road, Sangli and two other States undertook to bear the cost. In 1921 the two other States withdrew from the arrangement and Sangli offered to maintain the road singly, if it was allowed to open a toll bar within the limits of the village of Kupwad in the Satara district. To prevent the road from falling into disrepair the State's request was allowed.

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

VERNACULAR TEXT BOOK COMMITTEE.

*Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state whether their attention has been drawn to the criticism made against the constitution and working of the vernacular text-book committees by Rao Bahadur K. P. Trivedi, late Principal of P. R. Training College in his presidential address at the Gujarati Sahitya Parishad ?

The Honourable Mr. B. V. JADHAV: Yes.

Mr. J. C. SWAMINARAYAN: (Asked a question which was inaudible.)

The Honourable Mr. B. V. JADHAV: It will be considered.

ADMISSION TO RECOGNISED SCHOOLS.

*Mr. J. C. SWAMINARAYAN (Ahmedabad District): (*a*) Will Government be pleased to state whether it is true that boys of high school standards seeking admission in recognised schools in the Northern Division from unrecognised schools are examined in vernacular standard IV ?

(*b*) Will they be pleased to state what is the propriety of imposing such a test for advanced students ?

The Honourable Mr. B. V. JADHAV: (*a*) and (*b*) Such of the boys coming from unrecognised schools as had not passed at least the vernacular IV standard of a recognised school were required to be tested in vernacular standard IV in accordance with rule 27 of the Grant-in-aid Code when they sought admission to recognised Anglo-Vernacular schools. The object of this test was to ensure that boys seeking admission to Anglo-Vernacular schools did not evade the requirements of the rule. The matter has, however, been further considered and the following instructions are being isued :—

A candidate from an unrecognised school seeking admission to a recognised school must satisfy the head master that he has an adequate knowledge of the vernacular up to the standard of vernacular standard IV. He will also be examined in other subjects by the head master so that he may be placed in a standard in accordance with his attainments.

PROMOTION AMONG SUB-REGISTRARS.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): (*a*) Will Government be pleased to state whether it is a fact that the Inspector-General of Registration has not filled up the vacancies among the first grade sub-registrars in the Gujarati and Marathi divisions ? If so, what are the reasons therefor ?

(*b*) If the reply to the first part of (*a*) be in the affirmative, will Government be pleased to state since what date these promotions have been kept in abeyance and whether the work connected with those posts is also not being performed ?

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

(*c*) If the reply to the first part of (*a*) be in the affirmative, is the action of the Inspector-General supported by any authority or order of Government, and if so, will Government be pleased to place a copy of such authority or order on the Council table ?

(*d*) Have these promotions been withheld for purposes of economy ? If so, for what period are they to be withheld ?

The Honourable Mr. A. M. K. DEHLAVI : The honourable member's attention is invited to the reply given to question put by Mr. G. M. Kalbhor on 13th October 1924.

SANTA CRUZ SCHEME NO. 4.

* Mr. PUNJABHAI THAKERSI (Bombay City, North) : Will Government be pleased to state—

(*a*) the names of the land owners of lands comprised in the proposed development scheme No. 4 at Santa Cruz ;

(*b*) who applied for the scheme and whether the application was made to the notified area committee or to Government ;

(*c*) or who were consulted in making the scheme as required by section 10 of the Town Planning Act ;

(*d*) whether it is a fact that the same person who prepared the scheme has been appointed arbitrator for the same ; if so, what are the reasons for such appointment.

The Honourable Mr. COWASJI JEHANGIR : (*a*) A list† containing the information is appended.

(*b*) The notified area committee applied to Government on its own authority for sanction to the making of the scheme.

(*c*) The scheme was drafted in consultation with the owners generally.

(*d*) Yes. The officer, who was appointed as arbitrator in respect of other schemes, was appointed arbitrator in this scheme also, by reason of his special experience.

PORT OF PURNAGAD.

Dr. M. B. VELKAR (Bombay City, South) : (*a*) Will Government be pleased to state whether any representations have been received by them or the Landing and Wharfage Committee for the construction of a suitable landing place outside the " bar " at the mouth of the Purnagad Creek and for the provision of a Dharamshala, a reservoir for water, roads, etc., at the port of Purnagad on the Konkan coast for passengers coming to and going from that port by the ferry steamers ; if so, what action has been taken by Government or the Committee thereon ?

(*b*) Is it a fact that Government intend to take expert advice regarding the landing place at the port of Purnagad outside the " bar " and, if so, will Government be pleased to state whether any steps have so far been taken in the matter ?

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

† *Vide* Appendix No. 40.

The Honourable Mr. C. V. MEHTA: (*a*) Two representations were received by Government from an individual. The attention of the honourable member is invited to the appended extract* paragraphs 1 and 2 from the reply given by Government to the first representation.

(*b*) Government intend to take this fair season expert advice regarding the possibility of constructing a landing place outside the bar at Purnagad.

Mr. V. A. DABHOLKAR: In appendix 42 it is stated "The work will be considered when the other works at present under contemplation are completed". May I know which are the other works under contemplation which are in progress?

The Honourable Mr. C. V. MEHTA: I am afraid, Sir, I cannot give the honourable member details off-hand but I can tell him that a considerable number of works are under contemplation.

Mr. V. A. DABHOLKAR: Was not Mr. Messent asked to report about all the ports on the Konkan coast, and has he not reported about the port of Purnagad?

The Honourable Mr. C. V. MEHTA: He was asked to report about ports in the southern group, but I am not sure—I cannot tell from memory—whether he was also asked to report about the Purnagad port.

Mr. V. A. DABHOLKAR: If Purnagad was also a port which required expert advice upon, why was it not included in the enquiry by Mr. Messent?

The Honourable Mr. C. V. MEHTA: I am afraid, Sir, I must have notice. I cannot answer off-hand.

Question again proposed:

"In clause 2 delete the words 'so long as he devotes the whole of his time to the business of the said Council', occurring at the end of the clause."

The Honourable the PRESIDENT: Order, order. Bills. Clause 2 of a Bill to determine the salary of the President of the Bombay Legislative Council, to which there is an amendment moved by the honourable member Mr. Jayakar.

Mr. K. F. NARIMAN (Bombay City, South): I rise to a point of order, Sir. My submission is that this bill is introduced, as stated in the preamble, in accordance with sub-section (5) of section 72-C of the Government of India Act. I would draw your attention, Sir, to the fact that that section says:

"The President and the Deputy President shall receive such salaries as may be determined, in the case of an appointed President, by the Governor, and in the case of an elected President or Deputy President, by Act of the local legislature."

My submission, Sir, is that under this clause the only province of legislation on this bill is to determine the salary of the elected president and nothing beyond it. Therefore, my submission is that this clause which imposes restrictions, which goes beyond the fixing of the salary, is *ultra vires*, is not provided for in the Act. I submit that the clause which is sought to be moved is *ultra vires*. I could understand, Sir,

*Vide* Appendix No. 42.

[Mr. K. F. Nariman]

that the legislation may provide any amount of salary; it may be one rupee, five hundred rupees or five thousand rupees; it is entirely competent for the Council to do. But to go beyond it, according to my reading of this section, is absolutely *ultra vires*, because, my submission is that that is the intention, will be seen from the fact that the section dealing with the elected president provides (in clause (4)) as follows:

"An elected president and a deputy president shall cease to hold office on ceasing to be members of the Council. They may resign office by writing under their hands addressed to the Governor and may be removed from office by a vote of the Council with the concurrence of the Governor."

Therefore, Sir, my submission is that in case an elected president is found to be in any way undesirable from the point of view of the Council, there is a provision made expressly that by a resolution of the Council—by a vote of the Council—he may be removed. Therefore, it could not have been intended by the legislature, when it provides for the removing of a president by a vote of the Council, that this bill would, instead of confining itself merely to the salary of the president, go beyond the question of the salary of the president. My submission, Sir, is that this bill—or rather this clause—is *ultra vires*.

The Honourable the PRESIDENT: I should like to know what the Advocate General has got to say.

The Honourable Sir MAURICE HAYWARD: I would merely say, Sir, that the Advocate General's opinion was taken on the point.

The Honourable the PRESIDENT: I should like to hear what the Advocate General has to say first.

Mr. J. B. KANGA (Advocate General): Mr. President, I think the bill, as it stands, is quite within the powers of this House. I have carefully considered this question, and I have come to the conclusion that to say that this House has only the power to name the amount of the salary and to do nothing more is to put a very narrow construction on the section of the Government of India Act. Those who are to fix the salary, for instance this House, can surely say that that salary will be paid if the president does whole-time work, and if he does not do work for the full time he will be paid something very much less. You have before you the Act relating to the salary of the deputy president, in respect of whom the section of the Government of India Act uses the same language and under the Deputy President's Salary Act, which was passed in the year 1921, the deputy president is to be paid his salary so long as he works for the Council and during the time that the Council is sitting. Surely, when we are fixing the salary, we can say for what period that salary is to be paid, or for what time devoted to the work of the president that salary is to be paid. I will put the matter in another way. Supposing the bill had been before this House without the words sought to be deleted, and an amendment had been moved like the amendment of my honourable friend from Poona (Mr. Bunter) to the effect that the sum of Rs. 3,000 should be paid if the president devoted his whole time to the Council, and if not, Rs. 1,500, would it have been

[Mr. J. B. Kanga]

contended that this House was going beyond the powers conferred upon the House? My honourable friend from Bombay (Mr. Nariman) referred to the section relating to the removal and the resignation of the president. But that section, Sir, has nothing to do with the section regarding the fixing of the salary. Any office-bearer during the time that he is in office can resign, and the section says the president can do so. The section further says that he can be removed in a particular manner. From that it does not follow that the section relating to the fixing of the salary empowers us only to fix the figure, namely, the amount, and does nothing more. After having carefully considered the question, I have come to the conclusion that this Council has the right to say that this will be the sum fixed by way of salary, and the sum fixed will be for whole time work of the Council.

The Honourable the PRESIDENT: The honourable member's view is that the Council has the authority to attach this or any other condition in fixing the salary.

Mr. J. B. KANGA: Yes, Sir, but I put a proviso that the condition put should not touch the duties or the responsibilities of the president. We cannot ask the president to do any work other than that of the president. The bill says only this that this salary should be paid for this period, if he devotes the whole of his time to the work of the Council. We have the right to put the limitation proposed.

Mr. M. R. JAYAKAR (Bombay Unversity): Sir, with regard to the opinion pronounced by the Advocate General, may I draw his attention to one consideration that the bill here described as a bill to "determine the salary" of the President, and I take it that this description is in conformity with sub-section (5) of section 72-C of the Government of India Act. I will assume for a moment that the condition 'so long as he devotes the whole of his time to the business of the said Council' is not repugnant to the question of the salary, and is merely a mode of determining its quantum. May I, however, ask his attention to one more consideration, to which probably he has already applied his mind, namely that this condition 'so long as he devotes the whole of his time to the business of the Council' is inconsistent with the nature of his basic position in this House, in this sense, that, although he is the President, he still remains a non-official elected member of the Council, and as long as he does not give up that character, is it permissible to the legislature to impose a condition which it cannot impose on non-official members? As a non-official member of this House, it would not be permissible to require of him that he should devote the whole of his time to the concerns of the Council. If, notwithstanding the fact that he is President, he still does retain his character as a non-official member, is it permissible to impose a condition which is inconsistent with his position in this House?

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Mr. President, under section 72-C of the Government of India Act the President is removable from office by a vote of the Council. But no official is removable by a vote of the Council. The Council can merely

[Mr. G. B. Pradhan]

say that it does not want to vote the supplies necessary for the pay of that official. If the interpretation of the section is that in fixing the salary the Council can impose the condition that the President shall be a whole-time Government servant, I cannot for a moment understand how we shall be able to remove him from his office by a vote of the Council.

The Honourable the PRESIDENT: An elected President is not an official.

Rao Saheb D. P. DESAI (Kaira District): With due deference to the opinion of the Advocate General, I may be permitted to say that the Government of India Act cannot contemplete two sets of conditions. The Advocate General contends that, under the Government of India Act, this House can impose a condition as to the time the President has to devote to the business of the House, but not as to the nature of his duties. These two are distinct sets of conditions. In this bill a condition is imposed, that he has to devote the whole of his time to the business of the Council, or that he should be a whole-time President of this House. This clearly shows that we are doing what the Government of India Act does not contemplate. The Act has not left any discretion to this House to impose any condition whatsoever. If it has, why should not this House have discretion to impose other conditions also? That is my contention.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Sir, I only want to discuss one point, and that is with regard to the amendment of the honourable member Mr. Bunter. Mr. Bunter's amendment is that if the President does not devote the whole of his time to Council work he shall receive only Rs. 1,500, otherwise Rs. 3,000. The real consideration is not whether it should be whole-time or half time, but that the President should do the work of the Council. Does the honourable mover of the amendment mean that if the President were to be paid Rs.1,500 he should do only half of the work of the Council, and will that be suitable for our purpose? I think that is not the right consideration.

Mr. D. B. ADWANI (Karachi City): Sir, there is one important point which arises, and that is, what is the definition of whole-time? Twelve o 'clock noon to twelve o 'clock at night?

The Honourable the PRESIDENT: That is not the point before the House. I want the point to be restricted to this, whether, in view of the wording of sub-section (5) of section 72-C of the Government of India Act, the Council, in fixing the salary of the president, is entitled to attach conditions to it. Therefore, we need not go into the question as to what those conditions should be, whether those conditions are legitimate, or reasonable, or unreasonable. It would be the function of the House to determine what conditions to attach, if they have got the power to attach conditions. I hope honourable members who wish to speak on this very important question will confine themselves to this one point, namely, whether, in view of the wording of sub-section (5) of section 72-C, the Council, in fixing the salary of the president, is entitled to impose conditions.

Mr. D. B. ADWANI: I do not think, Sir, that by allowing ourselves to impose any other conditions with regard to the salary of the President this Council will be construing narrowly the wording of the Government of India Act in that section. As a matter of fact the President of the Council is to do the work of the Council and he is bound to do the whole work that will devolve on him by virtue of his office as President.

The Honourable the PRESIDENT: Why go into that question? I have told the honourable member that that amendment is not before the House. The point of order is whether the Council in passing the salary can attach any conditions which are relevant. Whether the House has that right or not?—that is the issue. What the conditions are is not the issue at present.

Mr. D. B. ADWANI: I said that the Council has no right whatever in the very nature of things to put any restrictions, and that so long as the President does the work which devolves on him by virtue of his office, I was going to draw the conclusion that even from the commonsense point of view it was not possible that the intention of the Act was that we should impose any other further conditions than those which relate to the work of his office.

Mr. J. BAPTISTA (Bombay City, North): Mr. President, this is a question which has engaged my attention for some time and I had an opportuntiy to discuss it with the Advocate General.

So far as this question is concerned it must not be confused with the idea whether he is an official or non-official. It has absolutely nothing to do with that, and so far as I have been able to gather, an elected President is admittedly, non-official.

The second question is whether this condition is *ultra vires* or not. I think the question of imposing any conditions is *intra vires*, but I think, Sir, I have considered the matter carefully and after the limitation which the Advocate General has imposed upon it, I think it is within the power of the House to impose that limited condition.

Mr. K. F. NARIMAN (Bombay City, South): My submission is, Sir, that it is no question whether the House has power.

The Honourable the PRESIDENT: Then your point of order fails.

Mr. K. F. NARIMAN: I submit, Sir, that can be done by introducing another Act fixing the conduct of the President, but in a bill brought under section 72-C, clause (5), that clause is *ultra vires* and so far as the right of the Council is concerned in fixing upon the conduct of the President as to what he should do, how he should behave, there may be a separate Act introduced separately. My submission is this that under the constitution the right of the elected President is the same as the member, it is a constitutional right and whoever has a right to be a member of the House shall have the right to be a President of the House. That is my reading of the constitution. Therefore, I say, Sir, any condition whereby it imposes restriction beyond the membership, such a restriction does not exist so far as the members are concerned. He can be a member as well as something outside. So the same privileges attach to the

[Mr. K. F. Nariman]

President. That is a constitutional right and in accordance with that right it has been left to this House to fix the salary as this House thinks fit. If the legislature wanted to impose terms they would have been definite and they would have said "fix the salary on terms that are fit." There is no provision made to that effect. Therefore my submission is that this particular clause is *ultra vires.*

The Honourable the PRESIDENT: Looking at the wording of the Act and powers of the legislature it appears to me that the issue which the honourable member Mr. Nariman has raised, and the words with which he has further supported it, clearly show that the matter is in the hands of the Council itself. Now the effect of a ruling from the Chair that no conditions could be attached in fixing the salary of the President would take away from the House the power of considering the general question in a comprehensive manner. The question therefore is that when any member proposes a condition it is for the House to decide whether they will agree to that condition, or whether they will not agree to that condition. I do not desire to take away that privilege of the House in considering and deciding whether they will impose what must be relevant conditions and conditions within the scope of the measure. These restrictions have been imposed. I would prefer to leave the question as to whether the House wishes to impose conditions or does not wish to impose conditions to the House, and therefore I rule that the House has got that right.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Mr. President, I rise to support the amendment that is now before the House, and I merely point out that in the select committee this condition was put down, because the position of the Speaker of the House of commons was, we were told, that he was a full time official and he devoted his whole time to the work of the House, and so the President of this Council should be of the same position. All the different considerations presented to the House by the honourable member for the Bombay University Mr. Jayakar, were not present to our mind, and I think those considerations ought to be given due weight.

I cannot agree with my honourable friend, the honourable member Mr. Kambli, that if the President is allowed to approach his constituency when he occupies the presidential chair, he will have a bias towards his own party. I cannot conceive that position, and I for one know that as a matter of fact persons belonging to different parties when they step into the presidential chair, forget the parties to which they belong and pronounce their judgments and give opinions imparital to all. I may quote the precedent of the Patel brothers. Both of them belonged to the National party, but they forgot their party spirit when one of them was elected as the president of the Bombay Corporation and the other as the president of the Ahmedabad Municipality. While in their presidential chairs they forget that they belong to any party, and from a very good source I have heard that they are doing their work satisfactorily. As a matter of fact I have been appointed as the sole arbitrator while

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holding a brief for one party at least in half a dozen cases, and I had to forget that I was holding a brief for one of the parties and I had to act as a judge. So I cannot understand the difficulties which have been placed for the consideration of the House by the honourable member Mr. Kambli, and I do think that the House ought to accept the amendment that is before the House, as I do not think that the President will be unable to devote full time to the work of the House if he takes part in the political life of the country.

The Honourable Sir MAURICE HAYWARD : Mr. President, I should like to say a few words upon the position of this matter. I should like to refer again to the position of the Speaker of the House of Commons. He is an elected member of the House and when he is elected to be the Speaker he still retains his seat for his constituency. But by convention, so well recognized that it has not been found necessary to turn it into written law, he takes no part in political meetings, and if there should be a re-election then it is understood that he should be re-elected without opposition in his constituency. So that the Speaker is never called upon to take part in any political meetings or proceedings. It is also, I believe, a practice that he should have no other occupation. He does not practise at the bar ; he does not take part in business enterprises. Probably it is quite impossible for him to do so, because he is a very busy man with the House of Commons continuously sitting. The only statutory restriction on him is that he must not accept any office under the Crown. He is considered as the servant of the Parliament. I think that the position of the Speaker, though not entirely analogous to that of the President of this Council, indicates the principles that ought to be followed in this particular case. In his case it depends upon conventions and traditions. It is my view that it would be desirable that similar conventions and traditions should be raised round the President of our Legislative Council. Whether it is necessary or not to raise it by law is a matter which ought to be left entirely to this honourable House. The reason why these words were introduced into the section was that hitherto we have had no traditions or conventions, because the occasion had not arisen. These words were inserted on my suggestion, because it appeared to me that these conventions and traditions should be thoroughly considered by this honourable House.

I wish briefly to explain that the position of the President of this Council is a very much more responsible position than that of the presidents of municipalities or corporations, which was mentioned in the debate. Their sphere is limited to local municipal concerns. Even in their case there are statutory provisions preventing them from holding any office in the municipality or taking part in municipal contracts. Even in their case there is a provision by law preventing them from taking part in contracts for local municipal works ; but here you have a President of the Legislative Council, whose jurisdiction extends to the whole of the Bombay presidency. In the case of a President of such an

[Sir Maurice Hayward]

important body, it seems to me essential that he should be preserved in an independent position of impartiality beyond all question, and certainly the conventions and traditions which surround the Speaker in the House of Commons ought similarly to surround the President of this honourable House. I believe that it will be the universal opinion of this House that those traditions and conventions ought to be understood. But the question whether those conventions and traditions are to be made part of the law is a question which must be entirely left to this honourable House. Speaking on behalf of Government I desire to say that we do not intend to vote on this subject at all. We desire to leave this matter entirely to the decision of the non-official members of this honourable House.

Mr. D. R. PATIL (East Khandesh District): Sir, yesterday we dealt with the question of the salary of an elected President and now we have to see if any conditions should be imposed upon him. So far as I can understand from the speeches of some honourable members, the only issue is that we should try to have an impartial President. If we make our President a whole-time officer he will of course not be able to take part in politics, he will not be able to engage himself in any profession or any business, and thus he is likely to be a man above any party politics. But I wish to point out that the whole thing is with us. It is within our power to elect such a man as will be free from the influences of any party feelings. The whole thing rests with us and I do not think there should be any sort of fear on that score.

The Honourable the Home Member referred to the traditions and conventions in England; but I should say that conditions in India are different. So far as the impartiality is concerned, we must secure it. In this respect I can quote a living instance. Our President is also working in some business, but we see that he is quite impartial. This is a fact that will be admitted on all hands. Supposing there is some impartial and competent man engaged in some business, are we to lose the services of such a man by imposing the restrictions of a whole-time worker on him? To put such restrictions will not be in the interests of this Council.

Mr. R. D. SHINDE (Nasik District): Sir, I am sorry that I cannot agree to the amendment before the House. In this connection I am in full agreement with the remarks made by my honourable friend the Moulvi Saheb yesterday. I am sure there is an unanimity of opinion in the House with regard to one point, namely that the future elected President of this Council must preserve the traditions and dignity of his office. Then he must be as impartial as can be found to be. Like Cæsar's wife he must be not only impartial but he must be above suspicion. I want to put it to the House whether the future elected President of this House will be able to preserve that dignity of his office, if we do not impose these conditions, but allow him to engage himself in certain profession or business. That is the point which I want the House to consider in all seriousness. For example, if the future President happens to be a barrister or a lawyer would it be consistent with the dignity of his office as President of this

[Mr. R. D. Shinde]

House to appear before a first class magistrate or judge and be liable to the treatment given by him ? One argument was advanced by an honourable member that the future President, being an elected member, will have to go before his constituency and address it. That is not, I submit, peculiar only to the President of this House. All the three Ministers are also elected members and they do go to their constituencies for addressing them and asking them to re-elect them. Under these circumstances, I do not think the House will be well advised in accepting the amendment.

Mr. B. G. PAHALAJANI (Western Sind): I had no intention, Sir, to address the House until the Honourable the Leader of the House explained certain circumstances which led the select committee to insert these additional words that are now before the House. I do not want to disclose any discussion that took place in the select committee beyond the information that has already been placed before the House. But I wish to draw the attention of honourable members to the following Devolution Rule:

"If any question arises, whether any officer is or is not a whole-time servant of Government for the purposes of rule 2, the decision of the Governor-General in Council shall be final."

The Honourable the PRESIDENT: May I inform the honourable the Deputy President that at the instance of the Bengal Legislative Council this very point was referred to the Governor-General in Council and they have decided that the President who is elected by the House and who is removable by the House is a non-official.

Mr. B. G. PAHALAJANI: A similar decision has been arrived at by the Government of India with reference to a case referred to by the Government of Bombay. I am placing these circumstances before the Council in order that the Council may come to a decision after considering them. I am only placing the facts as they stand according to law. And what further influenced the decision of the select committee was the view that the President of the Legislative Council of Bombay should not be placed by circumstances in such a position as to be in the slightest degree open not only to suspicion but even to a whisper of suspicion. It was under these circumstances that this addition was made. It was considered that if the President was not a whole-time president interests might clash, and though the Government Servants' Conduct Rules do not apply to the President yet for the dignity of the House whom he heads, there should not be the slightest whisper or the possibility of a whisper against his strict judicial impartiality. These were the circumstances under which the select committee added these words. Apart from that there is one other circumstance that may be placed before the notice of this Council. In fixing the salary of the President it had to be considered that the whole time taken by the President for legitimate council work is about 5½ months. That is the maximum that under the present circumstances until the Council develops has to be devoted by the President. It was placed before the Committee that the work of the President was only for 5½ months and that it would be extremely cruel on a President;

[Mr. B. G. Pahalajani]

who had only 5½ months to work as President, that he should not be allowed to do any work whatever during the remaining seven months, that he should not engage in his own business and in his own concern. With that may be considered the appeal made by the Honourable the Leader of the House to see whether traditions cannot be built up and conditions observed without putting in a legislative bar.

Mr. N. R. GUNJAL (Poona District) (Addressed the House in Marathi): Sir, I think that the amendment brought by the honourable member Mr. Jayakar, the leader of the Swaraj party, to the bill regarding the president's salary deserves the best consideration of this Council. Though the present President of this honourable House is a nominated President, this Council will have to elect their President very soon. It is the duty of the representatives of the people, Sir, to raise the status of the elected President of a Legislative Council like that of Bombay and to see that his position is on no account lowered. I would have heartily supported any amendment proposed to reduce the salary of the President had he been a European. I hope that the honourable members of all parties assembled in this Council will pass the amendment brought forward by the honourable member Mr. Jayakar, unanimously, taking into consideration the question of self-respect that it involves. Giving expression to this hope, I heartily support the amendment brought by the honourable member Mr. Jayakar.

Mr. S. A. SARDESAI (Bijapur District): Sir, I rise to support the amendment of the honourable the leader of the Swaraj party. In supporting the amendment I have to remark that the words which are so very derogatory should be deleted from this bill in order that it may be acceptable to this House. The dignity and prestige of the Chair appeal to me, Sir, more than the false notions of economy which led the select committee to insert those words. I submit to you, Sir, that it is too much to think of the non-official President of this House as a wholetime servant. I submit, Sir, that if the whole-time condition is imposed men of your experience and ability will in future hesitate to offer their services. With a view to uphold the diginity and prestige of this House we should necessarily delete the words which lay down that he should be a whole-time President of the Council. With these few remarks I beg to support the amendment of the honourable member, the leader of the Swaraj party.

Mr. A. N. SURVE (Bombay City, North): Mr. President, I rise to support the amendment. The point is that if we put restrictions, then it will really be a hardship which we would be imposing upon ourselves. Let me explain myself by bringing to the notice of this House one instance, and that is that generally the high officials are members of the University Senate. According to the wording of this clause the President of the Legislative Council cannot be a member of the Senate. The meaning of the wording is that the President of this House shall be a whole-time officer, and no power is reserved whereby an exemption can be made. I really do not see why the President of this House should not have the privilege of being a member of the Senate of the University. What harm

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will accrue to the Council if he is allowed to be a Fellow of the University? Let us go a step further. Suppose that the President of this House is asked to preside over the educational conference of his own community, why should he not be allowed to do that? Does the bill contain any clause reserving the power of exempting the President from taking part in the affairs of the University or communal educational conference? I think it is in the interests of public institutions that no restrictions of this nature should be imposed upon the future President.

Mr. M. R. JAYAKAR (Bombay University): Sir, I do not wish to make a long speech in addressing my reply to the House. But I just wish to say that I appreciate very deeply the delicate courtesy of the Government in leaving this House to consider and determine this question by themselves. I also appreciate deeply the support which the leaders of the different parties in this House, for example, my honourable non-Brahmin friend to my left, Mr. Surve, have given to my amendment. But, as there are still a few people who oppose my amendment, and as I am particularly anxious that this amendment should be carried with an overwhelming majority, I shall very briefly deal with a few points which have arisen. I shall not take much time. There is a considerable misunderstanding about what I said with regard to maintaining in tact the non-official character of the office of the President. Some of the speakers have interpreted my meaning as if I was for allowing the President to take part in controversial politics of a partizan character, by going about addressing meetings from place to place. That is not what I said. All that I said, and I repeat it once more, was that I was anxious that the non-official character of the president's office should be maintained in its integrity and fulness. I still maintain the view that the President should not be cut off from the quickening influences of public life. I do not want to carry my case further, because it is not necessary. I do not urge that our President should be at liberty to go about and speak on controversial politics and carry on tub-thumping from place to place. That is a matter with which we need not concern ourselves at present. I am sure the good sense of the President will protect us from such a catastrophe. But what I am trying to impress upon those lingering doubters who are still against my amendment, if I may say so without disrespect to them, is that instead of trying to impose this restriction as a matter of law, it would be better for the Council, as the Honourable the Leader of the House has so well pointed out, to allow it to grow up as a convention. Speaking of honourable and self-respectful men, (I think I am rightly assessing human psychology when I say this) certain things, with such men, grow more easily and surely as conventions than as legal obligations. They grow more binding and obligatory as conventions. I hope our presidents will always be such type of men, and that when such conditions are imposed upon them as conventions slowly growing and enforced by public opinion, our presidents will as readily respond, as if they were legal obligations. I am not against the spirit of these restraints. I did not say in my opening speech that I was

[Mr. M. R. Jayakar]

for allowing our President to go about preaching politics from place to place. I am in favour of restraint. I maintain that whoever is our President will allow the Council affairs to have the first call on his time and attention. I do hope that our presidents will always let Council matters receive their first attention: but beyond that, I do not want the House to commit itself at the present moment. We have always the power in our hand of removing a President who breaks this honourable convention. The statute has given us that power and we shall exercise that power if occasion arises; but let us not hang on the head of our President the absurd obligation that he must always be in his chair from 11 to 5—no matter if he sleeps there—but he must be there for all that time. I cannot understand the words "so long as he devotes the whole of his time". What is he going to devote the whole of his time to? To warm the chair? If there is no business, what is he going to do? Is it not better to give him the honourable freedom to devote his time first to Council affairs, to the exclusion of everything else? The instance of the Speaker of the House of Commons was brought in by some honourable members who have spoken, but as the Honourable the Leader of the House pointed out—I am grateful to him for the information—there is a great difference between the position of the Speaker of the House of Commons and our President here. That difference is that the Speaker there need not during his tenure of office take part in any affairs in connection with his constituency, because it is the unwritten convention of English political life that when the Speaker seeks re-election he always gets in unopposed. Are we sure that our future President will receive that courtesy from his competitors in his constituency? Are you sure that any other member of the House will not stand as a competitor? If there are fears entertained in any part of the House, that my amendment is only a device for making it easy for Swarajists to compete for this office, then I may assure the Council that we have no desire to compete for this office under the present circumstances, and there ought to be no apprehension that any rebellious member of my party will get into that office and create difficulties. Are we prepared to give our future President the assurance which the Speaker of the House of Commons receives from his colleagues, that after two years when he goes back to seek re-election, he will not be opposed by any competitor in his constituency?

Mr. JOSEPH BAPTISTA: Try it.

Mr. M. R. JAYAKAR: By all means try to create such a convention, and I will help my honourable friend Mr. Baptista to create such a convention (laughter). But we must realize that in England after several centuries these conventions have grown. I am entirely at one with my honourable friends that the House should aspire to grow such conventions here, but these conventions can arise, as I say once more, only by steady growth, and by our reliance on the human sense of honour. I am a very old-fashioned person and cling to the old world culture, and I believe that such honourable obligations are created sooner and more surely, by allowing them to grow out of the good sense of our colleagues rather than by legal obligations.

The Honourable Sir MAURICE HAYWARD: I have no reply to make.

Question put.

That in clause 2, the words "so long as he devotes the whole of his time to the business of the said Council" occurring at the end be deleted,

and carried.

Clause 2, as amended, ordered to stand part of the bill.

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

The preamble ordered to stand part of the bill.

Third reading.

The Honourable Sir MAURICE HAYWARD: I request you, Sir, to suspend the Rules and to allow me to move that this bill be read a third time.

The Honourable the PRESIDENT: I suspend the rules.

The Honourable Sir MAURICE HAYWARD: I move that this bill be now read a third time.

Bill read a third time.

Question put and agreed to.

The Honourable the PRESIDENT: The bill is read a third time and passed.

## BILL No. XXI OF 1924 (A BILL TO MAKE BETTER PROVISION IN THE CITY OF BOMBAY AND ELSEWHERE IN THE BOMBAY PRESIDENCY TO PREVENT THE ADULTERATION OF ARTICLES OF FOOD AND THE SALE OF SUCH ADULTERATED ARTICLES).

The Honourable the PRESIDENT: Government propose to take Bill No. XXI of 1924 instead of Bill No. XVII at present. I hope honourable members will have no objection.

First reading.

The Honourable Mr. B. V. JADHAV: I move, Sir, that Bill* No. XXI of 1924 (A Bill to make better provision in the City of Bombay and elsewhere in the Bombay Presidency to prevent adulteration of articles of food and the sale of such adulterated articles) be now read a first time.

I need not make any long statement. The questions of adulteration of food and how to prevent it are before every one especially in the bigger cities, because every one knows that it is so very difficult to get pure articles of food, and especially poor people are suffering in health and in other ways. This is not the first piece of legislation on this subject that Government has brought forward. There have been other Acts where this matter has been embodied. As you will see, there is a provision in the City of Bombay Municipal Act, 1888, and in the Bombay Prevention of Adulteration Act, 1899; and the Bombay District Municipal Act, 1901, has also some reference to the subject. So Government have been trying to prevent adulteration of food stuffs, but the vendors of such articles have proved to be too astute and Government think it necessary to add some more provisions to prevent, as far as possible, the adulteration of food and other articles. You will see that the definitions that are given here of "food", "local area" and "local authority" are very simple ones, and especially in regard to the city of Bombay the views

*Vide* Appendix 61.

[Mr. B. V. Jadhav]

of the Bombay municipality have been consulted and many of the powers under the Act are left to the municipality of Bombay.

As has been stated, the bill will first apply to the city of Bombay and then, when necessity arises and circumstances permit, it will be gradually extended to other mofussil towns and mofussil areas. The punishments provided, it will be seen, are simply monetary fines and not imprisonment or any other harsh punishment. Punishment has been provided because the traders practise adulteration for the sake of cheating the public and thus make money, and it is but proper that they should be heavily fined to deter them from committing such offences. So I hope that the first reading of this bill will be accepted by this House.

Question proposed.

Dr. K. E. DADACHANJI (Bombay City, South): Mr. President, there is not the least doubt that there is a great necessity for such a bill. But the question is whether the object for which it is intended will be achieved by passing the bill in its present form. Of course, it was before the corporation and before the committees of the corporation also long ago. I have served for fourteen years on these committees of the corporation, where this question had been discussed several times, but I find, Sir, the question more difficult to be solved. What is done, Sir, in the present bill is some of the sections of the Act of 1899, some sections from the English Act are added, and whether they would be suitable for the city of Bombay or for the whole of the presidency is a question. I must say, Sir, as regards ghee, we have tried all these years to amend the Act to prevent adulteration of ghee in various ways. Still the wily trader is baffling all our efforts; still adulteration is going on. That is as regards ghee. The provision made in the present bill I do not think will meet the purpose. Then as regards milk, that is the staple food of infants, of old people, of sick persons and others. In this case also you will see that notwithstanding all our precautions, inspection, and various other safeguards, milk is being adulterated to a considerable extent. In many of the samples examined by the municipal analysts it is found that milk is adulterated by adding water, and not water of good quality—pipe-water—but dirty water of wells and tanks, and that, too, is done to the extent of 60 per cent. We have got the same standards and tests mentioned in the bill as are to be found in the previous Acts which failed so badly. How are you going to prevent the adulteration of milk? You put the lactometer and see the density of the milk. The wily trader puts in a little bit of sugar-cake (Batasa), jaggery or molasses, and though it contains 60 per cent. it gives the requisite test. Then the question will be raised, Sir, that the quantity of sugar in the milk will be the test for it. But how are we to be sure? They say 7 per. cent sugar should be the standard in the normal seer of milk. But there are, Sir, cows or buffaloes from upcountry whose milk normally contains over 15 per cent. or 20 per cent. of sugar. No good standard or reliable standard can be laid down for even these two things, milk and ghee.

[Dr. K. E. Dadachanji]

How can a municipal or public analyst find it out when various vegetable oils are added to ghee in its preparation ? It is very difficult to find that out. Such adulteration is being carried on in Bombay and with impunity. Nobody can find it out although samples are taken and magistrates cannot punish the traders concerned for one cause or another. That being the case,—and nearly all the old provisions are embodied in this bill,—I do not think the object for which it is intended will ever be achieved. That being so, though I am for such bills, I think there ought to be a very comprehensive bill suitable for our presidency and for the city of Bombay especially. There are some clauses in this bill which I contend, Sir, are not applicable to the local wants of the city of Bombay. They cannot be applied to the city. The circumstances are different here (in the city) and in our presidency, too, the circumstances are altogether different.

It would have been much better if before drafting the present bill, the Government had consulted various bodies in our midst concerned in the matter. That being the case, I have grave doubts, though I am in favour of such a bill, whether it is comprehensive enough to put a stop to the adulteration of articles of food, especially milk and ghee, for which we have been clamouring all these years. If the bill is referred to a select committee to amend, then all these wide changes will be required ; and if that is allowable, I think it will take a better form. But as the bill stands, I must admit that it will be a poor specimen of legislation. The whole thing is included in the Act of 1899, they are trying that in Bombay, and in Calcutta they are trying the English Act, and they have failed, because the conditions are different. I think, Sir, that there ought to be great modifications in the bill in the select committee. If such modifications are not made, I hope that this bill will be withdrawn, and a bill on a more comprehensive basis will be brought forward. That can easily be done, instead of copying two sections from the English Act and three sections from the old and other Acts and making a bill out of them. Let there be a body of persons who have some experience of this thing, and let them put their heads together and frame a bill which will achieve the object for which it is intended.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, this bill was sent by the Government to the Bombay Municipal Corporation, which is vitally concerned with the provisions of this bill. The Corporation referred the bill to a committee, and the committee came to the conclusion that there was nothing objectionable in the bill, and the corporation accordingly replied to Government that they saw no objection to the bill and suggested certain slight modifications. I am glad to find that Government have introduced the bill with those modifications. The honourable member representing Bombay, South (Dr. Dadachanji), was a member of the committee and has signed the report. I wish he had made the suggestions which he has made to-day in the committee, so that we could have embodied them in our recommendations to Government. I beg to support the first reading of the bill.

Mr. R. G. PRADHAN( Nasik District): Sir, I rise to support the first reading of the bill, and I should like to congratulate the Honourable Minister upon his having brought forward such a bill before the Council. There is, however, one point to which I wish to invite attention, and it is this: the bill seeks to prevent the adulteration of foodstuffs, in the first instance, only in the city of Bombay. I do not at all understand why the operation of this bill should not be extended to any of the district towns. The evil, for the prevention of which this bill has been brought forward by the Honourable Minister in charge, exists in district towns no less than in the city of Bombay, and in the district towns the evil is as serious as it is in the city of Bombay,and therefore, an attempt must be made not only to apply it to the city of Bombay but also to district towns. Does the Honourable Minister in charge think, for instance, that the adulteration of milk does not go on in district towns to the same extent as it goes on in the city of Bombay ? This problem of pure and wholesome milk is a very serious one, and it is also an urgent problem. Everywhere there have been complaints that the milk supply is not sufficient and that it is not pure. In my own city of Nasik—and I believe the evil exists in other district towns also—the evil has been going on for several years, and it has been a constant complaint that we do not get good milk even if we are prepared to pay for it. We pay 8 annas per *seer*, one rupee for two *seers* and yet the milk given to us is of very inferior quality. Therefore, the evil, towards the prevention of which this bill is directed, obtains in district towns also, and I would strongly appeal to the Government that this bill should be so amended in the select committee as to make it applicable to district towns as well.

Dr. COSMAS FERNANDEZ: Sir, I welcome this bill, and support its first reading, and in doing so, I would suggest a few additions to the bill. As the honourable member Dr. Dadachanji has pointed out, the question of ghee and milk is a very pointed and important one, and he has also pointed out some of the difficulties connected with that question. I would suggest that in this bill provision should be made to name differently the various kinds of ghee. For instance, ghee prepared from pure milk should be sold as ghee, and if it is imitation ghee, prepared out of fat or vegetable oil, itought to be given a distinct name, preferably some Indian name. If it is sold as imitation ghee, the poor people are cheated, as they do not know what 'imitation' means. They are for the most part ignorant, and therefore there ought to be some special word coined to indicate ghee that contains fat or vegetable oils. At present, these are the three kinds of ghee that are sold in the market. I think that ought to be distinctly provided for in the bill.

Then there is another important point which is not incorporated in the bill, and that is the examination of the articles of food at the sources of entry into a city. Taking the city of Bombay, I think a good deal of this adulteration can be checked, if they are properly examined and passed at the sources of entry, either by sea or rail. If, for instance, ghee was tested at the point of its entry into Bombay, and it was not allowed to come into Bombay unless a sample was examined by an analyst and certified that the ghee was good ghee, it would save a good deal of trouble.

[Dr. Cosmas Fernandez]

Not only ghee, but several other kinds of foodstuffs can be tapped at the sources of entry. If such a provision was made in the bill, I think it would save a lot of difficulty.

Then, as regards milk, I think a solution could be found if a provision was made in this bill that Government would take action on the complaint of any private person. I think no provision is made in this bill to that effect. What happens at present is that the milk inspectors take a sample of milk which is being sold, it is examined, and some of the milk vendors are prosecuted, but our experience is that only a few of them are placed before the magistrate, and the fines inflicted are so small that the man pays the fine on the spot and goes on adulterating milk in the same manner as before. If provision was made in the bill for taking action against a milk vendor by Government on the complaint of a private person, then I think there would be a greater amount of check so far as the adulteration of milk is concerned. I quite see that such a provision will carry with it certain disadvantages as some people may take advantage of this provision to trouble people against whom they may have any grievances, but a solution could be found to avoid it. My suggestions therefore are (1) to give a technical name, preferably an Indian one, to ghee prepared from fat or oil, (2) to make a provision in the bill to check articles of food at the source of entry into the city, *i.e.*, by railways and sea, and (3) to provide for action by Government against a vendor when a private individual gets a sample of food examined and proves that it was adulterated. With these words I heartily support the first reading of the bill.

Mr. L. S. CHAUDHARI (East Khandesh District): Sir, I rise to support this bill. It is a very necessary measure that Government has taken and it will be very good for the public health if this bill is passed into an Act, but the suggestion made by my honourable friend from Nasik is not to the advantage of agriculturists in the mofussil. He complained about the fact that he could not get better quality of milk though he offered 12 annas per seer, but at the same time he forgets that when the agriculturists in summer do not get fodder sufficient for their cattle it goes very difficult for them to maintain their cattle and to supply better quality of milk to these gentlemen. This is a general complaint of pleaders and clerks who have nothing to do with the maintenance of the cattle. They look to their own convenience but they do not consider the inconvenience which agriculturists are put to for want of fodder. Therefore as regards mofussil this measure should not be applied and especially in case of milk. As regards ghee during the days when marriage ceremonies take place hundreds of Marwaris mix ghee from Guntur with ghee of superior quality and get fabulous profits and under these circumstances for the preservation of public health this Act should be applied to such stuffs like ghee. With these remarks I request that the provisions of this Act should not be made equally applicable to the mofussil as soon as the Act is passed, specially in respect of milk.

Rao Saheb D. P. DESAI (Kaira District): Sir, I welcome the principle of this bill, but I am doubtful whether my honourable friends, the

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representatives of the mercantile chambers, will accept it, because in that case their trade will suffer. It is well known that the mercantile community is in the habit of importing tons of cheap deleterious stuff from European countries into this country and that stuff is mixed with our ghee and this process of adulteration in the city of Bombay is a scandalous affair. I have learnt that forty thousand boxes of such stuff are being brought in or imported into the city of Bombay by one of the most prominent European firms of Bombay, and so long as that thing is allowed I am afraid that this bill will remain only a dead letter on the statute book and I suggest to the Honourable Minister first of all that he should take care that no such stuff enters into this country to spoil the pure stuff of our country.

Another point was raised by my honourable friend from Bombay that there is adulteration or introduction of sugar or some other matter into the milk, and from his speech I could gather that the Bombay Municipality is not at all scientifically advanced. The Bombay Municipality, it appears, does not possess that knowledge as to how to test the milk. They, it appears, do not apply the acid test which is very well applied in the mofussil by creameries. The machine costs very little and is very easy for inspectors to carry. If this test is applied adulteration of milk could be detected in no time.

Mr. V. A. DABHOLKAR: What is that test?

Rao Saheb D. P. DESAI: Action of sulphuric acid on milk. If you add sulphuric acid the butter fat in the milk is at once separated and in the tube one can see what is the percentage of fat in the milk. You can ask your milk inspectors to do that. But after all if you apply this Act to Bombay alone I am afraid that will not do; for, the moment you apply it to Bombay what will be the case? The importers whom I named will import those boxes in Bombay and from Bombay they would be exported to the mofussil towns, and factories will grow up in the mofussil towns for adulteration of ghee. Already, I know there are factories in the mofussil to adulterate ghee for the supply of the so-called pure ghee in Bombay. So you will only be diverting this trade of the Bombay merchant to the mofussil. But at the same time I am not of the opinion of the honourable member from Nasik, Mr. Pradhan, who says that in the mofussil towns also milk may be brought under this Act, because many of the mofussil towns are quite free from this evil of adulteration. Of course, I cannot say about pilgrimage centres. There may be few such centres where adulteration is resorted to; but villages and mofussil towns are practically free from this evil.

The bill before us is imperfect so far as it does not apply to Indian conditions. Government have always been in the habit of borrowing sections from English and other foreign enactments. At any rate that has been my experience for the last four years. Our District Local Boards Act is composed of a little of the Municipal Act, and most of the old District Local Boards Act, and hence much of it remains a dead letter.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The honourable member did not make any original suggestion.

Rao Saheb D. P. DESAI: I did in the select committee. Now that an amendment of principle can be freely moved restricting the application of this Act to big cities, towns, at any rate small towns, and villages where there are no chances of adulteration, should not be troubled. There it will work as a hardship. With these remarks I support the first reading of this bill.

Mr. M. D. KARKI (Kanara District): Sir, I support the first reading of this bill. The principles involved in this bill are not objectionable. Though it has been pointed out by the honourable member Dr. Dadachanji that the bill is defective, I personally consider that it is an advance on the existing law as embodied in the various Acts which are mentioned in the schedule B attached to this bill.

Adulteration of food is most objectionable from the point of view of sanitation and health. Now this bill has made it an offence. It was already high time that the adulteration of articles of food was made an offence. The practice of adulteration first obtained in big cities and towns. But that nasty practice did not remain there but gradually spread far and wide. Villages till very recently remained free from this practice and we were getting genuine articles of food. The contagion of adulteration has however spread there also. It has thus become very difficult in these days to get pure milk, ghee and unadulterated articles of food and other commodities either in villages or elsewhere. So, the present bill will be welcomed by people throughout the country and I really congratulate the Honourable Minister for having introduced such a measure.

As regards the provisions in the bill, I do not wish to say much as the bill will have to be referred to the select committee. What I want to impress upon the House is that local bodies such as municipalities and district local boards should be given more power under the Act, because it would make them more responsible for the people in the discharge of their duties. Sanitation, education, health and the like are the subjects to be entrusted to those bodies. More money and more power will make them more responsible with regard to those subjects. The nation building consists in the development and efficient administration of these subjects. The appointment of an analyst rests with the Governor in Council and that power has been given only to the Bombay Corporation. In my opinion such a power should be given to big cities like Ahmedabad, Karachi, Poona, etc.

Then another point I wish to urge is that the right to check the rule-making powers that have been given under the Act to the Local Government should rest with the legislature and the executive government should not be allowed to be its own master in this respect.

In conclusion I wish to say that the working of this measure should not in any way encroach upon the existing revenue of the State. The provisions

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seem to be salutary and harmless, as has been the case with many other Acts, but by the machinery that will be created to work this bill when passed into Act, it should not be made to become a burden on the people. Our past experience shows that the working of the small Acts like the one in question has taken more of our revenue leaving no money sufficient for developing education in the country which is the necessity of the time. I submit, therefore, that the establishment that will be appointed to work this Act should be made self-supporting and at the same time I suggest that this should not be made a source of revenue as has been done in the Department of Registration. It is in the interest of the masses that I plead both ways. The salutary provisions of this bill will, I hope, be so worked as to become beneficial to the people. With these remarks I support the first reading of the bill.

Mr. S. K. BOLE: I rise to support the first reading of the bill. I know there are many factories for manufacturing ghee out of animal fat and that ghee is sold in the market as imitation ghee. I think that should not be allowed, because poor people are not in a position to distinguish between real ghee and imitation ghee. Besides, it is well known that there is another kind of artificial ghee that is imported from Europe under the name of Vegetable Ghee. I do not know the composition of that ghee, but it is sold in large quantity in Bombay. If it is injurious to health, that too should be prevented from being sold. Then in the case of sweet oil, that also is mixed with some mineral oil which is injurious to health, and sold in large quantities. That also should be prevented. But the punishment provided under this Act cannot meet such cases. I know that contraband meat is imported into Bombay and sold in large quantities. The only punishment provided is fine. These meat sellers employ low caste women, and when fine is inflicted on the women who smuggle the meat, their employers pay their fine and go scot-free. And that should not be allowed. The punishment of imprisonment is required in such cases. If imprisonment is introduced, then that will go to prevent such adulteration. With these words, I support the first reading of the bill.

Mr. S. T. KAMBLI (Dharwar District): I rise, Sir, to support the first reading of the bill. I am in full sympathy with the aims and objects of the bill. The principles underlying the provisions of the bill are of far-reaching consequences inasmuch as they aim at securing unadulterated, healthy and harmless food to the inhabitants of this presidency. Sir, the bill penalises the mixing of injurious ingredients with articles of food and also the sale or manufacture of food stuffs not corresponding to the nature, substance or quality agreed to be sold or manufactured. These provisions, if worked out in the right spirit, are bound to prove a great blessing to the people. The appointment of a public analyst is a step in the right direction, as also the appointment of inspectors. Sir, there is, however, one danger, and I hope special care will be taken to avoid that danger, and it is this: the inspectors who are to be appointed under the provisions of the Act are likely to be inquisitorial and instead

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of proving a blessing to the people might prove a real curse to the country. So I hope that the select committee to which I am sure this bill will be committed will take proper care to see that sufficient safeguards are provided to prevent these inspectors from becoming inquisitorial and from proving a curse instead of a blessing to the people. Sir, I find that under section 142 of the District Municipal Act there are certain powers conferred upon the president, vice-president and other responsible officers to enter upon any premises and seize any objectionable or harmful articles of food and destroy them. These powers have been carefully and satisfactorily exercised until now, and I do not see any reason why these powers are sought to be taken away by the provisions of this bill. I hope the select committee will also see its way to retain the provisions of section 142 of the District Municipal Act. The bill is silent in one respect, and it is this. The power of appointment of inspectors is given to local authorities, but the bill is silent as to the power of control over the inspecting staff. I hope this point will also be made clear in the select committee. With these words I support the first reading of the bill.

Mr. D. R. PATIL (East Khandesh District): Mr. President, I rise heartily to support the first reading of this bill. The object of the bill is very clear: it is to make better provision in the city of Bombay and elsewhere in the Bombay Presidency to prevent the adulteration of articles of food and the sale of adulterated articles. Now, Sir, even from the speeches of various speakers we can find that the grievances about the adulteration evil are there and the necessity is felt to remove those grievances. About those two points there are no two opinions. Now, Sir, the adulteration evil in the mofussil is so very great that I think this bill must be made applicable to the mofussil as well. In villages it is our experience that milk-sellers are dictators, and milk-purchasers are at the mercy of milk-sellers. They can add more water and can demand any price. I think this ought to be stopped and sufficient checks should be placed on them so that milk-purchasers will get good milk. Of course there might be certain defects which can be remedied by the select committee. So far as the aim of the bill is concerned, I think everybody is bound to admire it. Therefore, I support the first reading of the bill.

Mr. K. F. NARIMAN (Bombay City, South): I do not think, Sir, that anybody would question the sound principle of this bill. Every one desires that we should have pure articles of food or drink. But as the honourable member for Bombay City (South) pointed out, it is extremely doubtful whether the remedy proposed is likely to meet the evil with which we are faced. We have got an instance in the city of Bombay where a legislation of this nature instead of either improving the supply or making it cheaper, has made it both dearer and worse. I make reference to the milk supply of Bombay. After a great deal of agitation and deliberation the Bombay municipality decided that there ought to be severe restrictions upon the sale of milk in Bombay in order to prevent adulteration, and with that view they framed very strict rules that no milk should

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be sold in the city of Bombay without a license, and these licenses imposed very strict conditions. The result is to-day, after the working of those restrictions, we find not only that the milk supply has gone much worse and there is greater adulteration than there used to be before the license system was introduced, but also the milk has gone dearer than before. When we look at this problem a little more deeply and get below the surface we find what is the reason of the milk supply getting dearer and poorer in quality as my honourable friend has put it. The reason detected so far is that these poor licensees, besides the legalised license fees they have got to pay to the authorities, have also to pay several other persons connected with the department. This increases their monthly expenditure and in order to meet that increased expenditure they have got to adulterate the milk and sell it dearer. Now, Sir, I want to know whether this Act is going to provide for all these measures which are going to prevent adulteration, or whether it is going to provide so many facilities and opportunities to the local departments and others to increase their own income. I do ask the House to consider this question very seriously, because if this Act is to be worked by high responsible officials, I have not the least doubt that the aims and objects of the Act would be maintained, and I am sure it would result in much good; but we must remember, Sir, that the ultimate working of the Act is to be left either to the sanitary inspectors or sub-inspectors. Then consider the amount of power and discretion given to them under each and every one of these sections.

I also want the House to consider the clause about the appointment of inspectors. I do not know what the qualification is going to be of the inspector who is going to decide whether the addition of any powder to a particular food is going to improve that food or to make it worse, is going to add to its weight or to its quality or is going to make it more injurious. I want to know how that inspector is going to decide. The seller may maintain that he thinks it will improve the quality of the food and that if it is adulterated he thinks the food will become better in taste and not in the least injurious to health. The sanitary inspector will maintain that in his opinion the powder is injurious to the quality of the food and that it will affect it. In a case of this nature—several cases of this nature are likely to arise—how is the poor inspector going to decide; how is the poor seller going to decide? Besides, as regards the working of such measures, I may point out that serious scandals existed in the city of Bombay some time ago with respect to the disposal of surplus Government stores, and I want the House to consider how even a wholesome power sound in principle, is likely to be abused. What I am afraid of is that this measure will work hardly and harshly upon the poor traders and that it will not affect the larger importers and larger commercial concerns. The instance I want to give is that of the Government Surplus Stores of Bombay. Some time ago the Surplus Stores were selling off large stores and stocks of provisions of all kinds wholesale to poor merchants in the city of Bombay either by auction or by private sale. It was then discovered that this large stock of provisions and stores was in such a rotten and such an injurious condition that if consumed by

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ordinary consumers it would not only result in injury to health but it would prove absolutely fatal. Still, somehow or other the provisions of the City of Bombay Municipal Act were not made applicable to these stores so long as they remained in the Surplus Stores, but immediately they were taken over by private merchants either by auction or private sale, the municipal law was made applicable to these self-same stores and provisions which were seized and destroyed almost on the very next day. The merchants raised a hue and cry about it in order that they might not be put to so much loss. The municipality thereupon passed a resolution in the corporation to the effect that the stores inside the godowns of the Surplus Stores should also be examined and it was discovered that a large amount of stores and provisions—thousands of things—were found to be in a condition absolutely dangerous to public consumption. If this Act is going to be administered similarly, then I fear that the larger consumers, the importers and commercial firms will be exonerated, as the Government Stores themselves, and the smaller merchants and traders will be brought into considerable trouble by the harsh working of this Act. Therefore, when we have got an experience of this nature, when we see that as a result of the restriction of the milk supply in Bombay, it has resulted in making the milk worse and dearer, when we see that provisions of the municipal law are not made applicable to the larger stores and larger commercial firms but that they are made applicable only to the poorer class of persons, then one naturally feels apprehensive particularly when power is to be given to lower subordinate officers like sanitary inspectors and others.

In the case of the last bill we were vehemently fighting against the right of private individuals to observe privacy so far as their own homes are concerned. Look at clause 17 of this bill. You find that the inspector is given power to enter the private house of any person who is suspected of adulterating food for public sale or for consumption. This is another power which the select committee will have to very carefully scrutinise and very carefully scan, because we must remember that a kitchen is a sacred place where a female member of the household is usually working preparing food; at such an hour when this clause gives power to an inspector to enter the kitchen in order to see whether the food prepared there contains any articles which he suspects to possess injurious adulteration, it is a danger which we ought to guard against. I admit that there ought to be some power given to the inspector, as otherwise the objects of these provisions may not be effected, but at the same time we must see that so far as privacy of homes is concerned and so far as other matters inside the domestic boundaries are concerned, they are not violated unnecessarily. The inspector is again protected by another clause which provides that if he does anything under this Act he shall not be liable to any penalty. That is also natural. But one thing that strikes me as rather surprising in this bill is that the power of making rules is left to Government in consultation with the city of Bombay municipality under clause 19, whereas in the case of the last bill Government put forward such

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a stiff fight over this power of making rules. When the Government has no objection to give such a power to a body like the Bombay Municipal Corporation, I could not understand what was the objection of Government to consult a more important body like this Legislative Council. Whenever it suits Government, they can make it convenient to get over the difficulties and inconveniences. It was argued yesterday only or the day before that it was impossible to administer any Act if this power to make rules was not vested in the executive Government alone, if there is any outside interference, but the very next day of that Government itself concedes that the rules shall be made in consultation with the Municipal Corporation of the city of Bombay. I do not know if the Honourable the General Member is here, but I hope he will be able to explain the Government position better, but as I said it all depends on how it suits Government. When they wish to concede any demands made by the popular party, they can do it and whenever they do not wish to concede them, they can find a number of arguments to oppose them.

With these words, I hope the select committee will very carefully consider every one of the clauses very much more carefully than they considered the Children Protection Bill, so that all the dangerous provisions will be removed and only the wholesome provisions will remain.

Mr. V. A. DABHOLKAR : Sir, I rise to support the first reading of the bill and in doing so I wish to associate myself with the remarks which have fallen from the honourable member who preceded me. I should like to point out, in order to make the position of the Bombay Municipal Corporation clear as far as the question of the laboratory is concerned, that so far the Corporation in their committee's report have agreed to this legislation—perhaps the first lead may have been taken by the Bombay Corporation—but so far as sub-clause (2) of clause 6 is concerned which reads "The Corporation of the City of Bombay may appoint any such person to be a public analyst for the purpose of the Act for the city of Bombay", the Corporation had no idea how much it would cost to fit up a laboratory for the testing of such stores and such stuffs which may be adulterated. The Bombay Municipal Corporation have of course a small laboratory but if the Bombay Corporation is to be held responsible for analysing all the foodstuffs that may come from the Presidency, I think the Corporation would object to that, and therefore I hope the select committee will make some provisions to consult the Bombay Municipal Corporation as regards their responsibility for analysing foodstuffs that come from all over the presidency. Just now my honourable friend from Kaira said that some acid test must be applied to the milk and other food sold in Bombay, and in reply to the charge that adulteration goes on more in the city of Bombay than in the mofussil, my answer is this, that articles of food sold in Bombay are not all produced in Bombay, but the majority comes from the mofussil, and the Bombay Municipal Corporation have in a good many cases found that deterioration

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takes place in such parts of the city as are remote from the city. For instance, take the milk supply. It comes mainly from Gujarat and Kalyan, though I do not deny that adulteration does not take place so far as the milk supply is concerned in the city of Bombay. We have found that great adulteration takes place in the trains and it was brought to the notice of the Bombay Municipal Corporation that the milk sellers, while importing milk from Kalyan and other stations, mix water in the trains and at the stations and we had to put inspectors on special duty at several stations to see in what condition milk was brought into Bombay. Sir, in regard to appointing this committee, I should like further to say that my second answer to the question of the honourable member from Kaira will be this: Why should the Bombay Corporation be penalised with the cost of testing all the food-stuffs coming from all over the presidency, and why should not the sellers of such food-stuffs in the city which come from other parts of the presidency be held responsible? Because a trader holds stocks in the city and because he has got a shop in Bombay, are you going to insist that all those articles should be analysed in the municipal laboratory? I understand that a laboratory to provide all this testing and analysing would cost not less than Rs. 16,00,000. When this report was submitted by the corporation in 1923, at that time we had no retrenchment officer in the corporation. Now a retrenchment officer is sitting in the municipal office and a good many cuts have been made on his recommendations. While the corporation will not grudge to contribute its legitimate share for carrying out the provisions of such a bill, is it right that such a burden of making laboratory arrangements costing something like Rs. 16,00,000 should be thrown on the corporation? Bombay has got another laboratory belonging to Government. Under these circumstances, why should not these articles of food be sent to that laboratory as far as articles from up-country or outside the city are concerned? Why should not these also be examined by the Government analysts in the Government laboratory in preference to the municipal laboratory? When the corporation realising the necessity for retrenchment has made retrenchments, on the recommendation of the retrenchment officer, in every direction, even including the Health Department, I think this will come to the notice of the corporation and then the corporation will have to say something as far as the question of the analysis is concerned. Our analysis—the municipal analysis—is only meant for the examination of urine, water and milk and not food-stuffs. For that, we shall have to bring in an expert on Rs. 2,000 a month at least. So I think some provision should be made in the select committee as regards the examination or acid test as was put forward by my honourable friend from Kaira, or Government should undertake the responsibility of sending such adulterated food-stuffs to some other laboratory in addition to the municipal laboratory. With these words I support the first reading of the bill.

Mr. C. M. SAPTARSHI (Ahmednagar District): Mr. President, I was unable to understand from the speech of the honourable member from

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West Khandesh how he could say the interests of the agriculturists would be affected by clause 3. I do not understand how he finds the interests of agriculturists in the mofussil are affected in this matter, because I think, Sir, that the most important food in the mofussil of the poor classes as well as the middle classes is milk itself, and if this Act is intended for the prevention of adulteration of food-stuffs, the first food which requires to be protected against adulteration is milk itself. From that point of view I submit that not only must we guard against the mixing of milk with water, but we must make the mere adulteration of milk an offence. I see, Sir, from clauses 3 and 4, and from the statement of objects and reasons, that only when an article of food has been mixed with such stuff as makes it injurious to health, then and then only the act is made an offence under this Act. But we find that as a matter of fact if milk is mixed with water, its nourishing power is reduced. Besides, the water used for mixing may be infected with microbes that may or may not be injurious. Therefore, we must make the mere adulteration of water an offence under this Act and I hope the select committee will take this point into consideration, because if there is mere adulteration of milk with water, then it may not be sufficient under this particular clause to make it an offence and therefore we ought to see, Sir, that if we make the adulteration of milk with water an offence, it will be really protecting the lives of the people in the mofussil. It is highly necessary that this Act should be extended not only to the city of Bombay, but also to the mofussil. I do not see, Sir, that the interests of the agriculturists will suffer by any provisions in this particular Act. In clause 4, sub-clause (2) (*b*) (ii), the following words appear:

'any article of food is composed of any matter or ingredients not injurious to health."

The Honourable Mr. B. V. JADHAV: I wish to draw the honourable member's attention to the warranty involved in clause 4.

Mr. C. M. SAPTARSHI: I submit, Sir, the clause is so vaguely worded that I do not know whether the mixing of water with milk will be considered an offence under it. I am glad the Honourable Minister realises the importance of what I say. My only point in suggesting this is that the mere mixing of water with milk ought to be made an offence under the proposed Act.

Now, Sir, there is another point which I want to submit. The honourable member Dr. Cosmas Fernandez has made a very valuable suggestion in connection with this bill, that the articles of food should be checked at their source. We realise that a lot of the articles of food which are consumed in the mofussil come from places such as Guntur and it is at those places that articles are adulterated. Therefore the articles should be checked at their source itself as to their quality and I hope a provision will be made in the bill to check these articles where they are put up in the first instance. If that provision is made to check the articles at the very source in such important places, as a matter of fact, where they are manufactured, where ghee and other important articles come from, if we check them at the very source.....

Dr. COSMAS FERNANDEZ: I would like to explain, Sir, that I meant that these articles of food should be checked while entering into the city of Bombay. I referred in my remarks to the city of Bombay and stated that when articles of food are received in Bombay by railway or sea, samples should be taken out of them and sent to the analyst, and if he says they are all right, they should then be distributed to the merchants. It can be done. It is being done in several other cases. If the suggestion is to check these articles at their source of manufacture so much the better.

Mr. C. M. SAPTARSHI: My object, Sir, is only to bring to the attention of the select committee that will be appointed that such important articles of food ought to be checked at their source. With these words, Sir, I beg to support the first reading of the bill.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Mr. President, I want to make only one remark. Here in clause 4 (2) (*b*) (i) it has been stated:

"Where any matter or ingredient not injurious to health has been added to or mixed with or abstracted from any article of food."

Now, if the most important ingredient of which milk is composed, namely, cream, is separated from milk, then it certainly will not become an offence according to clause 4 (2) because such people who separate the ingredients from the substances are protected by that clause. The mixing of milk with water may be prevalent in Bombay, but on our side that has practically disappeared. But another deplorable trade, namely, that of selling milk from which cream is separated, is in vogue in Gujarat. There are many dairy companies outside in the villages, and there cream is separated from the milk, and separated milk is being sold in very large quantities in Ahmedabad, and that is a source of great danger to the health of especially little children. The parents think that they give good milk to the children, but the milk does not contain the necessary ingredients of nutrition, with the result that the children do not get sufficient nourishment, and there is heavy child mortality, and to prevent this—milk being an important article of diet especially so far as Hindus are concerned—it must be specifically provided in this Act that the selling of separated milk as pure milk will be considered to be an offence. Also, whenever any preparations made of milk are offered for sale, they are mixed with arrowroot flour, particularly in the case of the preparation called *Mava* and *Basundi*; and this also must be prevented, and for that special provision must be made in the bill. Especially the mixing of ghee with fat must be put a stop to. Ghee is mixed with fat in places like Hathras in Northern India, it is then packed up and actually sold in large quantities. So, all these provisions must be introduced in the bill. Of course, some of the provisions may not be palatable to certain classes of people, but the State has to interfere in cases of vital importance to the public, for instance, in the case of articles of food. Consequently, if this Act is passed with proper precautions and after extending its scope, I think it would be a good thing. With these words, I support the first reading of the bill.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I have very little to add except this, that the bill, if read as a whole, contains only two clauses in excess of the provisions that already exist in sections 142 of the District Municipal Act and 417 of the Bombay City Municipal Act. While supporting the first reading of the bill, I wish to say that if the principle on which it is based is accepted, and no enlargement is allowed in the select committee, it will be no improvement whatever on the existnig provisions except giving power to refer an article to the chemical analyst, or to compel the seller of an adulterated article to sell it as such. There are no other extra clauses in this bill which do not already appear in the two Acts, namely, the District Municipal Act and the City of Bombay Municipal Act. Therefore, I would urge that if the principle of the bill is to be confined to what is stated in this bill, then we may as well ask Government to frame a new bill, with enlarged provisions, to check the greater evils that have been mentioned here today. I would respectfully enquire of the Honourable Member in charge whether he is prepared to give the select committee an opportunity to make further provision for checking the evils arising out of adulteration, other than those that are mentioned in the bill. I may bring to the notice of the Honourable Member in charge that even the word 'adulteration' itself is not defined in the bill. If it has the same meaning as in the Adulteration Act of 1899, then we have not moved an inch further than where we are now, because "adulteration" is defined thus: "an article is said to be adulterated if it contains any substance other than what it represents itself to be." That is the only definition, which is no definition so far as milk and ghee are concerned. The courts, following the definition contained in the Act, do not convict when adulterated ghee is sold as adulterated ghee. The reason why the present provisions in the existing Acts are not put into action is simply because they are too narrow. The same narrow provisions have been repeated here. Therefore, unless the Honourable Member in charge gives an opportunity to the select committee to enlarge the number of evils to which we are subject, and to devise measures to prevent those evils, this bill will be of little use. I think the House is entitled to a declaration of the policy of Government so far as the select committee is concerned, in order that the select committee may do some effective work in adding to the evils for the removal of which this bill is intended.

The Honourable Mr. B. V. JADHAV: Sir, I must thank the honourable members of this House for the warm reception they have given to the first reading of this bill. This bill, as has been amply acknowledged, is a very necessary piece of legislation, and the evil of adulteration is being carried on both in the city of Bombay and in the mofussil on an alarming scale. It is very difficult, as has been pointed out, to prevent these evils simply by legislation, and legislation, to a certain extent, interferes with individual liberty. But those who are living in society have to allow their liberty to be circumscribed in the interest of the general populace, and therefore such legislation is to be tolerated, as it is intended to improve the condition and the amenities of life of the whole society.

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Government never claimed that the bill was a perfect one. Government consulted the municipality for the city of Bombay, which is primarily interested in this piece of legislation, and have largely availed themselves of the suggestions that were put forward. Honourable members will note that the municipality of Bombay has been given certain powers in making rules and in appointing their analyst, and also some other powers as this piece of legislation is primarily intended for the people, whose welfare is in the custody of local elected bodies such as the municipalities and local boards. Government may assure this House that the extension of this Act will generally be done in consultation with the public.

As for the point raised by the honourable member for Western Sind (Mr. Pahalajani), I think that the chief principle of this piece of legislation is simply the prevention of adulteration and the protection of the public from adulterated articles of food. I do not think that any amendment suggested for this purpose will be outside the scope of this bill. Whether the articles should be analysed in Bombay or at Parel or at some other place, is a matter for the authorities that will have the work of putting the working of this Act into operation to decide, and therefore I do not think I need say anything about it. The evil has been recognised, and it is in the interest of society and the public that the evil should be guarded against as far as possible. Government intend, for the present, to extend this Act to the city of Bombay alone, and if the local bodies of the other big cities and of the other districts come forward and apply to Government for the extension of this bill within their area, then Government will sympathetically consider that question. At present there is no intention of forcing this legislation on rural areas or even on other urban areas. I think that will be entirely left to those local bodies to propose, and to my honourable friends from Nasik and other pilgrim centres who are primarily interested in ghee and milk, I may say that they should get their municipalities to apply for the application of this Act. I have nothing further to add and I assure this House that the select committee will be sufficiently representative and will render very valuable help to Government in amending this bill.

Bill read a first time. Question put and carried.

The Honourable Mr. B. V. JADHAV: Sir, I propose that the bill be referred to a select committee consisting of 9 members and 5 to form quorum.

Question proposed.

Mr. HOOSENALLY M. RAHIMTOOLA: Who are the 9 members?

The Honourable the PRESIDENT: The procedure that is adopted on this occasion is that the number is first fixed and then the names are proposed. That is one form. The other form is that without fixing the number the names are simply proposed.

Mr. L. B. BHOPATKAR: Can the number be brought down?

The Honourable the PRESIDENT: Certainly, on the present occasion you can move either that the number should be increased or reduced.

Mr. P. G. JOSHI: Sir, I propose that the number should be increased to 15 and that seven should form the quorum.

The Honourable the PRESIDENT: Amendment proposed that the bill be referred to a select committee of 15, 7 to form a quorum.

The Honourable Mr. B. V. JADHAV: I accept the amendment.

Question put and the motion was allowed to be amended accordingly.

Question again proposed that the select committee do consist of 15 members, 7 to form quorum, and carried.

The Honourable Mr. B. V. JADHAV: Sir, I propose that the following 15 members should form the select committee:—

Mr. Lalji Naranji, Mr. Hoosenally M. Rahimtoola, Mr. D. R. Patil, Mr. M. D. Karki, Mr. Punjabhai Thakersi, Mr. G. A. Thomas, Dr. K. E. Dadachanji, Dr. Cosmas Fernandez, Rao Bahadur D. P. Desai, Dr. M. K. Dixit, Mr. K. F. Nariman, Dr. M. M. Mehta, Mr. S. T. Kambli, Mr. Mahomed Ayub Shah Mahomed Khuhro, Mr. L. S. Chaudhari, and myself.

Question proposed.

Mr. G. B. PRADHAN: Sir, I propose that Mr. V. A. Dabholkar be substituted for Mr. K. F. Nariman who I understand wishes to withdraw.

Mr. B. V. JADHAV: I accept the amendment.

Question put and leave granted.

Bill referred to Select Committee.

Question again put that the select committee do consist of the following members:—

Mr. Lalji Naranji, Mr. Hoosenally M. Rahimtoola, Mr. D. R. Patil, Mr. M. D. Karki, Mr. Punjabhai Thakersi, Mr. G. A. Thomas, Dr. K. E. Dadachanji, Dr. Cosmas Fernandez, Rao Saheb D. P. Desai, Dr. M. K. Dixit, Mr. V. A. Dabholkar, Dr. M. M. Mehta, Mr. S. T. Kambli, Mr. Mahomed Ayub Shah Mahamed Khuhro, Mr. L. S. Chaudhari, and the Honourable Minister in charge, and carried.

## BILL No. XVII OF 1924 (A BILL FURTHER TO AMEND THE BOMBAY SMOKE-NUISANCES ACT, 1912.)

The Honourable Mr. COWASJI JEHANGIR: Mr. President, I beg to move the first reading of *Bill No. XVII of 1924. By this bill Government propose to amend only one section of the Smoke-nuisances Act, *i.e.*, section 12. The section at present runs as follows:—

"A Magistrate may take cognizance of an offence against this Act only:

(*a*) upon a complaint made by, or with the written authority of, the Chief Inspector, and....."

Government desire to amend the section by leaving out the words "or with the written authority of the Chief Inspector" and by inserting the words "an inspector with the previous sanction of the commission or of a sub-committee appointed by the commission". I may point out to honourable members that at present Government under section (4) have to appoint a commission. If the Act is extended to any other parts of the presidency other than Bombay, this commission has power to appoint

*Vide Appendix 82.

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sub-committees for such cities. The Act at present has been extended to Karachi and Ahmedabad and the commission have appointed sub-committees from amongst themselves for those two cities. Under the existing Act every time a prosecution is instituted, it is not necessary to get the previous sanction of the sub-committee in those places. The inspector in those places must get the written authority of the chief inspector who has got his headquarters in Bombay. This is inconvenient and requires amendment. Under the rules made under the Act the inspector cannot prosecute anybody without the previous sanction of the sub-committee. In the amending bill I have inserted certain words which make it incumbent upon the inspector under the Act to get the previous sanction of the commission or the sub-committee. Therefore we are not by any means giving any further powers to either the chief inspector or to any inspector. As a matter of fact we are to a certain extent restricting his powers by legislation. In the original Act there is no provision whereby an inspector or Chief Inspector is compelled to get the previous sanction of the commission or sub-committees. That was done by rules. While amending this Act I have inserted a few extra words which make it incumbent upon the inspector or chief inspector to to get that sanction. So, instead of extending the powers of either the chief inspector or inspector, we are practically making it incumbent upon him to go before the commission or sub-committees and get their sanction before he wants to institute a prosecution. I hope honourable members will realise that it is a matter of administrative convenience and does not give further power to inspectors. This will strengthen the hands of the commission or sub-committee, which is appointed under section 4 of the Act.

Mr. G. I. PATEL: What is the composition of the commission?

The Honourable Mr. COWASJI JEHANGIR: The commission consists of the Collector of the place, a representative of the Millowners' Association, a representative of the municipality and two nominees of Government. As a matter of fact it is a representative body in which all interested in the question of smoke nuisance are well represented. Under these circumstances, Mr. President, I have to request the House to pass the first reading. I propose to move the second and third readings of the bill to-day as this matter is so simple that it does not deserve any consideration by a select committee.

Mr. G. I. PATEL (Ahmedabad Millowners' Association): Sir, I would have much desired the Honourable the General Member to have given the history of smoke nuisance in order to enlighten the members of this honourable House on the subject and to enable them to understand the nature of the power that is being demanded by this amending bill. I may be permitted to say that in order that the density of the smoke issuing from the chimneys of industrial concerns may not be very high this Act has come into operation. This Act has now been extended to mofussil also. While the Honourable the General Member stated as a justification for this amending bill that it was a matter of administrative

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convenience he has forgotten to mention the inconvenience caused to the industrialists on this account. I may point out to honourable members that the Government have reduced the freight on coal from the Central Provinces by 20 per cent., while the rate between Bengal and the mofussil continues the same. In India for the mofussil the only coal available is not the coal imported from South Africa or England.

The Honourable the PRESIDENT: What has it got to do with this bill? The amending bill simply proposes to transfer the authority now vested in the Chief Inspector to certain other authorities in Ahmedabad and Karachi, whose written permission is required before a prosecution can be instituted. That is a matter of executive convenience and has got nothing to do with the principle as to whether smoke nuisance is an offence or not. That is not within the scope of the amending bill. You were arguing that inferior Indian coal was used and therefore smoke was produced. That is what I understood you to say. I shall give you an opportunity to explain how your remarks are relevant.

Mr. G. I. PATEL: I wanted to explain very clearly under what circumstances these powers are to be used. These powers are going to be delegated to the sub-committees and the commission. The majority of members on these committees are such that they are not likely to take into consideration the special features which obtain in the mofussil and the different factors that are peculiar to those places. By way of illustration I wanted to say that as the freight rate from the Central Provinces has been reduced by 20 per cent. and the same rate continues from Bengal to mofussil, it is always possible to import inferior coal and hence it is likely that there will be more offences. Therefore, this power should be vested in such persons or body who will take into consideration the special features of a place.....

The Honourable the PRESIDENT: The honourable member does not seem to realise that under the main Act smoke of a certain density is an offence. This bill has nothing to do with what constitutes an offence. This bill is simply concerned with an executive arrangement. Therefore the merits of the case cannot arise in regard to the principal Act which creates certain offences and provides certain punishment. Therefore you cannot say that any consideration of the kind you are urging should be considered. The honourable member's remedy would be to bring an amending bill amending the principle underlying the principal Act in order to provide a different basis for constituting an offence. So far as the bill before the House is concerned, it is relevant to say that the sub-committee or commission is unsatisfactory and that we do not want to entrust this power to them; and then the honourable member's remedy would be to suggest some other authority in lieu of the chief inspector, or to say he is opposed to the bill because the chief inspector is the right authority and we do not wish to take it away from him and give it to somebody else. That is the line of argument that the honourable member can relevantly take on the present motion.

Mr. G. I. PATEL: Under these circumstances I want to say that the representation on the sub-committees or the commission should be enlarged before these powers are delegated to them. Wider representation should be given to all interests concerned, in order that there may be balance of opinion in the sub-committee. In that case only I agree to give them these wider powers. Therefore, I would appeal to the Honourable the General Member to enlarge the representation by adding some new members from the public life on these sub-committees.

The Honourable Mr. COWASJI JEHANGIR: Mr. President, at first I thought that my honourable friend the representative of the Ahmedabad Millowners' Association was pleading for the repeal of this Act to enable his mills to emit as much black smoke as they liked. But, Sir, on your pointing out to him that the Act was an accomplished fact and that he was not to be allowed to emit black smoke to his heart's content, he came to a point which I can deal with. Under section 4 of the present Act Government have to appoint a commission, and they constitute the commission as they think best in the interests of the city and the province. If my honourable friend has any suggestions to make in order to remove any defects in the constitution of the commission, let him give me those suggestions and I will give them my sympathetic consideration. But that has nothing to do with the amending bill. My honourable friend's point is quite another point, which he might have brought forward as a resolution or in any other way. But since he has mentioned it here I shall say, I will be very pleased to consider any suggestions he has to make as to the constitution of the commission. I have nothing further to say. The amendment practically places the power of giving sanction to prosecutions in the hands of this commission, which is far better than allowing it to remain in the hands of inspectors or the chief inspector. I think it is really an improvement in that direction and we thought that it ought to meet with the cordial support of my honourable friend.

Mr. G. I. PATEL: May I make some suggestions?

The Honourable the PRESIDENT: The Honourable the General Member has replied. The honourable member for the Ahmedabad Millowners' Association can make his suggestions when the Honourable the General Member moves the next stage of the bill.

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

The Honourable the PRESIDENT: The honourable member Mr. Patel's opportunity will come now when the Honourable the General Member either moves that this bill be referred to a select committee or that this bill be read a second time. When that motion is put before the House, then the honourable member can raise his point.

The Honourable Mr. COWASJI JEHANGIR: I beg to move, Sir, that

**Second reading.** the bill be read a second time.

Question proposed.

The Honourable the PRESIDENT: Now, the honourable member Mr. Patel has got the option of asking questions in the course of his

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speech or of moving in the alternative that the bill be referred to a select committee.

Mr. G. I. PATEL: Sir, I want to ask if the Honourable the General Member would be prepared to add one member from the legal profession or the Ahmedabad bar and one more member from the Ahmedabad Millowners' Association.

The Honourable Mr. COWASJI JEHANGIR: Sir, I rise to a point of order. This has nothing to do with the bill. Under section 4 of the Act Government have to appoint a commission. My honourable friend wants to add one or two members to that commission. That is quite a different point.

The Honourable the PRESIDENT: As I understand it—I will ask the Honourable the General Member to correct me if I am wrong—as I understand it, it is not only a commission that is being given this power but also a sub-committee appointed by the commission. If the sub-committee is part of the commission, then the Honourable the General Member is quite right.

The Honourable Mr. COWASJI JEHANGIR: It is a part of the commission.

The Honourable the PRESIDENT: Then the explanation is perfectly satisfactory, and the honourable member cannot move anything unless he wishes to introduce an amending bill amending the principal Act for reconstituting the commission which is appointed under it.

The Honourable Mr. COWASJI JEHANGIR: Under section 4 of the Act, "Government shall by notification in the *Bombay Government Gazette* constitute a commission to be called the Bombay Smoke-nuisances Commission to supervise and control the working of the Act". Under this section Government have to appoint a Smoke-nuisances Commission. My honourable friend wants Government to add one more member to that commission. I shall be pleased to consider the suggestion if he puts it forward as a resolution.....

The Honourable the PRESIDENT: But the honourable member is entitled to say that he will withdraw his opposition to this bill, if his suggestion is accepted. He is entitled to oppose the second reading of the bill, and to appeal to the House that the second reading should be rejected if his suggestion is not accepted. He is entitled to say that. If Government give him the assurance that they will adopt his suggestion and that they will add one or two members to this commission, which they can do by executive authority, then he will not press his opposition to the second reading. I think he is perfectly right.

Mr. G. I. PATEL: Sir, under these circumstances, I beg to move an amendment that the bill be referred to a select committee consisting of the following members; namely, Mr. Lalji Naranji, Mr. W. S. Mukadam, Mr. H. H. Narielvala and myself.

The Honourable the PRESIDENT: Without the Member in charge?

Mr. G. I. PATEL: The Member in charge is already an *ex-officio* member.

The Honourable the PRESIDENT: How many to form a quorum and to report within what time?

Mr. G. I. PATEL: Three to form a quorum and to report within two months.

Question proposed:

"That the bill be referred to a Select Committee consisting of five members, namely Mr. Lalji Naranji, Mr. G. I. Patel, Mr. W. S. Mukadam, Mr. H. H. Narielvala and the member in charge, three to form a quorum and to submit their report within two months."

The Honourable Mr. COWASJI JEHANGIR: I think there is a slight misunderstanding still. My honourable friend wants one or two members to be added to the commission. That has nothing to do with the present bill. It can be done under section 4 of the Act. Section 4 provides that Government shall by notification in the *Bombay Government Gazette* constitute a commission to be called the Bombay Smoke-nuisances Commission to supervise and control the working of this Act. I have given an assurance to my honourable friend that if he wishes to put up proposals to constitute this commission differently to what it is constituted at present, Government will give his proposals careful consideration. I cannot understand what the sub-committee is going to do with regard to the commission that has been appointed under section 4 of the Act. If my honourable friend wants one or two more representatives to be added to that commission, Government can do it and neither the sub-committee nor the House can do it by amending this bill. Therefore, I fail to understand what the sub-committee is going to do, but still if there is any doubt in the minds of any honourable members here that this sub-committee can by any means force Government into constituting a commission that will not carry out the purposes of this Act, I fail to understand how they can make Government do that. If there is any doubt in the minds of honourable members about the amendment proposed, I should be only too pleased to accept the sub-committee, but I will not accept the sub-committee if the intention is to force Government to change the constitution of this commission in any way other than what Government consider reasonable. I think the point is perfectly clear and therefore if my honourable friend still insists on having a sub-committee, he can do so but his object will not be served, because the amendment is so clear and so simple that no sub-committee will be able to alter that amendment.....

Mr. K. F. NARIMAN: It will end in smoke (Laughter).

The Honourable Mr. COWASJI JEHANGIR: My honourable friend Mr. Nariman says it will end in smoke. He has put the position rightly. I have not the slightest objection, and if the honourable member desires that this bill should go to a sub-committee and if it goes to sub-committee and if that sub-committee makes any proposals, I will give them my very best attention.

Mr. G. I. PATEL: I expected an assurance from the Honourable the General Member similar to the one given to us some time ago by the

[Mr. G. I. Patel]

Honourable the Home Member, but I am sorry that no such assurance has been forthcoming from the Honourable the General Member.

The Honourable Mr. COWASJI JEHANGIR: What sort of an assurance does the honourable member want from me? I say I will consider any of his proposals if he puts them forward.

The Honourable the PRESIDENT: In order to remove any misunderstanding, I believe the honourable member wants a definite assurance from the Honourable the General Member that he shall act.

The Honourable Mr. COWASJI JEHANGIR: I cannot promise to act without knowing what it is that I am going to act upon.

The Honourable the PRESIDENT: The honourable member for the Ahmedabad Millowners' Association said in his speech that he wants two additional members, one drawn from the bar of Ahmedabad and the other from the Millowners' Association of Ahmedabad; in other words he wants members representing two of those interests, the law and the industries. My object is merely to explain the position in order to facilitate the transaction of business.

Mr. G. I. PATEL: My point is simple, namely that I want a definite assurance from the Honourable the General Member.

The Honourable the PRESIDENT: An assurance is given that the Honourable the General Member will give his best consideration to any suggestions the honourable member for the Millowners' Association of Ahmedabad may make, but the Honourable the General Member is not prepared to give any definite assurance that those suggestions shall be acted upon in the manner desired. It is for the honourable member Mr. Patel to consider whether he will be content with that assurance or whether he will proceed with the amendment.

Mr. G. I. PATEL: In view of the assurance given by the Honourable the General Member, I think I will trust him for the first time to carry that assurance out in good faith and under the circumstances, I beg leave to withdraw the amendment.

Question put and leave granted.

Amendment by leave withdrawn.

Bill read a second time. Question put that the bill be read a second time and carried.

*Bill read clause by clause.*

Clause 2, (*Amendment of section 12 of Bom. VII of 1921*), ordered to stand part of the bill.

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

The preamble ordered to stand part of the bill.

Third reading. The Honourable Mr. COWASJI JEHANGIR: I beg to move that the bill be now read a third time.

Bill read a third time. Question put and carried.

The Honourable the PRESIDENT: The bill is now read a third time and passed.

## BILL No. XXIII of 1924 (A BILL FURTHER TO AMEND THE CATTLE-TRESPASS ACT, 1871).

The Honourable Mr. C. V. MEHTA : Sir, I beg to move that the Bill* No. XXIII of 1924 (A Bill further to amend the Cattle-trespass Act, 1871), be read a first time.

First reading.

The statement of objects and reasons states clearly why this bill has been brought forward. Honourable members will see that it is really a consequential bill and not a bill of controversial character. Owing to the transfer in 1921 of the functions of the district magistrate under sections 5, 6, 12, 14 and 17 of the Act to village panchayats, village pounds are controlled and pound-keepers are appointed by the village panchayats. Under section 6 of the Cattle-trespass Act of 1871, police patils, who are usually the heads of the panchayats, are *ex-officio* the keepers of village pounds. The result is that the village patil, who in most cases is the Sarpanch of the panchayat, is his own servant and controls himself. This bill is brought to remedy that defect and is, as I said, consequential upon the passing of the Village Panchayats Act.

Bill read a first time.

Question put that the bill be read a first time and carried.

Second reading.

The Honourable Mr. C. V. MEHTA : I beg to move that the bill be now read a second time.

Bill read a second time.

Question put that the bill be read a second time, and carried.

*Bill read clause by clause.*

Clause 2, (*Amendment of section 6 of Act I of 1871*), 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 Mr. C. V. MEHTA : I beg to move, Sir, that the bill be read a third time and passed.

Third reading.

Bill read a third time.

Question put and carried.

The Honourable the PRESIDENT : The bill is read a third time and passed.

## BILL No. XXIV OF 1924 (A BILL FURTHER TO AMEND THE BOMBAY PUBLIC CONVEYANCES ACT, 1920).

The Honourable Sir MAURICE HAYWARD : Mr. President, I move that the Bill† No. XXIV of 1924 (A Bill further to amend the Bombay Public Conveyances Act, 1920), be read a first time. The statement of objects and reasons explains that this is really a formal amendment of the Act required to bring the present practice into legal conformity with the Act. The Act is administered by the police and the fees have to be paid to the local authorities,

First reading.

* *Vide* Appendix 63. † *Vide* Appendix 64.

[Sir Maurice Hayward]

but the Act says: "the local authorities administering the Act". There is not a local authority administering the Act. So it has got to be made plain by an amendment of the Act, that the fees have to be paid to the local authorities of a particular area. I, therefore, propose that this bill be read a first time.

Bill read a first time. Question put and carried.

Second reading. The Honourable Sir MAURICE HAYWARD: I now move that the bill be read a second time.

Bill read a second time. Question put and carried.

*Bill read clause by clause.*

Clause 2, (*Amendment of section 36 of Bom. VII of 1920*), ordered to stand part of the bill.

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

The preamble ordered to stand part of the bill.

Third reading. The Honourable Sir MAURICE HAYWARD: I now propose, Sir, that the bill be read a third time and passed.

Bill read a third time. Question put and carried.

The Honourable the PRESIDENT: The bill is read a third time and passed.

## BILL No. XXV OF 1924 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888).

First reading. The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I move that Bill* No. XXV of 1924 (A Bill further to amend the City of Bombay Municipal Act, 1888), be read a first time.

The bill embodies several amendments which have been introduced on the recommendation of the Bombay corporation. The bill has the approval of the corporation. As the bill is going to be referred to a select committee, I need not go into details, but I will deal with the main principles of the bill. The bill proposes to introduce the system of voting by secret ballot in the elections to the Bombay corporation. Honourable members are aware that elections to the Legislative Council and the local bodies are held by secret ballot. Therefore, in order to bring elections to the Bombay corporation into line with elections to other bodies, the amendment has been undertaken on the recommendation of the Bombay corporation.

Again, the bill seeks to confer on the corporation the power of making rules, with the sanction of Government, for the conduct of their elections. At present, as the Act stands, the corporation have no power of appointing special committees with definite spheres of work. The bill proposes to give this power to the corporation. Under the Act, there are two statutory committees, the Standing Committee and the Schools Committee. Further, the corporation can, if they like, appoint under section 41

*Vide* Appendix 65.

[Khan Bahadur Shaikh Ghulam Hussain]

of the Act a Hospitals Committee. Again, under section 38, they can appoint committees for a specified purpose. These are what are called *ad hoc* committees. Honourable members of this House are aware that as the corporation have no power to appoint special committees, all the work in the first instance comes before the corporation, and then, if they like, they can appoint *ad hoc* committees only. Now, when this power is given to the corporation, then in the first instance all the work can go to the special committees, and that will greatly save the time of the corporation. Moreover, if you appoint special committees, it will save the time of the corporation. There are matters which require special scrutiny, for instance, plans and estimates. Now honourable members will agree with me, that if the whole corporation were to scrutinise whole plans and estimates, it would take up too much valuable time of the corporation. Therefore, if matters of this kind are referred to special committees, they will be scrutinised in the first instance by those bodies and they can come finally before the corporation. Moreover, the members of these special committees will gain experience of the matters with which they will be dealing and they will thus become experts, and their expert opinion will be of great use to the corporation. Thus, the corporation will be able to concentrate its attention on important matters only. In short, the appointment of these committees will make for better and quicker business. Moreover, the appointment of these special committees will in no way interfere with the statutory powers of the Standing Committee or the Schools Committee or of the Municipal Commissioner. Moreover, the corporation will get power under this new bill to appoint these special committees with instructions to enquire into matters and to report, or the corporation may, if they choose, delegate their powers, in which case the decision of these special committees will be final. Similar power has been given to the Standing Committee to appoint special committees. In fact, once the Bombay corporation wanted to be a deliberative body and the commissioner to be the executive, but now they want not only to be a deliberative body but to a certain extent an executive body, too. So they are coming back to our old district municipal life.

Another important provision that the bill proposes to introduce relates to the term and salary of the Municipal Commissioner. At present, the Municipal Commissioner is appointed for three years in the first instance and his minimum salary is Rs. 2,000 and the maximum Rs. 2,500; and after three years, with the approval of the corporation, Rs. 3,000.

The bill proposes to appoint the Municipal Commissioner, in the first instance, for five years, with renewable periods of three years; and to fix the minimum salary at Rs. 2,500 for the first year, Rs. 3,000 for the next two years, and Rs. 3,500 for the subsequent two years; and, if the appointment is renewed, then Rs. 4,000 for the remaining period. Honourable members who are the representatives of the Bombay corporation may perhaps think that Rs. 4,000 is too high a salary. But I may remind them that it is the recommendation of the corporation which Government are giving effect to, and the reasons of the corporation are that the present salary was fixed many years ago, that the conditions in Bombay have

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changed since then, that the cost of living has considerably increased, and that they cannot get suitable officers as municipal commissioners for any length of time. This is the recommendation of the corporation, which is a representative body, and Government are merely giving effect to their recommendations.

Honourable members of this House are aware that the charges for the maintenance and treatment of pauper lunatics in the municipal area are not borne by the corporation. This is a fair charge which the corporation is willing to bear. Hence the amendment.

Honourable members are aware that at present when lands or buildings are acquired for street improvement, exorbitant demands are made by the owners of the houses or buildings, and when compensation is paid to them, only the decrease in the value of the land or building is taken into consideration. Honourable members are aware that by street improvement in many cases the value of the land and buildings increases. The bill proposes that while awarding compensation to the owners, both the increase and decrease in the value ought to be taken into consideration in determining the compensation. In other words the bill proposes to apply the principle of betterment.

Then there are some minor provisions. For instance, the municipal authorities have at present no control over hawking in the streets. The bill proposes to give them that control. Again, it has been represented to Government that certain sections of the public are in the habit of throwing house refuse into the streets and house-gullies. Under the Act, as it stands at present, the corporation have no doubt the power of prosecuting those guilty of this offence, but the prosecutions have not been successful because of the difficulty of identifying the offenders. The bill gives power to the corporation to impose on the owners and occupiers of buildings the responsibility of providing suitable receptacles for the temporary collection of such refuse till its removal.

Again, under the Act, the corporation have no power to require the owners of houses to keep the roofs in repair so as to prevent rain water entering the houses. A great deal of inconvenience has been caused to the tenants thereby. This bill proposes to give authority to the corporation to require the owners of the houses to keep their roofs in a state of good repair in order to prevent rain water entering the houses.

As regards clause 27 of the bill, under section 394 (1) (*d*), the prohibition for carrying on a dangerous or offensive trade only applies to the owner or manager. The Bombay corporation under this section on one occasion prosecuted a servant who was carrying on a dangerous and offensive trade on behalf of the master, who lived outside the city of Bombay, but it was decided by the magistrate that the section as it stands cannot be applied to servants. Therefore, the amendment is intended to make this section applicable to the servants and agents of the person who is carrying on a dangerous and offensive trade.

Lastly, at present, the manufacture of ice can be carried on in the city of Bombay in any place. In the interests of sanitation, the bill gives

[Khan Bahadur Shaikh Ghulam Hussain]

authority to the corporation to require that the manufacture is only carried on in licensed premises.

With these words, I move the first reading of the bill, and I hope honourable members will pass it.

The Honourable the PRESIDENT: I should like to know from the Honourable Minister whether he moves the first reading of the bill as it was published in the *Gazette* in sufficient time and circulated to honourable members, or whether he moves the first reading of that bill with the amendment which was published only a day or two ago.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I am sorry, Sir, I did not refer to that. The corrigendum that has been published does not affect the principle of the bill, but I would like to say a word about it.

The Honourable the PRESIDENT: The Honourable Minister can do that afterwards. I want to draw his attention to Standing Order 4 of Chapter VIII which reads as follows:

"When a bill is introduced, or on some subsequent occasion, the member in charge may move that the bill be read for the first time; provided that no such motion shall be made before the expiry of seven clear days from the despatch to each member of a copy of the bill with the statement of objects and reasons, unless the President in exercise of his power to suspend this provision allows the motion to be made."

So, unless he asks the Chair to suspend the Standing Orders, he cannot move the first reading of the bill, and cannot include the subsequent amendments and corrections into the motion for the first reading. He has got to ask that the Standing Orders be suspended, and then his motion would be in order.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I beg to submit, Sir, that I did not ask for the permission of the Chair because the amendments are merely verbal amendments. We have supplied the corrigendum to..... ...

The Honourable the PRESIDENT: The Honourable Minister can move for the first reading of the bill as published originally, and get some one else to move these amendments later on; that would be a different matter. But if he wants to move the first reading of the bill with the amendments, then the Standing Orders have to be suspended, and he has to ask my permission for it, which I shall willingly grant.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: With your permission, Sir, I move the first reading of the bill with the corrigendum.

The Honourable the PRESIDENT: There is no objection to it. I only wanted to make the position perfectly clear, so that there may be no misunderstanding as to what the House is now considering.

The question is that a Bill further to amend the City of Bombay Municipal Act, 1888, with the further amendments subsequently received, be read a first time.

Dr. K. E. DADACHANJI (Bombay City, South): Sir, I rise to support the first reading of the bill. All the amendments embodied in

[Dr. K. E. Dadachanji]

this amending bill are the proposals from the Bombay municipal corporation. Some of the recommendations from the corporation, Sir, even now if the corporation were asked to reconsider, will all be altogether modified. The circumstances have so arisen. The corporation have recently appointed an expert retrenchment officer who is overhauling all the departments and it seems that there will be a proposal before the corporation soon for a cut of nearly thirty lacs of rupees. There is also a proposal that there ought to be at least two municipal commissioners, one for the north and the other for the south of the city on a certain reduced salary, while here we see a proposal for the increase of the salary which is in accordance with the resolution of the corporation. As regards special committees, of course, the clause is framed in accordance with the model of special committees of the London County Council. There was a great fight in the past even though the late Sir Pherozeshah Mehta was deadly against special committees; but now the times are changed and the work of the corporation having considerably increased there is the necessity found for the appointment of the special committees. The appointment of the special committees will relieve the municipal commissioner of a great deal of his work and hence the increase in the salary of the municipal commissioner will need reconsideration. Special committees will be performing a good deal of work which the municipal commissioner is now performing. That being so, Sir, this proposal of the increase of salary of the municipal commissioner requires reconsideration along with the proposals of the retrenchment officer.

The Honourable the PRESIDENT: I should like the honourable member to make his point clear whether he wishes to propose an amendment to postpone the consideration of this bill to the next session. If the honourable member informs the House at the commencement of his speech what his intention is, the House will be able to follow it.

Dr. K. E. DADACHANJI: There are certain things which will be considered in the select committee for instance, the reduction of the salary of the municipal commissioner. The select committee will cut it down or keep it at the same level. I said at the very commencement that I am supporting the first reading.

Then as regards the compensation to be given to the owners of lands and buildings, we have been all these years defrauded and large and very fat amounts of compensation have been given to the owners of lands and buildings in the city. We have been accused by the Improvement Trust and other bodies that we have been setting a very bad example in this respect. We have consulted two big experts, Mr. Chambers and Mr. Delves, and they have advised that the amendment of our Act should be in the form mentioned in the bill and that is the form sent to Government in amending the Act.

Then, as regards pauper lunatics, Sir, certainly, the corporation has sent in a proposal in which they have made it clear that the cost of the lunatics of five years' standing should be defrayed by the corporation, while in the present bill it is stated that it has to defray the cost of the lunatics of one year's standing. I do not know why there is that change

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and it has not been explained by the Honourable Minister. Of course, the select committee will consider that suggestion as regards the cost of the lunatics also.

As regards the leaky roofs and other powers, the corporation is in need of them and of course, the granting of those powers will add greatly to the sanitation of the city. Tenants have been complaining about leakage of roofs, and we cannot proceed against house-owners owing to the defect in the law, and if these sections are passed this defect will be remedied.

As regards other things, there are not many differences because all these proposals are from the municipal corporation and I hope, Sir, that the first reading of the bill will be passed.

Mr. K. F. NARIMAN (Bombay City, South): I beg to move, Sir, that the consideration of this bill be adjourned to the next session under Standing Order VIII (4) and the clause about the appointment of the commissioner by the corporation be considered and embodied in the said bill. That the clause whereby the corporation has demanded by a resolution that the commissioner's appointment should rest with the corporation and not with Government be embodied in the said bill.

The Honourable the PRESIDENT: How can the honourable member do that? It is a question of principle.

Mr. K. F. NARIMAN: I want to move that that part be embodied in the bill.

The Honourable the PRESIDENT: The honourable member can give that as his reason and then send in an amendment and then state why he wants the bill to be postponed. But he cannot say that it should be embodied in his present motion. The present motion should be that the consideration of the bill be postponed to the next session. The honourable member should then give his reasons why he wants to do so.

Mr. K. F. NARIMAN: Sir, I move that the consideration of this bill be postponed to the next session, and I hope my reasons will appeal to the House, that when the corporation sent this recommendation as has been said by my honourable friend representing the Bombay City, South, about the increase of pay, a democratic corporation, I beg that this suggestion ought to go hand in hand with the other suggestions that the commissioner's appointment should be made by the corporation, and I believe that representations have been made from time to time to the Government to that effect and have been unanimously carried by the corporation. Still we find that none of those suggestions have been embodied in the clause which refers to the increase of the pay of the municipal commissioner. But the most important clause, namely, the appointment should rest with the corporation has not been embodied. Therefore, I want an opportunity to include this clause also in this bill and in order to enable me to move an amendment to that effect and also several other amendments according to the resolution passed by the corporation, I move that the consideration of this bill should be postponed till the next session.

The Honourable the PRESIDENT: Amendment proposed that the consideration of the first reading of Bill No. XXV of 1924 be postponed to the next session.

If any other honourable member speaks on this motion, the Honourable Minister has a right of reply, but if there are some honourable members who want to address the House after the Honourable Minister has explained his position, the Honourable Minister will address the House now and will also have a right of reply.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I do not know what right the honourable member for Bombay City (South) has to say that the Minister has kept back a certain amendment, that is the amendment regarding the appointment of the municipal commissioner by the corporation, which he complains has not been incorporated in the bill with the proposal regarding the increase of salary of the municipal commissioner. Well, Sir, the Minister asked the municipal corporation of Bombay three years ago for their reasons for wanting this power, and all these years the corporation was considering this question, and I have only recently got the papers and I had not sufficient time to consider that amendment. I think if there was any delay the honourable member of the corporation ought to thank himself and the other corporators who have been dealing with the matter. I may tell the House that I have been always very active so far as the Bombay corporation amendments are concerned. I am indifferent whether the bill that I am going to introduce is delayed or proceeded with. I am going to suggest another remedy, and that is that the honourable member should read the bill carefully as he does not seem to have done. Section 54 of the Act relates to the appointment of a municipal commissioner. The amendment proposed in that section is to delete the words "renewable period of three years". According to the Honourable the President's decision, that section in which an amendment has been proposed will come before the Council for discussion, and honourable members can make any further amendment they may wish to make in it.

The Honourable the PRESIDENT: The question will be whether it will be an amendment altering a substantial principle. The point of order which the Honourable Minister raised with regard to the question of suspension of municipalities in the District Municipal Act would still apply to this case, when the Standing Orders are still there. They have not yet been altered.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: As I have already told honourable members, I have brought this bill on the recommendation of the corporation itself. It is not the fault of Government that the provision in question has not been embodied in this bill. The honourable member who is himself a member of the corporation should have expedited matters and made the corporation submit the papers earlier. They did not do so. The corporation is alone responsible for the long delay.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Mr. President, I rise to support the amendment that has been moved by my honourable

[Mr. Hooseinbhoy A. Lalljee]

friend Mr. Nariman. My object in supporting the amendment is this: at the present moment the corporation is considering the arrangement about administrative affairs. There have been suggestions thrown out that they should appoint more than one officer responsible to the corporation and if those recommendations are accepted by the corporation, I believe that we shall probably not need a commissioner on such a high pay. There is one more question to be considered seriously, that is, we are asking for executive committees.

The Honourable the PRESIDENT: May I interrupt the honourable member for a minute? The Standing Order bearing on the motion is this:

"A motion that consideration of a bill which has been introduced or of a motion to amend the Standing Orders which has been reported on by a Select Committee, be adjourned to any future day in the same session available for such business or to any future session or *sine die* may be moved by any member at any time and such motion shall take precedence of any other motion then before the Council. The President, after permitting, if he thinks fit, a brief explanatory statement from the mover of the motion and, if the motion is opposed, from the member opposing the motion, may without further debate put the question thereon."

I may allow a little discussion if I like. But the motion before the House is for the postponement of the consideration of the bill. At the time of the first reading of the bill, after this motion is disposed of, the provisions of the bill will be considered. Therefore I can allow only brief speeches simply to say whether they support or oppose the postponement and to give reasons on that one issue. The other parts of the bill are practically suspended for the time being till this motion is disposed of.

Mr. HOOSEINBHOY A. LALLJEE: I shall give the reasons for the postponement of the consideration of this bill. We are at present considering the appointment of some additional officers in the place of the commissioner. Furthermore, we are constituting executive committees which will take over some executive duties. Therefore it is probable that we may not want a commissioner on such a high pay. As these matters require consideration, I support the motion for the postponement.

The Honourable the PRESIDENT: It is quite good.

Mr. D. B. ADWANI (Karachi City): Sir, the matter is clear, and the Honourable Minister should have no objection in accepting the suggestion of the honourable member for Bombay. It is an important provision. If it has not been possible for the Government to include that very important provision, it is incumbent on us to introduce it in this Council and this cannot be done in the bill as it now stands. The case is therefore very clear for the acceptance of the motion of the honourable member for Bombay for adjourning consideration of this bill. There can be no doubt on the point that it is a very important provision for proper municipal administration.

The Honourable the PRESIDENT: Is it necessary that further debate should take place? I shall ask the honourable member Mr. Nariman to reply briefly and then ask the Honourable Minister to reply

[The President]

as he feels justified. I will not restrict the Honourable Minister in view of the importance of the speeches that have been made.

Mr. K. F. NARIMAN: I do not want to speak, Sir.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, the corporation which is deeply interested in the provision has been sleeping over it for the last three years. The honourable member who moved the amendment is himself a member of the corporation. If the provision was so very important, why did he not expedite the corporation to submit the papers to me? Government have, with the best of intentions, brought this bill on the recommendation of the corporation. Is it fair for the honourable member to move the amendment now? If the corporation has taken three years over the consideration of this provision, should I not have at least three months for the purpose?

Motion put. House divided. Ayes 22. Noes 44. Motion lost.

*Division No. 11.*

**Ayes.**

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| Adwani, Mr. D. B. | Mehta, Dr. M. M. |
| Bhopatkar, Mr. L. B. | Mukadam, Mr. W. S. |
| Desai, Rao Saheb D. P. | Narielvala, Mr. H. H. |
| Dev, Mr. S. S. | Nariman, Mr. K. F. |
| Dixit, Dr. M. K. | Pahalajani, Mr. B. G. |
| Jayakar, Mr. M. R. | Patel, Mr. D. N. |
| Jog, Mr. V. N. | Patel, Mr. G. I. |
| Joshi, Mr. P. G. | Pradhan, Mr. G. B. |
| Karei, Mr. M. D. | Saptarshi, Mr. C. M. |
| Lalljee, Mr. Hooseinbhoy A. | Soman, Mr. R. G. |
| Mavalankar, Mr. G. K. | Swaminarayan, Mr. J. C. |

*Tellers for the Ayes:* Mr. Hooseinbhoy A. Lalljee and Mr. D. B. Adwani.

**Noes.**

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|---|---|
| Abdul Latif Haji Hajrat Khan, Mr. | Jadhav, the Honourable Mr. B. V. |
| Addyman, Mr. J. | Jehangir, the Honourable Mr. Cowasji |
| Ahmad, Moulvi Rafiuddin | Kambli, Mr. S. T. |
| Angadi, Mr. S. N. | Kanga, Mr. J. B. |
| Baptista, Mr. J. | Kay, Mr. J. A. |
| Bole, Mr. S. K. | Lawrence, the Honourable Mr. H. S. |
| Bunter, Mr. J. P. | Mahomed Ayub Shah Mahomed Khuhro, Mr. |
| Chatfield, Mr. G. E. | Mehta, the Honourable Mr. C. V. |
| Chaudhari, Mr. L. S. | Montgomerie, Mr. A. |
| Dadachanji, Dr. K. E. | Noor Mahomed, Mr. |
| Dalvi, Mr. B. K. | Owen, Mr. A. C. |
| Dehlavi, the Honourable Mr. A. M. K. | Painter, Mr. H. L. |
| Fernandez, Dr. Cosmas | Patil, Mr. D. R. |
| Framji, Mr. K. S. | Pradhan, Mr. R. G. |
| Ghosal, Mr. J. | Pratt, Mr. F. G. |
| Ghulam Hussain, the Honourable Khan Bahadur Shaikh | Rahimtoola, Mr. Hoosenally M. |
| Gibson, Mr. R. E. | Shinde, Mr. R. D. |
| Grantham, Mr. V. A. | Surve, Mr. A. N. |
| Griffiths, Mr. V. M. | Thomas, Mr. G. A. |
| Hatch, Mr. G. W. | Wadia, Mr. N. J. |
| Hayward, the Honourable Sir Maurice | Wiles, Mr. G. |
| Hepper, Sir Lawless | Woods, Mr. E. E. |

*Tellers for the Noes:* Mr. A. C. Owen and Mr. L. S. Hudson.

Mr. J. BAPTISTA: (Bombay City, North): I should like to inform the House that when division was called for we had a conversation with the Minister and he assured us that he would bring in a bill to embody the recommendations of the corporation. On that assurance I myself voted for him and others abstained from voting. I hope the Honourable Minister will give that assurance now. If he gives that assurance, I am satisfied that he will do his best to carry it out.

The Honourable the PRESIDENT: I cannot take any notice of what does not happen on the floor of the House. If the Honourable Minister desires to make a statement and wishes to give an assurance of the kind that the honourable member has just stated, I shall certainly permit him to do so.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, what I said to my honourable friend was that after the consideration of the amendment, if necessary, I would bring in a bill. If there were other amendments also from the corporation I would give them early consideration and they would be embodied in the form of a bill and submitted to this Council.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, I also understood the Honourable Minister to say that he would bring in a bill himself at the next session embodying the suggestion that the power of the appointment of the commissioner should be transferred to the corporation.

The Honourable the PRESIDENT: I want to make the position perfectly clear. As I said, any private assurance given outside the floor of this House, cannot be taken any notice of. I have given the Honourable Minister an opportunity to say whether he gives the assurance to the House that he will introduce a bill containing the provision about transferring the power of appointment of the municipal commissioner which vests in them to the corporation. If he does not want to do that, I cannot force him. In view of what the honourable members have said, I am merely giving him another opportunity. If he does not wish to do so, then I will call upon any honourable member who may wish to address the House on the first reading to do so. Then the first reading will be voted upon. I must explain to the House what is the procedure that has to be followed in these cases. I cannot do more than that.

An Honourable MEMBER: It is now 7 o'clock.

The Honourable the PRESIDENT: I know it is 7 o'clock. Honourable members are aware that I never detain them later than 7 o'clock unless it is absolutely necessary. This is a very important question. The Honourable Minister will have to say either that he does not want to give any assurance or that he wishes to give assurance of some kind. As soon as that is done, I will adjourn the House.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I say plainly that I am considering the point, as I said before here, and as soon as we come to a conclusion, if necessary, I will bring a bill. Unless the whole question is considered and decided, how can I give an undertaking beforehand?

Mr. J. BAPTISTA: I am sorry I am not satisfied with that assurance, Sir.

The Honourable the PRESIDENT: The honourable members can reject the first reading if they like.

Mr. J. BAPTISTA: Can we reject the motion for the first reading?

The Honourable the PRESIDENT: Certainly. I understand that the Honourable the Leader of the House desires to make a statement informing the House what business of Government will be brought before them on Monday so that honourable members will know and can come prepared.

The Honourable Sir MAURICE HAYWARD: I should like, Sir, to make a brief statement on that point. I believe that the House has by now had enough legislation for one session and the only other bill left is the Statistics Bill which will probably take up at least two days to be discussed, and therefore we do not wish to take up the time of honourable members any further or curtail their time intended for private business. Therefore, we do not propose to move that bill during this session. We propose on Monday merely to dispose of this present small bill, and I hope that the honourable members will co-operate with us in getting this bill through. We have the Children's Bill for the third reading and we then propose to go straight on with the supplementary estimates followed by two or three small motions by the Honourable the Finance Member and the Minister, and then, if there is any time left, with private business.

The Honourable the PRESIDENT: The Council is now adjourned to 2 o'clock on Monday, the 20th October 1924.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

*Monday, the 20th October 1924.*

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The Council re-assembled at the Council Hall, Poona, on Monday, the 20th October 1924, at 2 p.m., the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

*Present:*

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ADDYMAN, Mr. J.
ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
ANGADI, Mr. S. N.
BAPTISTA, Mr. J.
BHOPATKAR, Mr. L. B.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Saheb SHER MAHOMED KHAN
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
CHAUDHARI, Mr. L. S.
DABHOLKAR, Mr. V. A.
DADACHANJI, Dr. K. E.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS.
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GIBSON, Mr. R. E.
GRANTHAM, Mr. V. A.
GRIFFITHS, Mr. V. M.
GUNJAL, Mr. N. R.
HAJI ABDULLAH HAROON.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HUDSON, Mr. L. S.
JADHAV, the Honourable Mr. B. V.
JAYAKAR, Mr. M. R.
JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.

Joshi, Mr. P. G.
Kalbhor, Mr. G. M.
Kambli, Mr. S. T.
Kanga, Mr. J. B.
Karki, Mr. M. D.
Kay, Mr. J. A.
Kazi Inaitullakhan
Kokani, Mr. G. J.
Lalji Naranji, Mr.
Lalljee, Mr. Hooseinbhoy A.
Lawrence, the Honourable Mr. H. S.
Linford, Mr. J. W.
Madan, Mr. J. A.
Mahomed Ayub Shah Mahomed Khuhro, Mr.
Mavalankar, Mr. G. K.
Mehta, the Honourable Mr. C. V.
Mehta, Dr. M. M.
Montgomerie, Mr. A.
Mujumdar, Sardar G. N.
Mukadam, Mr. W. S.
Nanal, Mr. B. R.
Narielvala, Mr H. H.
Nariman, Mr. K. F.
Navle, Mr. N. E.
Nekaljay, Mr. R. S.
Noor Mahomed, Mr.
Owen, Mr. A. C.
Pahalajani, Mr. B. G.
Painter, Mr. H. L.
Patel, Mr. A. E.
Patel, Mr. D. N.
Patel, Mr. G. I.
Patil, Mr. D. R.
Pir Rasulbaksh Shah
Powar, Mr. M. B.
Pradhan, Mr. G. B.
Pradhan, Mr. R. G.
Pratt, Mr. F. G.
Rahimtoola, Mr. Hoosenally M.
Saheba, Mr. H. D.
Saptarshi, Mr. C. M.
Sardesai, Mr. S. A.
Sayed Ghulam Nabi Shah
Sayed Shahjade Saheb Haidar Saheb
Sedgwick, Mr. L. J.
Shankarrao Jayaramrao Zunzarrao, Mr.
Shinde, Mr. R. D.

Shivdasani, Mr. H. B.
Soman, Mr. R. G.
Surve, Mr. A. N.
Surve, Mr. V. A.
Swaminarayan, Mr. J. C.
Thakersi, Mr. Punjabhai
Thakor of Kerwada, the
Thomas, Mr. G. A.
Velkar, Dr. M. B.
Wadia, Mr. N. J.
Wiles, Mr. G.
Woods, Mr. E. E.

The Honourable the PRESIDENT: Order, order. Questions.

## Training College Certificate.

Mr. S. N. ANGADI (Belgaum District): (*a*) Will Government be pleased to state whether there is a departmental rule in the educational department applicable to primary schools' teachers, which says that teachers who have passed the vernacular school final examination and have put in 10 years' service should be accorded a first year's training college certificate?

(*b*) If so, how many of such teachers in the Belgaum, Dharwar, Bijapur and Karwar districts have been given such certificates?

(*c*) Amongst those who have been given such certificates, how many are Brahmins and how many are non-Brahmins?

The Honourable Mr. B. V. JADHAV: (*a*) Till last year there was such a practice as that referred to in this part, but it has since been discontinued.

(*b*) and (*c*) Information has been called for.

Mr. D. R. PATIL: What are the reasons for giving up the practice?

The Honourable Mr. B. V. JADHAV: Because a larger number of trained teachers is available.

## L.C.P. and S. Examinations.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state whether their attention has been drawn to the decreasing percentage of successful candidates at the final L. C. P. and S. examination?

(*b*) If so, have any steps been taken by them in this connexion; and if so, what steps have been taken?

(*c*) Will Government be pleased to furnish the following information for the last five years (1920—24).

| Examinations. | Month and year. | Candidates appeared. | Candidates successful. | Percentage of 3 to 4. |
|---|---|---|---|---|
| Intermediate, M.B.B.S. .. | | | | |
| B.Sc. .. .. | | | | |
| I.Sc. .. .. | | | | |
| B.E. .. .. | | | | |
| B.Ag. .. .. | | | | |
| Preliminary Scientific .. | | | | |
| Final L.C.P. and S. .. | | | | |

The Honourable Mr. B. V. JADHAV: Inquiries are being made.

VALUATION OF LANDS SUBMERGED UNDER THE BHATGHAR DAM.

Mr. L. B. BHOPATKAR (Poona City): (*i*) (*a*) Will Government be pleased to lay on the table copies of the reports of Government and the people's representatives appointed to assess the income of some typical lands in the villages to be submerged under the Bhatghar Dam?

(*b*) Will Government be pleased to state whether it is a fact that the Government representatives refused to show their report to the people's representatives?

(*c*) Will Government be pleased to state whether it is a fact that the rates of different kinds of lands have been fixed by the Collector and that the Land Acquisition Officer is entirely guided by them?

(*ii*) Will Government be pleased to lay on the table the statement of valuation of the lands concerned, submitted by the authorities of the Bhor State to the Government?

(*iii*) Have Government made any provision for exchange of such lands? If so, where and on what basis?

The Honourable Mr. COWASJI JEHANGIR: (*i*) (*a*) Copies* of the reports are placed on the Council table.

(*b*) The panchas fully discussed the matters and were cognizant of each other's opinions, but one of the people's representatives was given a reply by the Political Agent that there was no need to supply one member of the Committee with a copy of the report of another member but that he could ask any information he wanted at the meetings of the Committee.

(*c*) The rates for different kinds of lands were fixed by the Special Land Acquisition Officer but the tentative awards before being formally declared were sent to the Collector and Political Agent for perusal.

(*ii*) No statement of valuation of the lands concerned was received from the authorities of the Bhor State.

* *Vide* Appendix No. 43.

(*iii*) Provision has been made in the Malsiras and Purandhar Talukas for giving land in exchange, an area of land of equivalent assessment to that of the compensation being offered.

Mr. L. B. BHOPATKAR: Is it allowable under the Land Acquisition Act to make awards and submit them to the Collector before they are declared?

The Honourable Mr. COWASJI JEHANGIR: Yes, Sir.

### Remission of Land Revenue in Poona.

Mr. L. B. BHOPATKAR (Poona City): What is the total land revenue remitted during 1923-24 in taluka Junnar of the Poona District? How much of it was for 1923-24, and how much for the previous years?

The Honourable Mr. C. V. MEHTA: The total amount remitted during the year 1923-24 is Rs. 32,581-3-4, of which Rs. 609-9-1 relate to the year 1923-24 and the remaining amount is for the previous years.

### Conduct of Tasgaon Mamlatdar.

Mr. L. B. BHOPATKAR (Poona City): (*a*) Will Government be pleased to state whether their attention has been drawn to a letter published in the *Lokamanya*, dated 29th June 1924, commenting on the conduct of the mamlatdar and magistrate of Tasgaon in connexion with the meeting of the Fourth Daxini Sansthan Praja Parishad on 28th May 1924 at Kupwad?

(*b*) If so, has Government taken any action in this connexion?

The Honourable Sir MAURICE HAYWARD: The attention of Government has been drawn to the article in question. Government do not propose to pay any attention to it.

Mr. P. G. JOSHI: May I know whether Government do not propose to pay any attention to it because the statements are correct, or because the statements are incorrect?

The Honourable Sir MAURICE HAYWARD: Because it is an anonymous letter.

### Housing Problem in Ratnagiri.

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

(*a*) whether they are aware of the acute discontent prevailing in the backward classes such as Bhandaries and Kunbis on account of housing difficulties in khoti and rayatwari tracts of the Ratnagiri district, particularly in the talukas of Chiplun, Malvan and Vengurla?

(*b*) whether they are aware of the recommendations made in this connection by the Konkan Co-operative Enquiry Committee?

(*c*) Do they intend to take any steps in this connection? If so, what steps do they intend to take?

The Honourable Mr. C. V. MEHTA: (*a*) The honourable member is referred to the reply to clause (*a*) of question* put by Mr. A. N.

*Vide* Vol. XI, page 221.

Surve on the same subject at the first sessions of the Legislative Council of this year.

(*b*) and (*c*) Yes. The matter is receiving the attention of Government and is at present under reference to the Commissioners of Divisions.

### Quarters for Bombay Port Trust Employees.

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

(*a*) whether any quarters have been built by the Bombay Port Trust for their officers;

(*b*) if so, for what officers have these quarters been built, and at what cost;

(*c*) whether any house allowance is granted to higher officers not provided with such quarters, and if so at what rate;

(*d*) whether any quarters have been built for the subordinate officers and clerks;

(*e*) if not, whether any housing allowance has been granted to them; and if so, at what rate;

(*f*) whether any chawls have been built for the workmen in the Port Trust Workshop;

(*g*) whether any resolution regarding the housing accommodation has been submitted by the Port Trust Employees' Union to the Port Trust authorities;

(*h*) if so, what action has been taken or is intended to be taken by the authorities in the matter?

The Honourable Mr. COWASJI JEHANGIR: Information is being obtained.

### Bridge on River Nira.

Mr. R. D. SHINDE on behalf of Khan Bahadur D. B. COOPER (Satara District): (*a*) Will Government be pleased to state whether they are aware of the inconvenience caused to the public owing to the bridge over the river Nira on the Poona-Bangalore road not being ready?

(*b*) Is the work being done by contract, and, if so, what was the date of completion agreed upon?

(*c*) On what date is the work expected to be completed?

(*d*) If the work has not been completed in time, what are the reasons therefor?

The Honourable Khan Bahadur SHAIKH GHULAM HUSAIN: The information has been called for.

### Institutions for Training Primary School Teachers.

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

(*a*) how many institutions for the training of primary school teachers exist in this Presidency?

(*b*) how many of them are colleges, and where they are situated?

(*c*) how many of them are schools and where they are situated?

(*d*) how many of them are private or grant-in-aid institutions and where they are situated ?

(*e*) how many classes are attached to each of the institutions mentioned in (*a*), (*b*) and (*c*), and

(*f*) how many students receive instruction in each of such institutions ?

The Honourable Mr. B. V. JADHAV : Information has been called for.

RESOLUTIONS PASSED BY THE COUNCIL AT ITS JULY 1924 SESSION.

Mr. S. S. DEV (West Khandesh District) : Will Government be pleased to state what action they have taken in connection with the resolutions that this Council passed at its last session (in July 1924) giving in a tabular form the serial number, the name of the mover and the subject matter of each resolution and the action taken thereupon ?

The Honourable Sir MAURICE HAYWARD : Information is being collected.

Mr. S. S. DEV : Why should it take so long for Government to come to any conclusion about the resolutions passed at the last session ?

The Honourable Sir MAURICE HAYWARD : Because Government always give their very careful and best consideration to such resolutions.

BHIL CHOWKIES IN WEST KHANDESH DISTRICT.

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

(1) the distance between Kurkhali and Sangavi in Shirpur Taluka, West Khandesh ;

(2) the number of Bhil chowkies between them ;

(3) the amount levied at each chowki per cart ;

(4) on what other roads in West Khandesh there are similar chowkies ;

(5) on what principle or under what law these charges are levied ;

(6) whether Government intend to take any action with regard to them.

The Honourable Sir MAURICE HAYWARD : (1) About 18 miles.

(2) Six chowkies.

(3) Half an anna is levied at each chowki per loaded cart.

(4) 1. Bombay-Agra Road.
2. Dhulia-Chalisgaon Road.
3. Dhulia-Sakri Road.
4. Mukti-Tamaswadi Road.
5. Dhulia-Boris Road.
6. Dhulia-Pimpalner Road.
7. Sakri-Nandurbar Road.
8. Asthane-Chhadwel Road.

9. Dusane-Malpar Road.
10. Dondaicha-Shahada Road.
11. Dhulia-Nandurbar Road.
12. Shahada-Dondaicha Road.
13. Shahada-Khedya Road.
14. Shirpur-Chopda Road.
15. Shirpur-Khambala Road.
16. Shirpur-Thalner Road.
17. Sulia-Varla Road.
18. Nandurbar-Taloda Road.

(5) The Bhil chowkies were it seems in existence before 1869 and the Bhils levied customary dues of ½ anna per cart in return for the protection offered. The chowkies were reduced in 1909 but reintroduced in 1914 by the District Magistrate, West Khandesh.

(6) The Bhil chowkies have recently been reduced by 34 out of the total of 76 and the question of the abolition of others is under consideration in connection with a proposal to reintroduce mounted police in this District.

### Advance Increments of Pay to Clerks in the Judicial Department.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to furnish the dates from which the several scales of the pay of lower subordinate establishments were improved in the education, revenue, judicial, registration, forest, abkari, police, Public Works Department and other principal departments of public service, showing at the same time the extent of the improvements in each case?

The Honourable Mr. H. S. LAWRENCE: The information is being collected.

### Bund on the Karha River.

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

(*a*) whether they had under consideration any scheme for providing canal water to Jejuri, Mavdi, Jogwadi and other villages by erecting a bund on the Karha river?

(*b*) If so, what are the details of this project and what decision have Government arrived at with regard to it?

The Honourable Mr. COWASJI JEHANGIR: (*a*) A rough project estimated to cost Rs. 30,00,000 for a tank at Najra on the Karha river was prepared in the year 1909. The following villages, but not Jejuri, are in the area commanded by this project:—

(1) Najra Budruk.
(2) Jamlarjan.
(3) Maori (and not Mavdi, as mentioned in the question).
(4) Jogawari.
(5) Ambi Budruk.
(6) Morgaon.
(7) Turdli.

(*b*) Only rough plans and estimate of the project were prepared and it was decided to investigate the project further for use as a famine work should the necessity arise and when the work of the district permitted.

Mr. S. S. DEV: Is it only a correction of spelling, or are they different villages—Mavdi and Maori?

The Honourable Mr. COWASJI JEHANGIR: I believe it is a correction of spelling, but I should like to have notice of that. I cannot answer it straight off.

### Movements of Touring Officers.

Mr. N. R. GUNJAL (Poona District): (*a*) Will Government be pleased to state whether they are aware of the inconvenience caused by touring officers and especially by magistrates not making their tour programme known to the public? If so, do they intend to take any action in the matter?

The Honourable Sir MAURICE HAYWARD: Government have already issued orders that the tour programmes of touring officers should be supplied to the editors of local newspapers. The exigencies of the public service are however the paramount consideration to which the movements of touring officers must conform, and such programmes are therefore liable to be changed without notice. Special orders on the subject have also been issued to Magistrates in Circular no. 37 of Chapter III of the Criminal Circulars of the High Court.

Mr. D. R. PATIL: Is it a fact that a circular has been issued by Government asking magistrates to take up cases as far as possible at the head-quarters?

The Honourable Sir MAURICE HAYWARD: I believe so, but I should like to have notice to be quite certain.

### Ferry Tax on the Indrayani.

Mr. N. R. GUNJAL (Poona District): (*a*) Will Government be pleased to state whether they are aware that the contractor of the ferry on the river Indrayani near Moshi between the limits of Haveli and Khed talukas of the Poona District recovers the ferry tax from passengers who travel in motor cars in addition to the tax on such motor vehicles?

(*b*) If so, do Government intend to take any action?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The information has been called for.

### Supply of Official Publications to Newspapers.

HAJI ABDULLAH HAROON (Karachi City): Will Government be pleased to state—

(*a*) Which newspapers and other periodicals published in the Bombay Presidency are supplied free with all Government publications, including the Administration Reports and the "Bombay Government Gazette", and which are not supplied with the same?

(*b*) Is it a fact that the daily newspapers the "Al-Wahid", the "Hindoo" and the "New Times" in Sind are not supplied free with the *Bombay Government Gazette* and the *Sind Official Gazette*?

(*c*) If the reply to (*b*) be in the affirmative, will Government be pleased to state the reasons therefor?

The Honourable Mr. COWASJI JEHANGIR: The attention of the honourable member is invited to the answer given by Government to the replies* to questions put by him during the last session of the Council.

Mr. NOOR MAHOMED: Are Government aware that the circulation of the "Al-Wahid" is more than 1,000, and if so, why is not that paper supplied with all Government publications?

The Honourable Mr. COWASJI JEHANGIR: If the honourable member assures Government that its circulation is more than 1,000, the restriction so far as that paper is concerned will be removed.

Mr. NOOR MAHOMED: The Honourable the General Member has replied "The M. L. C.'s attention, etc." May I know, Sir, whether that is the right practice of addressing an honourable member?

The Honourable Mr. COWASJI JEHANGIR: It ought to have been "honourable member". I apologise.

The Honourable the PRESIDENT: May I make that suggestion to all Honourable Members and Ministers of Government, as regards the phraseology to be used when addressing honourable members?

Mr. D. B. ADWANI: Is it true, Sir, that according to the Reforms, we are not "Honourable Members"?

The Honourable the PRESIDENT: They are honourable members, but they are not Honourable Misters.

The Honourable Sir MAURICE HAYWARD: The Chief Secretary will make a note of that, Sir.

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*The following question and answer were printed in the 1st list of questions and answers of the July 1924 session:—

HAJI ABDULLAH HAROON (Karachi City): Will Government be pleased to state—

(*a*) Which newspapers, dailies and others respectively, in the Bombay Presidency are supplied free with all the Government publications, including the Administration Reports and the *Bombay Government Gazette* and the *Sind Official Gazette*?

(*b*) Is it a fact that the daily newspapers the *Al-Wahid* and the *Hindoo* in Sind, are not supplied free with the *Bombay Government Gazette* and the *Sind Official Gazette*?

(*c*) If so, why?

The Honourable Mr. COWASJI JEHANGIR: (*a*) Two lists (Appendix 43A) are attached showing the newspapers which are supplied free of cost with the *Bombay Government Gazette* and the *Sind Official Gazette* respectively. Most of these papers are also supplied with such of the other Government publications (including administration reports) as are of special interest to the papers and specifically asked for by them.

(*b*) Yes.

(*c*) The policy of Government is to supply the *Gazettes* to those papers only whose circulations are over 1,000.

LIQUOR SHOPS.

HAJI ABDULLAH HAROON (Karachi City): Will Government be pleased to furnish the total number of shops, hotels or refreshment rooms licensed to sell country liquors and foreign liquors respectively, as they stood on the 1st of April 1920 and the 1st of April 1924, respectively, throughout the Bombay Presidency including Sind?

The Honourable Mr. A. M. K. DEHLAVI: For information as to the number of shops, etc., on 1st April 1920 the honourable member for Karachi City is referred to Imperial Return III annexed to the Excise Administration Report for the year 1920-21.

Similar information for 1st April 1924 has been called for.

MUSLIM TRUSTS IN GOVERNMENT CHARGE.

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

(*a*) the original value of the trust property and its present value;

(*b*) by whom endowed;

(*c*) how invested and the annual net income realised from the same;

(*d*) the purpose for which the trust property is to be utilised and whether it continues to be so utilised;

(*e*) the names of the trustees or managers?

The Honourable Mr. B. V. JADHAV: (*a*), (*b*), (*c*), (*d*) and (*e*) Information is being obtained.

REPORT OF TECHNICAL AND INDUSTRIAL EDUCATION COMMITTEE.

Mr. M. R. JAYAKAR (Bombay University): Will Government be pleased to state—

(*a*) what action they propose to take on the final reports of the Technical and Industrial Education Committee appointed by Government in 1921-22;

(*b*) why after appointing a committee which sat for nearly a year, Government have been slow in availing themselves of its labour so far;

(*c*) why if the minority report was considered too advanced no action was taken on the majority report?

The Honourable Mr. B. V. JADHAV: (*a*), (*b*) and (*c*) In view of the scheme of compulsory primary education on which Government have embarked, they do not consider that they can undertake to launch a

scheme of technical and industrial education until the former scheme has farily progressed and the provincial finances improve.

Mr. M. R. JAYAKAR: Since when has the policy been pursued of postponing the claims of technical education in favour of primary education ?

The Honourable Mr. B. V. JADHAV : Notice should be given, and I shall be very happy to answer the question.

Mr. M. R. JAYAKAR: How much money has been expended on primary education since the entertainments tax began to be collected ?

The Honourable Mr. B. V. JADHAV: The figures are in the budget, and I may refer the honourable member to the budget.

Mr. P. G. JOSHI: May I know whether any scheme of compulsory primary education has been brought into effect in any district of this Presidency ?

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

Mr. P. G. JOSHI: How can Government say that they have embarked on a scheme for the extension of compulsory primary education ?

The Honourable Mr. B. V. JADHAV: Government have intimated to all district local boards that if they want any extension of primary schools, and if they are prepared to pay one-third of the cost, Government would be very glad to provide the remaining two-thirds.

Mr. P. G. JOSHI: Is it not a fact that Government have not spent anything on this scheme as yet ?

The Honourable Mr. B. V. JADHAV: Government are ready to spend, but no demands have been made by the district local boards.

Mr. B. G. PAHALAJANI: Has Government issued any orders calling upon the local authorities to frame new schemes and submit them, and is the Honourable Minister aware that the rules have been amended and are not yet before the local bodies ?

The Honourable Mr. B. V. JADHAV: Those rules have now been properly framed and are published.

Rao Saheb D. P. DESAI: Is it true that, according to the budget, Rs. 3 or 4 lakhs less is spent on education in the current year than in the previous year ?

The Honourable Mr. B. V. JADHAV: It is not so.

Mr. M. R. JAYAKAR: Has the Honourable Minister in his mind any scheme for spreading primary education more rapidly ?

The Honourable Mr. B. V. JADHAV: Government will give the district local boards opportunities and time to do their best, and if it is found that they are not going on at a rapid pace, then Government will have to take up the matter.

Mr. C. M. SAPTARSHI: May I know when Government decided the question of not undertaking a scheme for technical and industrial education ?

The Honourable Mr. B. V. JADHAV: Very recently.

Mr. D. B. ADWANI: Does it mean then that the scheme for the industrial advancement of the presidency will be set back by ten or twenty years?

The Honourable Mr. B. V. JADHAV: Of course, no.

### Government Cart Depots.

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

(*a*) the number of cart depôts maintained by them in Kanara and the names of the places where they are located;

(*b*) the number of carts and animals in each of such depôts and the average cost of a cart and an animal respectively;

(*c*) the total amount of money spent on the upkeep of each of the depôts during the years 1922-23 and 1923-24;

(*d*) the amount of money earned in each of the depôts during these years;

(*e*) the purpose for which such depôts are maintained;

(*f*) whether the carts in the depôts are let out to private individuals or forest contractors for their use?

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

### Purchases made in England by the Bombay Port Trust.

Mr. LALJI* NARANJI (Indian Merchants' Chamber): (*a*) Will Government be pleased to place on the table a statement of purchases made in England by the Bombay Port Trust showing the names of the articles, the prices at which they are purchased and the country in which the goods were manufactured?

(*b*) Will Government be pleased to state whether the Bombay Port Trust follow the same principle as is adopted by the Government of India in making their purchases of articles not manufactured in India?

(*c*) Will Government be pleased to state whether they have made it obligatory on the Bombay Port Trust to follow the same rules as are adopted by the Government of India in their purchases of stores outside India?

(*d*) Will Government be pleased to state whether the Bombay Port Trust give instructions to their agents in England to invite tenders from all countries where the articles required by them are manufactured?

The Honourable Mr. COWASJI JEHANGIR: A statement† of purchases made in England is attached. Country of manufacture—United Kingdom, mostly the former.

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

† *Vide* appendix No. 44.

The Bombay Port Trust follow generally the same principle as is adopted by the Government of India in making their purchases of articles not manufactured in India or not procurable of the required quality of Indian manufacture.

This has already been replied to.

Yes, in the case of major purchases.

Mr. K. F. NARIMAN: Were tenders invited from other countries in Europe?

The Honourable Mr. COWASJI JEHANGIR: I must ask for notice.

Mr. K. F. NARIMAN: What is the general policy of Government with regard to the purchase of stores? Is it to purchase the cheapest article in India or to benefit the manufacturers in England? Is it cheapness for India or patronage for England?

The Honourable Mr. COWASJI JEHANGIR: The policy is to buy the cheapest article considering the quality giving preference to articles made in India.

Mr. K. F. NARIMAN: In order to know the prices, are tenders invited from other countries generally?

The Honourable the PRESIDENT: The question of general policy does not arise under this question which refers to Port Trust.

Mr. K. F. NARIMAN: The Honourable Member referred to the general policy. Now with regard to the Port Trust, will the Honourable the General Member give instructions to the trust?

The Honourable Mr. COWASJI JEHANGIR: Under the Act Government cannot give instructions and it is for the trustees to give instructions.

## Toddy and Liquor Shop Nuisance at Surat.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): (*a*) Will Government be pleased to state whether they are aware that there is a toddy shop belonging to licensee Maneckjee Adarjee in Budelwad at Burhanpuri Bhagol at Surat quite adjacent to a *masjid*?

(*b*) Are Government aware that there is a liquor shop belonging to licensee Bhikhaji Manekji in the said locality just opposite the same *masjid*?

(*c*) Will Government be pleased to lay on the table a copy of rules regarding the location of toddy shops and liquor shops?

(*d*) Are Government aware of the great disturbance caused to Mussalmans while offering their prayers owing to the existence of these shops?

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

## List of Resolutions passed in Council.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state whether they are aware that the

Government of India and the Governments of the Central Provinces and the Punjab publish periodically in their respective gazettes a list of the resolutions that are discussed in the Council together with the action taken thereon?

The Honourable Sir MAURICE HAYWARD: Government have no information.

Mr. P. G. JOSHI: Do Government receive any copies of the Government of India Gazette and the gazette published by the Government of the Central Provinces?

The Honourable Sir MAURICE HAYWARD: The Government of India Gazette was examined and no notification was found.

### Indian News Agency.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state whether any contribution is made by the different departments of the Secretariat, the office of the Private Secretary to the Governor and the Commissioner in Sind to the Indian News Agency, and if so, what is the amount contributed by each of the said departments and offices and what is the amount budgeted for this purpose for 1924-25?

The Honourable Mr. C. V. MEHTA: Government are subscribing at the rate of Rs. 250 per mensem for the supply of Indian News Agency telegrams. This is the minimum subscription for any number of copies between 1 and 8. Copies of the telegrams were hitherto supplied for the use of the following:—

His Excellency the Governor.
Honourable the Home Member.
Honourable the General Member.
Chief Secretary to Government.
Secretary to Government, Home Department.

In addition to the monthly subscription, copying charges amounting to about Rs. 400 per annum for each of the copies are paid by Government. The monthly charges for subscription and copying fees are debited proportionately to the contract grants of the departments concerned. The current year's budget provisions for the purpose are as follows:—

| | Rs. |
|---|---|
| Separate Department (for three copies) .. .. | 2,520 |
| Finance Department (for one copy) .. .. | 840 |
| Home Department (for one copy) .. .. | 840 |

Copies formerly supplied to the Honourable Member, General Department, and the Chief Secretary to Government have been discontinued with effect from 1st October 1924.

Sardar G. N. MUJUMDAR: In the budget the amount sanctioned is Rs. 3,400, while in the reply the amount has been shown as Rs. 4, 200. Why is there this difference?

The Honourable Mr. C. V. MEHTA: I do not know what year's provision the honourable member is referring to. I do not remember it.

These figures become somewhat complicated in the way in which the honourable member puts them. I would be very glad if he gives notice.

Mr. P. G. JOSHI: To whom is that amount of Rs.400 paid?

The Honourable Mr. C. V. MEHTA: To the agency mentioned there.

Mr. K. F. NARIMAN: What is the complication here? What is the reason for this excess of Rs. 10,000?

The Honourable Mr. C. V. MEHTA: The position is somewhat reversed in that I have to ask questions instead of answering them. Where is that figure of Rs. 10,000 referred to by the honourable member?

Mr. K. F. NARIMAN: I will reverse the position. What is the reason for this excess of Rs. 800?

The Honourable Mr. C. V. MEHTA: I do not know that there is any excess.

### Dholka-Vautha Road in Ahmedabad District.

Mr. W. S. MUKADAM (Panch Mahals District): (*a*) Will Government be pleased to state how many miles of metalled portion of the Dholka-Vautha road in the Ahmedabad district is in charge of the Public Works Department?

(*b*) Will Government be pleased to state what sum has been spent on this road during the last five years?

(*c*) Will Government be pleased to state how many times during the last five years minor repairs were done to the road; how many men were engaged; and how long the work lasted each time; and what were the expenses each time?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The information has been called for.

### L. C. P. & S. Examination.

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

(*a*) whether the percentage of the successful students at the final L. C. P. & S. examination as compared with the number who appeared thereat has been decreasing during the last three years?

(*b*) If so, whether they have made any inquiry as to the cause?

(*c*) If so, what has been the result of the inquiry?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

### Officers of the Bombay Development Department.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to give the following information regarding officers engaged in the Bombay Development Scheme—

(1) Name of the officer whose pay is Rs. 1,000 or above per month,

(2) Monthly pay,

(3) Nationality,

(4) Designation,
(5) Qualification,
(6) Date of appointment,
(7) On what pay he was appointed,
(8) By whom appointed,
(9) What pay he used to draw in the service or Department in which he was last engaged ?

The Honourable Mr. COWASJI JEHANGIR : A statement* furnishing the desired information as far as it is available in the case of officers under the Development Department, on pay of Rs. 1,000 per mensem and above is appended.

Mr. C. M. SAPTARSHI : If you look to the statement you will find that there are only 6 Indians out of 26. Was no attempt made to get more Indians ?

The Honourable Mr. COWASJI JEHANGIR : Whenever an Indian is found fit for any one of these appointments, the principle is always to employ an Indian.

Mr. G. I. PATEL : What is the method by which an Indian is found whether fit or not ?

The Honourable Mr. COWASJI JEHANGIR : By advertisement.

Mr. K. F. NARIMAN : Who is to decide whether an Indian is fit ?

The Honourable Mr. COWASJI JEHANGIR : Generally the recommendation of the Director.

Mr. J. C. SWAMINARAYAN : Were any of these appointments advertised for and applications invited ?

The Honourable Mr. COWASJI JEHANGIR : Most of those employed for the reclamation are employed on the recommendation of the consulting engineer.

Mr. K. F. NARIMAN : In those cases that are not advertised ?

The Honourable Mr. COWASJI JEHANGIR : In some cases the posts are not advertised, because an expert is required.

Mr. G. I. PATEL : Will the Honourable Member give one instance of the case he refers to ?

Mr. M. R. JAYAKAR : In how many cases out of 100 is that done ?

The Honourable Mr. COWASJI JEHANGIR : Under a rule certain powers are delegated to the Director. In other cases each case comes up before Government.

Mr. K. F. NARIMAN : Was the advisory committee consulted in the matter ?

The Honourable Mr. COWASJI JEHANGIR : No.

Mr. R. D. SHINDE : In the statement appended, item 6, what is the qualification of that gentleman ?

* *Vide* Appendix No. 45.

The Honourable Mr. COWASJI JEHANGIR: There is no qualification mentioned in the remarks column. The director informs me that he is a dockyard engineer of 25 years standing.

Mr. M. R. JAYAKAR: Has he at least had the privilege of appearing for the matriculation?

The Honourable Mr. COWASJI JEHANGIR: He has not had the privilege of appearing for the matriculation.

Mr. W. S. MUKADAM: Did he pass any examination after this answer was published?

The Honourable the PRESIDENT: I think we have had enough of this.

Mr. J. C. SWAMINARAYAN: For what period of time these engineers have been employed?

The Honourable Mr. COWASJI JEHANGIR: Most of them are temporary.

Mr. K. F. NARIMAN: Does the honourable member suggest that no qualified Indian with English university qualifications was available for these posts?

The Honourable Mr. COWASJI JEHANGIR: It is a question of experience, not of qualifications.

The Honourable the PRESIDENT: I think we have had enough of this. Next question.

### Toll levied by N. W. Railway on Indus Bridge between Kotri and Hyderabad.

Mr. D. B. ADWANI on behalf of MUKHI JETHANAND PRITAMDAS (Eastern Sind): (*a*) Will Government be pleased to state why the usual toll levied by the N. W. Railway authorities on human and wheel traffic on the Indus bridge between Kotri and Hyderabad is being continued when a similar toll has been abolished at Sukkur?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The Bridge is an Imperial concern.

Mr. D. B. ADWANI: Cannot Government take up the matter with the Government of India?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The honourable member can get some member in the Legislative Assembly to ask the question.

### Development Directorate's Cement Contracts.

* Mr. K. F. NARIMAN (Bombay City, South)†: (*b*) If the market rate is less than the price being paid under the agreement, will the Honourable

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

† For full text of the question as put at the meeting held in July 1924, please see p. 811 of Vol. XII, Pt. XI of Legislative Council Debates.

the General Member be pleased to state what is the actual loss sustained by the Directorate for the excess price of cement paid on account of this agreement ?

The Honourable Mr. COWASJI JEHANGIR : (*b*) The financial effect of the agreement cannot be calculated from present market rates and the rates paid under the agreement. When the agreement was made market rates were much higher than they are now. In the last two seasons the Directorate's purchases amounted to 50,000 tons and these supplies could only be bought by making forward contracts in June or July of each year. There is no other public body in Bombay with a cement consumption comparable with that of the Development Directorate. On the information available regarding prices and contracts it seems probable that in the last two seasons the Directorate supplies might have cost Rupees five lakhs less than were paid under the agreement. This estimated loss amounts to 12½ per cent. of the payments made under the agreement.

Mr. K. F. NARIMAN : Why could not the financial effect be calculated ? Is it difficult to get the prevailing market rate and the contract rate ?

The Honourable Mr. COWASJI JEHANGIR : As far as I remember—I do not commit myself to this answer, because I cannot recollect it—but as far as I remember it was difficult to calculate because this contract came into effect not from the very beginning but some time after the directorate came into existence. Therefore it was difficult to find out the financial effect because we could not tell what was the financial effect when this contract came into effect.

Mr. K. F. NARIMAN : The question was, what was the financial effect after this contract came into force ? It would be the difference in the contract rate and the prevailing market rate.

The Honourable Mr. COWASJI JEHANGIR : That was not how the question was understood.

Mr. K. F. NARIMAN : The financial effect would be the difference between the prevailing contract rate and the market rate ?

The Honourable Mr. COWASJI JEHANGIR : For one year ? Well you have got that figure in the reply.

Mr. K. F. NARIMAN : Is it not a fact that there is a difference of about cent per cent..? The market rate is Rs. 30 to Rs. 35 and the contract rate is Rs. 60 to 70.

The Honourable Mr. COWASJI JEHANGIR : That is not so.

Mr. G. I. PATEL : Is it not a fact that the market rate is Rs. 40 and the contract rate Rs. 90 ?

The Honourable Mr. COWASJI JEHANGIR : That is not so.

Mr. G. I. PATEL : What is the difference between the price of the last contract and the contract made previous to that ?

The Honourable Mr. COWASJI JEHANGIR : There is only one contract for ten years.

Mr. K. F. NARIMAN: I want the difference between the contract rate last year and the market rate. Does the honourable member suggest that the Development Director does not know the prevailing market rate for cement?

The Honourable the PRESIDENT: The honourable member cannot ask the honourable member the Director.

The Honourable Mr. COWASJI JEHANGIR: I have given that.

Mr. K. F. NARIMAN: Does not the Honourable Member get the prevailing market rate for cement?

The Honourable Mr. COWASJI JEHANGIR: I can get it, if the honourable member gives notice. I cannot give it from memory.

Mr. P. G. JOSHI: May I know the present market rate of cement?

The Honourable Mr. COWASJI JEHANGIR: I am afraid I cannot remember the present market rate. But I will want to know what quality of cement the honourable member has in mind. If the honourable member puts a supplementary question, I can give it.

Mr. K. F. NARIMAN: What is the contract rate now?

The Honourable the PRESIDENT: I do not know whether honourable members should pursue the subject. The Honourable the General Member has stated that if they want more information, and if they give notice, he will give them all the detailed information required. Government Members are not bound to reply: they are entitled to ask for notice.

The Honourable Mr. COWASJI JEHANGIR: I am trying to give as many answers as I possibly can.

The Honourable the PRESIDENT; I know that: that is appreciated.

Mr. K. F. NARIMAN: I shall be content if the honourable member says that he requires notice. What is the present contract rate?

The Honourable Mr. COWASJI JEHANGIR: The present contract rate is based on the cost of manufacture: it is the cost of manufacture *plus* 15 per cent. The cost of manufacture will vary according to the cement company. I cannot say what is the cost of manufacture in each cement company. If the honourable member will give notice I shall obtain the cost from each cement company.

Mr. K. F. NARIMAN: Is the honourable member aware that certain contract companies are buying cheaper cement from outside and supplying the directorate?

The Honourable Mr. COWASJI JEHANGIR: I am not aware of that. If the honourable member will give me information, I shall be greatly obliged to him. If the honourable member will give me that information, I shall be only too pleased to receive it. I am always open to information of this kind.

Mr. HOOSEINBHOY A. LALLJEE: On what figures is this figure of five lakhs based?

The Honourable Mr. COWASJI JEHANGIR: It seems probable that it is on the information available regarding contract and market prices.

Mr. HOOSEINBHOY A. LALLJEE: I want to know how this figure has been arrived at.

The Honourable Mr. COWASJI JEHANGIR: I have not got the figures here.

### Depressed Classes Seat on Bombay Municipality.

Mr. R. S. NEKALJAY: (*a*) Will Government be pleased to state since when a seat for a nominated member on the Bombay municipal corporation has been kept reserved for the depressed classes?

(*b*) Will Government be pleased to furnish the names of all the councillors nominated on the Bombay municipality on behalf of the depressed classes since the seat was reserved; and to state whether at any time persons not belonging to the depressed classes have been nominated to this seat, and if so, the reasons therefor?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Of the sixteen seats on the Corporation to which Government appoints members no seat is reserved for a member of the depressed classes or as a matter of fact for any particular community. In making appointments on the Corporation the representation by election of the several communities is taken into consideration and, if suitable candidates representing the minorities are available, their claims for appointment are given due preference. The honourable member was himself nominated in 1923.

Mr. R. D. SHINDE: Why was not a Maratha nominated?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Once Government nominated a Maratha gentleman, but received numerous representations that the nominee of Government did not represent the community. On the last occasion when Government wanted to make nominations they received various representations from Marathas proposing different names. Well, I think the Marathas should thank themselves for that. If they came unanimously to Government, then Government would consider their opinion.

Mr. B. K. DALVI: Was not Mr. Nekaljay available before 1923?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: He was at least not known to me.

### Publication of Government Advertisements in Newspapers.

Mr. NOOR MAHOMED (Hyderabad District): (*a*) Will Government be pleased to state whether it is a fact that in Sind Government advertisements are published in a few newspapers selected for the purpose? If so, on what basis is such selection made?

(*b*) Will Government be pleased to give the names of all newspapers printed in Sind which are selected for Government advertisements?

What is the circulation of each of such newspapers ? Which of them is a daily or a weekly paper ?

(*c*) Will Government be pleased to state whether it is a fact that orders have been issued that no Government advertisement be sent for publication to the *Prakash*, a daily vernacular newspaper published at Hyderabad, Sind ? If so, what are the reasons which led the authorities in Sind to issue such orders ? When was this newspaper first started ?

The Honourable Sir MAURICE HAYWARD : (*a*) and (*b*) A list* of newspapers published in Sind to which official advertisements are usually sent subject to the local necessities of each district is placed on the table. The list gives the particulars required by the honourable member regarding each paper. The basis on which the selection of these papers is made for inclusion in the list is that they abstain from repeated vilification of Government and their officers and misrepresentation of their actions and motives.

(*c*) The answer is in the affirmative. The orders were issued by the Commissioner in Sind because the tone of the paper was extremely anti-Government and objectionable. The paper started publication on the 1st March 1924.

Mr. NOOR MAHOMED : Is it not a fact that the basis of selection of newspapers for advertisements is the widest publicity for Government notices, etc. ?

The Honourable Sir MAURICE HAYWARD : The selection is as stated in the printed answer.

Mr. NOOR MAHOMED : Has the Honourable the Home Member seen for himself these newspapers to which the Government supply the advertisements ?

The Honourable Sir MAURICE HAYWARD : I have not had the honour of seeing all these newspapers.

Mr. NOOR MAHOMED : Would the Honourable Member have the pleasure of seeing them ?

The Honourable Sir MAURICE HAYWARD : I shall be delighted as soon as I can obtain sufficient leisure.

Mr. B. K. DALVI : Is the same principle followed in the other parts of the presidency ?

The Honourable Sir MAURICE HAYWARD : Yes.

## Bill for Enhancement of Court Fees.

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : Will Government be pleased to state—

(*a*) Whether they are aware of any intention on the part of the Government of India to introduce a bill in the Imperial legislature which would result in the enhancement of court fees in this presidency ?

(*b*) If so, whether it is a fact that the provisions of that bill are on the lines of the Court Fees Bill which was rejected by this Council in February last ?

* *Vide* Appendix No 46A.

(*c*) If the reply to (*a*) be in the affirmative, whether the Government of India have invited the views of this Government regarding this matter ?

(*d*) If so, and if they have expressed any views, will they be pleased to state the nature thereof ?

The Honourable Sir MAURICE HAYWARD : (*a*) The Government of India have drafted a bill for the consolidation of the law regarding Court fees. The draft bill does not affect the schedule of Court fees save in so far as it relates to probate and administration fees.

(*b*) No.

(*c*) Yes.

(*d*) This Government has not yet communicated its opinion to the Government of India.

Mr. D. R. PATIL : Has Government formed its opinion on the subject or is it yet to be formed ?

The Honourable Sir MAURICE HAYWARD : I have nothing to add to the answer printed.

Mr. G. I. PATEL : May I ask whether Government will be pleased to say what that opinion is after they form it ?

The Honourable Sir MAURICE HAYWARD : I have nothing to add to the answer printed.

### Allowance for reporting Public Meetings.

Mr. G. I. PATEL (Ahmedabad Millowners' Association) : (*a*) Will Government be pleased to state whether it is a fact that shorthand reports of public meetings in the presidency used to be taken by special police officers sent from Bombay who received first class fare and about Rs. 200 extra allowance per month besides their salary ?

(*b*) Is it a fact that this work has now been entrusted to sub-inspectors ? If so, what allowances and charges are paid to them for such work ?

The Honourable Sir MAURICE HAYWARD : Special police officers have not been sent from Bombay to take shorthand notes of public meetings, but on occasions the services of a professional shorthand writer have been utilised. His fees have varied from Rs. 100 to Rs. 200 a day.

Sub-Inspectors trained as shorthand writers do make shorthand reports of vernacular speeches, when it is considered necessary. Such sub-inspectors receive in addition to their pay allowance of Rs. 15, 30 and 40 according to their degree of proficiency.

Mr. G. I. PATEL : With regard to the last two lines of the answer " allowance of Rs. 15, 30 and 40 according to their degree of proficiency ", does it mean per day or per month ?

The Honourable Sir MAURICE HAYWARD : Per month.

### Bridge over Patalganga in Petha Khalapur.

Mr. M. B. POWAR (Kolaba District) : (*a*) Will Government be pleased to state whether they are aware that the river Patalganga in the

Karjat taluka of the Kolaba District has become unfordable at several places owing to the tail water from Tata Hydro-electric works being allowed to run through the river ?

(*b*) Are Government aware that there is a public demand for the construction of a bridge at Savaroli in Petha Khalapur (District Kolaba) ?

(*c*) Will Government be pleased to state whether they intend to take any steps to remove the public inconvenience ? If so, what steps do they intend to take, and when ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The information has been called for.

### Registered Village Libraries.

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to lay on the table a statement showing :—

(*a*) the number of registered village libraries in every district,

(*b*) how many of them are aided, and

(*c*) the total amount of aid given to such libraries.

(*d*) Will they be further pleased to state whether they have taken or intend to take any steps to establish new libraries or extend such libraries and, if so, to specify such steps ?

The Honourable Mr. B. V. JADHAV : (*a*), (*b*) and (*c*) Information has been called for.

(*d*) The whole question of village libraries and reading-rooms is under consideration.

### Medical Dispensary at Bolthan, Nasik District.

Mr. R. G. PRADHAN (Nasik District) : Will Government be pleased to state whether it is true that some six or seven years ago the local authorities raised public subscriptions from the people of Bolthan, taluka Nandgaon, district Nasik, as a contribution towards the expenses of establishing a medical dispensary at Bolthan ? If so, has the dispensary been established ? If not, what action do Government intend to take in this matter and when ?

The Honourable Mr. B. V. JADHAV : Inquiries are being made.

### Aden Port Trust.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to furnish—

(*a*) the number of Indians, Arabs and Europeans and others, respectively, in the employ of the Aden Port Trust drawing a monthly pay (*i*) up to Rs. 100, (*ii*) between Rs. 100 and Rs. 200, (*iii*) between Rs. 200 and Rs. 300, (*iv*) between Rs. 300 and Rs. 500 and (*v*) above Rs. 500 ?

(*b*) the average number of meetings of the trustees of the Aden Port Trust held every month during the last year ?

The Honourable Mr. COWASJI JEHANGIR : The information is being obtained.

CHANDORI-SAYKHEDA FERRY RATES.

*Mr. R. D. SHINDE (Nasik District): Will Government be pleased to state—

(*a*) whether any petition was received by the Collector of Nasik in August 1923 from inhabitants of Saykheda, taluka Niphad, Nasik District, complaining of an exorbitant increase in the rates of the two ferries belonging to the Jahagirdars of Chandori and Saykheda on the river Godavari ?

(*b*) If so, whether Government have taken or intend to take any action on the application, and if so, what action ?

(*c*) Was any open inquiry held by the Collector ?

(*d*) Whether the petitioners were allowed to inspect the written statements and the documents put in by the Jahagirdars ?

(*e*) What have been the rates levied per head on the ferries during each of the last ten years ?

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

(*b*) The applicants' pleader Mr. C. K. Gadgil was informed by the Collector that he was unable to take any action in the matter of establishing a public ferry, as the Jahagirdars had a good claim to control the ferry at Saykheda. (Saykheda and Chandori are on two sides of the river.)

(*c*) Yes. An enquiry was made through the Mamlatdar and the Deputy Collector and the Jahagirdars were called upon by the Collector to furnish documentary evidence in support of their claim to ply their own ferry.

(*d*) No, no application was received by the Collector, requesting him to allow the inspection of the papers.

(*e*) The rates levied per head on the ferries during each of the last ten years are as given in the accompanying statements.†

TALUKA AND DISTRICT LOCAL BOARDS IN SURAT DISTRICT.

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state (*a*) the qualifications of voters for the taluka and district local boards in the Surat district

(*i*) in the year 1922, and

(*ii*) now.

(*b*) The number of voters for each of the taluka and district local boards respectively in the Surat district

(*i*) in the year 1922, and

(*ii*) now.

(*c*) The number of polling stations for the local boards elections in each taluka

(*i*) in the year 1922, and

(*ii*) now.

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

† *Vide* Appendix No. 46.

(*d*) The number of villages in each taluka at a distance of more than five miles from the polling station

(*i*) in the year 1922, and

(*ii*) now.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*a*) Attention is invited to sections 7 and 18 of the Bombay Local Boards Act, 1884, and to section 15 of the Local Boards Act, 1923.

(*b*) (*c*) (*d*) The information is being obtained.

STATEMENT OF TEMPLES, MOSQUES, BURNING AND BURIAL GROUNDS FALLING WITHIN SUKKUR BARRAGE SCHEME.

Mr. A. N. SURVE (Bombay City, North): (*a*) Will Government be pleased to lay on the table a statement indicating the temples, mosques, burning and burial grounds, and similar other places and objects held sacred on account of religious or other sentiments, which fall within the Sukkur Barrage Scheme, together with their location, the parties interested in them and the objections, if any, raised by them, and the manner in which Government intend to meet those objections?

(*b*) Is it true that the barrage authorities have taken possession of a burning ground at Sukkur, in spite of public feeling to the contrary? Have the Hindus of Sukkur made any representation in the matter? If so, will Government be pleased to place a copy thereof on the table?

(*c*) Is it true that the said burning ground does not fall within the limits of the barrage works proper, but has been acquired for erecting temporary bungalows for the engineering staff?

(*d*) What relief have Government given or intend to give to the persons who object to the abolition of the burning ground?

The Honourable Mr. COWASJI JEHANGIR: (*a*) The information has been called for.

(*b*), (*c*) and (*d*) Attention is invited to the Press Note No. 154 C, dated 2nd August 1924 issued by the Commissioner in Sind and published at pages 1386—1388 of the *Sind Official Gazette* of the 21st August 1924.

Mr. A. N. SURVE: Will the Honourable Member take a note that the copy of the *Sind Official Gazette* is not now-a-days supplied to the honourable members of the presidency. Therefore, will he kindly supply me with the press note which is referred to in the answer?

The Honourable Mr. COWASJI JEHANGIR: I shall place it on the table.

Mr. A. N. SURVE: Thank you.

GOVERNMENT CONTRIBUTION TO URDU SCHOOLS.

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state:—

(*a*) How many Urdu schools have been opened by them in the Bombay Division at their own expense?

(2) Is it a fact that in the districts of Ratnagiri and Kolaba all the Urdu schools have been built by private enterprise?

(3) Is it a fact that Government allowed the public in the district of Ratnagiri to conduct some Urdu schools only when they had constructed buildings for the purpose ?

(4) Is it a fact that the late Minister of Education (Dr. Paranjpye) informed the Urdu school proprietors of Phurus, taluka Khed, Ratnagiri District, that they would not get permission to introduce Urdu standards VI and VII in the school unless they had a building worth Rs. 10,000 ?

(5) How many Urdu schools conducted by the local board in the Bombay Division have been granted rents by Government for the accommodation of buildings ?

The Honourable Mr. B. V. JADHAV : Information has been called for.

### MAHOMEDAN TEACHERS IN RATNAGIRI AND KOLABA.

Mr. A. N. SURVE (Bombay City, North): (1) Will Government be pleased to state how many Mahomedan teachers trained as well as those who have only passed the vernacular final examination are there in the Urdu schools of the districts of Ratnagiri and Kolaba ?

(2) Is it a fact that the notified area committee, Rajapur, district Ratnagiri, expressed the opinion that there was no need for any trained Mahomedan teachers in the Urdu school at Rajapur, when enquiries were made of the said committee by the Educational Department as to the necessity of such teachers ?

(3) Is it a fact that the Mahomedan teachers in almost all the Urdu schools of the Ratnagiri District are untrained ?

The Honourable Mr. B. V. JADHAV: (1) Information has been called for.

(2) and (3) Enquiries are being made.

### COLLECTION OF IRRIGATION DUES IN SOUTH DASKROI.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): (*a*) Will Government be pleased to state whether they are aware that during the current year the irrigation dues of years 1921-22 and 1922-23 are being recovered from the cultivators of rice villages of South Daskroi ?

(*b*) Will Government be pleased to state whether they are aware that rice crops have failed in the said villages during the last three years successively and that the state of the crops in the year 1923-24 necessitated the remission or suspension of ordinary revenue in most of those villages.

The Honourable Mr. COWASJI JEHANGIR: The information has been called for.

### NADIAD MUNICIPALITY.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): (*a*) Will Government be pleased to furnish the number of elected and nominated councillors of the Nadiad municipality ?

(*b*) Will Government be pleased to state whether the present number of nominated councillors exceeds the number of elected councillors ? If

so, why has this been allowed, in view of section 10 of the District Municipal Act ?

(*c*) Will Government be pleased to state how long they intend to continue the suspension of the rights of the municipal electors in Nadiad to elect their representatives in place of those councillors who have resigned and why such suspension is being continued ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*a*) The number of elected and nominated councillors of the Nadiad Municipality at present is 11 and 14 respectively.

(*b*) Yes. The excess of the nominated councillors over the elected is due to the fact that when in August 1922, 17 vacancies arose owing to resignation of 17 elected members, in the ensuing by-elections only 8 candidates presented themselves for election in the 17 vacancies, and consequently it became necessary under section 10 (2) to nominate 9 councillors in addition to the 5 councillors, who were nominated when the Municipality was reconstituted in April 1922.

(*c*) There has been no suspension by Government of the rights of Municipal electors in *Nadiad* and the present constitution of the Board will continue till the next general election which is due in March 1925.

### Election Petition.

*Mr. PUNJABHAI THAKERSI (Bombay City, North): Has the attention of the Government been drawn to a letter in the *Sanj Vartman* in its issue of the 19th June 1924 and to a letter in the *Satya Mitra* in its issue of the 23rd June 1924, regarding the defects in the Election Rules and the last Mahomedan election as also to the editorial articles in the *Jame Jamshed* dated the 20th June and the *Satya Mitra* dated 23rd June in the matter and will they be pleased to state whether they intend to take any action in connexion with the said rules ?

The Honourable Sir MAURICE HAYWARD: Government have seen the letters and articles referred to. They do not propose to take any action in the matter.

Mr. K. F. NARIMAN: Does not Government think that there is some justification for the complaint, and that the rules need amendment ?

The Honourable Sir MAURICE HAYWARD: The two points raised were: (1) Right of appeal and (2) compensation for frivolous cases. As regards (1), about appeals being permitted, it is a matter of opinion, but I am not sure whether I am allowed to give opinion in answer to a question. With regard to (2), the Commissioner can award costs.

### Separation of Judicial and Executive Functions.

Mr. PUNJABHAI THAKERSI (Bombay City, North): Will Government be pleased to state what progress they have made in the matter of separation of judicial and executive functions ?

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

The Honourable Sir MAURICE HAYWARD: Estimates of the additional staff which will be required and of the expense which will be incurred are under the examination of Government.

Mr. C. M. SAPTARSHI: Will the Government be pleased to place these estimates on the Council table?

The Honourable Sir MAURICE HAYWARD: When ready.

Mr. C. M. SAPTARSHI: When are they expected to be ready?

The Honourable Sir MAURICE HAYWARD: I cannot say.

Mr. G. I. PATEL: Is it not a fact that the matter is under the consideration of Government for the last three or four years?

The Honourable Sir MAURICE HAYWARD: No; it is as a matter of fact under the consideration of Government for twenty years.

Mr. B. G. PAHALAJANI: Is not the Honourable the Home Member aware that a resolution on this subject was passed in this Council in July 1921 and the Honourable Member himself laid down his plans for separating the judicial and executive functions in July 1921?

The Honourable Sir MAURICE HAYWARD: Was not the Honourable the Deputy President then present?

Mr. B. G. PAHALAJANI: I was. Is it then correct to say that these estimates are receiving the consideration of Government since July 1921 after the resolution was passed?

The Honourable Sir MAURICE HAYWARD: The question required careful consideration. The calculations or estimates of other presidencies vary from 4 lakhs to 12 lakhs.

Mr. B. G. PAHALAJANI: Is it correct, therefore, that for the last four years the matters are receiving consideration?

The Honourable Sir MAURICE HAYWARD: Yes.

Mr. D. B. ADWANI: Are these estimates under the consideration of Government since the last four years for the purpose of carrying out the reform or for delaying it? (No reply.)

Mr. H. B. SHIVDASANI: If the estimates are not ready, how are they before Government? (No reply.)

### Provincial Roads.

The THAKOR of AMOD (Northern Division): Are Government aware that when provincial roads are metalled and repaired in monsoon, they are closed by placing branches and thorns across the roads and thereby the traffic is put to great hardship? If so, do Government intend to take any action in the matter?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The information has been called for.

### Touring and Allowances of Presidents and Members of District Local Boards.

Dr. M. B. VELKAR (Bombay City, South): Will Government be pleased to lay the following information on the Council table regarding

the district local boards of Kolaba, Thana, Ahmedabad, Dharwar, Nasik and East Khandesh for the year 1923-24 :—

| (*i*) Name of President. | Days in each month in which he toured. | Allowances drawn. |
|---|---|---|
| (*ii*) Names of members. | Number of meetings of (*a*) district boards and (*b*) other committees held. | Number of (*a*) and of (*b*) attended. | Allowances drawn for (*a*) and for (*b*) meetings to be mentioned separately. |

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The accompanying statements* furnish the information required.

## Bombay City Municipal Act Amendment Bill.

Question again proposed

That Bill No. XXV of 1924 (a bill further to amend the City of Bombay Municipal Act, 1888 be read a first time.

The Honourable the PRESIDENT: The motion before the House is the first reading of the Bombay City Municipal Bill.

Mr. J. BAPTISTA (Bombay City, North) : Sir, before we proceed further with the first reading of this bill, I should like to rise to a point of order. I believe your ruling on that point will considerably influence my attitude and the attitude of other honourable members who were anxious that the amendment moved by my honourable friend from Bombay should have been carried. Before I put the point of order, I should like to draw your attention to clause 14 of the bill, which says " the last seven words of sub-section (1) of section 54 of the said Act shall be omitted ". Then, the next clause 15 says " for sub-section (1) of section 57 of the said Act, the following shall be substituted, namely, the appointment of the Commissioner shall be for a period of five years in the first instance and thereafter renewable for periods of three years, etc., etc. ". Section 54 says " The Municipal Commissioner for the city of Bombay shall be from time to time appointed by the Governor in Council for a renewable period of three years ". The words " renewable period of three years " have been eliminated and the rest has been retained. The point of order is, will it be competent for the select committee or for this House to amend this section 54 and delete the words " The Municipal Commissioner for the city of Bombay shall be appointed by the Governor in Council " and substitute instead the words " The Municipal Commissioner for the city of Bombay shall be appointed by the Municipal Corporation for the city of Bombay ". My submission is this that section 54 is now before this House. Any amendment of section 54 would therefore be within the scope of the principle of the bill. So far as the amendment moved by my honourable friend from Bombay is concerned, his whole object was to enable him to give notice so that he might be able t move any amendment that fell within the principle of the bill. If it did not fall within the principle of the bill, it would not be an amendment of principle. My submission is that if you, Sir, would rule that this would not be an

* Kept in the Secretary's Office.

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amendment of principle but merely an amendment falling within the scope of the bill, then it would be unnecessary for us to take up any hostile attitude towards the first reading of the bill. The rejection of the first reading of the bill would mean delay of another six months and I do not desire this delay nor do I desire to file a suit for breach of promise against any one. Therefore, it all depends upon your ruling, Sir. I hope I have made myself perfectly clear.

Mr. HOOSENALLY M. RAHIMTOOLA : Sir, I want to say a few words on this point of order. Though the amendment suggested by my honourable friend from Bombay, North, Mr. Baptista, would I think be within the scope of the bill, it would be an amendment of principle, and under the Standing Orders as they at present stand, such an amendment cannot be moved at the second reading of the bill.

The Honourable the PRESIDENT : My ruling on the question may be explained in a few words. It has been held that when by means of an amending bill any honourable member submits certain sections of an existing Act to the jurisdiction of the House, the House is entitled to make any amendments other than those which may be embodied in the amending bill to that section. Therefore, it would be perfectly open to the House to make an amendment of section 54 of the Municipal Act if they desire to do so, as section 54 is submitted to the jurisdiction of the House by means of this amending bill. Therefore, on the occasion of the first reading, an amendment of the kind which the honourable member desires to make would be perfectly in order.

The next question as to whether on the occasion of the second reading such an amendment would be in order raises the question whether this amendment would be an amendment of principle or detail. Under the existing Standing Orders, no amendment of principle can be moved on the occasion of the consideration of the bill clause by clause, but amendments of detail would be in order. As regards this point, I may inform the honourable members that the select committee which they appointed to consider the amendment of Standing Orders on this specific issue have reported and that report will come on for consideration before this House. It will be for the House then to decide whether they will keep the Standing Order as it exists at present or whether they will amend it. If the Standing Order is amended, then such an amendment would be quite in order at the second reading, but if the House does not amend the Standing Order as recommended by the majority of the select committee but adheres to the Standing Order as it exists, then amendments of principle cannot be moved. There is another way of meeting the difficulty, namely that the Member in charge should on the present occasion give the assurance that no point of order will be raised on the question of principle in regard to this matter. If this is done, any honourable member will be allowed to move such an amendment at the second reading. If the Standing Order is not amended by the House or the assurance is not given, then on the occasion of the second reading such an amendment will be out of order.

[The President]

As regards the other alternative, it is for the Honourable Minister to say whether he gives the necessary assurance or whether he does not.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: When my honourable friend from Bombay raised the point, I myself drew your attention to clause 54 that it is within the scope of the Bill, and I had even at that time no objection to his moving an amendment about the appointment of the commissioner. But, Sir, as this point has been raised now, I have not the least objection, I give that assurance.

The Honourable the PRESIDENT: Will no question of order be raised?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: No.

The Honourable the PRESIDENT: I hope that will satisfy the honourable members.

Mr. J. BAPTISTA: Perfectly.

The Honourable the PRESIDENT: We shall now proceed with the first reading of the bill.

Mr. S. K. BOLE: I rise, Sir, to support the first reading of this bill. As it is, I admit that the bill does not go far enough as regards special committees. As to this, when I was a member of the corporation, I had moved a resolution for the appointment of ward committees with supervising and executive powers but that proposition was ruled out of order on the ground that the law did not permit that, but I think, Sir, unless such a ward committee with supervising and executive powers comes into existence, there would be, I fear, no control or progress in municipal matters. Take the case of the health department. The expenditure on that department is enormously increased but comparatively there is no improvement in the sanitary affairs of Bombay. Of course places like the Queen's Road and such other places have been properly taken care of.

The Honourable the PRESIDENT: They are not free from malaria.

Mr. S. K. BOLE: This condition then strengthens my point. Then, Sir, even Mr. Masani, who was acting at one time as municipal commissioner, expressed an opinion in favour of ward committees with executive powers. I therefore submit that unless these committees are invested with such powers, matters will not be much improved.

Then as regards licenses for hawking in public places, I think such licenses ought to be given, and I suggest that the authorities should be asked to see that licenses are freely given to those who ask for them.

Then as regards the clause dealing with the duty of owners and occupiers to collect and deposit dust, etc., I would say that it is quite necessary. Some of the people are in the habit of throwing the house refuse not only on the road but some times on the heads of the passers-by, and none of the streets is free from this nuisance. However I am not sure

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whether this clause will put a stop to this habit of the people. Then side by side with that clause, there must be a clause penalising the motor-drivers who are driving their motors recklessly particularly in rainy season so as to spoil the clothes of the pedestrians with mud and water. Then I think the Act is imperfect inasmuch as it does not contain a schedule allotting seats to different wards. It must be remembered, Sir, at the last time when this Act was amended the schedule was hurriedly attached to it. The schedule therefore requires amendment. I know that committees of the municipal corporation are deliberating over the matter but they have not come to any decision as yet. It is always complained that Government machine moves slowly but I must say that the municipal corporation machine is still slower. So, Sir, the vested interests come in there, because those who have got a large number of seats do not want to give them up, and so Government must step in this matter and amend the schedule.

Then as regards nominations made by Government, I think some rules limiting and directing these nominations are required. At present there is no representation for the working and backward classes.

Mr. HOOSEINBHOY A. LALLJEE: There is nothing about nomination in this bill.

The Honourable the PRESIDENT: I have repeatedly told honourable members that they cannot roam over the whole of the City of Bombay Municipal Act when they are considering the first reading of an amending bill. Their observations must be strictly confined to the sections which have been submitted to their jurisdiction.

Mr. D. B. ADWANI: They are important additions which Government ought to have made in this bill, and which the honourable member for Bombay is pointing out.

The Honourable the PRESIDENT: They cannot be pointed out on this amending bill. I am surprised that an honourable member like Mr. Adwani should raise that point, because the remedy is in the hands of honourable members themselves. If Government do not introduce any legislation for the amendment of any particular section or sections of the Act—this is a transferred subject—any honourable member can do so himself. Then there is another alternative and that is that when this bill is brought up for the first reading they can give notice and send in additional amendments and then make their speeches but they cannot traverse over the 500 sections of the City of Bombay Municipal Act when only a few sections have been submitted to their jurisdiction.

Mr. J. BAPTISTA: Sir, I rise to a point of order. I just heard you saying "Mr. Adwani". In the House of Commons no member's name is mentioned. When the Speaker mentions it, it is considered an awful censure.

The Honourable the PRESIDENT: I am perfectly aware of it, but conditions in India are different from conditions in England.

Mr. S. K. BOLE: I was only going to point out the defects of the bill. However I bow to your ruling and I have nothing further to add and with these words I support the first reading of this bill.

Dr. COSMAS FERNANDEZ: Sir, I rise to support the first reading of this bill. In doing so I would point out one clause in which I think some provision ought to be made and that section is section 3. I mean clause 3 of the amending bill which seeks to amend section 11 of Bom. III of 1888. The note of that section defines qualifications of the voters and provides that the voter must be 21 years of age and that he must reside in the dwelling house by a certain date and pay Rs. 10 as monthly rental and then the second part of the clause provides that for the words "dwelling-house" wherever it occurs the words "building or part of a building" shall be substituted. Now by so doing the clause allows any one by virtue of his service residing in that building or part of the building, the right of a tenancy by which I understand he is entitled to vote. Of course it does not qualify the tenancy. Any way if that is so, I submit that there are of course defects in the clause although the explanation states that the amendment is designed to settle a doubt whether buldings occupied by clubs and associations for charitable, social and literary or political purposes are covered by section 11 of the Act. Now so far as a member of these institutions, who is doing honorary or paid work and is living on the premises is entitled to vote, that is all right. But it leaves a loophole to those to whom really this tenancy does not belong, namely a bhaya or some one who is residing in the premises of an office or "pedhi" getting Rs. 25 or so, per month—such a proviso may entitle such a class of people to vote, especially in B Ward where there are thousands of such cases. Now if such a man who only gets Rs. 20 or Rs. 25 is to be allowed to vote because of his tenancy; I think there must be some qualification given to this tenancy. I think if it is not done, it would be a loophole for bringing thousands of people who are absolutely ignorant, and some advantage would be taken of this. I quite see the object of Government, namely that they desire to introduce a certain number of people as being entitled to vote, and I quite see that these cases are justifiable as mentioned in the proviso.

If this clause is passed, then thousands of people who would not otherwise be entitled to vote, will be enfranchised. With these remarks, I support the first reading of the bill.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I may at once assure the honourable member from Bombay (Dr. Fernandez) that the difficulty which he has brought forward, namely that the Bhayas and watchmen may be entitled to vote at the city municipal elections is not likely to arise, because section 11, sub-section (2) contemplates that the man who occupies a building and who will have the right to vote must be either an owner or tenant. Now, a Bhaya or watchman who is in the building merely as a servant on behalf of his master could not be considered as a tenant. But apart from the difficulty which is pointed out by the honourable member (Dr. Fernandez), I may point out certain other difficulties which were actually experienced during the last

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election in Bombay. As we are aware, women have been given the franchise, and they have been given the right to vote as well as to take their seats in the Bombay municipal corporation, and that has been well availed of, but there is still a difficulty for qualified ladies becoming members of the corporation because the right to vote is only given to tenants or owners. Now, it is our experience that respectable ladies, whether married or unmarried generally reside either with their parents or husbands; the tenancies are never in the name of the ladies; it is always in the name of some male member of the family, the husband or the parent. There are many ladies who are well qualified to become members of the corporation and who are desirous of becoming members, but they are debarred from doing so, because the tenancies are not in their name. One honourable member from behind suggests that the husbands should transfer the tenancies in the name of the wives, or the father should transfer it in the name of the daughter, but there may be some risk in it, because in the case of a quarrel between the husband and wife, and the wife becomes the tenant of the tenement, the husband may be turned out. Therefore, the husband would be taking a certain amount of risk in transferring the tenancy to his wife. Such possibilities are likely to arise, and it is not right that the legislature should impose such risks on the husbands. I know that during the last elections to the corporation, one election was sought to be set aside on this ground. On account of this difficulty although there are a good many ladies who are well qualified to become members of the corporation, they cannot stand as candidates. I am glad that this section has come before the House and I hope that this point will be carefully considered by the select committee, and some means found to overcome the difficulty either that the husband desirous of his wife becoming a member of the corporation may transfer the tenancy to his wife for the time being, or if he himself, having the right to stand as a candidate, instead of availing himself of it, transfer it to his wife.

The honourable member (Dr. Fernandez) has also pointed out the necessity of executive ward committees. That is a very great necessity in Bombay, particularly on account of the way in which business is transacted in the corporation. Members of the corporation, while going on sanitation rounds, with a real desire to do good, may find that there are several things which require attention, several defects which have to be set right. The only way in which they can do so is to bring in a resolution in the corporation, which may come on for discussion six months after notice of it has been given. For instance, if during monsoon there is a complaint about the accumulation of water on the streets, it will be discussed long after the monsoon has been over. Supposing there is a complaint from a particular individual that the monsoon water is accumulating in front of his house, we may be discussing the thing in the corporation some time in October or November, long after the monsoon. There are several cases where immediate attention from the municipal executive is needed, and it cannot be done unless members of the corporation are given some executive power. If we have executive committees with such powers,

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when they go on their sanitation rounds and they receive any complaints or see any defects themselves, they can be pointed out to the executive officer, and speedily removed. I do not think that the corporation would object to such executive committees.

Now, coming to the most important clause of the bill, namely, the one dealing with the municipal commissioner's salary, I have already stated my view and the view of the corporation, that the salary proposed is rather exorbitant, considering the present finances of the corporation. Several important necessities of Bombay city have to be set aside; even the drainage in the northern part of the island is not provided for, and the water supply is suffering, all because there is not enough money to meet the municipal requirements of the city. At present there is a retrenchment committee sitting in the corporation, and they are trying to find out various ways and means by which to retrench the expenditure. At such a time to have a big jump from Rs. 2,000 to Rs. 4,500 seems to me unreasonable, particularly because it is not based on the principle that he who pays for the appointment must have a voice in the appointment. It is the municipal corporation that will provide for the pay of the commissioner, and yet, it has no voice either in his appointment, or in the question whether they want to give him any increase in the salary. I do not think it is right that the municipal corporation should have no voice either in the appointment of the municipal commissioner, or with regard to his pay and promotion. One reason which is given for increasing the pay of the municipal commissioner is that living in Bombay now is dearer than it was before. It may be, Sir, that when the committee considered this point, probably it was true. But the difficulty is that when we raise the salary, it is never reduced when the cost of living is reduced. This matter was considered about two or three years ago, when conditions in Bombay were different from what they are to-day, and they are changing every day. By the time this clause becomes law, living in Bombay may become cheaper than what it was two or three years ago, and there is no loophole left for any one to say that the salary may be increased when living in Bombay becomes dearer, and that may be reduced when the cost of living becomes less and is restored to normal conditions. Another difficulty will be that every salaried officer in the corporation will be entitled, if an increase of salary is granted to the highest officer of the corporation on the ground of increase of cost of living, to demand more salary on the same ground and every menial servant of the corporation will be entitled to make a similar demand. If we are going to say that the cost of living has increased and therefore a salary of Rs. 2,000 should be raised to Rs. 4,500, I do not know how the corporation is going to meet the claims of their other officers and the menial staff. That is a point that will have to be very carefully considered. But, Sir, what the corporation are more concerned with than the salary of the municipal commissioner, is the appointment of the municipal commissioner, and I am glad that the Honourable Minister has given an assurance that that can be considered by the select committee. That assurance has not only taken away any

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cause of action so far as breach of promise is concerned, but it has not left any ground for damages. Therefore, that suit must not be proceeded with any more.

Another important matter is the care of the pauper lunatics by the corporation. This is a new liability sought to be imposed on the corporation, which was not hitherto considered for the last so many years. I should like to say that the corporation as well as the House should very seriously consider whether in its present financial condition, the corporation should be made to meet this great liability. Under the last bill, the Food Adulteration Bill, there is thrown on the corporation the liability of starting a laboratory, which would cost some lakhs of rupees, according to my honourable friend from Bombay. There is another, according to which the corporation shall have to bear the liability for a good round sum every month; it is current expenditure. I do not know why the corporation should be asked to provide for the pauper lunatics in a city like Bombay, which is unfortunately infected with many kinds of mental derangements, not only among the paupers, but among the upper classes also, and this is a responsibility which ought to be very carefully considered before the corporation is asked to undertake to discharge. At least the State should be made to bear its share.

Under another of the clauses of the bill, when a servant carries on a dangerous trade on behalf of the master, he becomes liable to punishment. I think that in the case of such servants, some consideration should be shown. It is right and proper that such a person should be given notice or warning, that the trade in which he is indulging in is an offence, and if after such notice and warning he persists in carrying it on, then he should be made responsible.

With these remarks, I hope that the select committee will consider the bill very carefully, and when it comes back from the select committee, I hope it will be as well considered as the Children's Bill in this House also.

Dr. M. B. VELKAR (Bombay City, South): Sir, I rise to support the first reading of the bill, and wish to make one or two observations with regard to certain sections. In the first place I congratulate the Honourable Member on his assurance that he would take no objection at all to any attempt on the part of the Council to bring forward any amendment in order to remove any defect so far as the appointment of the commissioner is concerned. To my mind the appointment of commissioner should vest in the corporation. The corporation has been demanding this power for the last so many years and I think it is a serious defect under the widened franchise which has placed the corporation on a more democratic basis, not to vest this power in the corporation, because if an institution has to be really democratic it must have its executive under its control. What do we find here in the corporation? The commissioner though a paid officer of the corporation, as he is appointed by the Government, looks more to the benefits of Government than to the benefits of the corporation. I shall give some instances where the resolutions passed by the corporation are not carried out by the

[Dr. M. B. Velkar]

commissioner in their letter and spirit. I shall first take the case of the resolution on the boycot of British Empire goods. The resolution was passed by the corporation as a protest against Kenya decision. On some pretext or other that resolution has not been carried out. The other instance is in connexion with the appointment of high salaried officers. The commissioner has been appointing non-Indians, though the corporation has entered its protest times without number. This is the most serious defect in the bill and I hope the select committee will mend this.

Another thing to which reference has been made by the honourable member for Bombay (Mr. Nariman), is the salary of the commissioner. True, the corporation did ask for the increase of the salary of the commissioner. Since that time the situation has immensely changed. The retrenchment committee is sitting and Sir M. Viswaswarayya has been appointed retrenchment officer and we are awaiting his report. Perhaps according to that report we may be obliged to appoint executive committees and three or four deputy commissioners. The bill for the transfer of Improvement Trust also is under consideration. Therefore, the part of the work of the present commissioner may be taken over by these committees and officers; and it is premature to say that the salary of the commissioner should be increased. The select committee, I am sure, will take into consideration all these defects and bring back the bill rid of all the defects I have suggested.

Mr. V. A. DABHOLKAR: Sir, I rise to support the first reading of this bill and I wish to make some remarks with regard to certain sections. Clause 8 (*a*) says:

"Votes shall be given by ballot and in person. No votes shall be received by proxy;"

The practice of open voting has been going on for the last so many years. Even after the introduction of the ten rupee franchise open voting was adopted for the municipal election and the honourable members from Bombay, I am sure, will bear me out that on account of voting by ballot, there were many irregularities in the last Council elections. Under the ten rupee franchise, there are many illiterate people who are not able to exercise their right of franchise properly, on account of the method of voting by ballot. Therefore I think it would be advisable to continue the method of open voting till the electorate of Bombay is educated to exercise properly their power of voting.

Coming to the question of the salary of the commissioner, I do not agree with the two honourable members who preceded me. It is not on account of the high cost of living that the corporation has made that recommendation to increase his salary, but with a view to get the full benefit of the experience of the commissioner, because it sometimes happens that the Government after keeping the commissioner for a couple of years transfers him in view of his prospects and promotions. The corporation is likely to suffer by the loss of the experience of the commissioner who is transferred and a new one succeeds him. In view of

[Mr. V. A. Dabholkar]

this circumstance, the corporation has recommended to increase his salary.

Coming to the question of lunatics described in clause 17, I do not think that it is justifiable to throw the whole responsibility on the corporation. I may just point out that we have got a leper asylum in Bombay, and the lepers who have stayed there more than five years are maintained at the municipal cost and those who are in Bombay less than five years are maintained by Government. This procedure should be followed for pauper lunatics. No such suggestion has been made with regard to the maintenance of pauper lunatics.

Coming to clause 20, I do not agree with the suggestion of the corporation. The clause says:

"(*1*) Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under section 298 or 299, for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of the order made by the Commissioner under either of the said sections; provided that any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part likely to accrue from the set-back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation."

This rule can very well apply in the case of Mahim development, where they have to open new roads and tracks. But in the case of Bombay city, take for instance the case of Shaikh Imam Street, if land is acquired for any set-back to the regular line of road the value of the property does not go up. If the executive engineer or sub-engineer recommends that a certain portion of a building is to be acquired for the betterment of the road, it would be very hard on the owner of the property. On this question of set-back I do not understand why the municipality does not want to pay for the land so acquired. I wish to point out to the House that the acquisition of land for set-back to regular line will in the city of Bombay come up to ten to fifteen lakhs of rupees. If corporation is going to take possession of these lands without paying the owners, I want to know whether the Government are going to help the corporation in this respect. The Improvement Trust has made good roads like the Princess Street and the Sandhurst Road. The question of set-back crops up whenever old buildings have to be pulled down and new buildings constructed in their stead. More than 30 such cases will not occur in a year. I do not think that to pay these 30 owners will be a great burden on the municipality. With these remarks I support the first reading of the bill.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Mr. President, the provisions of this bill are either the recommendations of the corporation or are approved by the corporation. Government have introduced a few modifications with which I shall deal later.

My experience of the Council election is similar to that of my honourable friend who has preceded me: that the electors are so illiterate and ignorant that they do not know how to vote by ballot. When there were two or three seats, about half a dozen candidates and two or three votes for the Council election the voters found such a great difficulty to vote

[Mr Hoosenally M. Rahimtoola]

that I do not know how they will manage when there will be in some wards as many as 16 seats and votes and about 30 candidates.

The corporation have decided that voting of firms and companies by giving a power of attorney should be abolished, but I regret to find Government have still retained this provision.

Sir, this is the first time that the corporation are getting special committees to whom the corporation may delegate its power and functions, but these would not be full executive committees but merely a half way measure. The provisions of section 38B regarding the delegation by the standing committee to its special sub-committees is quite redundant as the power already exists in section 49 (*g*) which reads as follows :

"Subject to any by-laws in this behalf.....the Standing Committee may from time to time, by a specific resolution in this behalf, delegate any of their powers or duties to sub-committees consisting of such members of the said committee not less in number than three on each sub-committee, as they think fit ;" etc.

What the Corporation wanted was the power of delegation by the standing committee to cognate committees of the corporation and not to sub-committees of the standing committee.

In this connection, Sir, I would like to draw the attention of the House that it would be advisable to provide for payment of fees to members of these special committees for attendance at meetings of the committees. If you want proper and full attendance and get work done, as these would be a sort of executive committees, it is absolutely necessary that fees should be paid. At present we have two statutory committees, namely the standing committee, where fees are paid, and the schools committee where no fees are paid. Whereas the attendance at the standing committee meetings is full, at the schools committee meetings it is about half. During the nine months, 1st April 1923 to 31st December 1923, the attendance at the standing committee meetings was 90·68 per cent., whilst at the schools committee meetings it was only 59·37 per cent. In the case of other committees of the corporation it is even worse, for very often we have an attendance of three to five members out of twenty-five members. Under the circumstances, I believe it is essential that fees should be paid to members of these special committees in order to get proper attendance and work done.

As regards the undertaking of liability for the maintenance and treatment of pauper lunatics, the corporation have expressed willingness to do so only for those pauper lunatics who have been residents of the city for five years. I find that Government have changed this into one year and I do not think the corporation would be agreeable to this change.

Government have introduced in section 472 a daily fine of fifty rupees for leaky roofs whilst the corporation had suggested a daily fine of five rupees only. I do not know the reasons why Government have made this change and I hope the select committee will take this into consideration.

With these few remarks, Sir, I support the first reading of the bill.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Sir, I rise to support the first reading of the bill. I am glad of the assurance given

[Mr. Hooseinbhoy A. Lallji]

by the Honourable Minister that the question of the power of appointing the commissioner will be considered by the select committee.

Sir, I entirely agree with the views of my honourable friend, Mr. Dabholkar, as regards the set-backs, and I think it is the duty of the municipality to acquire the set-backs at market prices, and not as is being done by special departments like the Development Department and Improvement Trust. I hope, Sir, that the representatives of the corporation will get this section 301 (1) amended.

I do not agree with my honourable friend Mr. Nariman when he said that complaints are not looked into for four or six months, as it takes about four or six months to bring the complaints before the corporation. I find that for the last three or four months each and every complaint has been disposed of in the same month by the corporation. Therefore, if my honourable friend has any complaint, he has to give a notice of motion and it will be disposed of within the same month or the next month.

Sir, I thank Government for agreeing to give power to the corporation to appoint special committees. We have wanted these committees very badly for a number of years, and I thank Government for granting our request. When they are given this power, the corporation will have special committees and will be able to appoint ward committees if there is any necessity for the same.

I do not agree with the remarks of my honourable friend Mr. Hoosenally from Bombay that fees should be given to the members of these committees. There may be some reason in the view urged by him that paid people attend more regularly. But my reason is that I am sick of the canvassing that is going on when fees are attached to the membership. When elections take place to the standing committee, even though there is ballot voting,—every member of the corporation will bear witness to the fact—the voting is not really by ballot, but it is somewhat open voting, and when exchange votes are promised each and every member is asked to show his paper before he can get the exchange vote. Under these circumstances, I think it is better not to attach fees. The reason why members are not attending is not because they are not paid but because they have got no power. Now that we are going to give them some power, I think they will attend.

As regards the appointment of commissioner, I am sure the honourable members who are on the Government benches and who have been members of the corporation and who have, as such members, supported the view that the corporation should have power to appoint the commissioner would support the view that the corporation should have the right to appoint its commissioner and I hope when the suggestion is made in the select committee Government will agree to it.

Sir, as regards the health of Bombay, my honourable friend from Bombay said that the health of the people in the thickly populated parts of the city is not good. I admit it is not good, and also that the health of Bombay is very poor. But it is not due to the neglect of the municipal corporation, but it is due to the work of the Development Department.

[Mr. Hooseinbhoy A. Lallji]

We find everywhere that pits are dug where water stagnates. The old water that has accumulated near Worli and about the Race Course is now smelling terribly, and there are a large number of mosquitoes collected there. If such things are carried on, what is the municipal corporation to do? If more than one agency is employed by the Government for the improvement of the city independently this will be the result. If the health of the city of Bombay is to be improved the manner in which the Development Department carries on its work at present should be discontinued. I have been only yesterday to Bombay, and I found that almost every house in many localities has got half a dozen malaria cases. The honourable member Mr. Dabholkar will bear me out. I can assure the honourable member Mr. Bole that bungalows are not immune: almost every bungalow on the Cumballa Hill has about half a dozen malaria cases, and that is due to the works at the Worli and Race Course and Development works at other places. With these few words I support the first reading of the bill.

MOULVI RAFIUDDIN AHMAD: I move the closure.

The Honourable the PRESIDENT: I accept the closure.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I see that some honourable members who are also members of the corporation have raised some points of detail. May I suggest that the right place for them to have raised them was in the corporation, because I find that this bill had the approval of the corporation in March 1924? That means that the honourable members who have raised these points—I hope they will excuse me for saying so—either do not take interest in the affairs of the corporation or have no voice in the administration of the corporation, and have not been able to carry their point. (Some honourable members: We did raise these points in the corporation.) However, Sir, I now come to some of the more important points. As regards the appointment of the commissioner, I assure the House that Government have an open mind; they have not considered the question. But, as the honourable member from Bombay, Dr. Velkar, raised the point that at present the corporation have no power of control over the commissioner, I might remind him that they have such power. They can remove him and they can pass a vote of censure on him.

As regards another important point, namely, the question of set-backs, I may point out that the clause in the bill provides merely that, if there is an increase in value, then only that will be taken into consideration, not otherwise. Therefore, the fear of my honourable friend opposite me that this will affect the landlords does not stand good, because only in considering the compensation both decrease in value as well as increase will be taken into consideration. At present, only the decrease is taken into consideration, and every increase goes into the pocket of the landlord and he gets compensation out of the rate-payers' money.

As regards committees, now the corporation has been authorised to appoint special committees, and they can turn them into sanitary and

[Khan Bahadur Shaikh Ghulam Hussain]

other committees ; and the corporation are authorised to delegate some of their powers to them, and in some cases if the corporation likes to take their decision as final, they can delegate power to the special committees accordingly.

However, Sir, as the bill is going to be referred to a select committee, I need not go into details any further.

Bill read a first time. Question put and carried.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I propose, Sir, that the bill be referred to a select committee consisting of eighteen members, ten to form a quorum with instructions to report within three months.

Question put and carried.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I propose, Sir, that the following members do constitute the select committee :—

Mr. J. Baptista, Mr. V. A. Dabholkar, Dr. K. E. Dadachanji, Dr. Cosmas Fernandez, Mr. Husseinbhoy A. Lalljee, Mr. S. K. Bole, Mr. K. F. Nariman, Mr. R. S. Nekaljay, Mr. H. M. Rahimtoola, Mr. Punjabhai Thakersi, Dr. M. B. Velkar, Mr. A. N. Surve, Mr. W. S. Mukadam, Mr. D. R. Patil, Mr. J. Addyman, Moulvi Rafiuddin Ahmad, Mr. G. A. Thomas and myself.

Bill referred to select committee. Question put and carried.

## BILL NO. I OF 1924 (BOMBAY CHILDREN BILL.)

Third reading. The Honourable Sir MAURICE HAYWARD : Mr. President, I how propose the third reading of the Bombay Children's Protection Bill. There are a few verbal amendments which have been found necessary on the examination by the draftsman which will be proposed by the Home Secretary.

Mr. A. MONTGOMERIE: Sir, I move the following verbal amendments in clause 3, sub-clause (*g*), in view of the amendment which was carried by the Council, which was moved by the honourable member Mr. Nariman.

"Insert 'a' before the word 'male' and insert the words 'child or young person' after the word 'male'."

The Honourable the PRESIDENT : The House will remember that after the word "available" in sub-clause (*g*) of clause 3, at the very end of the sub-clause, the words "in case of male only" were added by the Council as a result of the honourable member Mr. Nariman's amendment. It is necessary to make it clear what is meant by 'male'. Therefore, the following words are proposed to be added :

"Insert 'a' before the word 'male' and insert the words 'child or young person' after the word 'male'."

That makes it clear that 'male' applies to a child or young person. That is the verbal amendment proposed.

Question put and carried.

The Honourable the PRESIDENT : Honourable members will remember that they substituted a new proviso for the proviso which stood in the original bill. The new proviso runs as follows :

"Provided that when any such child or young person has a parent or guardian who has the actual charge or control over the child or any young person, etc., etc."

Amendment put :—

"In proviso, sub-clause (1), clause 7 that the word 'any' occurring between the word 'or' and the word 'young' be deleted."

and carried. The proviso will now read :—

"Provided that when any such child or young person has a parent or guardian who has the actual charge or control over the child or young person, etc., etc."

The Honourable the PRESIDENT : Another verbal amendment suggested by the honourable member, the Home Secretary, is as follows :—

"Add the word 'for' after the word 'or' occurring between the word 'years' and the word 'any' in line 96, clause 7."

so that amended portion will read as follows :—

"Until he attains the age of sixteen years or for any shorter period."

Amendment put and carried.

The Honourable the PRESIDENT : In the amendment moved by the honourable member Mr. Nariman and accepted by the House a proviso was added to clause 16, sub-clause (1), which now reads as follows :—

"Provided that if the said child or young person is in the custody or control of a Zenana or Pardanashin lady, the Magistrate shall ....., etc., etc."

It is proposed to substitute for the words "zenana or pardanashin lady" the following words : "parent or guardian who being a female does not according to the customs and manners of the country appear in public".

Amendment put :—

"That in the proviso inserted in sub-clause 1 of clause 16, for the words 'Zenana or Pardanashin lady', substitute the words 'parent or guardian who being a female does not according to the customs and manner of the country appear in public."

and carried.

The Honourable the PRESIDENT : A further verbal amendment of the proviso to sub-clause 1, clause 16, which was also carried by the House at the instance of the honourable member Mr. Nariman is also proposed and the proposal is that the word "summons" be substituted for the word "requisition" occurring in the proviso in question. The proviso will then read as under :—

"Provided that if the said child or young person is in the custody or control of a parent or guardian who being a female, does not according to the customs and manner of the country appear in public, the Magistrate shall ordinarily issue a summons and the person to whom such summons is issued shall be deemed to have complied with the summons, etc., etc."

Question put and carried.

The Honourable the PRESIDENT : A further verbal amendment in the same proviso is suggested by the honourable member, the Home Secretary :—

"That the words 'in Court' be inserted between the word 'attending' and the word 'she'."

The Honourable the PRESIDENT: A further verbal amendment is proposed by the honourable member, the Home Secretary, to clause 37 as amended by the amendment moved by the honourable member, Mr. Bhopatkar. The amendment is as follows :—

After the words 'Chief Inspector', insert the words 'or Inspector or Assistant Inspector or by any member of the Bombay Legislative Council or by any member of the Legislative Assembly or the Council of State representing any constituency in the Bombay Presidency'.

Question put and carried.

The Honourable the PRESIDENT: Another verbal amendment suggested is to sub-clause (7) of clause 47 which was a new clause added at the instance of the honourable member, Mr. Nariman. The amendment is as follows :—

Insert the word 'on' between the word 'Court' and the words 'being satisfied'.

Question put and carried.

Question proposed that the bill as amended be read a third time.

Third reading. Question put and carried.

The Honourable the PRESIDENT: The bill is read a third time and passed.

*After recess.*

## SUPPLEMENTARY DEMANDS.

The Honourable the PRESIDENT: Supplementary demands.

Supplementary demand for the transfer of Rs. 1,30,000 from 47, Miscellaneous to 35, Public Health for Poona Drainage Improvement Scheme.

The Honourable Mr. H. S. LAWRENCE: Mr. President, the first item is the Poona drainage scheme. A lakh and thirty thousand were proposed to be transferred from 47, Miscellaneous to 35, Public Health. It is a reappropriation from the reserve at the disposal of the Finance Department in circumstances which have been explained to the House.

Question proposed.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, the Poona drainage scheme is a very old scheme. It was sanctioned three years ago, and it was in the old budget. But the scheme being an old one, this year no budget provision was made because negotiations were being carried on with the municipality. But the municipality has agreed to the proposals and as there was no budget provision, the demand for a supplementary grant is made. It is purely in the interests of the people.

Mr. S. S. DEV (West Khandesh District) : Sir, I rise to support this motion. The scheme has been given in detail in the proceedings of the meetings of the Finance Committee. The history of the scheme has been given, also full information as to from where the funds are to come; the different stages of the scheme, and the figures of expenditure from provincial revenues and the anticipated revenue are

[Mr. S. S. Dev]

all given; and lastly, it concludes—and it is very important for honourable members to know:

"From the above figures it will be seen that this very urgently needed sanitary improvement may with confidence be expected to return directly in the form of revenue from the disposal works and indirectly in the form of reduced sickness a satisfactory return on the provincial expenditure incurred."

Therefore, in the interests of the public of Poona, for the sake of the health of Poona, it is essential that this scheme be sanctioned and the demand granted.

Question put and demand granted.

Supplementary grant of Rs. 3,680, by way of reappropriation from 26, Police to 34, Agriculture, for establishment to replace the police staff attached to the Bombay City and Harbour Veterinary Department.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I rise to move for a reappropriation of Rs. 3,680 from 26, Police to 34, Agriculture. At present, the Bombay City and Harbour Veterinary Department is assisted by 3 head constables and 12 constables. As the police staff is undermanned, the Police Department want to withdraw this staff. We therefore require to employ additional staff for the Veterinary Department, and the expenditure is on that account.

Question proposed.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I think this is a very necessary reappropriation. The matter was discussed in the finance committee, and the committee came to the conclusion that there was nothing objectionable in it.

Question put and demand granted.

Supplementary demand for Rs. 595, by way of reappropriation from 35, Industries to 41, Civil Works to provide for the four clerks of the Director of Industries in the Public Works Department Secretariat.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I rise to move for a demand of Rs. 595 by way of reappropriation from 35, Industries, to 41, Civil Works. The post of the Director of Industries was abolished in accordance with a resolution of the Legislative Council. There were four permanent clerks under him whose services were required by the Public Works Department, and they have accordingly been transferred to that department. Hence the demand.

Question proposed.

Mr. B. G. PAHALAJANI (Western Sind): Sir, in objecting to this item, which properly belongs to the Honourable the Minister for Education, I would certainly wish for a statement as to under what circumstances the removal of these clerks was made. If we turn to the speech of the Honourable the Minister in charge of Education, on page 829 of the proceedings of the budget session, we find that the Honourable the Minister himself has made a statement that he was in favour of increasing the activities of the department. We find that on that occasion the amount that was disallowed was Rs. 23,000. In the face of the statement made by the Honourable the Minister in charge of Industries that they had no intention of doing away or in any way reducing the Department of

[Mr. B. G. Pahalajani]

Industries, but rather that they were developing its activities. I have not been able to understand whether he did actually issue the order for the removal of these four clerks, and further, whether he has issued further orders to do away with other establishment as well of the Industries Department in addition of these four clerks that have been transferred to the P. W. D. Secretariat. I also want to ask for a further explanation from the Honourable the Minister whether serious objection has not been taken to such reduction, and whether the Indian Chambers of Commerce have not protested to him, in the face of his declaration, against any such reduction being made. I should also like to know whether the Honourable the Minister has made this reduction on his own authority or on the express wish of the Council, and how are the activities of the department are going to be extended with such reduction. These are all matters which require to be explained. As orders have been issued for the removal of this establishment, I should like to know under whose orders it has been done, and how those orders have been issued.

The Honourable Mr. B. V. JADHAV: Sir, when the appointment of the Director of Industries was abolished, certain establishment of his was also reduced and certain establishment has been transferred to the co-operative department. I do feel that the Department of Industries ought to be developed and efforts will be made to develop that department under Indian agency, as asked for by the Deputy President.

Question put and demand granted.

**Supplementary demand for Rs. 5,000, by way of reappropriation from the head 35, Industries to 8, Forest, and for Rs. 68,512, from 35, Industries to 34, Agriculture.**

The Honourable Mr. A. M. K. DEHLAVI: Sir, I move for a reappropriation of Rs. 5,000 from 35, Industries to 8, Forest, and a sum of Rs. 68,512 from 35, Industries to 34, Agriculture.

The Honourable the PRESIDENT: I think the Honourable Minister had better move each item separately.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I move for the reappropriation of Rs. 5,000 first. This is in consequence of the abolition of the post of Director of Industries, and the experimental work on rosha oil having been transferred to the Forest Department.

Question proposed.

Mr. B. G. PAHALAJANI (Western Sind): Sir, the question that I put at the time the motion for the last grant was made, as regards the Industries Department, has not been answered by the Honourable the Minister in charge, and I think the House should insist on this question being answered. My question was whether only four clerks were done away with on account of the abolition of the post of Director of Industries, or whether orders have been issued and carried out giving notice to more than four clerks, and whether the Honourable the Minister is a party to issuing those orders, or doing away with the services of more than four clerks; I should like also to know whether this transfer of the functions of the Industries Department to the Forest and Co-operative Departments has been done with his consent or without his consent,

[Mr. B. G. Pahalajani]

and whether this transfer of the functions of the Industries Department has been done with the intention of doing away with the Department of Industries or with the intention of retaining the Industries Department. If it is done with the intention of doing away with the Department of Industries, then the answer given by the Honourable the Minister in charge is absolutely inconsistent with the action that has been taken by Government, and of course he must be a party to that action by which two of the activities of the Industries Department have been transferred elsewhere. I think this House is entitled to a full reply on that question from the Honourable the Minister in charge of Industries,—as to what his intentions have been on this matter, and whether the transfer of the establishment of the Department of Industries has been done with his knowledge and sanction or without his knowledge.

The Honourable Mr. B. V. JADHAV: Sir, as regards this item, the rosha oil industry has been transferred from the Industries Department to the Forest Department, because it is convenient to leave it to be managed by the Forest Department, the rosha oil industry being carried on in forests. The officers of the Forest Department will be able to manage and look after it better. As regards the next question put, the fact is that with the transfer of the activities some clerks also had to be transferred and hence the demand for reappropriation.

Mr. M. R. JAYAKAR: Two questions still remain to be answered: whether the Industries Department is kept going and whether the transfers have been made with or without the knowledge of the Honourable the Minister.

The Honourable Mr. B. V. JADHAV: The Industries Department has not been done away with. The department is there and the orders issued by that department are issued with my consent.

Question put and carried.

**Supplementary grant by way of transfer from 35, Industries to 34, Agriculture for Rs. 68,512 on account of the transfer of Industrial Education from the Industrial to Agricultural Department.**

The Honourable Mr. A. M. K. DEHLAVI: Sir, I move for a supplementary grant of Rs. 68,512 by way of transfer from 35, Industries to 34, Agriculture.

Mr. D. B. ADWANI (Karachi City): Sir, I have not been able to understand from the Honourable the Minister what remains of the activities of the Industries Department after the transfer of the experimental work on rosha oil to the Forest Department and the transfer of industrial education to the Co-operative Department? When the Council expressed itself against the continuance of the Director of Industries in order to show its dissatisfaction with the work of the department, and it was expected that the activities of the department will be increased under Indian superintendence. We fully expected that proposals would be formulated by the Honourable the Minister to increase the activities of the department. The answer to the question by the honourable member the leader of the Swaraj party as to what had happened to the report of the Industries

[Mr. D. B. Adwani]

Committee was evasive. What we want is a comprehensive scheme for the advancement of industrial education in this presidency. We want to know the proposals of the Honourable Minister in this direction.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, during the budget when the provision for the salary of the Director of Industries was abolished, the provision for industrial education was retained in order that the handloom weaving should be encouraged in the different parts of the presidency. Already some industrial schools have been started in the Deccan and we were promised that similar schools would be established in Gujarat and Sindh. When this proposal was made the Legislative Council thought it fit to allow that provision to be retained. Now we find that the provision that was allowed to be retained for the purpose of spreading the handloom weaving industry is being transferred to another department. We want to know what is going to happen to the schools that have been already working under the ægis of the Industries Department and whether industrial education will be given to agriculturists.

Mr. M. R. JAYAKAR (Bombay University): Sir, I shall be more brutally frank than my predecessors have been. I will tell the Honourable Minister what the feeling of the public outside the House is. I hope the Honourable Minister will excuse me if I put the matter very bluntly. The feeling which has been expressed by more than once outside this honourable House is that, because the Legislative Council did not approve of the office of the Director of Industries, the Industries Department is going to be abolished, as a revenge for that step. Will the Honourable the Minister be pleased to assure the House that there is no idea of abolishing the Industries Department as a penalty for this Council having disapproved of the Director's office, contrary to the wishes of the Government?

The Honourable Mr. B. V. JADHAV: Sir, the post of the Director of Industries has been abolished. When the post of the head of the department was abolished, the subordinate staff could not manage all the activities of the department and so some of the activities of that department had to be transferred to other departments. As I told you just now the rosha oil experiment has been transferred to the Forest Department because it is mainly a forest industry and that department would be able to take care of it better. In the same way the weaving branch has been transferred to the Co-operative Department, because in different places it will be able to organise weaving factories, co-operative sales and so on. Thus two branches have been transferred, one to the Forest Department and the other to the Co-operative Department. As regards the mining branch, there is not much of mining activity in the presidency and therefore that branch has not been properly developed. The assistant director is there and there is no doubt that he is a very capable officer. So, the pottery department is still retained under the Industries Department. The department has not been abolished and it can be developed when necessity arises.

[Mr. B. V. Jadhav]

As regards the question whether the whole department has been abolished as a revenge for refusing to vote the salary of the Director of Industries, I must protest against the insinuation. This would be like lopping one of our limbs. I assure the House that I shall not allow that.

Mr. M. R. JAYAKAR: I am sorry to pursue the Honourable Minister. What remains now of the Industries Department, after the transfer of the rosha oil experiment to the Forest Department and the industrial teaching to the Co-operative Department? What is the residium left in the Industries Department?

The Honourable Mr. B. V. JADHAV: The pottery branch is there. The main duty of the Industrial Department is to advise with regard to enquiries made by industrial concerns. In the absence of the Director of Industries, other persons in the department are not able to give efficient advice.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I am not amused at the last reply from the Honourable Minister's speech, because we are told that.....

The Honourable the PRESIDENT: Will the Honourable the Deputy President resume his seat?

Mr. B. G. PAHALAJANI: I am not surprised at the last remarks of my honourable friend on the subject, because.....

The Honourable the PRESIDENT: Will the Honourable the Deputy President resume his seat? I had thought that only one honourable member wanted some explanation from the Honourable Minister and I allowed the Honourable Minister to reply. If there aareseveral members yet who wish to ask a series of questions, then they might put them all together before the Honourable Minister gives his reply. I cannot allow one honourable member to ask the Honourable Minister his question and then call on the Honourable Minister to reply, and then another honourable member to get up and then the Honourable Minister to reply, and thus the thing to go on interminably. I therefore suggest that all these several members will put all their questions one after another and then the Honourable Minister should reply comprehensively to all.

Mr. B. G. PAHALAJANI: Sir, I am not surprised at the last answer given by the Honourable Minister as regards the effect of the removal of the Director of Industries, that in the absence of a trained Director of Industries it has become necessary to collect the information from elsewhere. I do not think the last Director of Industries was a trained Director, because if I remember right he belonged to the I.C.S. cadre. He might perhaps have had experience in the department, but he cannot be called by any stretch of imagination an expert as the Assistant Director of Industries is. The Honourable Minister has admitted that if the Assistant Director had remained, the department could have gone on exactly in the same way as it was before. So far as my knowledge of the duties of the post of the Director goes, as shown in the evidence given by the Director of Industries before the Retrenchment Committee,

[Mr. B. G. Pahalajani]

they are confined more or less to the direction of the different establishments in the different branches of the department in the various parts of the presidency. Therefore, so far as the Industries Department is concerned, the expert portion of the staff remains. Just now we have heard that the education portion has been transferred to the Co-operative Department and the experimental work on *rosha* grass to Forest Department. The Potteries Department is the only part of the department which now remains in charge of the Assistant Director Mr. Bharucha who is now called Superintendent. If only the Potteries Department remains in charge of the Industries Department, then I think it is no use pretending to have a department to be managed and controlled. If the Industries Department is only in charge of the potteries then the existence of the department is only a mockery. Therefore, under these circumstances we ought to have a definite statement from the Honourable Minister in charge or his Secretary as to what the intention of Government has been particularly after the budget estimate for this department was curtailed. The last Director was not an expert, and although he disappears the expert adviser still remains. Under these circumstances where is the necessity of depriving the expert of all other departments? Secondly, if only the Potteries Department is left with the Industries Department, where is the necessity to keep a Department of Industries at all?

Mr. LALJI NARANJI (Indian Merchants' Chambers): Sir, it was on my motion that the grant for the Director of Industries was discussed. When I gave up my original motion for the omission of the whole grant for the department, namely Rs. 1,20,000, it was arranged with the Honourable Minister that the Industries Department should remain as it was and should preserve its records relating to various industries in the presidency. I am now surprised, as well as my chamber, to find that this department is sought to be abolished or practically abolished and the arrangement arrived at is sought to be given up. It was then arranged that Mr. Bharucha, who was then Assistant Director of Industries, should run the department, and it was agreed too that he was quite competent for that. It was under those circumstances that the compromise was arrived at with the Hon'ble Minister to eliminate the Director of Industries. To my surprise I find that Mr. Bharucha has been transferred and the whole department has been abolished. It is important that we should know that the saving of the expenditure voted for this department is not wasted as it is now supposed to be proposed by Government. Some explanation on this from Government is necessary.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, it seems to me that the Department of Industries has gone to pot. The whole question is this. The Department of Industries is one of the most important departments of the transferred section of the administration, and it is a wonder how the Honourable Minister has easily consented to one of his limbs being chopped off. I want to ask him one thing. What was the amount sanctioned and what was the amount that was

[Moulvi Rafiuddin Ahmad]

being spent by the Director of Industries; and what is the amount sanctioned in the present budget and what is now left in the hands of the Assistant Director. The difference between these two will show the insignificance to which the Department of Industries has been reduced. I entirely agree with the Honourable the Deputy President—I do not very often agree with him—that this department is really a mockery and the sooner it is abolished altogether the better.

Mr. G. A. TMOHAS: Sir, my honourable friend the leader of the Swaraj party is acquainted with the circumstances in which we agreed to abolish the post of Director of Industries. It was in acquiescence with the requestmade by the House that the Honourable the Minister decided that he would abolish the Director but he wanted to retain as many of the activities of the department as possible. But with the abolition of the Director it became impossible to carry on the department on the same lines as it was carried on before. There is no one to administers that department. Certainly there was Mr. Bharucha, who is a very competent man in his own line, namely, mechanical engineering, and his advice as mechanical engineer is certainly available even now. But he is not competent to give advice on financial questions to people who want such advice. That was Mr. Bell's main duty: that was the duty of his department. If we examine the record of this department, we will find that in the course of a year, two or three hundred enquiries were made. Mr. Bell gave his personal opinion and in many cases he gave sound advice. With the disappearance of Mr. Bell there is no one who can give such advice, because Mr. Bharucha is not qualified to give it. The Honourable the Deputy President said that Mr. Bell was not a trained Director of Industries. I do not know what he means by trained Director of Industries, but Mr. Bell was a man with 20 years' experience in the I.C.S., with considerable experience of financial questions; he has acted as secretary of the Sir Thomas Holland Industrial Commission; he was Controller of Munitions in Bombay and he was the most competent man available on this side of India to undertake the duties of a Director of Industries. But at the request of the House we agreed to abolish the post of Director. We could still have kept the chief activities of the department in charge of Mr. Bharucha. But recently as Government has explained we have transferred the branch of industrial education to the Co-operative Department and similarly we have transferred the experimental work on *rosha* grass to the Forest Department, and now only pottery remains. To all intents and purposes I must say that the Department of Industries as such has been abolished or rather is in abeyance. I must admit that with the disappearance of Mr. Bell the department has ceased to exist as a department in which advice on technical and financial matters can be had. But we have got all records, files and books, in the library in Bombay at the same place where it was before in charge of Mr. Bharucha, and any person who wants information can look up the books, and Mr. Bharucha will give such advice as he can. Mr. Bharucha however is not competent to give competent

[Mr. G. A. Thomas]

advice as Mr. Bell was. I do not think any one will say that Mr. Bharucha is competent to give advice on matters which are not within his knowledge as a mechanical engineer. I may also inform the House what the Honourable Minister was perhaps too modest to say himself, that is, that he has recently asked for a scheme to be prepared for the revival of the department under an Indian Director. This scheme will receive the very careful consideration of Government when it is ready.

The Honourable the PRESIDENT: I have not been quite satisfied that the debate that has gone on is really relevant to the motion now before the House. But I have permitted a little discussion as being likely to lead to a better understanding between both sides of the House. I do not propose to allow a lengthy discussion of this subject, because the motion is that a saving has been effected in the Industries Department and it is proposed to transfer it to Agriculture. It is not a question, on the present issue, as to what has happened to the Industries Department. Government say "There is a saving of Rs. 60,000 and odd under Industries, which they wish to transfer to Agriculture", and any other matter is not directly relevant. But, as I said, I allowed a little discussion in order to enable both sides of the House to explain themselves so that there may be a better understanding. But I do not intend to permit any further discussion on this issue, and therefore I will restrict the discussion now to the issue as to whether the saving already effected under Industries should or should not be transferred to Agriculture.

Mr. D. B. ADWANI: We just now heard the technical qualifications of Mr. Bharucha. May I know what were the technical qualifications of Mr. Bell?

The Honourable the PRESIDENT: I hope honourable members will appreciate the fact that I have given as much latitude as I could possibly manage by allowing them to go a little beyond the issue which was strictly before the House. The issue at present is that a saving has been effected in one department and the question is whether it may be transferred to another department. If the honourable members are not satisfied, they have other means of raising other issues and then they can have discussion on those points to their heart's content. On the present occasion I have allowed a little indulgence, but I hope honourable members will not expect me to extend it further.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I have just one word of further explanation to give in response to the query by the honourable leader of the Swarajya party. As far as my honourable colleagues and I myself are concerned, we on this side of the House were perfectly unaware of any such idea that the steps we were taking, were a sort of a revenge on the other side of the House. There has been a saving effected in the Industries Department and the distribution in consequence of that has been made partly between me and my honourable colleague. What has been given to the Co-operative Department is really a reversion of what was in the Co-operative Department some time back, before the

[Mr. A. M. K. Dehlavi]

post of the Director of Industries was created. To contradict any rumour that is set up outside, I am glad to inform the honourable House that we are putting all possible energy into not only reviving the weaving section of it with us, but increasing it to a much larger extent. In fact, in a short time Government is going to introduce it into Gujarat, and I do not know why the rumour should exist. Now, Sir, I submit that the motion I have submitted should be carried by the House.

Question put and demand granted.

**" Purchase of the " Lesney " bungalow at Nasik for the residence of one of the Forest officers, Rs. 24,000 ".**

The Honourable Mr. A. M. K. DEHLAVI: Sir, the next item which I move is that an amount of Rs. 24,000 be re-appropriated from " 52-A, Forest Capital Outlay " to " 60, Civil Works " for the purchase of a bungalow called the " Lesney Bungalow " in Nasik for the accommodation of the forest officers stationed at Nasik. Rs. 23,000, as the note shows, is the price of the bungalow and Rs. 1,000 is required for repairs.

Question proposed.

Mr. L. B. BHOPATKAR (Poona City): Sir, in regard to this re-appropriation I should like to have some information from the Honourable Minister. It is stated in the note that the roof of the main building is very leaky and that Rs. 1,000 will have to be spent for repairs, and that all things considered the re-appropriation appears to be a good investment. But it is not stated in the note, as has been stated in some other note with regard to other items, as to what return this outlay will bring. In this connection, I might draw the attention of the honourable House to the purchase of another property at Nasik itself, namely, the purchase of the League of Mercy Home School, and there it is stated that the sum of Rs. 61,000 that will have to be expended for this purchase will bring about the saving of a substantial sum per annum in the rent of leased offices, and so on. Now, I beg to ask the Honourable Minister as to what saving will be effected if the amount of Rs. 23,000 or Rs. 24,000 is spent for the purchase of this house. I may also bring another circumstance to his attention which I have not understood which I should like the Honourable Minister to explain, and it is that this bungalow is to be purchased for the housing of one of the forest officers. I should like to know what is meant by the expression " who will pay rent at the usual rate ", what will be the rent which will be charged to him and whether ultimately it will pay a fair return on the investment.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, these investments are bad investments. because we have had experience, and because the Auditor General in his audit report says that there were three bungalows which had cost Rs. 23,000, Rs. 15,700 and Rs. 14,400, but they were let on a nominal rent of Rs. 15 per month. Therefore, we fear that this investment of Rs. 24,000 also will be against the interests of the taxpayer who will pay the money just now, because the rules

[Mr. J. C. Swaminarayan]

require that the occupying officer will have to pay a return of 7½ per cent. on the investment and in order to pay that rate it would require a monthly rent of Rs. 150 a month. Instead of that, the officers might be getting a salary of only Rs. 200 or Rs. 300 and they will pay to Government out of this a monthly rent of Rs. 20 or Rs. 30. Whatever is less is charged to the officer, 10 per cent. of his salary or 7½ per cent. per annum on the outlay. The other thing, I think, might never be realised in the case of any other investment on buildings. Consequently, I suggest that such investments we must not allow, because they are against the interests of the taxpayers. The balance, that is, the loss incurred on the investment has to be paid or borne by the taxpayers and the condition of the poor agriculturists, from whom the tax is collected is miserable. Therefore, we should let the officers continue to live as they live now rather than sanction an expenditure of Rs. 24,000 on bungalow accommodation in this manner.

Mr. M. R. JAYAKAR (Bombay University): Sir, I rise to oppose this re-appropriation until more information is given by the Honourable Minister. When I come across the expression "officers' bungalows" before my mind's eye rises the image of that beautiful residence which has been built in Bombay off Pedder Road, for the accommodation of the Chairman of the Bombay Port Trust,—a most luxurious residence of which any Nabab in Bombay may be proud. This makes me constitutionally averse to granting a single farthing on this item of officers' bungalows. My honourable friend from Ahmedabad, Mr. Swaminarayan, has drawn the attention of the House to a report which is coming before this House very shortly in which it is stated that nearly Rs. 53,000 worth of bungalow accommodation has been secured for officers by Government at the colossal rent of Rs. 15 per month. The explanation offered is most unsatisfactory, and I submit that the question raised by my honourable friend from Poona, Mr. Bhopatkar, is very pertinent. I ask this House to refuse sanction to this re-appropriation until we get a satisfactory answer, not only about this particular item but the policy of Government with regard to bungalow accommodation for officers

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): I would request the Honourable Minister to tell the House how much was paid for the land, the extent of this land and what is the price of the bungalow. I am putting this question because in the case of the League of Mercy Home, which is an item which is coming next, what we were told was that Rs. 78,000 or Rs. 79,000 were wanted and that the committee should clutch at that offer and should at once go in for the purchase of that house as otherwise it might slip through the hands of Government. As a matter of fact the committee refused sanction and they appointed a sub-committee with the result that the land price was reduced by Rs. 18,000. It was put down at Rs. 5,000 per acre and ultimately the committee decided that it should not be more than Rs. 2,000 per acre and the price was then agreed to. The building therefore not only did not escape the hands of Government

[Mr. G. B. Pradhan]

but Government made a saving of about Rs. 18,000. In the case of this bungalow also we want to know the extent of the land which is attached to this bungalow, the price which is being paid for it, the price which is being paid for the building, the age of the building before we shall be in a position to sanction the amount.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I do not know what is the spirit in which the honourable leader of the Swaraj party has attacked this question.....

Mr. M. R. JAYAKAR: Spirit of enquiry.

The Honourable Mr. A. M. K. DEHLAVI: The spirit I take it is this, that, as was suggested in the last matter, the House on the other side suspected that Government was taking a sort of a revenge for the dropping of the post of the Director of Industries. Similarly, the honourable leader of the Swaraj party seems to be grudging bungalow accommodation of any kind simply because it happens to be for a Government servant to live in. If this is the spirit, I suppose it should not be countenanced, but the question here is that this bungalow or accommodation is necessary because Government has to accommodate Government servants wherever they are. But the question is perfectly right that whether the purchase which Government is going to make is a good purchase or not.

Sir, the accommodation is for the sub-divisional officer of the Forest Department drawing a salary between Rs. 1,000 and Rs. 1,500, and one cannot say as to which of these particular officers would be stationed there at any particular time. Therefore, it is to be taken as understood that the officer who will occupy that bungalow would be an officer drawing a salary between Rs. 1,000 and Rs. 1,500, and therefore there is every likelihood of realising the rent of between Rs. 100 and Rs. 150 a month at the rate of 10 per cent.

The second question that was asked was, out of this how much there was for land and how much money went for the building. This question was brought forward before the Finance Committee and the honourable member Mr. Pradhan from Nasik said that this bargain was a very good one and that the price asked for was a proper price.....

Mr. R. G. PRADHAN: I did not use the words "very good" but the word "fair".

The Honourable Mr. A. M. K. DEHLAVI: Very well, I withdraw the words "very good" and use the word "fair". It was settled at the rate of Rs. 2,000 an acre, and the land was about 3½ acres, so that that easily brings us to about Rs. 7,000 for the land, and to about Rs. 16,000 or Rs. 17,000 for the bungalow. If it were not purchased, it would be a question of building accommodation for an officer of that rank, and if we want to build an accommodation like that, it would certainly cost very much more. Therefore this bargain is going to be a profitable bargain as it is admitted on all hands.

Question put. House divided. Ayes 52; Noes 33. Motion carried.

*Division No. 12.*

Ayes

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ADDYMAN, Mr. J.
BAPTISTA, Mr. J.
BHUTTO, Khan Bahadur S. N.
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr G. E.
CHAUDHARI, Mr. L. S.
DABHOLKAR, Mr. V. A.
DADACHANJI, Dr. K. E.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GIBSON, Mr. R. E.
GRANTHAM, Mr. V A.
GRIFFITHS, Mr. V. M.
HATCH, Mr. G. W.
HAYWARD, the Honourable Mr MAURICE
HEPPER, Sir LAWLESS
HUDSON, Mr. L. S.
JADHAV, the Honourable Mr. B. V.
JEHANGIR, the Honourable Mr. COWASJI
KAMBLI, Mr. S. T.
KANGA, Mr. J. B.
KAY, Mr. J. A.
KAZI INAITULLAHKHAN
LAWRENCE, the Honourable Mr. H. S.
LINFORD, Mr. J. W.
MAHOMED AYUB SHAH MAHOMED KHUHRO, Mr.
MEHTA, the Honourable Mr. C. V.
MONTGOMERIE, Mr. A.
MUJUMDAR, SARDAR G. N.
NAVLE, Mr. N. E.
NEKALJAY, Mr. R. S.
NOOR MAHOMED, Mr.
PAINTER, Mr. H. L.
PATIL, Mr. D. R.
PIR RASULBAKSH SHAH
PRADHAN, Mr. G. B.
PRADHAN, Mr. R. G.
PRATT, Mr. F. G.
SARDESAI, Mr. S. A.
SHINDE, Mr. R. D.
SURVE, Mr. A. N.
THOMAS, Mr. G. A.
WADIA, Mr. N. J.
WILES, Mr. G.
WOODS, Mr. E. E.

*Tellers for the Ayes:* Mr. J. ADDYMAN and Mr. J. W. LINFORD.

Noes

ADWANI, Mr. D. B.
ANGADI, Mr. S. N.
BHOPATKAR, Mr. L. B.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
GUNJAL, Mr. N. R.
HAJI ABDULLAH HAROON
JAYAKAR, Mr. M. R.
JOSHI, Mr. P. G.
KAREI, Mr. M. D.
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY A.
MAVALANKAR, Mr. G. K.
MEHTA, Dr. M. M.
MUKADAM, Mr. W. S.
NANAL, Mr. B. R.
NARIELVALA, Mr. H. H.
NARIMAN, Mr. K. F.
PAHALAJANI, Mr. B. G.
PATEL, Mr. A. E.
PATEL, Mr. D. N.
PATEL, Mr. G. I.
POWAR, Mr. M. B.
RAHIMTOOLA, Mr. HOOSENALLY M.
SAHEBA, Mr. H. D.
SAPTARSHI, Mr. C. M.
SHIVDASANI, Mr. H. B.
SOMAN, Mr. R. G.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
THAKERSI, Mr. PUNJABHAI
VELKAR, Dr. M. B.

*Tellers for the Noes:* Mr. L. B. BHOPATKAR and Mr. J. C. SWAMINARAYAN.

The Honourable the PRESIDENT: Before I call upon the Honourable Minister to move the next motion, I should like to invite attention of the House to the fact that the intention of Government to bring this session to a close before the Diwali holidays and to secure the full five days for non-official business, will hardly be possible if discussions on these supplementary grants are proceeded with in the manner they have done so far. I will not in any way curtail discussion if honourable members so desire but it is my intention to draw their attention to

[The President]

the fact that unless Government business is concluded by this evening honourable members' full five days will be encroached upon if the session is to be closed before the Diwali holidays.

Now there are two very important motions that are coming before the House and on which there are some amendments. These motions will require a considerable amount of discussion, and if supplementary demands are discussed at this length—I do not mean to say that if there is any opposition to any supplementary grants that they should not oppose it—in that case honourable members should point it out and should proceed to vote for it. I merely wish to draw pointed attention to the fact that if we do not conclude Government business to-day, there being no limitation on the time allotted for Government business, to-morrow will be taken up for the remainder of such business, and that will have the effect of curtailing the time of non-official business. It is my duty to point out this aspect of the question to honourable members and leave it entirelyto their d iscretion to do what they like.

Supplementary demand for the reappropriation of Rs. 2,500 from 5, Land Revenue to 41, Civil Works for construction of Ghatpaths in the Ahmednagar district.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I move that Rs 2,500 be reappropriated from 5, Land Revenue to 41, Civil Works. This amount has already been sanctioned, and this is a mere transfer from one head to another.

Question that Rs 2,500 be transferred from 5, Land Revenue, to 41, Civil Works, was put and carried.

Demand for supplementary grants to cover the excesses shown in the appropriation report of the accounts for the Bombay Presidency for the year 1922-23.

The Honourable Mr. H. S. LAWRENCE: Mr. President, I rise to make a motion regarding Item No. 7, of which there is a printed statement* before the House. This is a report by the Accountant General on excess expenditure in the final accounts for the year 1922-23, and as the sanction of the Legislative Council to this excess is necessary, I beg to move that it should be granted.

These matters have already been discussed by the Public Accounts Committee which has been elected by this House, and I submit, Sir, that since it has passed their scrutiny, it will have the approval of this House.

Mr. B. G. PAHALAJANI: I propose, Sir, that all the five items should be put separately.

The Honourable the PRESIDENT: If that is the wish of the House, I will do so.

Question proposed that the additional grants be made under the five items stated in the printed statement.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, I have very great pleasure in supporting the motion. This has been very carefully scrutinized in the Public Accounts Committee, and I do not think that there is any item in it upon which there could be more discussion. Therefore I think that this should be unanimously passed.

*Vide* Appendix 46B.

Mr. L. B. BHOPATKAR (Poona City) : Sir, I have a difficulty. Is it not necessary for the Government to supply honourable members of this House with the note of the Accountant General in this matter? I have not yet received that note, and I do not know how far, in the absence of that note, I shall be able to verify the various items.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, my chief objection will be as regards item No. (1), General Administration in which, apart from the readjustments from Land Revenue and other departments, there are three items which call for some remarks and considerable explanation on the part of Government. The Public Accounts Committee is not the Council. There are 8 members of this Council on that committee, and this Council consists of 111 members. The information given to that committee is not the information conveyed to the Council, and the report of the Public Accounts, is placed on my table only to-day, at least I find in my case, it is in a new and fresh state. Apart from the readjustment, the explanation given in the printed leaflet is as follows :

> "Rs. 48,000 is on account of tour expenses of His Excellency the Governor ; Rs. 33,000 for supplies to the Bodyguard, and Rs. 12,000 on account of travelling allowances for Ministers, for which no provision had been made."

So that, Sir, the total involved is Rs.83,000 which has been spent in excess without any sanction either from the Finance Committee in anticipation or from this House at any time up to the present day. We do not know under whose authority this amount has been spent. We find that when Rs. 1 lakh have been provided in the budget for the tour expenses of His Excellency the Governor, I do not know how Rs. 48,000 in excess of it came to be spent on that head. We also do not know how the amount Rs. 33,000 came to be spent on supplies to the bodyguard. There was no sanction from the Finance Committee ; in fact the matter was never placed before the Finance Committee. As regards the item of Rs. 12,000 for the travelling expenses of the Ministers, is it possible that the touring of Ministers was not even contemplated by the executive or by the Finance Department, in order to make provision for it in the budget ? I have not been able to understand how these serious omissions have been made. I should like to have an explanation as regards the sum of Rs. 48,000 for the touring expenses of His Excellency, whether there was any extraordinary tour undertaken by His Excellency which necessitated the expenditure of half a lakh of rupees ; I should also like to know what urgency there was to spend Rs. 33,000 for supplies to the bodyguard of His Excellency the Governor.

Mr. G. WILES : Sir, as this note makes it perfectly clear, most of the items in this statement are purely formal transfers due to re-adjustments of the classification by the Accountant General. The only three items which may require explanation are those which have just been mentioned by the Deputy President. Of these, with regard to the sum of Rs. 12,000 for the travelling allowances of Ministers, I am unable to give any explanation, except to remind the House that this statement relates to the year 1922-23, when Ministers had not long been in office.

[Mr. G. Wiles]

It is easy to understand that the necessity might have been overlooked at the time of the preparation of the budget during 1921. As regards the amount of Rs. 33,000 for supplies to the bodyguard, as the House is aware the bodyguard is paid rates which are the same as those in the Indian Army. During this year, an extra free issue of forage rations to all Indian ranks and a forage allowance for officers was sanctioned by the Government of India, and this Government had to meet the expense. We were not aware that this item of expenditure would fall on us, and therefore we had made no provision in the budget. With regard to the item of Rs. 48,000 on account of the extra tour expenses of His Excellency the Governor, I am told that this excess is due to the adjustment of railway charges at the end of the year and that it includes payment for new carriage on the metre gauge. We were unable to come to the House for the sanction of this amount before the end of the year, because these adjustments are only made towards the end of the year. They reached the Finance Department, as a matter of fact, after the year to which these accounts relate, and that is why we had to come to the House now for this demand.

Mr. M. R. JAYAKAR (Bombay University): Sir, I have not yet been able to understand notwithstanding the explanation given by the honourable member the Finance Secretary, why and how the amount of Rs. 48,000 has been spent in excess of the sanctioned amount on account of the tour expenses of His Excellency. No doubt, they are formal reappropriations, in the sense that the amounts have been spent, and it is now only a question of making paper entries, but what we should like to know from the Honourable the Finance Member is how this sum of Rs. 48,000 came to be spent without proper sanction. I have not yet been able to get a satisfactory explanation of this, and I hope he will tell the House who was responsible for spending this amount and how they came to be spent. It is not merely a question of paper entry. The question involved is the spending of Rs. 48,000 on account of the tour expenses of His Excellency, more than was sanctioned by this House.

The Honourable Mr. H. S. LAWRENCE: Mr. President, I think that the House will probably be satisfied with the explanation that has been given by the Finance Secretary, that the expenditure of these sums was absolutely necessary, and that the matters were not brought within the knowledge of the Finance Department in time to obtain sanction within the year. The only matter that appears to require further explanation is this statement with regard to the tour expenses of His Excellency the Governor. In the printed note you will find that a full explanation of this matter was given to the Public Accounts Committee. Now, I regret to say that I was not a member of the Public Accounts Committee which investigated that item, and I can only draw the attention of the House to the fact that that committee was satisfied with the explanation that was then given to them. I regret to say that I was not aware that this particular item would come under investigation in the whole House. I am afraid I assumed that a matter which had been

[Mr. H. S. Lawrence]

investigated and accepted by the elected representatives of this House would meet with the general approval of this House. If this particular matter is considered of sufficient importance to justify further investigation, I shall be very glad to go into it on a future occasion, and supply further information to this House or to the Public Accounts Committee or to the Finance Committee. Perhaps it would be most convenient if I supplied it to the Finance Committee next December, and that I would certainly be able to do. Then, if any honourable member is not satisfied, he can raise the question further on the next occasion of the budget session. However, Sir, that, I think, will be recognised, is a minor point. I trust that the explanation meets with general approval, and I ask that the sanction of the Legislative Council be accorded to these several excesses which are now reported.

Question put

That an amount of Rs. 39,82,623 on account of excess expenditure under 22, General Administration, be sanctioned,

and agreed to.

Question put

That an additional grant of Rs. 185, under 9A Scheduled Taxes be made

and carried.

Question put

That an additional grant of Rs. 1,88,433 be made under 45, Superannuation allowances and pensions,

and carried.

Question put

That an additional grant of Rs. 19,757 be made under 52, Miscellaneous adjustments between the Central and the Provincial Governments,

and carried.

Question put

That an additional grant of Rs. 2,76,914 be made under 43, Famine Relief and Insurance,

and carried.

Supplementary grant for Rs. 34,000 by way of transfer from 47, Miscellaneous to 31, Education for purchasing apparatus to the Karnatak College.

The Honourable Mr. B. V. JADHAV: Sir, I ask for the transfer of Rs. 34,000 from 47, Miscellaneous to 31, Education. The note* appended is almost exhaustive. This is a non-recurring grant for purchasing apparatus for the Karnatak College, Dharwar, for opening science classes. This amount has come from the Dharwar Recruiting Fund Committee, which has been credited to Government under a head of revenue to which the expenditure cannot be debited. The debit has therefore to come from the reserve at the disposal of the Finance Department.

Question put and carried.

Supplementary grant for Rs. 6,000 by way of transfer from 47, Miscellaneous to 33, Public Health, for the establishment of a biochemical unit at the Bombay Bacteriological Laboratory.

* *Vide* Appendix No. 46C.

The Honourable Mr. B. V. JADHAV: I move, Sir, for the tranfer of Rs. 6,000 from 47, Miscellaneous to 33, Public Health for the establishment of biochemical unit at the Bombay Bacteriological Laboratory.

Question put and carried.

**Supplementary grant for Rs. 61,000 from 47, Miscellaneous to 41, Civil Works for the purchase of the League of Mercy School at Nasik.**

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I ask the House for a grant of Rs. 61,000 by way of transfer from 47, Miscellaneous to 41, Civil Works. This is for the purchase of the League of Mercy Home at Nasik for the accommodation of the offices of the four forest divisional officers. Government have recently purchased, the "Stuart Lodge" at Nasik for the office of the Conservator of Forests, Northern Circle. If this reappropriation is allowed by the Council, in this new building we can accommodate the four sub-divisional forest offices which are now in rented buildings and the conservator's office can also be accommodated. The "Stuart Lodge" can be let out on rent, to the Conservator of Forests. We will be saving Rs. 350 a month, which we are now paying as rent for the four sub-divisional forest offices. The total income will come to Rs. 6,450 which will be much more than the interest at the rate of 6 per cent. on the investment of Rs. 61,000. It is a very good bargain to purchase this bungalow. This scheme has been approved by the sub-committee of the Finance Committee.

Question proposed.

Mr. S. S. DEV (West Khandesh): Sir, we should congratulate the Government as well as the League of Mercy Home on the happy coincidence. The necessity for Government to make provision for forest officers fortunately arose at exactly the same time the League of Mercy Home decided to transfer their schools from Nasik to Khandala. Both the Government and the House deserve to be congratulated; but there is a further history to be told. When this scheme first came before the Finance Committee, the estimate was for Rs. 79,500 and the House will see by referring to page 4 of the minutes of the proceedings of the Finance Committee that:

> "The Public Works Department estimated the value of the land and buildings of the Home school at Rs. 79,500."

The present estimate by the same Public Works Department is Rs. 61,000. There is a cut of Rs. 18,500. The Public Works Department, which estimated the value of the building with this site originally at Rs. 79,500, has now estimated it at Rs. 61,000. Let this again go for a third time to them and they will estimate the value at a still lower amount. They are acquiring about five acres of land. In the original estimate of Rs. 79,500, the price per acre was put down at five thousand rupees. In the second estimate they put it at two thousand rupees per acre. It was a play with them. I don't know who is responsible for these light-hearted estimates. Therefore I say, let it be sent back a third time and we can have a still lower estimate. In the statement incorporated in the minute of the proceedings of the Finance Committee Government have assured us that they will endeavour to secure the building at a

[Mr. S. S. Dev]

lower price—say Rs. 70,000. Let there be one more endeavour and the bargain will be still more profitable. They have reduced the price of land per acre in a surprising manner, let them try this time to reduce the price of the building. Nothing like trying. Let them try again and I am sure they will succeed.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I am sorry I cannot agree with my honourable friend. The whole question has been gone into by a sub-committee of the Finance Committee which was appointed to consider this scheme. The members of that sub-committee have visited the place and investigated the whole question. If we do not value the recommendations of our own sub-committees, I do not think there is any use in appointing them at all. I hope the Council will approve of this scheme.

Question put and carried.

**Supplementary grant for Rs. 13,944 by way of transfer from 31, Miscellaneous to 47, Education, in connexion with the expenses of the University Committee.**

The Honourable Mr. B. V. JADHAV: I move for a supplementary grant of Rs. 13,944 by way of transfer from 31, Education to 17, Miscellaneous. That is for the expenditure of the University Committee that is now sitting.

Question proposed.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I have reason to complain on behalf of Sind. Otherwise I would have been willing to support a demand like this. I rise to protest against this item simply because in appointing this committee, Sind is equally interested and concerned. Those who are responsible for the constitution of this committee have excluded Sind altogether and there is not a single member representing Sind in that committee, as if Sind does not possess university men or it does not possess a first grade college under the able management of Professor Shahani. When the press notification constituting the committee was received, Sind felt dissatisfied with the way in which Government have treated Sind. So that, though Sind as an educational centre is equally important, and though it contributes one-fourth of the revenues of the presidency, *i.e.*, one crore of land revenue, that is exactly one-fourth of the amount that Government receive from that source,—it is strange and inexplicable that Sind should have no representation on this important educational commission. On this ground alone not only myself but every member from Sind ought strongly to oppose the grant of this item.

Mr. D. B. ADWANI (Karachi City): Sir, I support the honourable the Deputy President strongly in what he has said. Sind is, I think, specially in educational matters miserably treated; it is really the Cinderella of the Bombay presidency. Against a whole grant of Rs.....

The Honourable the PRESIDENT: That cannot come in now.

Mr. D. B. ADWANI: I support the honourable member, Mr. Pahalajani in what he has said on behalf of Sind.

Mr. NOOR MAMOHED (Hyderabad District) : Sir, I rise to add my feeble voice in support of what the honourable member Mr. Pahalajani has just said. Throughout this year nothing has been done towards the expansion of education in Sind. If, however, things continue to remain as they are, there will be occasions when I am sure the House will assert itself.

The Honourable Mr. B. V. JADHAV: Sir, I am very sorry that the absence of any name from Sind has been taken in this light by the honourable the Deputy President and honourable members from Sind. I cannot say that they have got no ground to charge Government with having neglected Sind, but let me assure them and the House that it was far from our mind to neglect the province. Government are not unmindful of the educational welfare of Sind. Government have been doing their best, and I think henceforth when such committees are to be appointed Government will bear the present complaint in mind. But at the same time I may bring one thing to the notice of this House, and that is that Sind is rather far away and there would be a great drain upon the time of the members from Sind if they have to attend the meetings of committees which hear evidence from day to day.

Question put and agreed to.

Supplementary demand for transfer of Rs. 9,700 from 9, Registration to the head "Expenditure in England, High Commissioner for India" for Stores required from England for the photo-copying of documents in the Registration Department.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I ask for a transfer of Rs. 9,700 from 9, Registration to the head "Expenditure in England, High Commissioner for India". As explained in the note* a provision of £700 was made in the current budget for stores from England for photo registration. But since that provision was made, the sphere of operations of that branch of the department has been extended and further materials have been ordered. I beg to submit as a result of the extension, a saving of Rs. 11,000 in the temporary establishment and Rs 28,000 in the permanent establishment has been made. The order has been issued and the amount is required.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I propose to oppose this grant. I do not understand why in spite of the protests of the people in the districts where photo-copying has been introduced the system is further sought to be extended. It is not an economic system, though we are made to understand that it is economic. A sum of Rs. 28,000 has been shown as a saving if photo-copying is introduced in these offices. The total expenditure shown is £700 *plus* £970, or a total of £1,670. But this is put at the rate of Rs, 10 per pound. When the actual payment is made the loss by exchange will be shown under the major head "Exchange". If we refer to page 13 of the Appropriation Report we will find that loss by exchange under voted grants is brought under "40, Exchange". Therefore, the loss by exchange on this £1,670 will be shown under Exchange. Therefore, what is shown here as a saving will come practically to be a loss. Now, it is also complained that the

* *Vide* Appendix 46D.

[Mr. J. C. Swaminarayan]

photo copies that are produced cannot be read even by the originator of the scheme, even Mr. Anderson would find it difficult to read the photo-copies. Therefore this system which produces unemployment in India and compels Government to buy materials from foreign countries permanently must not be allowed to continue. More than six honourable members of this House have sent in a resolution for the abolition of the photo-copying system. Unfortunately last session the resolution tabled was not reached, but this time so many honourable gentlemen have sent in resolutions for the abolition of the system. If this system is continued, the effect will be of loss of employment for poor clerks and the sending of the saving to the High Commissioner for purchasing materials in England. Therefore, I hope looking to the discontent that prevails in those places where photo-copying has been introduced and looking to the great anxiety of people to see that the system is abolished, the House should respond to the public opinion and see that this supplementary grant is refused.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Mr. President, I rise to oppose this motion which has been brought before this House. Now, my honourable friend Mr. Swaminarayan has already brought to the notice of this House that there has been discontent as regards this system and though so many resolutions have been tabled on the subject, yet in spite of this the system is being extended.

Now, this system is not only unsatisfactory but actually there is a hue and cry raised against it. As my honourable friend rightly put, so many clerks have been thrown out of employment. Microscopic lenses are required before we can read the copy of the document. If these materials have been already purchased, I would rather see that they are all sold at a loss rather than allow the system to be extended by purchasing further materials. I think the only way in which we can show our dissatisfaction of this system is by refusing the grant. I hope the honourable House will refuse to vote the grant.

Mr. L. B. BHOPATKAR (Poona City): Sir, with regard to this item, I have to make a motion of adjournment to the effect that the consideration of this item be postponed till the resolution regarding the photo-copying system is considered and decided.

The Honourable the PRESIDENT: Is it not better for the House to decide in favour or against now? It would be a much better procedure.

Mr. L. B. BHOPATKAR: All right, Sir, I do not press my motion for adjournment. In regard to this item, the various objections that could be taken have already been alluded to by the previous speakers. It is a mistake to say that the photo-copying will bring about a saving in the expenditure. It is the most inconvenient system that one can think of. Not only that; but this system has thrown many clerks out of employment,

[Mr. L. B. Bhopatkar]

which is something against the "honest swadeshi" that is made so much of by the Government. Moreover, we find that photo copies of documents cannot be deciphered and oftentimes the attestations are not photoed at all. Furthermore, a very serious objection has been taken by some of the attorneys and the counsel in Bombay to the effect that the photo copies, under the Registration Act, are not valid at all; and if such a copy be produced in a court of law, it is extremely likely that it will not be considered a valid and legal copy at all. A complaint has also been made that the papers of one document are stitched along with those of others, and all such papers are photographed together, resulting in hopeless confusion. We oftentimes see that the photo copies supplied are not of the document which is given for registration. I shall have a lot to say about this system when the discussion on the resolution about this subject is taken up. For the present, I can say that it is the worst system that we can think of. In no other country, I think, this system is adopted. It is a most novel system, and I am also told that when a recommendation about this system was made to the Madras Government, that Government contemptuously threw it off. On all these grounds, Sir, the reappropriation that is proposed should not be accepted by the House. There will be this possibility, that the materials that have already been bought will be lying on our hands. I would suggest that they should be sold off and if there is any loss, it should be borne by Government.

Mr. A. N. SURVE (Bombay City, North): At the very outset let me tell this House, Sir, that I do not discuss the merits or demerits of the photo-copying system. That system is in an experimental stage, so I do not desire to pass any judgment on it. What I object to, is the mode adopted in bringing this supplementary grant before this House. Sir, I draw your attention to Rules of the Bombay Legislative Council, Rule No. 32,-page 76,-which says that an estimate shall be presented for a supplementary grant if the amount voted in the budget of a grant is found to be insufficient for the purposes of the current year. I understand that the grant is demanded under the clause I have just read. If I am right, then the question arises, was this contingency not foreseen at the time when the demand was made at the budget time and why was it not made at that time? The explanation accompanying the demand states that the photo-copying system has been extended to other centres. That is the very point which I wish to bring to the notice of this House. For the past three or four years since the system was introduced the Government is aware of the opposition that has been offered by this side of the House and, as a matter of fact, they should have boldly come before this House and asked for a grant at the budget time when both the sides could have gone into the merits of the photo-copying system itself. Government, I am sorry to say, is trying to stifle debate on this particular point, and for that reason they have been adopting this indefensible policy of coming to the House for a grant when it knows that there could be no discussion on the merits of the question. This side of the House resents the mode adopted by the Government, and therefore, on the ground that

[Mr. A. N. Surve]

the item was foreseen at the budget time, but as Government did not make the demand at .that time, it could not be granted now. On this particular ground I oppose the grant.

Mr. V. A. GRANTHAM (Bombay Chamber of Commerce): Mr. President, I am afraid I am not in favour of the system of photo-copying. I had intended to support the resolution on this subject when it came up for discussion. Under those circumstances, I am afraid I cannot logically support this grant. I therefore oppose the motion.

Mr. J. P. BUNTER: Mr. President, I support the grant. It has been said, Sir, that the copies that are supplied cannot be read. Some of us handle more than 100 copies every year and we are able to read them. It has also been suggested, Sir, that they are not legal, and doubts have been cast about their legality. These copies have been tendered in court and have been admitted and the other side has also admitted them. Appeals have gone up to the High Court and those cases have been decided. So the question of legality or illegality does not exist. Then, Sir, it has been said that these copies do not find favour with the public. When they are true copies of the documents photoed and all the short-comings of those documents are before their eyes, surely these copies should be more acceptable as they are more accurate than the copies which are made by hand. A photoed copy with a thumb impression shown on it comes to the person who has to see it and is a genuine document. You can magnify the thumb impression and see whether it was actually executed by the executant. Then, you get in the photoed copies the erasures also, which in the ordinary copies you do not see. Here the erasures are before your eyes—the handwriting and even what typewriter was used, whether it was Remington or Smith-Premier or any other, all these things can be seen in the photoed copy. Thirdly, Sir, you can handle 50 copies and more very easily and it is a great advantage when you have to file a number of copies in each case, copies made by hand make a bulky volume. Now, copies that are supplied by section-writers are written in any indifferent manner, Sir. Besides those copies which are made by hand are not strong enough to be used more than once or twice, but photoed copies are on very strong paper and consequently could be used several times. Under these circumstances, I submit that this grant should be granted.

Mr. A. MONTGOMERIE: Mr. President, I merely rise, in the first place, to correct one statement made by the honourable member from Poona (Mr. Bhopatkar) that this system is not in vogue in any other country. I have seen a number of documents coming from America, where the photo-static system of making authenticated copies of all records is used in the Supreme Court, and so far as I can make out, it is also in use in a number of States in America, because I have seen documents coming from a number of States.

On the actual merits of the photo-copying system, I think there can be no two opinions. There is only one opinion about it, that photo-copying a document is an infinitely safer method from the point of view of the public interests than the method of copying by hand.

[Mr. A. Montgomerie]

It is quite possible that this system which is merely in an experimental stage has several features which might well be remedied. Possibly, the reproductions that are being made may need to be made on a larger scale with a very slight modification of the methods of enlargement. I am not quite sure whether at present we are using all the modern methods in photography such as panchromatic plates and discriminative colour screens which form the most valuable aid for the preservation of all the features of a document. By the use of modern methods it is possible to tell a very great deal which is not visible to the naked eye. You can, for instance, find in photographed copies properly made the traces of previous writing, the traces of erasures on the surface of the documents which are absolutely invisible to the naked eye. You can distinguish by the use of appropriate colour screens and by the use of appropriate panchromatic plates what is absolutely invisible to the ordinary eye. We know that inks of different chemical composition which appear to the eye identical may give off light waves of different lengths and thus that which is absolutely invisible to the eye can be brought out quite plainly in a photograph. I must say for my part I regard the present method as not quite on the lines which I would like to have seen. I would prefer something which would give reproductions which could be easily decipherable, reproductions actually in *fac-simile*. I admit the copies are small, but I think they can be read with an ordinary glass perfectly plainly.

Mr. M. R. JAYAKAR (Bombay University): Sir, I do not think that the speech of the honourable member, the Home Secretary, answers the two points which were made so clearly by the honourable member for Bombay, Mr. Surve. What the House is entitled to know, in connection with this grant, is not the merits of the photo-zinco method, about which the honourable member Mr. Surve rightly remarked that it is in an experimental stage, but there are one or two points which have to be cleared up first. Rightly or wrongly, the opinion of a majority of this side of the House is known to be adverse to the continuance of this method of making copies. If honourable members will recall to their mind in this connection what happened in the first and second session of this House, they will know that many members made it clear to Government that they were opposed to this method of multiplying copies. What we would like to know from the Government benches is this, why in spite of this opposition the system has been extended to other offices. Where was the urgency for extending this system, which is, as is admitted, in an experimental stage? Why could not Government have waited for the next budget session to extend this system? Secondly, where was the urgency for spending £970? I may here incidentally call attention to what the honourable member from Ahmedabad, Mr. Swaminarayan, pointed out that a pound (sterling) is calculated by Government at ten rupees. I do not claim to understand exchange operations very clearly, but it does seem to me somewhat curious that while all others are counting fifteen rupees to a pound sterling Government are in this instance counting it as ten rupees. I want to know from the honourable member, the Home Secretary, or those who are concerned with this department, why

[Mr. M. R. Jayakar]

it is that Government have not waited until the next budget and in a very straightforward manner—not in this circuitous way—asked for the sanction of this House to this expenditure in England. I confess it does appear to me as if they were circumventing the opinion of this House, in asking sanction in this covert way for a grant of £970 to be spent in England. I do not think it is a revelation to the Government benches that this House is extremely jealous about spending a single farthing in England. I think we have made this more than manifest whenever we have had an opportunity of doing so. I should like to ask Government whether they think they are showing any respect for the opinions and predilections of the House when they go behind the screen so to say and spend money, before sanction is given, in a very doubtful manner to the extent of £970 upon an item which they know, if they had come straight and asked this House to sanction, this House would not have done so without opposition. Government should have waited and asked for a straightforward grant at the next budget time. That is the question which has not yet been answered by the Government Benches.

Mr. B. K. DALVI: I move the closure, Sir.

The Honourable the PRESIDENT: I accept the closure and call upon the Honourable Minister to reply.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I am afraid I consider the discussion, in the light it has taken place, as out of place; because we have already got more than one resolution on the subject on the agenda which may be discussed in this House; and that would be the proper moment to enter into the details and the merits of this case. At present I have got to limit myself to the mere demand I have asked for. I am in a position, when the time came, to show various photos taken under this system and to convince the House that it was one of the boons that the department could bestow on the people in bringing about registration by this method. The system has been introduced within the knowledge of this honourable House, and until that system is turned down definitely as useless, this House should not allow itself to be influenced by a few resolutions or a little talk that is going on outside. I would even ask the honourable member, the leader of the Swaraj party, whether he is in a position or whether anybody else in this House is in a position even this evening to say what is the opinion of the majority of this House. That is a matter which has yet to be decided, and until it is decided, the department is very wrongly attacked and would go wrong if it were to be influenced by outside talk. Therefore, the department was certainly right in continuing the system which has been introduced within the knowledge of this House and with a budget sanctioned by this House.

It has been asked why was not the amount provided for in the last budget. The honourable member Mr. Surve asks why the amount was not included in the last budget. The object of supplementary grants is to provide for items which were unforeseen at the budget time, but the necessity for which arises imperatively later on.

[Mr. A. M. K. Dehlavi]

As regards the queries made as to the reasons for the extension of this system, I would like to tell the House that this system has been gradually extended and that too in the best interests of registration itself, and in pursuance of a resolution of this honourable House, as I said, when it was introduced by my honourable colleague, the Honourable Mr. Mehta. It was introduced within the cognisance and within the knowledge of this House and by a resolution of this House. It was further budgetted for and it is now running as a department, and until that is turned down, I think it is wrong on the part of this House to take the department to task for anything that it is doing. I therefore submit that we should wait and discuss the merits of the question on the resolution which is tabled when it comes for discussion, but this is an urgent matter and should be sanctioned by this House.

Question put. House divided. Ayes 32. Noes 47. Motion lost.

*Division No. 13.*

**Ayes.**

Bole, Mr. S. K.
Bunter, Mr. J. P.
Chatfield, Mr. G. E.
Dabholkar, Mr. V. A.
Dehlavi, the Honourable Mr. A. M. K.
Fernandez, Dr. Cosmas
Framji, Mr. K. S.
Ghosal, Mr. J.
Ghulam Hussain, the Honourable Khan Bahadur Shaikh
Gibson, Mr. R. E.
Griffiths, Mr. V. M.
Haji Abdullah Haroon
Hatch, Mr. G. W.
Hayward, the Honourable Sir Maurice
Hepper, Sir Lawless
Jadhav, the Honourable Mr. B. V.
Jehangir, the Honourable Mr. Cowasji
Kanga, Mr. J. B.
Kay, Mr. J. A.
Lawrence, the Honourable Mr. H. S.
Linford, Mr. J. W.
Mehta, the Honourable Mr. C. V.
Montgomerie, Mr. A.
Nekaljay, Mr. R. S.
Owen, Mr. A. C.
Painter, Mr. H. L.
Pratt, Mr. F. G.
Shinde, Mr. R. D.
Thomas, Mr. G. A.
Wadia, Mr. N. J.
Wiles, Mr. G.
Woods, Mr. E. E.

*Tellers for the Ayes.* Mr. J. P. Bunter and Mr. E. E. Woods.

**Noes.**

Abdul Latif Haji Hajrat Khan, Mr.
Abdulpurkar, Mr. N. A.
Adwani, Mr. D. B.
Ahmad, Moulvi Rafiuddin
Angadi, Mr. S. N.
Bhopatkar, Mr. L. B.
Bhutto, Khan Bahadur S. N.
Dalvi, Mr. B. K.
Desai, Rao Saheb D. P.
Dev, Mr. S. S.
Dixit, Dr. M. K.
Gunjal, Mr. N. R.
Jayakar, Mr. M. R.
Joshi, Mr. P. G.
Kambli, Mr. S. T.
Karki, Mr. M. D.
Kazi Inaitullakhan
Lalji Naranji, Mr.
Lalljee, Mr. Hoosseinbhoy A.
Mahomed Ayub Shah Mahomed Khuhro, Mr.
Mavalankar, Mr. G. K.
Mehta, Dr. M. M.
Mukadam, Mr. W. S.
Narielvala, Mr. H. H.
Nariman, Mr. K. F.
Navle, Mr. N. E.
Noor Mahomed, Mr.
Pahalajani, Mr. B. G.
Patel, Mr. A. E.
Patel, Mr. D. N.
Patel, Mr. G. I.
Patil, Mr. D. R.
Pir Rasulbaksh Shah
Powar, Mr. M. B.
Pradhan, Mr. G. B.
Pradhan, Mr. R. G.
Rahimtoola, Mr. Hoosenally M.

Noes—*contd.*

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|---|---|
| Saheba, Mr. H. D. | Surve, Mr. A. N. |
| Saptarshi, Mr. C. M. | Surve, Mr. V. A. |
| Sardesai, Mr. S. A. | Swaminarayan, Mr. J. C. |
| Shivdasani, Mr. H. B. | Thakersi, Mr. Punjabhai |
| Soman, Mr. R. G. | Velkar, Dr. M. B. |

*Tellers for the Noes.* Mr. A. N. Surve and Mr. G. B. Pradhan.

The Honourable Mr. H. S. LAWRENCE: Mr. President, I move:

"That this Council authorises the Standing Finance Committee to make formal re-appropriations from one grant to another of money which has been spent or will be spent on the purpose for which it was voted by the Council, if it is found necessary to debit the expenditure to a head of account other than that under which it was voted. All such re-appropriation shall be reported by the Committee to the Legislative Council."

Now, Sir, I have been warned that I am bound to fall under very grave suspicion in making this motion. I have been warned that this Council is not likely to view with any favour delegation of its power to any committee. I may say, Sir, that I propose, with your permission to reveal an official secret, and if it is of very grave moment, I shall subsequently ask for an act of indemnity. This motion was prepared during my absence in England, and when I first saw it I said to my staff "It is no use; I am quite sure the Legislative Council won't agree", because on first reading I found some difficulty in understanding it, and I can see it is quite possible that some members of this House have also found some difficulty in understanding and grasping exactly how innocuous and harmless it is. The fact is, Sir, that the object of this motion is only to save the time of this House. It is not proposed to deprive it of any functions or powers which it possesses. I am perfectly sure that to a House which is so keen upon the economy of time, to which the idea of any waste of effort or surplus expenditure of time is absolutely abhorrent, any thing that makes for the more rapid disposal of business must make a strong appeal. Now, Sir, it is not an experiment without precedent that we ask this House to make in this matter. We know that this particular power has been delegated to its Finance Committee by another Legislative Council, and we have watched the operations of that Council for some little time to see if any objection has been taken to that delegation, or whether any unforeseen difficulties have arisen. If the delegation of that power had been in any way irregular, I think this House is now well enough acquainted with the operations of the Auditor General and his faithful assistant the Accountant General to be perfectly certain that any such irregularity would have been brought to notice. It is, in fact, a measure that is perfectly within the power and authority of this House to do. It is a step which is solely intended for economy of time in matters which are formal, and I hope, Sir, that the House will have no difficulty in accepting it without any serious damage to its conscience.

Question proposed.

Mr. A. N. SURVE (Bombay City, North): Sir, I beg to move my amendment which is to add a few words at the end of the word

[Mr. A. N. Surve]

"Council" in the motion which has just been proposed. The words to be added are :

"for approval expressed by a resolution."

The motion as amended will read as follows :

"That this Council authorises the Standing Finance Committee to make formal re-appropriations from one grant to another of money which has been spent or will be spent on the purpose for which it was voted by the Council, if it is found necessary to debit the expenditure to a head of account other than that under which it was voted. All such re-appropriations shall be reported by the Committee to the Legislative Council for approval expressed by a resolution."

I move this amendment because the Finance Committee of this House is not a statutory committee, and as such its duties are not determined by any statutory provisions. So, the question arises whether that committee can give its sanction to any reappropriation without letting this House know of it. That is one point. Another point is that, there are some questions relating to principle, and if the Finance Committee is permitted to give its sanction then there is the fear that there will be no discussion on those questions though they relate to debatable principles. When it is a matter of principle, I think it is but fair that this House should have a full and free opportunity of discussing every item of expense that is placed before this House by the Finance Committee. A third point is that there are certain expenses which, under the Audit Code, could be sanctioned by this House alone. I refer to Article 181A of the Audit Code. Under that, certain items of expense could not be passed even by the Appropriation Committee in spite of its being a statutory committee, and therefore it becomes necessary, according to the provisions of that Article, that the sanction of this House becomes necessary. Now, the Honourable the Finance Member has very cleverly attempted to find a short-cut, but whether it is really good or desirable is a doubtful matter. As far as my interpretation goes, I think that if this House delegates its power to any committee, it will be going beyond its own powers and therefore, the device which is suggested by the motion before the House will not be in order. For these three reasons I have proposed my amendment. This will save the inherent right of this House to examine every item ;—if necessary—because the report is not to be merely recorded, but this House has to exercise its intelligent judicial function and to determine for itself whether the report should be recorded without any discussion or there should be discussion on it. If it is necessary that there should be discussion, my amendment secures that right to this House, whereas the resolution which is brought before this House by the Honourable the Finance Member deprives this House of that right. For these reasons, I have brought my amendment before the House, and I commend it for its acceptance. Amendment proposed.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, I wish to raise a point of order, and I want you to consider whether this resolution is in order or not. My submission is this. Under Rules 31 and 34 it is the function of this Council to consider appropriation or reappropriation.

[Mr. K. F. Nariman]

I want your ruling on the point whether it is legitimate to delegate this function of the Council to a particular committee. Rule 31 says:

"When money has been spent on any service for which the vote of Council is necessary during any financial year in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the Council by the Finance Member and shall be dealt with in the same way by the Council as if it were a demand for grant."

Under this rule it is the function of the Council to give vote or refuse it. My submission is that that function cannot be delegated to a committee even by a resolution of this House. Rule 34 (2) says:

(2) It shall be the duty of the Committee to bring to the notice of the Council:
(i) every re-appropriation from one grant to another grant;
(ii) every re-appropriation within grant which is not made in accordance with the rules regulating the functions of the Finance Department, or which has the effect of increasing the expenditure on an item the provision for which has been specifically reduced by a vote of the Council;
(iii) all expenditure which the Finance Department has requested should be brought to the notice of the Council.

Mr. G. WILES: That relates to the Public Accounts Committee.

The Honourable the PRESIDENT: The difficulty arises owing to these words used in the resolution:

"make formal re-appropriation from one grant to another of money which has been spent or will be spent."

Now, the issue before the House is whether the Council can legally delegate these powers to the Finance Committee. The Finance Committee is not a statutory body. Will any Member of Government please explain the point?

Mr. G. WILES: Sir, we are not proposing to delegate any power of this Council to any body. This is purely a matter, as I understand it, of internal administration of the Council. This is analogous to the delegation of general duties to a secretary as a result of an understanding come to between the secretary and a member. We ask that the Finance Committee should be authorised to make formal reappropriations from one grant to another of money which has been spent or will be spent on the purpose for which it was voted by the Council. I will explain the point by giving an example. Take the case of item No. 6 of the Supplementary Grants. There a transfer was demanded from 5, Land Revenue to to 41, Civil Works of a sum of Rs. 2,500 for the construction of the Ghatpaths in the Ahmednagar district. Though the provision was made by the Revenue Department, the work has to be carried out by the Public Works Department. So, the money has been transferred to the head "Civil Works". That is what is meant by a formal transfer. The specific purpose for which the money is voted remains the same, namely, the construction of the Ghatpaths. If there is a suspicion that the resolution would enable the Finance Committee to reappropriate from the reserve, then I would urge that the resolution cannot possibly bear that construction.

Mr. J. B. KANGA: Sir, the motion proposes to confer a ministerial function. It does not confer any power or privilege belonging to the House to the Standing Finance Committee but asks the committee to perform a ministerial function. It only empowers the Finance Committee

[Mr. J. B. Kanga]

to prepare a sort of balance sheet or an account putting the moneys voted by the Council for a particular purpose under a proper head. I submit, Sir, that neither of the rules quoted by my honourable friend from Bombay applies here. Rule 31 refers to excess grants and Rule 34 has no application. Supposing, Sir, the purpose for which the money was voted was to be changed, then certainly the powers or functions of the House could not be delegated to the Standing Finance Committee. But supposing the House, instead of seeing the account itself and instead of seeing whether the moneys spent were put under right heads or proper columns, were to delegate these administrative functions to a committee the House could do so. And, therefore, though I see that no specific rule applies, still as the work is merely a work of preparing accounts or putting things under right columns or under proper heads, I submit, Sir, that from that point of view the motion would be in order. The Finance Committee is not doing anything which the Council has no power to empower it to do. The purpose for which the money is spent is not at all affected. As pointed out by the Finance Secretary just now, all that the resolution means is that the money that was voted for a particular purpose and was to be spent by a particular department, was in fact spent by some other department; therefore the money spent could not be properly put under the particular head for which it was voted; that has to be altered. Therefore, I submit that the House is not delegating any power or privilege to the Standing Finance Committee. It is a work of mere checking and seeing that the items are shown under proper heads. I think from the point of view of economy of time, the House can very well delegate a ministerial act like the one under consideration to the Standing Finance Committee.

Mr. M. R. JAYAKAR (Bombay University): Sir, I am afraid I cannot follow the argument of the honourable member the Advocate-General that this motion does not take away from the powers of the House. I will just call the attention of the House to Rule 34 (2):

> "It shall be the duty of the committee to bring to the notice of the Council—
> (i) every re-appropriation from one grant to another grant."

I take this to mean that this Council is the final controlling authority in these matters. I am sure the honourable member the Advocate-General will not dispute this. It is the duty of the committee to bring to the notice of the Council all questions coming under (i), (ii) and (iii) of rule 34 (2) meaning thereby that the Council is the final authority on such questions. If that is conceded.....

Mr. P. G. JOSHI: That is the Public Accounts Committee.

Mr. M. R. JAYAKAR: If that is conceded, then clause (i) speaks of "every re-appropriation from one grant to another grant." It makes no distinction between a formal re-appropriation and a substantial re-appropriation. Now if the honourable members turn to this motion, they will find that the very second line uses the expression "re-appropriations from one grant to another". The argument advanced by the Honourable the Finance Member is that here the re-appropriation is

[Mr. M. R. Jayakar]

purely formal. A good deal of force has been put on the word 'formal', and it has been urged that a formal re-appropriation does not require the House to exercise its mind on it. But I submit that rule 34 (2) makes no such distinction between a formal and an informal re-appropriation. As I read that clause, every re-appropriation from one grant to another must be finally determined by this House. I, therefore, submit that the point of order raised by the honourable member for Bombay is good.

Mr. D. B. ADWANI: Sir, I have to raise another point of order.

The Honourable the PRESIDENT: Let us finish this one first.

The Honourable Mr. H. S. LAWRENCE: Sir, if I intervened at this stage it might save time and misunderstanding. The honourable member, the leader of the Swaraj party has, I think, fallen into a very natural misconception. He has confounded the audit and appropriation accounts to which rule 34 applies with the current revenues of the current year. What we are dealing with in the motion under discussion is the check and control of the expenditure of funds in the current year from the current budget; what rule 34 deals with is the subsequent scrutiny of the expenditure of the money of a year or two before. As this House are aware they have had before them this afternoon the audit reports of the year 1922-23, and rule 34 deals with such cases as the subsequent report by the Accountant General on behalf of the Auditor General on the past expenditure of a year or two ago. It has no reference whatever to the current expenditure of the current year.

The Honourable the PRESIDENT: Before further discussion takes place on this point of order, I should like to deal with one or two aspects of the question for the consideration of the Advocate General and the Government benches. If they can elucidate those points it would greatly help in arriving at a decision.

In the first place, this motion is worded in such a way that it implies that certain powers which are vesting in the Council are being delegated to the Finance Committee. I would draw particular attention of the Council to the words "Council authorises". The Council must have power to authorise. If the Council has not the power to authorise, then there is no meaning in this motion. If the word is correctly used, then this power of making transfers or re-appropriations vests in the Council and is proposed to be transferred or delegated to one of its committees. And that brings Mr. Surve's amendment in, when he says "We will give them the power subject to our subsequent sanction", which converts the committee into a mere reporting body. If the object of Government is simply what the honourable member, the Finance Secretary has stated, the resolution can be worded, as I am going to suggest, and I think that would receive the best consideration on the non-official side. If the object is that the sum of Rs. 2,500 which the Council sanctions for ghat-paths to be spent by the Revenue Department is simply to be spent by the Public Works Department on ghat-paths and on nothing else, then if the resolution is worded in that way, the honourable House would not, I think,

[The President]

mind. If the same work is to be carried out by one or other department of Government and that is reported to the House, provided that no part of the grant which has been voted for a particular object is diverted to any other object, and that merely for executive convenience one department carries out in its executive capacity the work which under the budget is put under a different department, then I do not think there would be much difficulty, except the difficulty which will have to be yet considered, namely, as regards the reserved and transferred departments. But I do not think even that will interfere with the matter because it is strictly confined to the executive carrying out of the work sanctioned with the money voted for the work. I am not asking the Council to take any particular line: I am merely on the point of order, suggesting the difficulties that arise as the motion is worded. If the Council has the power of doing this itself and it is proposed that it should authorise a committee to do it, then I should like to know under what Rule or under what Standing Order or under what provisions of the Act the Council is authorised to delegate that power to a committee. That is the point of order raised, if I have understood the honourable member Mr. Nariman correctly, and on that issue I want the Advocate General to advise the Council. As it is 7 o'clock, I prevented other members from speaking, because I wanted to tell them what my difficulties were, and if Government's object is as is stated by the honourable member the Finance Secretary, it could be met in the manner which I have suggested, that is, if the motion is completely altered on those lines. I have said that, in order that honourable members may have time to think over the question and come prepared with their views to-morrow.

I would, therefore, adjourn the House till to-morrow, but before I do so, I understand that the question to which I refer, namely, the question of five non-official days before the Divali holidays has arisen. Government business has not concluded to-day as we had all anticipated it would, and I should like to know what are the wishes of the non-official members and what are the wishes of the Government in the matter. I understand that the honourable member the leader of the Swaraj party, wishes to make a statement, and after he has done so, the Honourable the Leader of the House may explain what the position of Government is with regard to this matter.

Mr. M. R. JAYAKAR (Bombay University): Mr. President, as a general rule, one is not inclined to reduce the number of non-official days, especially as under the present arrangement we get very few days for non-official business; in fact, we were considering whether we should not bring to the attention of His Excellency the Governor that this House ought to have more days for non-official business than we get at present. Although that is our general desire, we feel that the questions which remain outstanding still on the agenda as a part of the Government business, are so important, *e.g.*, the notification under the Cotton Transport Act, and the Audit Report, that I will have no objection to give one more day to Government and be content with four days for private business. I would say quite frankly that what we consider on these non-official days is

[Mr. M. R. Jayakar]

mainly resolutions, and, after all, what are these resolutions worth? They are merely recommendatory and are not binding on Government. Therefore, we think it much better to spend one more day in criticising the more substantial part of the business which still remains unfinished on the agenda, rather than indulge for one day more in oratorical discussions on resolutions, which it is in the hands of Government to carry out or no.

The Honourable Sir MAURICE HAYWARD: Sir, I am much obliged for the generous statement made by the honourable member, the leader of the Swaraj party. I am extremely sorry that our official business should have gone on beyond Monday. I had hoped it would not, and that honourable members would have got full five days for non-official business and would have been able, with the consciousness of having done their duty, to get back to their homes on Saturday for the Divali holidays. We are extremely reluctant to encroach upon the private time of honourable members, as we recognise we must rise at latest on Saturday. It is not really practicable to adjourn for the Divali holidays. Therefore, the practical question is whether we are to take any further time for official business or leave it over for another sessions. That would give the five days which has been promised to non-official members. We on our part are quite ready to dispense with the rest of our agenda in order not to encroach upon the non-official time and we must, therefore, leave it to the general sense of the House. The leader of the Swaraj party has made a statement of the position of his party in the matter. But, of course, we have to recognise that his is not the only party in the House and that other parties may have different views as to the desirability or otherwise of pressing their resolutions on the notice of Government. We must remember that there are important motions of amendments to Standing Orders, which may take some time and which would further curtail the time available for resolutions of honourable members. We on our part, therefore, have no desire to press official business if private members on the whole would prefer to go straight on to-morrow to the Standing Orders and bills—there are some private bills—and resolutions, and therefore it is desirable, I think, to have a statement from other parties in the House as to what their wishes are, and we are quite prepared to agree to whatever may be the general sense of the House.

The Honourable the PRESIDENT: I hope the whole House will appreciate the feeling on both sides of the House to meet the convenience of each other. I would make a suggestion in respect to that matter. It appears to me that in any case the present motion which is before the House will have to be taken up to-morrow, so that that much time will have to be given to official business. The Deputy President is the elected deputy president of the House, and I would ask him to ascertain what the general feeling amongst members other than those belonging to the Swaraj party is and to let me know to-morrow what the non-official benches on the whole really desire, and I am quite sure that Government would be willing to fall in line with that desire.

The Honourable Sir MAURICE HAYWARD : We shall be very glad, Sir, to fall in line with the general wishes of the House in this matter.

The Honourable the PRESIDENT : Therefore, I have asked the Deputy President to ascertain the general feeling among the non-official members, as to whether, after the disposal of this business, we shall take the remaining part of the Government business or go to non-official business. The Council is adjourned to 2 o'clock to-morrow, Tuesday, the 21st October 1924.

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*Tuesday, the 21st October 1924.*

The Council re-assembled at the Council Hall, Poona, on Tuesday, the 21st October 1924, at 2 p.m. the Honourable the PRESIDENT, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ADDYMAN, Mr. J.
ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
ANGADI, Mr. S. N.
BAPTISTA, Mr. J.
BHOPATKAR, Mr. L. B.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Saheb SHER MAHOMED KHAN
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Mr. V. A.
DADACHANJI, Dr. K. E.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GIBSON, Mr. R. E.
GRANTHAM, Mr. V. A.
GRIFFITHS, Mr. V. M.
GUNJAL, Mr. N. R.
HAJI ABDULLAH HAROON.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HUDSON, Mr. L. S.
JADHAV, the Honourable Mr. B. V.
JAYAKAR, Mr. M. R.
JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
JOSHI, Mr. P. G.

Kalbhor, Mr. G. M.
Kambli, Mr. S. T.
Kanga, Mr. J. B.
Karki, Mr. M. D.
Kay, Mr. J. A.
Kazi Inaitullakhan
Kothari, Mr. V. R.
Lalji Naranji, Mr.
Lalljee, Mr. Hooseinbhoy A.
Lawrence, the Honourable Mr. H. S.
Linford, Mr. J. W.
Madan, Mr. J. A.
Mahomed Ayub Shah Mahomed Khuhro, Mr.
Mavalankar, Mr. G. K.
Mehta, the Honourable Mr. C. V.
Mehta, Dr. M. M.
Montgomerie, Mr. A.
Mujumdar, Sardar G. N.
Mukadam, Mr. W. S.
Nanal, Mr. B. R.
Narielvala, Mr. H. H.
Nariman, Mr. K. F.
Navle, Mr. N. E.
Nekaljay, Mr. R. S.
Noor Mahomed, Mr.
Owen, Mr. A. C.
Pahalajani, Mr. B. G.
Painter, Mr. H. L.
Patel, Mr. A. E.
Patel, Mr. D. N.
Patel, Mr. G. I.
Patil, Mr. D. R.
Pir Rasulbaksh Shah
Powar, Mr. M. B.
Pradhan, Mr. G. B.
Pradhan, Mr. R. G.
Pratt, Mr. F. G.
Rahimtoola, Mr. Hoosenally M.
Saheba, Mr. H. D.
Saptarshi, Mr. C. M.
Sardesai, Mr. S. A.
Sayed Ghulam Nabi Shah
Sayed Shahjade Saheb Haidar Saheb
Sedgwick, Mr. L. J.
Shankarrao Jayaramrao Zunzarrao, Mr.
Shinde, Mr. R. D.
Shivdasani, Mr. H. B.
Soman, Mr. R. G.
Surve, Mr. A. N.

SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
THAKERSI, Mr. PUNJABHAI
THAKOR of Kerwada, the
THOMAS, Mr. G. A.
VELKAR, Dr. M. B.
WADIA, Mr. N. J.
WILES, Mr. G.
WOODS, Mr. E. E.

The Honourable the PRESIDENT: Order, order:

Question again proposed:

"That this Council authorises the Standing Finance Committee to make formal re-appropriations from one grant to another of money which has been spent or will be spent on the purpose for which it was voted by the Council, if it is found necessary to debit the expenditure to a head of account other than that under which it was voted. All such re-appropriations shall be reported by the Committee to the Legislative Council."

Mr. J. B. KANGA: Sir, I have not much further to add. I have considered the question and I still remain of the opinion that a merely ministerial act can be delegated by this House to a committee appointed from amongst the members of this House. The only authority which I have been able to find is in the first volume of Halsbury's Laws of England, where as regards authority to delegate, it is stated at page 170 as follows:

"To the maxim *Delegatus non potest obligari*: There are certain well-recognised exceptions wherein an authority to delegate will be implied generally on the ground that there is no personal confidence reposed or skill required and the duties are capable of being equally well discharged by any person. Such exceptions exist in the case of purely ministerial acts where no special discretion or skill is required and in acts subsidiary to the main purpose."

Then at page 172, paragraph 376, it is stated:

"A distinction between the delegation of authority and the exercise of that authority by a body through a committee of its own members is examined in a leading case. This is only an exercise of the authority in a mode prescribed and there is no delegation of the duty."

In the House of Lords case referred to a certain enquiry was to be held by a corporation and the corporation selected a committee of its own and entrusted that enquiry to that committee, and that committee took evidence and made a report. On that report the officer as regards whom the enquiry was held was dismissed and it was held that it was within the competence of the corporation to delegate that function to a body of its own and it was really no delegation of authority, but that it was exercising its own authority in a prescribed manner. Here the amount sanctioned by the Council remains unaltered, the purpose sanctioned remains unaltered. If Government thinks that instead of one department spending the prescribed amount for a certain purpose, another department can do it more effectively, efficiently or conveniently, Government allows that other department to spend the amount sanctioned on the purpose sanctioned. Thereupon the item is to be actually inserted in the head of account, it cannot be put in under the head under which it was voted by the House, but it has to be placed under a different heading. Being a purely ministerial act, Sir, and the Finance Committee being a body of

[Mr. J. B. Kanga]

members belonging to this House, this purely ministerial act, I submit, can be entrusted to that body with the sole object of saving time.

Another way the question may be looked at is this: suppose some enquiry is to be held by this House—surely this House itself is a final authority—and this House appoints a committee of its own to enter upon that enquiry, hear evidence, to do various other things and to report to this House. That can be done. Can it be said, that which was done before the committee was not in order? I may again draw the attention of this House to the resolution which says: "This Council authorises the Standing Finance Committee to make formal re-appropriations from one grant to another of money which has been spent or will be spent on the purpose for which it was voted by the Council"....Therefore the purpose remains the same and the amount remains unaltered. Then it says: "if it is found necessary to debit the expenditure to a head of account other than that under which it was voted". All that has to be altered is the head of account. It was voted under one head of account and it is to be debited to another head of account purely on the ground of efficiency and expediency, because it is found that the other department would more effectively carry out the expenditure. The whole thing seems to be a mere question of paper entries, to transfer the debit from one head of account to another head of account. This, Sir, is a resolution purely for saving time for administrative convenience and the whole House, instead of wasting its time, would in one sense delegate its authority and in another sense do it in a certain prescribed manner, namely, through the Finance Committee. That is my view of the matter.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, I heartily agree with the honourable member, the Advocate General, in what he has told the Council. What I find is that under section 72D of the Government of India Act, the sub-clause (2) provides that the Council may assent, or refuse its assent, to a demand, or may reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed. Under Devolution Rule 38, the Finance Department is given the following powers:—

"After grants have been voted by the Legislative Council—

(*a*) the Finance Department shall have power to sanction any re-appropriation within a grant from one major, minor or subordinate head to another.

(*b*) the member or minister in charge of a department shall have power to sanction any re-appropriation within a grant between heads subordinate to a minor head which does not involve undertaking a recurring liability, provided that a copy of any order sanctioning such a re-appropriation shall be communicated to the Finance Department as soon as it is passed."

Here obviously the Finance Department is not given power to transfer any sum from one grant to another grant, but then, if you turn to rules of the Bombay Legislative Council, Bombay Lagislative Council Manual, Volume II, page 76, you will find what powers are given to the Legislative Council in case of excess and supplementary or additional grants. After the sanctioning of the budget, sometimes it so happens that an amount in excess of the amount in some instances has to be spent for the

[Mr. G. B. Pradhan]

exigencies of the service. Then that excess amount is submitted under Rule 31 for the vote of the Council. Rule 31 reads :—

"When money has been spent on any service for which the vote of Council is necessary during any financial year in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the Council by the Finance Member and shall be dealt with in the same way by the Council as if it were a demand for a grant.

Supposing some excess amount is required, which was not foreseen when the budget was presented, then Rule 32 says :—

"An estimate shall be presented to the Council for a supplementary or additional grant when—

(i) the amount voted in the budget of a grant is found to be insufficient for the purposes of the current year; or

(ii) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the budget for that year."

The first ones are excess grants and the second supplementary or additional grants which are submitted to the vote of the Council. There are two committees; one is the statutory committee, namely, the Public Accounts Committee, which is appointed under Rule 33, and its functions are defined in Rule 34. Now, the Public Accounts Committee merely scrutinises the audit of the previous year, and reports to the Council if there are any reappropriations or excess expenses, which the Council did not vote and which the executive Government have incurred. There is no express rule which makes it necessary to submit a formal reappropriation to the vote of the Council; but it follows by way of implication. Thus it so happens that if there is any reappropriation from one head to another, then that is placed before the Finance Committee. This excess expenditure can only be looked at by the Public Accounts Committee when the audit note comes before it next year. Here, supplementary or additional grants or excess grants and matters of re-appropriation are put before the Finance Committee that very year, and the Finance Committee considers the justice of the case and passes or does not pass the excess or additional grant, and sanctions or does not sanction the re-appropriation. The Public Accounts Committee makes its report in the next year, but before that the Finance Committee reports to the Council that such and such a re-appropriation has taken place. Now, this is merely a formal matter. Now, as the Honourable the Advocate General has put it, the motion merely says that the amount is to be spent for the identical purpose for which it is sanctioned by the Council and the amount is the same, but instead of being under head X, it is spent under head Y, because it is more convenient; it is merely the transfer of a sum from one head to another. So, in the next year when the budget is put before the Council, the Council may find that instead of Rs. 2 crores sanctioned for education, Rs. 2 crores and 20 lakhs are spent, and instead of Rs. 1 crore sanctioned for another department, only Rs. 80 lakhs have been spent by it. In order to remove any misunderstanding the Finance Committee reports that Rs. 20 lakhs have come out from head X and transferred to head Y. The amount has been utilised for the same identical purpose but under a different head.

Mr. H. B. SHIVDASANI: I rise to a point of order, Sir. This motion does not relate to formal transfers.

The Honourable the PRESIDENT: The honourable member Mr. Pradhan is quite on the wrong scent now. I was just going to interrupt him. Any transfer of that character requires the sanction of the House, and the power cannot be delegated. The only question is whether certain amounts sanctioned for specific purposes to be spent by one department can, for the purposes of executive convenience, economy or efficiency, be spent by another department for the same purpose. Transferring a certain sum from Forest to Education is transferring the amount for a different purpose.

Mr. G. B. PRADHAN: No, no. What I was observing was this: suppose Rs. 20 lakhs are sanctioned under the head of Education, say, for a particular building; that building can more conveniently be built by, say, the Public Works Department; instead of that amount being spent by the Education Department it is deducted from the Education grant and added to the Public Works Department grant. The amount is the same, the purpose for which it is spent is also the same, but instead of showing it under one head, it is shown under another head. It is merely a formal re-appropriation from one head to another, and that is what the motion contemplates. Supposing the Council has sanctioned a certain amount for a certain purpose under head X, it is being spent under head Y, and it is put before the Finance Committee. The amount is the same, and the purpose is the same; it is merely a transfer from one head to another. I do not see what objection there should be to such formal re-appropriations being allowed by the Finance Committee.

The Honourable the PRESIDENT: We are not discussing the motion on its merits, and I wish any honourable member belonging to the legal profession, who wishes to speak on the point of order to do so rather briefly. I cannot allow a considerable amount of time to be spent in regard to discussing the merits of the case. I am not going to allow any elaborate explanations or any elaborate points, but if any honourable member wishes to strictly confine himself to the legal aspect of the question on the point of order, I will be glad to hear him.

Rao Saheb D. P. DESAI (Kaira District): Sir, I cannot agree with the honourable member, the Advocate General (Mr. Kanga). If the Council allows or adopts this principle of delegation, it would be laying down a very dangerous precedent.

The Honourable the PRESIDENT: The honourable member is talking on the merits of the motion. He may do so on the motion if it is allowed to be discussed as being in order.

Rao Saheb D. P. DESAI: I want to say.....

The Honourable the PRESIDENT: The honourable member is talking on the merits and saying that this would be a dangerous precedent. The House can refuse to allow it.

Mr. P. G. JOSHI (East Khandesh District): Sir, I beg to point out that the resolution contravenes the provisions of the Government of

[Mr. P. G. Joshi]

India Act in that it does away with the necessity of obtaining the vote of the Council for the appropriation of money. The following occurs in sub-section (2) of section 72D of the Government of India Act:

"The proposals of the local Government for the appropriation of provincial revenues and other moneys in any year shall be submitted to the vote of the Council in the form of demands for grants."

I beg to submit that the motion as moved by the Honourable the Finance Member makes the sanction of the Finance Committee sufficient for re-appropriation, while under the provisions of the section I have quoted, it is expressly necessary that the vote of the Council should be obtained for the appropriation of such money. Also sub-clause (c) of the proviso to section 72D says:

"No proposal for the appropriation of any such revenues or other moneys for any purpose shall be made except on the recommendation of the Governor, communicated to the Council."

I beg to submit that under these provisions of the Government of India Act the motion is not in order.

The Honourable the PRESIDENT: I feel that the question is not free from doubt. The Advocate General stated, citing legal authorities in support of his view, that the authority vested in a central body—I use that expression—can be delegated in a prescribed manner, for the purposes of enquiring or for the purposes of a report to the House. If that was the motion here, it would be perfectly in order. My difficulty, as I pointed out yesterday, was whether the Council has legal power to delegate that authority to this committee. After all, it is a transfer of the stated amount sanctioned by the House for a specific purpose from one department to another department, the purpose and the amount being the same. I at once recognise that it would be a matter of very great executive convenience to do so, but my difficulty is whether the Council has the legal power to delegate that authority to this committee. At the time of the budget, the House under section 72D sanctions grants to each department and asks them to carry out their various duties in the various directions in which Government must work in carrying on the administration of such an important province. Government finds in the interest of the province itself that the work could be done by another department and that department is allowed to carry it out. The idea that occurred to me yesterday was that it would have met the case if a resolution was brought forward in this Council asking the Council to give that power to Government. In that case the Council might very well say: We give you a grant for a specific purpose to a particular department, but as a general recommendation you might spend the same amount for the same purpose in any other department. That would do away with the necessity of any delegation. The Council is asked at present to delegate its power; and if no power is asked to be delegated, then the phraseology adopted in the resolution is unnecessary. In the resolution it is proposed to delegate the authority to the Finance Committee which is not a statutory body but merely an advisory one. I personally feel that if my suggestion is adopted, the House may be inclined to give the Government that power

[The President]

on condition that they shall report to the House where particular works or particular obligations have been carried out by a different department from that to which that obligation or work was originally entrusted.

Mr. J. B. KANGA: I am merely making a suggestion on what you have stated. If that power is to be delegated to Government, instead of to the Standing Finance Committee, would it be delegated to the Finance Department which is a department of Government?

The Honourable the PRESIDENT: I personally would rule such a motion in order leaving it to the House to decide whether they will transfer to the Finance Department the power which vests in them, as there is no provision in the Act or in the rules authorising this Council to delegate its functions. I would personally rule a resolution or motion asking the Council to delegate that power to Government, when there would be no intermediate body between Government and the Council, to be in order, leaving it to the House to decide whether they would delegate such power or not. I merely indicate my personal view as regards the kind of motion which would be in order and upon which the House would be entitled to pronounce an opinion. I am afraid in the form in which it is put, I must rule it out of order.

Before we go to the next business, I will call upon the honourable the Deputy President to announce the general feeling of the House on the arrangement of business which he was requested to ascertain yesterday.

Mr. B. G. PAHALAJANI (Western Sind): Sir, with reference to your direction yesterday, I consulted leaders of the different parties and other honourable members. Their unanimous opinion is this: Out of Government business the resolution relating to the Cotton Transport Act is the most important one and it should be disposed of in this session, and as regards the remaining Government business they request Government to adjourn it to the next session of the Council.

Mr. V. A. GRANTHAM: Sir, I rise to a point of order. I understood you to direct yesterday that the honourable the Deputy President should consult all parties and members of the House with a view to ascertaining in what order business should be proceeded with. May I ask the honourable the Deputy President what parties and what members he consulted?

Mr. B. G. PAHALAJANI: I consulted the leader of the Swaraj party, the leader of the Maratha party.....

Mr. N. E. Navle: There is no Maratha party.

Mr. B. G. PAHALAJANI: The leader of the non-Brahmin party. I could not meet any of the European members of the House yesterday. I consulted some of the Mahomedan gentlemen from Sind.

Mr. V. A. GRANTHAM: May I ask, Sir, whether it would not have been more courteous on the part of the honourable the Deputy President if he had consulted with those members of this House who are here in fair numbers, and are neither members of the Swaraj party or of the Maratha party.

The Honourable the PRESIDENT: He says that he could not find the European members last evening. There was no intentional discourtesy on the part of the honourable the Deputy President. I entirely agree with the honourable member that every section of the House ought to have been consulted. I hope that will satisfy the honourable member. If there is any feeling in the matter, I will consult the House itself.

Mr. V. A. GRANTHAM: I am perfectly satisfied with your explanation, Sir. I only rose to a point of order.

The Honourable Sir MAURICE HAYWARD: Mr. President, the honourable the Deputy President was asked yesterday to ascertain the desire of the non-official members whether they would sacrifice any of their private business; and not with regard to what Government business should be brought forward and what not. That is entirely in the hands of the Government. The point was whether honourable members would sacrifice any of their private business in order that we might con plete Government business. There remain two important items of business: the Appropriation Report and the resolution on the Cotton Transport Act. Both of these are very important. I do not think we would be justified in not taking up the Appropriation Report which deals with the very important financial duties of the House in the Presidency. We are quite prepared to go on with the Appropriation Report and then take up the rather mere local question of the resolution under the Cotton Transport Act, if that meets with the wishes of the House. I understand that the Appropriation Report would not take very long. It is a question of recording it. Then we shall have time to get on to the other resolution in which a considerable number of members belonging to those localities are interested.

Mr. M. R. JAYAKAR (Bombay University): Sir, the Honourable the Leader of the House is over-sanguine in assuming that the Appropriation Report is so non-controversial that it would take only a short time. Speaking for some of us, it is not such a non-controversial matter. May I tell him that it will be far more in keeping with the wishes of the House if we proceed first to consider the motion on the Cotton Transport Act? I can assure him that the Appropriation Report is bound to take some time.

The Honourable the PRESIDENT: The question that I desire the House to tell me about is whether they desire that Government business should be declared as concluded and we should start with non-official business at once, or whether they will surrender the whole of to-day or such part of it as may be required for Government business and be content with four days or such longer period than four days as Government business may spare during this day. Supposing Government business takes an hour, then the balance will go to non-official business in addition to the four days that they will get. If there is no time left after disposing of Government business, then the honourable non-official members will have to be content with only four days. I hope honourable members realise that the claim which the Honourable the Leader of the House has put forward, namely that it is Government's right to regulate Government business

[The President]

cannot be disputed. I understood the Deputy President to mean that there is a consensus of opinion in the House by way of a suggestion to Government that the resolution about the Cotton Transport Act should be taken up first and then non-official business. But that can only be in the form of a mere suggestion. Government are perfectly entitled to decide the manner in which they will take their own business. It is a question of time, and, as I pointed out yesterday, Government are not tied down to any time. They can take the whole of to-day or even a part of to-morrow if they like and go on with their business. But there is a desire on the part of Government to meet the wishes of non-official members and that has necessitated a reference to them. I will, therefore, put the question to the House whether they desire that any Government business should be taken up to-day or whether the whole of to-day should now be devoted to non-official business.

Mr. B. G. PAHALAJANI: Sir, is it open to us, when any Government business is moved, to move that it may be postponed *sine die*?

The Honourable the PRESIDENT: The Deputy President is perfectly conversant with the Rules and Standing Orders, and the whole procedure will be regulated according to Rules and Standing Orders. That question should not be asked at this stage.

Mr. V. A. DABHOLKAR: Sir, may I make one suggestion? I do not know whether the Council will agree to having only four days, but even assuming that, the last day comes on Saturday, which is the first day of the Divali. We Hindu members would like to be in Bombay on Saturday.....

The Honourable the PRESIDENT: That does not arise now.

Mr. V. A. DABHOLKAR: I would suggest that we should start our sitting at 11-30 a.m. and finish it in four hours.

The Honourable the PRESIDENT: That cannot arise at present. The question at present that I wish to put to the House is whether they desire that Government business should be proceeded with now or whether it should be assumed as concluded with the consent of Government and we should start non-official business.

Question put:

that Government business be continued,

and agreed to.

The Honourable Mr. H. S. LAWRENCE: Mr. President, I move the motion that stands in my name:

"That the Report of the Committee on Public Accounts on the Audit and Appropriation Reports on the Accounts of the Bombay Presidency for the year 1922-23 be recorded."

Mr. P. G. JOSHI (East Khandesh District): Sir, I rise to a point of order. I wish to bring to your notice Standing Order IV, 2 (1). You will see, Sir, that under that Order, every item which is brought before the Council must be included in the list of business, which again must be despatched to all the honourable members three clear days before the session commences. You will see, Sir, that this motion has not been

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included in the list of business which was supplied to us before we came here. The resolution which is being moved by the Honourable the Finance Member was supplied to us when we came here and it was put in the pigeon-holes on the 13th instant. I therefore beg to submit that the consideration of this motion should not be taken up this session.

The Honourable the PRESIDENT : I should like to draw the attention of the honourable member to the very next sub-clause of the clause which he has read :

" Business not included in the list of business for the session shall not be transacted at any meeting without the leave of the President."

I have given him my leave to move it.

The Honourable Mr. H. S. LAWRENCE : Mr. President, my honourable friend opposite (Mr. Jayakar) said that this business is not to be regarded as non-controversial. I regret that statement very much, for the whole of the report has been discussed in complete detail by the Public Accounts Committee, and what this Council is now asked to do is to confirm the action and the recommendations of the committee which they themselves have appointed. It is, therefore, a somewhat serious matter for a committee appointed by the Council if the Council are not satisfied with their transaction of the business entrusted to them and refuse to accept the recommendations of that committee. The committee, Sir, have passed in detail every criticism of the Accountant General and have asked that certain particular points should be brought to the special attention of the Council.

Perhaps, Sir, it may be convenient if I mention the procedure that is current in England in regard to the Public Accounts Committee. The House of Commons has delegated its power of scrutiny of the accounts to their Public Accounts Committee, and the whole of our system of scrutiny is based upon that procedure, which has received the sanction of the House of Commons after a very long period of examination and experience. The House of Commons does not discuss in detail the whole of the items which have already been examined by their committee. They elect a committee largely from members of the opposing section of the House, and I think this House may be satisfied that in that respect this House has not departed from the custom and practice of the House of Commons. I need not read out the names of the members as I have no doubt they are sufficiently known to every one here. They include a considerable number of members who are acute and shrewd critics of Government. I think the House may be satisfied that if their delegates there have gone into every detail, it is not conducive to economy of time if the same matters are further examined in detail in this House. It is not, Sir, that Government in the slightest degree wish to curtail or shrink from such examination. It is solely on the point, as I mentioned before, of the desirability that this House must concentrate on the most important of the very numerous matters that come before them for consideration and should, as far as possible, economise the public time when they have delegated their powers to their own representatives. On matters that may be, by the wish of this House, further examined,

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Government will be only too pleased to place this House in full possession of all information.

I now, Sir, proceed to invite attention to those particular items which the Public Accounts Committee have asked should be specially noted. This report is, I think, in the hands of all members, and the first item so picked out for notice is section 27 (*b*) of the Accountant General's report on page 12 of the committee's report. That report states that the Accountant General held that during the three years ending March 1922 there had undoubtedly been much extravagance in expenditure on Government House and subsidiary buildings. I may invite the attention of the House to the fact that this report deals with the accounts of 1922-23, so that, that particular statement of the Accountant General refers to a previous period and not to the period under review. Nevertheless, the Public Accounts Committee did investigate that expenditure and they have no further comments to make. It may, however, be interesting to this House to be informed that in the course of that expenditure, to which the Accountant General drew attention, the principal item was an item of some twelve lakhs of rupees that was spent on body-guard lines in Bombay. Now, Sir, the expenditure on those lines did not in fact cost this Government one single anna. For an arrangement was at that time made that those lines should be transferred from the place where they were very congested and crowded to a more spacious area—on land which was far cheaper—and the original site was sold at a very favourable time for a very favourable sum of money and the new lines of which the body-guard are now in possession were erected without costing any more— I think not so much as the sum of money received by the sale of the old lines. That, as I say, was far and away the biggest item in the expenditure which was then brought to notice.

The second item in the committee's report is on page 14, section 52. The committee desire to draw the special attention of the Legislative Council to this item in view of the increasing number of the committees of this House. The cost to the State of these committees has since been investigated and the sum so spent during this year is just about one lakh of rupees. I do not know whether the committee wished to make any special comment further than to draw attention to the fact that such committees do in fact cost a great deal of money.

The third item specially picked out by the Public Accounts Committee is on page 18, paragraph 17. This was excess expenditure on tours undertaken by His Excellency the Governor. If any honourable member wishes for further information on that point, that will be supplied.

The fourth item, and the most important of all, was the discussion held by the Public Accounts Committee regarding the borrowing policy, regarding the loans borrowed by this Government. The Auditor General had made some note on the point in his letter, but I will read out his remarks because they are of very great importance. The Auditor General commenting on the accounts of the Government of Bombay wrote:

"It is satisfactory to note that the transactions of the year show a surplus and that the Local Government has been able to effect....."

An Honourable MEMBER: What page is it?

The Honourable Mr. H. S. LAWRENCE: It is not among the papers circulated to honourable members. That is a separate document. It will be laid on the table if the honourable members wish to see it. It was shown to the members of the Public Accounts Committee.

"a permanent curtailment of expenditure on account of establishments to the extent of more than 18 lakhs and has taken certain measures for additional taxation to develop its revenues. The commitments amounting to nearly four crores on public works expenditure are heavy but perhaps not unduly heavy considering the financial resources of the Local Government."

Then he went on to say:

"That the administration is alive to the situation is shown by the general reduction of expenditure, depicted in the same figures on pages 42—43 of the report."

I may perhaps mention, Sir, that the Auditor General is far more severe in his comments on other provinces than on this Government. I do not claim that in this letter he has bestowed on the Government of Bombay any great applause, because it is his business to criticise, not to applaud, but at any rate we have escaped the severe criticisms that have been offered to other Governments.

Now, Sir, with regard to this loan policy, the Finance Secretary will give a full statement, and until we know what criticisms may be offered on that policy, I will not trouble this House with further remarks at this moment.

I move, Sir, that this report of the Public Accounts Committee be recorded.

The Honourable the PRESIDENT: The honourable member, Mr. Joshi, has sent in a notice of an amendment and I will call upon him to move his amendment.

Mr. P. G. JOSHI (East Khandesh District): Sir, I rise to move that the consideration of this motion be postponed *sine die*.

You will see, Sir, that the motion moved by the Honourable the Finance Member relates to very important subjects, namely, the audit of accounts, appropriation of grants, and the manner in which the finances of this province have been handled by the different departments.

The Honourable Sir MAURICE HAYWARD: Sir, I rise to a point of order. The amendment, I submit, is not in order. The business before the House is a motion. There is no provision in the Standing Orders for adjournment of a motion. What is at present before the House is a motion and not a resolution. The Standing Order IV, clause 4, relates to adjournments of bills or motions to amend Standing Orders and also to adjournment of resolutions. And a resolution, Sir, is defined in one of the rules as a recommendation addressed to Government. This is a motion by Government. It is not a resolution by a private member being a recommendation addressed to Government. I submit, Sir, therefore, that this being Government business has precedence under Standing Order IV, clause 1 (1), which says:

"When Government business has precedence, the Government may arrange such business in such order as it deems fit."

[Sir Maurice Hayward]

And there is no provision in these rules to adjourn such a motion by Government. Clause 4 refers merely to resolutions by private members making a recommendation to Government.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I submit that Government had no power under the Standing Orders or Rules to move any motion like this. There was no power given to Government and, therefore, before the point of order raised by the Honourable the Leader of the House can be decided, Government must show that under the Standing Orders there is any power to them to move a motion of this kind.

The Honourable Sir MAURICE HAYWARD: I submit, Sir, that this is a point which is not decided by the rules and, therefore, it remains entirely in the discretion of the President.

The Honourable the PRESIDENT: I would rather prefer dealing with the point as the Deputy President has raised the question. I think I should better decide that point first before I take the next point raised by the Honourable the Leader of the House.

The difficulty to which the Deputy President has drawn my attention has occurred to me for a considerable time. Honourable members will observe that in the Standing Order itself there is a definition of the word "resolution". A motion is defined as being the statement of a matter brought forward by a member for the decision of the Council and includes an amendment of a motion. In the body of the Standing Order there are no regulations which lay down any definite procedure in the matter of motions. But during the last four years it has been the practice to allow such motions to be made, and by the tacit consent of the House this procedure has been practically adopted. I have pointed out on other occasions the various directions in which I have found the Standing Orders defective and this is one of the very principal ones which requires to be set right.

While no Standing Orders are provided for regulating the manner in which motions can be put forward, certain Standing Orders talk of various motions, the very Standing Order to which reference has been made, namely, Standing Order IV, 4, says.

"A motion that consideration of a bill which has been introduced or of a motion to amend the Standing Orders, etc., etc."

So motions to amend Standing Orders are dealt with in the Standing Orders, but there is nothing stated as regards the time within which notice should be received and of the procedure regulating the same. We have therefore got to fall back, under these circumstances, upon the procedure which is prevailing ever since the reformed councils were constituted, and as that procedure has been to allow such motions to be made, I have given my leave, and this motion is before the House. I cannot, therefore, at this stage rule any motions of this kind out of order, but would ask honourable members sitting on both sides of the House to put their heads together and to put the Standing Orders in such a manner as to prevent the taking of the time of the House in such points of order.

[The President]

I have ruled the motion in order.

The Honourable Sir MAURICE HAYWARD : I have already made a suggestion to that effect when discussing the Bombay Children Bill.

The Honourable the PRESIDENT : A point of order has been raised as to whether the amendment is in order.

Mr. D. B. ADWANI : In the absence of any reference in the body of the Standing Order, I submit the same procedure applies to these motions as to resolutions.

The Honourable the PRESIDENT : I do not want very many speeches on this subject. The Standing Orders define motions and resolutions and there is a clear distinction between the two.

Mr. D. B. ADWANI : I was going to say, Sir, that the same procedure should govern motions as resolutions, in the absence of specific mention in the Standing Orders, and that if this House is not disposed to consider a particular motion, it should be postponed.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, exactly on the strength of the practice on which you ruled that the motion without any special provision was in order, exactly on those lines I submit that no provision being made as regards motion of this kind which is a motion for adjournment, it will be in order because clause 4 of Standing Order IV reads

"A motion that consideration of a bill whch has been introduced or of a motion to amend the Standing Orders which has been reported on by a select committee be adjourned to any future day in the same session available for such business or to any future session or *sine die* may be moved by any member at any time and such motion shall take precedence of any other motion then before the Council....."

Then sub-clause (2) says :

"A Motion that consideration of a resolution be adjourned to any future day in the same session available for such business or *sine die* may be made by any member at any time and shall be dealt with in that manner specified in sub-paragraph (1)....."

The Honourable the PRESIDENT: I see there is a considerable amount of feeling in the House, and the question of Standing Orders and Motions has raised that difficulty. I am indebted to the Honourable the Leader of the House for drawing my attention to clause 3 of Standing Order IV, to which the Honourable the Deputy President was also drawing my attention, which gives me the power in the following words :

"The President may adjourn any meeting or business to any future day and hour or to any part of the same day without discussion or vote."

I therefore adjourn this to the next session.

Mr. G. B. PRADHAN : But the actual wording is "to any future day and hour."

The Honourable the PRESIDENT : That does not make any difference, because I can adjourn it *sine die*, and Government desire it to be adjourned *sine die* and so I will adjourn it *sine die*, to meet the convenience of the whole House.

The Honourable Mr. H. S. LAWRENCE : I ask that it be made perfectly clear that this course is adopted to meet the convenience of the

[Mr. H. S. Lawrence]

House. Government do not wish to baulk any discussion on this report.

The Honourable the PRESIDENT: It is the desire of the non-official benches to which Government have given their consent. That is the way I put it, because Government by raising the point as the Honourable the Leader of the House did, appeared to be anxious to proceed with the matter, but they are meeting with the wishes of the non-official benches and we have found a way out of the difficulty in adjourning the motion.

Mr. M. R. JAYAKAR: If this is standing over, may I make a suggestion to the Government that in the meanwhile a copy of the Auditor General's letter may be circulated to us so that we may be able to know all about this? That would be a great help to us.

The Honourable Mr. H. S. LAWRENCE: The Auditor-General's letter has already been placed before the Public Accounts Committee, and we can put copies of it on the Council table, but we have not got sufficient copies of this voluminous document to present to the whole House. Will that meet with the honourable member's wishes?

Mr. M. R. JAYAKAR: Yes.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I beg to move the following motion:

"This Council approves of the revised notification for the constitution of the protected areas in the Surat district proposed to be issued under section 3 of the Cotton Transport Act and the proposed amendment in Rule 5 under section 7 of the said Act, and authorises the publication of the said notification and amendment.

And the notification under that runs thus:—

In exercise of the powers conferred by sub-section (1) of section 3 of the Cotton Transport Act, 1923 (III of 1923), the Government of Bombay is hereby pleased to amend Government notification in the Revenue Department, No. 535-A, dated 18th August 1923, as follows, namely:—

1. (*a*) For paragraphs I and II of Schedule I—Protected Areas—sub-joined to the said notification, the following shall be substituted;

"Schedule I—Protected areas—

1. The Surat Area consisting of that portion of the Surat district lying between the Par river on the south and the Tapti river on the north and bounded on the west by the sea and on the east by the eastern boundary of the Surat district."

(*b*) Paragraphs III, IV, V, VI of the said schedule shall be renumbered II, III, IV and V respectively.

2. (*a*) For paragraphs I and II of Schedule II—Railway Stations included in the protected areas—sub-joined to the said notification, the following shall be substituted:—

1. The Surat Area—Surat, Udhna, Sachin, Maroli, Naosari, Vedcha, Amalsad, Bilimoria, Dungri, Bulsar, Gandevi, Kalvach, Chikli Road, Rankuva, Dholikuwa and Anawal on the B. B. & C. I. Railway and Nio, Chalthan, Gangadhra, Bardoli, Timberwa and Madhi on the Tapti Valley Railway.

(*b*) Paragraphs III, IV, V and VI of the said Schedule shall be renumbered II, III, IV and V respectively.

The Rule under section 7 runs as follows:—

No. 535.- A—In exercise of the powers conferred by section 7 of the Cotton Transport Act, 1923 (III of 1923), the Government of Bombay is pleased to amend the rules published in Government Notification in the Revenue Department No. 535—A., dated the 18th August 1923, as follows, namely:—

1. To sub-rule (1) of rule 5 of the said rules the following proviso shall be added, namely.

"Provided that in the case of cotton or any specified kind of cotton (that is, cotton-seed, kapas, ginned cotton, or cotton waste) imported by road from the villages

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referred to in column 2 of the statement hereto appended into the towns and villages referred to in column 3 of the said statement, it shall not be necessary so to satisfy the licensing authority and the licensing authority may grant such license without any inquiry."

Then, Sir, follow the names of the villages coming under that notification, the villages which were not included on the north of the Tapti river in the Olpad taluka and on the north of the Tapti river in the Mandvi taluka. If you desire me, I will read the names.....

The Honourable the PRESIDENT: I do not think it is necessary for the Honourable Minister to read out all those names if they have been circulated to the honourable members.

The Honourable Mr. A. M. K. DEHLAVI: They have been circulated to the honourable members, Sir. In order to explain the notification I find it is necessary that I should supplement the notification by an explanation which I would request this honourable House to carefully follow and understand, particularly because I find some minds are agitated on this very important question as far as the Surat district is concerned and, therefore, if it is carefully understood by every member who takes an interest in this question as to what was the state of things before this notification and what is the alteration that is intended to be brought about, and if they are satisfied that the interests of the cultivators are really safeguarded, then all that is needed is that this resolution should have the fullest support of the House. It must be remembered at the outset that we are acting under the Act, and this House will remember that the principle of the Act is not brought under question at all. The principle of the Act is that good cotton must be protected from bad cotton. If that principle is adhered to and is to be followed, then the point is that the notification and the classification of the district into zones is an absolute necessity. As I have said,—and I would like to repeat it and request every honourable member to grasp that point,—the principle of the Act is to be adhered to. If there were any such implication that the Act is not accepted in its principle, then no zone is necessary, and no classification or protection is necessary. But when we are bent upon one thing, and have made up our mind that good cotton shall be protected from bad cotton, then there must be some demarcation in areas of the district which produces a number of kinds of cotton; and, as it happens, the cotton in the Surat district deteriorates as we go from the south to the north. It therefore is absolutely necessary that the district should be demarcated into zones. There were a number of zones before, as this House knows, and they were reduced to three, namely, the central zone, the southern zone and the northern zone. There was a discussion about it in this House, and after that an informal conference was convened in Surat in which every interest was represented, a discussion took place, and I was able to gather the sense of the conference, and from that deduce certain results which appear before you in the form of this notification. In that conference a view was placed that the Surat district should be formed into two zones, as far as the transport of cotton by rail was concerned; and that it should be formed into one zone as far as the

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transport of cotton by road was concerned. I may mention here that the honourable member (Mr. Shivdasani) proposed that in the conference, and expressed himself quite fully on that point. I wish to point this out particularly, because this House knows that the honourable member Mr. Shivdasani is taking a very keen interest in the subject, has studied the subject and is taking a leading part in this question. That was his view, and I am obliged to point it out that he accepts the principle of the Act, and, therefore, admits that there is a variety of cotton grown and that, therefore, he also admits that it should be divided into two zones for the purposes of railway transport. But he was obliged, as he said there, to ask for one zone for the purposes of transport by road, because the cultivators were troubled on account of the obligation of obtaining licenses before the transport of the cotton was made by road. But there, we are bound by the provisions of the Act, which does not permit of any way of getting out of the difficulty of the license. The Act makes it compulsory to get licenses, and I should like this House to understand particularly that I would have met that difficulty of the cultivators, if it were possible, but, as I have said, the basis on which we have to proceed is the Act, and the Act makes it compulsory that such transport ought to be by license. The Act says:

"The local Government may ..... make rules to provide for ..... the prevention of the import, into a protected area by road, river or sea, save under and in accordance with the conditions of a license, of cotton the import of which into that area has been prohibited by a notification under section 3."

I wish to make it quite clear to every honourable member here that the issue of licenses is a necessity and a compulsion under the Act, and licenses must be issued. Again, the difficulty of the cultivators is not removed by the proposal of the honourable member Mr. Shivdasani that it should be converted into one zone. If it were made into one zone for transport by road, licenses would all the same exist and be necessary as soon as we demarcate it into two zones, for purposes of transport by rail. It is therefore to meet that difficulty that I have brought this notification before the House and included two schedules to bridge over the difficulty. The difficulty, as has been pointed out, is that the Surat district is divided by the river Tapti, and on the north of it, immediately, is Olpad in one direction and Mandvi in the other direction. Instead of bringing any cotton from Olpad taluka, in which there is that little town of Rander, which is within two or three miles of Surat, to Surat direct, under the existing demarcation it was necessary to take it round some sixteen miles. Similarly, other cultivators in other cotton centres had to take their cotton, under the existing demarcation of the zones, over longer distances. To bridge over that, schedules have been given under the notification showing a number of villages—and it is not a small number—which would be exempted and would be allowed under the notification to bring in their cotton to Surat from Olpad and Chorasi, and the talukas which are nearer to Surat. Those in the Mandvi taluka would be permitted to bring in their cotton to Bardoli if they wished to take it across the river. It is further notified that hereafter, as time

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goes on, when other villages also, which do not grow good cotton at present, take to better seed under other activities which are being carried on, and grow better cotton, the Director of Agriculture will have the liberty, under this notification, to notify, from time to time, and include such villages also in the schedule to exercise the right to cross the Tapti. But the licenses will have to be issued, and for that, it is provided in the notification that the licenses should be issued by a committee of each scheduled village, consisting of the patel and one or two other men; and that committee would be given the licenses ready in hand in good time during the season, so that the cultivators would not have the difficulty of going long distances or following officers or anybody else to get them.

Now, there are other interests concerned in this notification, the interests of the cotton purchasers, interests which centre in Bombay. They certainly are rightly anxious that good cotton should not be mixed up or adulterated with cotton of inferior quality. I wish to bring to the notice of such Honourable members of this House who represent the Bombay interest that it has been provided in the notification that the quantity of cotton grown in each of these villages would first be ascertained and that would be the criterion to the extent of which license would be issued, so that there will be no possibility of any inferior or outside cotton being smuggled into that village from other centres and adulterated or transported from any village. Take, for instance, Rander. Say, it produces 1,000 maunds, and when this is ascertained, license will be issued for only 1,000 maunds, which they can transport under the license to Surat. No inferior cotton, say Broach cotton or the Ankleshwar variety, could be smuggled into that village. By this means the apprehensions of the Bombay purchasing interests are set at rest by making it impossible to smuggle inferior cotton. So far as the cultivators are concerned, they will be at liberty to carry their cotton from the best centres, say those to the south of the Tapti, and sell their cotton for the best offer. To the south of the Tapti demarcation under the Act for practical administrative purposes has been fixed as one zone. There is no natural zone which can divide the southern portion of the district. I appeal therefore to the honourable members of this House to protect the interests of cultivators by means of license and accept the notification in its present form. If we do not accept the resolution and stick to the removal of barriers, it will be another form of turning down the very purpose which the honourable members wish to protect.

The difference in prices between the cotton that is grown in Surat and that in Navsari is Rs. 35; between the cotton grown in Surat and that in villages to the north of the Tapti is Rs. 15; and between the cotton grown to the north of Tapti and that grown in Navsari is Rs. 50. If this notification is not adhered to, the merchants in Bombay would have a card up their sleeve and claim that that was not the very best cotton, and bringing down the regulation of the cotton of the whole district, reduce its price. If, on the other hand, the notification is adhered to, the merchants can have no room for such a suspicion, and the cultivators would have the advantage of good prices. Therefore, I submit to the

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House to take this notification, which has been brought with the best of intentions to meet the wishes of the people and to remove the inconvenience which exists now in the right spirit it deserves. I therefore submit that this notification be approved.

Mr. H. B. SHIVDASANI (Surat District): Sir, I beg to move:

"After the words 'Cotton Transport Act' in line 4 delete the words 'and the proposed amendment....' to the end,—and for the accompaniment to the Motion substitute the following:

'REVENUE DEPARTMENT.

Bombay Castle, October 1924.

No. 535-A.—In exercise of the powers conferred by sub-section (1) of section 3 of the Cotton Transport Act, 1923 (III of 1923), the Governmet of Bombay is hereby pleased to amend Government Notification in the Revenue Department No. 535-A, dated 18th August 1923, as follows, namely:—

1. (*a*) For paragraphs I, II and III of Schedule I—Protected Areas—sub-joined to the said Notification the following shall be substituted.

'Schedule I—Protected Areas.

I. The Surat Area consisting of the Surat district.

II. The Ankleshwar Area consisting of that portion of the Broach district which lies to the South of the Nerbudda river.

(*b*) Paragraphs IV, V and VI of the said schedule shall be re-numbered III, IV and V, respectively.

2. (*a*) For paragraphs I, II and III of Schedule II—Railway stations included in the protected areas sub-joined to the said notification—the following shall be substituted:—

I. The Surat Area:—Kim, Sayan, Uttran, Surat, Udhna, Sachin, Maroli, Navsari, Vedcha, Amalsad, Billimora, Dungri, Bulsar, Pardi, Udvada, Duman Road, Gamdevi Kalvach, Chikhli Road, Rankuva, Dholikuwa and Anwal on the B.B. & C.I. Railway and Nio Chalthan, Gangadhra, Bardoli, Timberva and Madhi on the Tapti-Valley Railway.

II. Ankleshwar Area:—Panoli, Ankleshwar, Kosamba.

(*b*) Paragraphs IV, V, VI of the said schedule shall be re-numbered III, IV and V respectively'."

Mr V. A. GRANTHAM (Bombay Chamber of Commerce): Sir, I rise to a point of order. Section 3 (1) of the Cotton Transport Act says:

"The local Government may for the purpose of maintaining the quality or reputation of the cotton grown in any area in the Province, by notification in the local official Gazette, prohibit the import of cotton or any specified kind of cotton into that area save under, and in accordance with the conditions of a license."

Section 8 of the same Act reads as follows:—

"No notification under section 3 or rule under section 7 shall be issued by the Local Government of any Governor's Province, unless it has been laid in draft before the Legislative Council of the Province and, has been approved by a Resolution of the Legislative Council either with or without modification or addition, etc., etc."

My point of order entirely hinges on what interpretation should be put on the words "with or without modification or addition". The sections which I just read out show clearly that it is the intention that the local Government shall issue the notification and rules subject to the approval of the Legislative Council concerned. Consequently that it is not the intention that the provincial Council, either by modification or addition, should alter the principle of the notification which has been issued by Government. The words "modification or addition" cannot to my mind be construed as meaning a complete alteration of the original Government notification. If it was intended that the Provincial council should have such wide powers as to make drastic additions or modifications, I submit that there might be no limits to the alterations made and that the whole of the protected areas might vanish. This of course

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is an extreme instance but it illustrates my point. I submit that the amendment of the honourable member for Surat completely alters the principle of the Government notification. It practically constitutes the whole of the two areas notified by Government into one area. I submit, therefore, Sir, that the amendment contravenes the principles of the notification and that it is not competent for the honourable member to move it.

The Honourable the PRESIDENT: As regards the interpretation of section 8 to which the honourable member has drawn my attention, I do not think there can be any doubt. The section reads as follows:—

"No notification under section 3 or rule under section 7 shall be issued by the local government of any governor's province, unless it has been laid in draft before the legislative council of the province and has been approved by a resolution of the legislative council...

It is a resolution not of Government, but it is a resolution of the Legislative Council. Then,

"either with or without modification or addition."

That means that the Legislative Council is entitled to modify any resolution put before them by way of amendment, and they are entitled to add to that resolution, including the notification, as the Legislative Council may choose. The power of giving effect to the resolution can only be exercised with the approval of the Legislative Council, so that the power of the Legislative Council, to amend, modify or add to the resolution appears to me to be unrestricted. As regards any particular amendment which may be proposed, I will ask the honourable member to raise his point of order specifically when I put the amendment before the House and to point out to me where in his opinion it exceeds the limitation which according to him the Cotton Transport Act as a whole imposes. I will consider any point of order that the honourable member may wish to make after the amendment has been put, and see whether it is in accordance with the Standing Orders and Rules which govern the procedure of this House. But on the main issue that the honourable member has raised, I have no hesitation in ruling that the Legislative Council is entitled to amend, modify or add to the resolution.

Mr. V. A. GRANTHAM: Sir, do I understand that your ruling is that the Legislative Council can alter the principle of the Government notification?

The Honourable the PRESIDENT: There is no restriction imposed. When the question comes as regards an amendment to modify, or add, the honourable member can raise the point of order and point out how it is inconsistent either with the Act or with the Rules and the Standing Orders of this Council. The honourable member is perfectly entitled to raise that specific point at the proper time.

Mr. H. B. SHIVDASANI (Surat District): Mr. President as the honourable members of this House are aware, it was only on the 14th of March of this year that a resolution was passed by this Council to the effect that the whole of the Surat district should be constituted into one notified area. The Honourable Minister had doubts about the matter and delayed

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a long time and ultimately called a conference at Surat. What was done at the conference at Surat is well known to the honourable members of this House. The Honourable Minister has told us that he found out the opinion of the members attending the conference. But I have my doubts on that point, because 50 or 60 members attended the conference and hardly one-fourth or one-fifth of them expressed their opinions, and as no proposal was put before the conference, I think the Honourable Minister is presuming too much when he says that he knows what was the opinion of the conference. However, that is a matter of minor importance.

First, I will raise the constitutional point. This resolution relates to a transferred subject, and moreover it relates to a notification which is issued under the Cotton Transport Act, section 8 of which clearly lays down that the opinion of this Council has to prevail. In spite of that I am surprised to find the Honourable Minister, who is himself an elected member and who should certainly respect the wishes of the House, trying to defy the decision of the Council. It raises a very important constitutional point, whether it is right or proper, whether it is in conformity with the spirit of the Reforms, that Government or a Minister should defy the Council and not carry out a resolution relating to a transferred subject and moreover a resolution which relates to a notification under an Act which lays down that the wishes of the Council should prevail. I think it would have been more graceful if the Honourable Minister had accepted the resolution in full. He has by the notification accompanying his resolution practically accepted the Council's resolution, but I am sorry to say he has left a sting behind, and it is not desirable to have a sting left because it rankles in the minds of non-official members. He has practically admitted that there is no reason whatever for making two zones of the Surat district. The Surat district consists of eight talukas, in six of which cotton is grown. He has included four of them in one area, and he has taken 107 villages from the other two talukas and he has laid down that cotton can be brought from those villages under license, and the licensee has not to prove anything except that the cotton is grown in that particular village. But do we want that the cultivators of the Surat district should be at the mercy of the licensing authorities? We know how in little things poor cultivators are harassed. We know that when the cultivator has to get a copy of the record of rights he has to pay a fee to the talati; when he has to register a document the registrar has to be given some fee. Taking at the rate of 100 licenses for each of these 107 villages it means over 10,000 licenses have to be taken. This will give us an idea of the great inconvenience to the people.

Moreover, there is no difference in the quality of cotton grown to the north of the river Tapti and that grown in the Surat district south of the river Tapti. The Honourable Minister has himself told us that the difference in price of the cotton grown in the extreme north and the cotton grown in and around Surat is only Rs. 15 per khandi, whereas the difference between the cotton grown in Surat and that grown in Navsari is Rs. 35 per khandi. Now, he has included Surat and Navsari in the same zone. He evidently considers that the difference of

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Rs. 35 in price is not sufficient to justify the grouping of these two places into different zones, but he seems to consider that a difference of Rs. 15 in price is too much. It is like swallowing a camel and straining at a gnat. Now, if we adopt the Tapti as the boundary, it will cause great loss to the cultivators. He himself admits that the villages he has selected are not taken properly: there are several villages left out, when villages all around have been included. There is a village called Warethi which has been left out, although villages round about this village have been included. There is a village Isanpur in Olpad left out whereas villages round about have been included.

First of all, we should not throw the poor cultivator at the mercy of the licensing authorities, when the difference in the quality of cotton grown as admitted by the Honourable Minister himself is not so great as to justify our taking these drastic measures. From the east we are admitting inferior cotton from Vyara and Songad. These are villages in the Baroda State south of the Tapti, and therefore the cultivators of those villages can bring their cotton to Surat. But the poor cultivators of the northern part of the Surat district, because their land happens to be to the north of the river Tapti, are not allowed to bring their cotton to Surat although the cotton grown in those villages is far superior to the cotton grown in Vyara and Songad. The Honourable Minister tried to make out that if these areas were included, the object of the Act would be defeated. I think this is nothing but a gross misrepresentation of facts. I can prove from his own words that the cotton grown in villages to the north of the Tapti river is not so inferior to the cotton grown in Surat as the cotton in Surat to that of Navsari. The cotton grown in Navsari is admitted to be superior from the difference of Rs. 35 in the price. The difference between the cotton grown in Surat and that grown in villages north of the Tapti is said to be Rs 15. Moreover, the distance between Kim and Surat is so great that the carting expenses will prove prohibitive. The distance between Navsari and Surat is only 18 miles, yet the difference in price is Rs. 35. As a matter of fact, this new Act has been put in force only one or two years back. But the difference in price has existed since a very long time. The evil was that there was adulteration of inferior cotton imported by rail from Khandesh and North Broach with the superior Surat cotton. The complaint always was that the Surat cotton was adulterated. But Government went too far and tried to prevent the mixing of Surat cotton with Surat cotton. First of all, they wanted to notify four zones, then they wanted to notify three zones, and then they want to notify two zones; but they wanted to exclude as many as 107 villages. That shows that Government have got really no case for making this distinction. Government is only thinking, I might say, of the traders first. Their aim is not to benefit the agriculturists. The Honourable Minister has also told us that the Bombay cotton merchants were against Surat being brought into one zone. As far as I remember, the representative of Bombay buyers—one Mr. Amarsi—was not at all against North Tapti cotton being brought to Surat. The other representative was Mr. Ratansi Dharamsi,

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Mr. Ratansi wanted to protect Navsari cotton. The Honourable Minister has not done what was wanted by Mr. Ratansi Dharamsi. He wanted Navsari cotton to be protected by a zone being made along the Purna river. Moreover, we have not got to look at these matters from the point of view of Ralli Brothers or Volkart Brothers, but we have to look at it from the point of view of the cultivators. Are we justified in saying that no matter what the inconvenience or what the injury to the interests of the cultivators, the cotton growers may be, we must satisfy the traders like Ralli Brothers and Volkart Brothers, or others ? It is really strange that all the three representatives from Surat should bein favour of a view which the Honourable Minister maintains is injurious to the cultivators of Surat cotton. It is a novel and amusing idea to maintain that the representative of Surat would express an opinion in favour of a state of things which is going to prove injurious to Surat cotton cultivators. Of course, we know that Government is all-wise, but still the people are also able to find out what is to their own interest, and it is too much to expect people to believe that the representatives of the cotton trade—Volkart Brothers or Ralli Brothers—are against this proposal only because they have the interests of the poor cultivators of the Surat district at heart ! I think it will be difficult for the Honourable Minister to prove that Volkart Brothers are only thinking of the interests of the poor cultivators that they are actuated by a desire that more money may go into the pockets of the poor cultivators ! I think the Honourable Minister has not made out any case and that he has practically given away his whole case, and we have to consider whether we will look to the interests of Ralli Brothers or of the poor cultivators.

Question proposed.

The Honourable the PRESIDENT : The motion, as amended, will read as follows :—

"This Council approves of the revised notification for the constitution of the protected areas in the Surat district proposed to be issued under section 3 of the Cotton Transport Act and for the accompaniment to the motion substitute sub-joined accompaniment."

Rao Saheb D. P. DESAI (Kaira District) : Sir, I support the amendment and oppose the motion. When the rules that were originally framed under the Cotton Transport Act came before the Council, I had warned the then Minister that Government were framing those rules without the consent of the cultivators concerned and that they would work as a sort of hardship on those cultivators. But at that time he did not think it advisable to circulate them for the opinion of the cultivators concerned and carried those rules through the Council at the fag end of the session. But actually things have happened as I anticipated they would happen and the result is that this sort of modification of notification, which is no notification at all, is found necessary. The notification is self-contradictory to itself. It allows so many villages to send their cotton to a superior zone—of course, Gaekwari villages. So, Sir, in the protected zone the Gaekwari villages are free to transport cotton. We do not impose restrictions on the Gaekwari ryots, and they are allowed to

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transport their cotton to British territory without any restriction whatsoever. The notification purports to penalise our British growers of cotton, and so I think the main object of the notification itself is not right. In fact, I believe, Sir, that when the prices of cotton go down, both these Acts combined, namely, the Cotton Transport Act and the Cotton Contracts Act, will adversely affect the cotton industry or cotton growing in this country. Both these Acts combined will set back the cotton growing in this presidency. The Cotton Transport Act is passed by the Government of India and so far as this Act is concerned, they appear to be far more reasonable than ourselves. They have stated that the local Government *may* (section 3)—it is not a compelling section—issue a notification fixing zones if the Legislative Council so desires. If the Legislative Council desires that there should be a notification, then and then only these rules come into operation and Government can make special zones. Personally I am of opinion that adulteration of cotton is not done by the cultivators. The cultivator is always interested in growing good cotton because good cotton will fetch more price. But unfortunately the local merchants, and I am sorry to say even big firms and big cotton houses in Bombay, are much apt to adulterate cotton and the result is that that bad seed again goes to the cultivator and cotton is grown from that bad seed. In this matter you must deal with big houses of cotton trade and ask bodies like the Bombay Chamber of Commerce not to adulterate cotton, and then and then only adulteration would be remedied, and not in the manner proposed. Again unfortunately Bombay merchants go only by the name, that is, they make purchases by the names of towns. No one would care for Navsari or any good cotton grown in any other area, but they would like even adulterated Navsari cotton from Navsari and pay high price for it. They do not go by the actual quality of the cotton concerned. The Bombay Chamber of Commerce and other chambers select their cotton in this manner. They do not pay for the length or staple of cotton. So they give premium to the name; they do not want to ascertain for themselves whether the cotton that goes from Surat is really good or bad. The trouble, therefore, is in Bombay. There is no reason why these Bombay merchants should go by the name and not by the quality. Somehow or other this matter has become a Government of India matter, and the Government of India taking a reasonable view has left complete freedom to this Council in the matter of these rules. By-the-by, I want to bring to the notice of my honourable friends here the advantage of having this power of sanctioning rules by this Council. If this had not been done, then the Honourable Minister would have gone on in his own way and this notification would not have come before this House. So the view generally adopted by this Council in this matter is, I think, perfectly justified.

In support of the argument of my honourable friend from Surat, Mr. Shivdasani, I must say that the cultivators do suffer hardship in that they have to go thirty-five miles or more for selling their cotton and in this manner about 100 villages suffer more or less a loss to the

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extent of Rs. 80,000 or so, and I would wish that the Government should make up this loss to the cultivators by reducing the assessments to that extent.

Mr. V. A. GRANTHAM (Bombay Chamber of Commerce): Sir, I rise to oppose this amendment. I do so with a certain sense of despair because it appears to me that this motion, like most other questions in this House, has been settled outside the House on a party basis, so that, however courteously one may be listened to inside the House a good argument will not prevail over preconceived ideas. Questions like this, Sir, are not party questions and should not be treated as such. The whole question is what is the best for the cultivators in the whole area, that is to say, the area on both sides of the Tapti. It appears to me that my Honourable friends from Surat in dealing with this question, have only considered this matter from the point of view of the cultivator north of the Tapti. This was strongly borne out at the Surat Conference held a couple of months ago and still more strongly borne out at the Surat Conference convened by the Director of Agriculture two years ago before this notification was published. It appears to me, Sir, no one in this House properly represents the views of those unfortunate cultivators who live south of the Tapti; at the Surat conferences, they vigorously opposed any change in the original notification, and vehemently stated that the cotton north of the Tapti was inferior to that south, and that they would be the losers by any such change.

The whole question is an intensely technical one; it was not hurriedly conceived but cost months and years of anxious work to all those of us who are devoted heart and soul to the interests of cotton growing. I can assure the House that I am not biassed in the matter and I regret that any honourable member should have tried to insinuate that Government were actuated by any ulterior motives in bringing forward their motion. I can, of course, quite see the difficulty that stands in the way of the Council arriving at a correct conclusion, inasmuch as but few of us are really acquainted with the facts but all the same I would ask the House not to accept mere general statements, but to get the facts, and decide the question on its merits. I would, therefore, make one final appeal to the House. The Cotton Transport Act was designed for the purpose of maintaining the quality and reputation of cotton grown in a particular area. The Act originated in the labours of the Indian Central Cotton Committee, a body constituted solely for the betterment of cotton growing and so for the benefit of cotton growers. It consists largely of agriculturists and is only too anxious to get into close and direct touch with the cultivators. The Committee realised from the beginning that very little progress would be made unless the old system of selling cotton by the names of well-known stations such as Broach or Surat was modified; modified so that each area should receive the price for cotton grown in that area, irrespective of station name and purely on its own merits. This purpose cannot be achieved unless the areas are strictly defined and some check is placed on the transport of cotton from one area to another and some incentive given to the growers of good cotton. I submit, Sir,

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that the amendment suggested by the honourable member from Surat is a retrograde one, in that it reintroduces the old system allowing the cultivators who live north of the Tapti to sell their cotton south of the Tapti in order to get the benefit of the name of the Surat station. The cultivators north of the Tapti used to send their cotton south deliberately for mixing purposes or to get the advantage of the Surat station mark and so to fatten at the expense of the southern cultivator. To make my point quite clear, I would like to explain a little, how the cotton is sold in Bombay. The East India Cotton Association now control the sales of all cotton in the Bombay market. Surat cotton is tenderable under the Broach contract and a premium over Broach, for Surat, is fixed annually when the Association is sure of the quality of the cotton that is so tendered. I do ask honourable members to consider what the effect would be on this premium if the amendment proposed by my honourable friend from Surat is carried and if the news reaches Bombay that cotton from Kim and Sayan can be sent to Surat and can get the Surat station mark. It must inevitably mean that the East India Cotton Association will refuse to fix such a high premium as they do now for Surat over Broach cotton. It is perfectly clear that the net result of lowering the standard in this way will mean that not only will the cultivator north of the Tapti not get the premium he expects for his cotton even if he puts the Surat station mark on his produce, but the cultivator south of the Tapti will lose the premium which he is now getting. This point should make a close appeal to honourable members, because I think in considering this question, honourable members have been paying attention solely to the growing side of it and not to the selling side.

Then again, the Indian Central Cotton Committee has just fitted up a spinning plant at considerable expense with the object of testing samples that come from the districts into Bombay. The tests will be conducted quite independently, the cotton will be spun into yarn and the tests of the yarns will be communicated to the mills and others interested at regular intervals. It is hoped by communicating the tests in this way that the mills and their buyers will go to the areas from which the good cotton is coming and buy the cotton on its true merits instead of on the name of a well-known station. An amendment of the sort moved by the honourable member for Surat, which gives the right to the cultivators to mix inferior with superior cotton, would jeopardise the work that is being done by the Indian Central Cotton Committee for the benefit of the cotton growers themselves and would cause a great waste of money in respect of the elaborate spinning plant installed, in that the benefits to be derived from the latter would be largely negatived. Finally coming to the details of the amendment proposed by the honourable member from Surat, I would point out that it is quite impossible for any boundaries to be fixed in the manner suggested. The honourable member for Surat makes it clear by his amendment that the northernmost station is to be Kim and that the whole of the Surat district is to be included in one area. The net result must be that the Kim river will be the northern boundary. Either the Kim river must be the boundary or

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else Government must fix a row of nakas across the whole country from east to west. If the Kim river is to be the boundary, I submit, as the honourable member from Surat knows, that in the greater number of months the Kim river is completely dry so that carts can drive across the river bed and in any case I submit that it would be impossible and undesirable for Government to try and put up a row of nakas across the country from east to west, an action which would result in the whole system becoming open to bribery and corruption.

The prohibition of transport by rail is no bar at all to cart traffic proceeding between Surat and Ankleshwar. The honourable member for Surat has said that cartage prices are prohibitive and that the premium for Surat cotton over Ankleshwar cotton is not such as to make carting possible. I quite agree that that is the case at the moment, but it depends entirely on the premium existing and on the price of cartage. Before the war such cartage was possible and Ankleshwar cotton was transported by cart, not by rail, and mixed with the cotton grown in the Surat district without interference. That cannot be denied. We have got figures of the actual cotton that was so mixed. This may again become possible under the amendment proposed by the honourable member for Surat.

Then there is no question but that the cotton grown in Olpad taluka, Kim and Sayan is inferior to Surat. This was admitted at the last Surat Conference and it is well known to users of cotton. It is admittedly inferior to Surat cotton. It must remain so, I think, at all events for some considerable time, for in the Olpad taluka, for example, the rainfall is less than in Surat, the soil and configuration of the land is different, the seed that is grown there is different from that south of the Tapti and even the land drainage is different so that there is really very little chance of the same cotton being grown there as in the south of the Tapti for a considerable time to come, and, of course, the cotton grown between Surat and Kim fetches a progressively lower price as it goes north purely on its own merits, due to climatic and soil conditions and increasingly mixed and inferior seed. I cannot see, therefore, why we should accept a retrograde amendment of this sort which will simply enable certain growers north of the Tapti to do what they did before, namely, take their cotton south of the Tapti and to fatten on the reputation of others. I do, therefore make a last appeal to this House not to hastily decide on legislation of so technical a character, which involves questions not only of cotton growing but of cotton selling, without giving a patient hearing to those of us who have been interested in this question and have made a close study of it for several years from the point of view of the cultivators on both sides of the river, and not one side only. I hope, Sir, that this House will give consideration to the case of the cultivators south of the Tapti as well as of those who live north. With these words, I oppose the amendment.

Mr. G. E. CHATFIELD: Sir, I should like, in the first place, to deal with the remarks that have been made by the honourable member for Surat district (Mr Shivdasani). He has brought up a constitutional question, and tried to bias the opinion of the House by stating that, in

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spite of the resolution passed on the 14th of March, Government have not seen fit to accept that resolution in its entirety, although he has admitted that the difference between the resolution then passed and the proposals contained in the notification are not very great. Mr. President, I think that when considering this, we ought to make some sort of distinction between resolutions. There are some resolutions which no doubt express the real and considered opinion of every non-official member in the House, and perhaps the considered or general opinion of the constituencies behind them. But there are other resolutions dealing with local matters, and I think this resolution is a case in point, about which, I presume, a very large number of members of this honourable House have not really any first-hand knowledge. The matter is one really which interests the cotton trade and the local people of the Surat district, and I think that honourable members will concede that a great many of them have no first-hand information about it, and that they gather their information when the discussion is going on in the Council, whether they vote for or against the resolution. I do not think that a resolution passed in that way can be said to carry the same weight as a resolution which really represents the considered opinion of members of this House, on which they have spoken to their constituents, and on which they have formed their opinion to a greater extent than they could do in the course of the debate. The last speaker has brought up the fact that most opinions are "unfortunately" formed outside this House. I cannot go with him quite as far as that. If the opinion is only formed in this House, then it does not go so deep. That argument cuts both ways. This resolution which was passed on the 14th of March, after all, relates to a matter which was outside the cognizance really of most honourable members of this House before it was debated, and it deals with a very difficult question. The question of fixing zones is a difficult and technical question, and, after all, how can this honourable House really form a proper opinion upon a matter of that sort which involves all sorts of questions of detail and extremely difficult questions—questions as to which villages grow superior, which inferior cotton,—questions as to what effective boundary should be fixed, and so on? All these questions have to be taken into consideration, and if it is admitted, as it has been admitted by the honourable member for Surat (Mr. Shivdasani) that Government have practically gone the whole way as far as they possibly could to meet that resolution passed in March, I really fail to understand what his grievance is. He has complained that Government ought to go the whole way, that they have not done so, but have left a sting behind. I assure honourable members, Government are not so fond of stinging as that; many of us would rather take a sting away than leave one behind.

Mr. H. B. SHIVDASANI: You have left a sting behind.

Mr. G. E. CHATFIELD: In this particular case, Government understood from the resolution which was passed on the 14th of March what they had already begun to suspect, that the original arrangement of the zones was unsatisfactory. When that resolution was passed, there were three zones in existence, as has already been pointed out. Two of those

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zones have been wiped out altogether, or rather, they have been amalgamated, and the hardships to the cultivators have been met, as far as they possibly could be met by every sort of concession, except the one step which could not be taken by Government, that is, to extend the boundary right up to the Kim river. The last speaker has given very good reasons why that should not be done. I think it is not disputed by the honourable member that there is a real difference in the quality of cotton grown in those villages north of the Tapti and in the villages south of the Tapti. We have heard from the last speaker that there were bitter complaints from the cultivators south of the Tapti about the injury which was done to their interests by the introduction of cotton from the north which was mixed with their cotton, and thereby brought down the prices which they could obtain in the market. That is one reason why Government could not take that further step. Another reason was, as has already been pointed out, that it leaves no effective boundary. There is only one natural boundary, and that is the river Tapti. If you look at the map of the Surat district, you will find that the river Tapti runs through the northern portion of the district, and Government have gone, as far as they could, to remove the grievances of the cultivators who grow cotton to the north of the river. Government have gone so far to meet those grievances that they have incurred the gibes of another speaker who characterised the notification as no notification at all. Far from leaving a sting behind, if the notification is open to any criticism at all, it is open to the criticism that Government have tried to please everybody too much. If we are guilty of that crime, we cannot be guilty of several other crimes which have been imputed to us. I would ask this House to exercise a little charity, and let them expend their criticism on the notification, and not impute motives to Government. It has been pointed out that the honourable member for Surat attended the conference that was held at Surat by the Honourable Minister in charge and that he proposed that the whole of the Surat district might be made into one zone so far as the road transport is concerned and that two should be maintained so far as railway transport is concerned. I do not wish to press that point too far, but it looks as if the honourable member admitted the necessity for two zones when he suggested that arrangement. He may contend that this was only a compromise, and that though he did not regard the arrangement as ideal, he was trying to meet Government half way. If so, I would accept that explanation and not press the point against him. He should not press similar points against Government and argue that because they have met him half way, they have given away their position. That is not a generous way of dealing with the question.

There are some other points raised by certain speakers. One point was the hardship to the cultivator. The very essence of this legislation is to deprive the inferior cotton grower of the unfair advantage he had by taking his produce to a tract which produced superior cotton, realizing a better price in consequence and thereby reducing the value of the best cotton; and to protect the interests of the cultivators producing the best cotton. That is the object in proposing these zones. Then another

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argument that was advanced, was that the whole object was to benefit foreign firms like Ralli Brothers and Volkart Brothers. The point now for consideration is whether these zones enable the cultivators in the best cotton growing tracts to get better prices for their produce. The fact is certain that if inferior cotton is allowed to be imported to those places, the price of the best cotton will be brought down to the common level. I do not think anybody will deny that the cultivators growing the best cotton, as in Navsari, should get fair value for the quality of the cotton they produce. So, the argument that the object of this notification is merely to benefit foreign firms falls to the ground.

The last speaker has already satisfactorily dealt with the arguments of the honourable member for Surat. The honourable member for Surat stated that the people of Surat are the best judges of their interests. But the people of Surat north of the Tapti are not the best judges of the interests of the rest of the district which are opposed to their own.

Dr. M. M. MEHTA (Surat District): Sir, I had no idea of taking up the valuable time of the House by any remarks of mine, because the honourable member for Surat (Mr. Shivdasani) has fully dealt with the subject. After listening to the speech of the honourable member Mr. Grantham, I felt I should reply to some of his remarks. He stated that this House has come in with a pre-conceived idea of voting one way or the other on this question. I may straightaway point out that this question was before the House last year and this House has had plenty of time to go through the whole question. Therefore, the charge made by the honourable member does not hold good. It was also stated that interests of the cultivators to the South of Tapti were not considered and all efforts were made in the amendment now before the House to safeguard the interests of the cultivators to the north of Tapti river. This is not correct. The amendment is in the interest of all cultivators of the whole of Surat district.

Mr. V. A. GRANTHAM: I did not make the statement attributed to me by the honourable member.

Dr. M. M. MEHTA: The honourable member stated that the interest of the purchasers should be taken into consideration.

Mr. V. A. GRANTHAM: I said nothing of the kind. What I did say was that in examining this question for the benefit of the cultivators, the question of how the cotton was to be sold for the best interests of the cultivators, the purchasers in Bombay must be taken into consideration. I want to make it quite clear that I have been considering this matter from the point of view of cultivators and the cultivators only.

Dr. M. M. MEHTA: I am not examining the question from the point of view of either the cultivators to the south of the Tapti or on the north of the Tapti, but from the point of view of the whole district. The prices of the Bombay market do not depend on the quality.

The Honourable the PRESIDENT: What the honourable member for the Bombay Chamber of Commerce said was, that it was in the interest of the cultivator himself to get the best prices for his cotton and that if

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this zone was removed, agriculturists who grow superior cotton will be compelled to sell at lower prices. The honourable member for Surat can criticise, but let him appreciate what the honourable member has stated.

Dr. M. M. MEHTA : I quite appreciate his point. What I wish to say is that the price depends not upon the quality alone, but also on the manipulations of purchasers. The Surat cultivators are the chief sufferers in this connexion. I do admit that it is necessary to protect for which the Kim Barrier is quite sufficient. A point that this is a small barrier and it will not protect Surat district was raised at the conference at Surat. The Government can protect one district from another. I do not see why the Government should not protect this district against another district which produces inferior cotton. The Government are able to see that fire-arms of smallest size are not imported from one zone to another without detection ; but they want to impose stricter restrictions in the case of cotton bales which are of enormous sizes. I submit that it does not require any great effort on the part of Government to prevent the transport of inferior cotton from one district to another.

There is one more point and I shall finish. An effort has been made by the Minister to take away a slice of the Surat district and attach it to the Broach district. If we amalgamate a small slice of the Surat district with the Broach district, the sentiments of the people of that part of the district will be roused and no compensating advantages will be gained. The people of those parts will have to take out licenses, and I do not want to speak here of the hardships of the poor uninfluential cultivators in doing so. The feelings and sentiments of those people are very strong on this point. The Government's revised notification attaches a stigma to that portion of the Surat district that lies to the north of the Tapti river, of growing inferior cotton. The cultivators of that part will feel that whatever quality they may grow, their cotton will be regarded as inferior. Therefore they will be induced to cultivate an inferior variety of cotton, and all the good intentions of the Government and this House will be frustrated. Therefore I say that those villages should not be taken away from the Surat district, and I therefore support Mr. Shivdasani's amendment.

The Honourable Mr. C. V. MEHTA : Mr. President, I think the honourable member for Kaira did not pay much of a compliment to the business acumen of Bombay merchants when he said that they are unable to distinguish between good cotton and bad or to distinguish the length of one staple from another. I do not think, Sir, I need enter into the insinuation which he has thought fit to make as to the motives of Government or of the merchants at whose request the Government of Bombay have undertaken this question. I think it was made perfectly clear when the first resolution was passed two years ago, that the whole scheme had been thought out for years, that it had been impressed on Government and public bodies not only by cotton merchants but also by cotton growers and cotton gin owners that the evil was so rampant and was doing so much harm to the quality and reputation of the cotton that it was necessary

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to do something drastic if not only the trade and mill industry of the presidency were to be protected, but also if the cultivators' interests were to be looked after. Sir, it is a matter of very common knowledge, and I am certain that a business man like my honourable friend from Kaira is certainly not unaware of it, that the price of a commodity will be ruled by the lowest quality of it that is brought on to the market. The strength of a chain is in its weakest link. And if cotton from Ankleshwar and from Kim and Sayan is to be allowed to be mixed with the good cotton grown in the genuine Surat district, then the price of the whole will be reduced to that of the lowest quality of Kim and Sayan. I think, Sir, that does not require many facts to prove. Government therefore deemed it necessary to see whether the conditions all over the Surat district were such as to grow the best quality of seed and to give the best length of staple. Now it has been proved by the Agricultural Department as well as recognized by people who are interested in the trade that the conditions of the various parts of the Surat district differ very materially, and that the same kind of improved seed distributed by the Agricultural Department all over the Surat district would not produce the same Staple in Kim or Sayan as it did in Surat, or, to take a better example, Navsari. I think my honourable friend opposite admits that proposition. It was, therefore, necessary to protect the superior zones from the inferior zones. Now, everybody knows that practically the best quality of cotton grown in India is the Navsari cotton. But as I understand the amendment of my honourable friend from Surat, it means that cotton from any part of the Surat district, say from Kim and Sayan or such part as produces the lowest quality, can be brought into Navsari or those parts which produce the longest staple. I do not think that point is disputed. I want to bring very distinctly to the notice of honourable members that if the amendment of my honourable friend is carried the most inferior cotton will be allowed to be brought into the most superior zones, by rail as well as road or water and consequently as stated by my honourable friend from Kaira, the cotton in the superior zones will deteriorate on account of admixture of the seed. Whether the admixture is done by merchants or by the cultivators is not my concern at present.

The difficulty about the amendment is two-fold. If it extended only to admixture by road, there would not be the same amount of objection as to the amendment as it now stands. The amendment in its present form is most mischievous and I would like to see that amendment modified or at all events so worded as to save the cotton in the superior zones from admixture by rail. It was suggested in the speech of the mover of the amendment that while there was a great deal of difference in price between the Surat cotton and the Navsari cotton, so much as Rs. 35—the difference between the prices of Kim and Surat cottons was only Rs. 15. On this same figure, the difference between Kim and Navsari is Rs. 50. What is the distance between Kim and Navsari? (Mr. H. B. Shivdasani: 45 miles). Now, I will ask the honourable member to compare with these figures the cost of transport over a distance of 42 miles by road or 45 miles by railway. There will be a handsome balance for the unscrupulous

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adulterator. Surat and Navsari are even less distance apart. I therefore suggest that it was in the interest of the people that it is proposed to separate them into two zones. I am now trying to put before the House a scheme which will be least objectionable from the honourable member's point of view. If you do not like three zones, do away with the three zones; if you will have two zones, at least keep the distinction between the two zones that you will prohibit transport by rail. The effect of the amendment will be that you will have only one zone and you will have free transport either by road, rail or water. That is the point I wish to bring to the notice of the Council. But the whole object of this legislation is to prevent undue admixture with the least amount of dislocation to the trade. We admit that any interference on the part of Government must lead to a certain amount of inconvenience to the trade. But it cannot be helped. We have always admitted that, but the point is whether that inconvenience to a small number of people is to be set in the balance against the loss of lakhs of rupees to the mass of cotton growers in the Surat district. It is useless to say that merchants in Bombay or millowners in Bombay do not know good cotton from bad. They know it very well indeed, and the very difference in price of Rs. 35 shows that they know it. That difference will rise higher than Rs. 35 when these restrictions bear effect and the cultivators of Navsari and those parts will get the benefit of that higher price. I cannot imagine that understanding this honourable members opposite desire to deprive the agriculturists of the benefit of that increased price. If any honourable member could show to us that the result of absolute freedom of movement will tend to increase the price, one could understand the grounds for this amendment. But it neither benefits the millowner, it does not benefit the Indian merchant or the foreign merchant, and it certainly does not benefit the cultivator. A general reduction in price does harm every one. I therefore, consider, Mr. President, that honourable members should apply their mind to the point whether they want three zones or not. If they want two zones, as I understand from the report of the Conference that the honourable mover of the amendment was himself in favour of restrictions within the Surat district.....

Mr. H. B. SHIVDASANI: I am still in favour of it.

The Honourable Mr. C. V. MEHTA: Then, would the honourable member mind changing his amendment accordingly? His amendment now means one zone only and freedom of transport by rail.....

Mr. H. B. SHIVDASANI: I raised that point and brought it to the notice of the Deputy Secretary and he wanted to refer that point to the Legal Remembrancer. But I have not heard from him since in the matter. If Government will alter the rule No. 2 by omitting the word "road", I am quite willing to change my amendment.

The Honourable Mr. C. V. MEHTA: I do not think that it would be impossible to frame an amendment to cover that object.

Mr. H. B. SHIVDASANI: I am told that it would not be possible to do that under the Cotton Transport Act.

The Honourable Mr. C. V. MEHTA: The Act distinguishes between transport by road, rail and water, and what I understand is that if an amendment is brought somewhat to the effect I suggested just now, the honourable member would not press for his amendment.....

Mr. H. B. SHIVDASANI: I understood that it would not be legal.....

The Honourable Mr. C. V. MEHTA: Supposing such a provision would be legal, it would carry out the object which the honourable member has in view. The proviso to sub-rule (1) to rule 3 now could be altered.

Mr. H. B. SHIVDASANI: But that makes licensing necessary. If rule 3 is altered by omitting the word "road", then it would be all right. But if only this amendment is made, then all the villagers in the Chorasi, Olpad and Mandvi talukas would have to take out licenses. We do not want the cultivators to be at the mercy of the licensing authorities.

The Honourable Mr. C. V. MEHTA: Very well; I was going to say that if the honourable member is agreeable to that, I would close my speech with this suggestion, and in the meantime I shall get the Advocate General to draft an amendment which would cover what the honourable member has in view, and then perhaps the honourable member himself or some other member may amend the amendment accordingly. That would probably effect what the honourable member has in mind. I do not wish to be understood, Sir, when I make this suggestion, I do not at all wish to be understood, to say that this is the best course to take. No, Sir. I am firmly of opinion that the original rules of Government were the best and they would have resulted in the improvement of cotton in the whole of the district of Surat, and that consequently they would have prevented a reduction of the general level of prices available to the cultivators. But, as the honourable members of the Council opposite do not seem to favour those divisions we have to be content with less. I at least wish to prevent the transport by rail, which I understand is agreed to. If I have that understanding from the honourable member for Surat, I shall have the amendment put into proper legal form.

The Honourable the PRESIDENT: May I venture to make a suggestion in view of the speech of the Honourable the Revenue Member?

Mr. V. A. GRANTHAM (Bombay Chamber of Commerce): I rise to a point of order, Sir. Section 3 of the Cotton Transport Act merely says:

"The Local Government may.....prohibit the import of cotton or of any specified kind of cotton into that area save under, and in accordance with the conditions of, a license."

The Act also says, in section 7:

"The Local Government may.....make rules to provide for any of the following matters, namely:—

(a) the prevention of the import into a protected area by road, river or sea, save under and in accordance with the conditions of a license, of cotton the import of which into that area has been prohibited by a notification under section 3."

The Honourable the PRESIDENT: May I ask the honourable member to wait before he raises that point of order in view of the suggestion I wish to make for the consideration of Government? The point of

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order can be raised a little later on. I have to offer a suggestion in regard to what the Revenue Member was saying. In view of his speech and the response that he received from the honourable member Mr. Shivdasani, I am tempted to make this suggestion that perhaps we might postpone the consideration of this motion till to-morrow—which I can do—and the Honourable the Revenue Member and the honourable member Mr. Shivdasani can put their heads together and formulate an amendment in consultation with the Advocate General and the Remembrancer of Legal Affairs and then bring forward an amendment which the House can pass at once. I do not see that an amendment of this character can be drafted while the discussion is proceeding. Therefore, I think if the Honourable the Revenue Member and the honourable member Mr. Shivdasani, as representing the two views, can consult other members also who may be interested and bring forward an amendment, which would satisfy the House, it would save the time of the Council. Whether it is Government business or non-official business, I do not think that question should interfere in the way of effecting this very important piece of work.

The Honourable Mr. C. V. MEHTA: That, Sir, I think, is an excellent suggestion and we are quite prepared to accept it.

The Honourable the PRESIDENT: I think the House will agree to allow these two honourable members, with the assistance of such others as are interested, to put their heads together and at least make efforts to bring forward an amendment which would meet with the approval of all the honourable members. If that is the general feeling, I think the House would like to postpone the matter till to-morrow. Honourable members will try to get together all those who are interested in the subject and frame an amendment which would satisfy the House and save its valuable time. That would satisfactorily dispose of this question. If the effort is not successful, then the consideration will be taken up from this point. I am merely postponing in order to give both sides of the House an opportunity to try to meet the view that each side holds in this important matter. I take it that the whole House is agreed that we should postpone it till to-morrow and take it up the first thing, if there are questions after the question hour, but if there are no questions, immediately after the House meets.

## MOTIONS TO AMEND STANDING ORDERS.

The Honourable Sir MAURICE HAYWARD: Mr. President, I present the report* of the select committee on my motion to amend Standing Order III.

The Honourable the PRESIDENT: The report is presented.

The Honourable Sir MAURICE HAYWARD: I now move, Sir, that my motion to amend Standing Order III, be read a second time. The select committee went carefully through the draft that was presented

* *Vide* Appendix 66.

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to them. They made certain alterations in order to make the rules more specific and they cut out the third rule with regard to the procedure in case any election was not approved by Government, or the Governor withheld his approval of any election. Rule 3 was drafted from the existing rule which applies to the election of the Deputy President, and was by the drafting merely extended to the President. The majority of the select committee were in favour of removing that Rule No. 3. I myself have put in a dissenting minute recommending that it should be retained. It was part of the original Standing Orders, and I think logically it ought to be retained and to apply to the election both of the Deputy President and the President. The object of the rule, of course, is to prevent any conflict of opinion in case any election was not approved of by the Governor. I now leave this matter in the hands of the House.

Question proposed.

Mr. R. G. PRADHAN (Nasik District) : Sir, I find that the report of the Select Committee on Standing Orders was received by the honourable members only this afternoon when they came to the Council. Rule 4 dealing with making amendments to Standing Orders requires that a matter like this has to be dealt with as a bill and Standing Order VIII, 8 (2), requires that 15 clear days' notice must be given and in this case it is a matter of extreme regret that Government have not shown the necessary courtesy to the honourable members of this House. We got the report together with the minutes of dissent only to-day and I regret very much it is too much to expect. .....

The Honourable Sir MAURICE HAYWARD : I should like to remind the honourable member that the report of the select committee and the minute of dissent were on the table yesterday.

Mr. R. G. PRADHAN : Even supposing that they were presented to the Council yesterday, that makes no difference whatever. I feel strongly that in matters like this the procedure should be followed strictly. It may be that in certain cases it might not be possible to comply with the requirement of 15 days' notice but certainly it is not fair to honourable members that they should be provided with the report of the select committee in an important matter like this, only one day before the matter was brought before the House. It is too much to expect the honourable members to deal with a matter like this after such a scant notice and I regret very much that, under the circumstances, I am not prepared to give my support to the second reading.

The Honourable the PRESIDENT : As the point has been raised, it requires a little explanation. The duty of calling the select committee meetings in this case rests with the President, and I called a meeting rather early, some time in September, in order to enable the rules to be complied with. I received representations that honourable members especially from Sind would find it extremely inconvenient to be obliged to come here during September simply for the purpose of these Standing Orders being discussed in select committee. I therefore altered the date and in order to suit the convenience of the honourable members,

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I called a meeting a couple of days before the Council session began and we sat twice even when the Council was sitting before we decided this question. Personally, I thought that the form in which the Standing Orders have been submitted is such that the honourable members could go over them within a few minutes, but if any honourable member wishes, the rules provide that he should move that, having regard to the importance of this matter, the consideration of these Standing Orders be postponed to some date during the current session. I personally do not see that it is necessary because it must be obvious that it cannot be transferred to the next session as these Standing Orders must be passed at this session in order that they may come into effect and be operative before the next session takes place. But if honourable members desire one or two days more time (which I do not see is necessary at all), then they can move an amendment that this matter be taken up on Thursday or Friday or any other day.

Mr. R. G. PRADHAN: I merely bring to your notice that you have the power of suspending the rules and allowing this matter to go on. If you do so, I have nothing to say.

The Honourable the PRESIDENT: I have suspended the rules and allowed the motion which is before the House. The honourable member can move that it be postponed to some day during the current session if he so desires; but having regard to the urgency of these Standing Orders and knowing the feeling in the House that they want to consider it at this session, I have allowed it to be brought forward by suspending the rules.

Mr. R. G. PRADHAN: I do not wish to move for an adjournment, but it was my duty to bring this matter to the notice of the House and I have discharged my duty.

The Honourable the PRESIDENT: It was to suit the convenience of the honourable members that I altered the date; it is not that I did not anticipate the requirements of the Rules and Standing Orders and did not fix a sufficiently early date for the select committee to meet and send in a report as required by the rules, but it was at the express request of a member from Sind I had to change it because I realised that it was hardly reasonable that an honourable member should be asked to come down all the way for a meeting of the select committee of this character; and, as I said, it is open to honourable members to move that the second reading be postponed to some other date in this session. Personally, I do not think it is at all necessary, because it is a very simple matter.

Mr. R. G. PRADHAN: I do not wish to move an adjournment.

Question put "That the Standing Order III, be read a second time", and agreed to.

*Standing Order III read clause by clause.*

Clause 1, sub-clause 1, ordered to stand part of the Standing Orders.

Clause 1, sub-clause 2, ordered to stand part of the Standing Orders.

Clause 1, sub-clause 3, ordered to stand part of the Standing Orders.

Clause 1, sub-clause 4, ordered to stand part of the Standing Orders.
Clause 1, sub-clause 5, ordered to stand part of the Standing Orders.
Clause 1, sub-clause 6, ordered to stand part of the Standing Orders.
Clause 2, sub-clause 1, ordered to stand part of the Standing Orders.
Clause 2, sub-clause 2, ordered to stand part of the Standing Orders.
Clause 2, sub-clause 3, ordered to stand part of the Standing Orders.
Clause 2, sub-clause 4, ordered to stand part of the Standing Orders.
Standing Order III (*Council Officials*) ordered to stand part of the Standing Orders.

The Honourable Sir MAURICE HAYWARD: I move that the Standing Order be now read a third time and passed.

Question put and agreed to.

The Honourable the PRESIDENT: The Standing Order is read a third time and passed.

Mr. B. G. PAHALAJANI (Western Sind): As regards my motion about the amendment of Standing Orders, I present the select committee's report* for the consideration of the House.

The Honourable the PRESIDENT: The select committee's report is presented.

Mr. B. G. PAHALAJANI: Sir, I shall now move that the Standing Order be read a second time.

Question proposed.

The Honourable Sir MAURICE HAYWARD: Mr. President, I am sorry to say that I cannot support this motion. The select committee considered the whole question at great length, and it is not altogether an easy matter. The original motion involved two amendments. The first amendment was to provide that at the first reading of a bill no amendment whatever should be proposed, not even amendments of principle, and the other amendment was that amendments of principle should also be allowed at the clause by clause reading. The honourable mover, after careful deliberation, decided to withdraw his first proposal that amendments of principle should not be made at the first reading, and so the Standing Orders as now presented by the select committee would still provide for amendments of principle. [Interruption]. I submit this is a very important question of legislation, and I do hope that honourable members will give their best attention to the matter.

Mr. K. F. NARIMAN: May I draw your attention to the fact that the Government members are absent?

The Honourable Sir MAURICE HAYWARD: Therefore, the talking cannot possibly come from the Government benches.

The proposals as presented by the select committee leave the right of moving amendments of principle at the first reading. The general scheme of the Standing Orders with regard to legislation seems to me to be this. They are framed with the object of giving the greatest possible publicity to any measure of legislation before it is passed into law. They

* *Vide* Appendix 67.

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provide, therefore, that a bill shall be introduced either by a motion in the House or by publication in the Government Gazette, and whichever way it is introduced, it has to be published in the Government Gazette before the first reading. That gives a certain amount of publicity to the bill. The next step is the first reading, and, as I understand it, the object of the first reading is to give honourable members a general idea of the scope and purposes of the bill. They are, under the Standing Orders, at liberty, on the first reading, if they so desire, to move either that the bill be rejected if they do not approve of its principles, or they may move some amendment of principle; and by principles is meant some radical modification or extension of the bill, provided always that that is within the general scope of the bill. To put it more clearly, if you are introducing a bill, say, with regard to Courts, you must not tack on to it provisions with regard to, say, land revenue. It must be, in any case, if it is an amendment of principle, something that is within the general scope of the bill. As a general rule, the idea seems to me to be that, if the general principles are acceptable, the first reading should be passed and that the bill should be referred to a Select Committee of the House, who should have the opportunity of going into all the details of the bill, and really finding out what it is really about. It is very difficult for honourable members to appreciate what is the real inward meaning of a bill at the first reading. It requires careful investigation by a Select Committee, specially nominated by them for the purpose, to read the bill through carefully, and ascertain exactly what its purpose is, and to make their recommendations to the honourable members of the House: so that, in all important bills, they are referred to a Select Committee. The next stage is for the Select Committee's report to be presented to the House. Now, when this report is presented, the House is in a very good position to realise what the bill is all about; and then, when they fully realise what the bill is about, if they think that the principles are not acceptable, or that they want restricting or extending, they have an opportunity, at the report stage, of making any amendment of principle again, and the method in which they can make it is this. They can move that the bill, instead of being proceeded with further at that moment, should be recommitted to the select committee, with instructions to modify the principles either by way of restriction or by way of addition; and then the select committee can go through the bill again, and can make the necessary restrictions or additions, in accordance with the instructions given them by the House. So that, under the existing orders, honourable members have two opportunities of making amendments of principle. They have the opportunity at the first reading, or, if they do not wish to take that opportunity but prefer to await the opinion of their own elected select committee on the bill, they can wait until the select committee have reported, and then they can decide whether they will accept the principles, whether they might reject the bill, or whether they want to modify it by restrictions or additions. If they want to modify the bill, they send it back to the select committee, who will make the necessary modifications, and will then present the bill

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once more, as reconstructed by the select committee, to the honourable members of the House. Now, Sir, I submit that this procedure is an excellent one, and gives the members all the possible opportunities which they require to make amendments of principle in the bill. And it has this very great advantage that, if they wish to make any radical alterations in the bill, they do so through a select committee, who can discuss these alterations across the table, and can not only insert the new sections required in their proper places, but can also make the necessary consequential amendments which, in all probability, would be required in other portions of the bill. The result is that the select committee, in reporting their bill together with the amendments of principle according to instructions, present a complete bill, which can then be discussed, if generally approved by the House, after the second reading is passed, clause by clause. It seems to me, therefore, that the bill as finally emerged from the select committee ought to be passed at the second reading; that is to say, the House, if they approve generally the recommendations made by the select committee, then ought to pass the motion that this bill be now read a second time. Under the present Standing Orders it would mean that the general principles have been accepted and that no further alteration of a radical nature is required by any of the honourable members of this House, that is to say, they have accepted the general structure of the bill, that they desire then to consider that bill clause by clause and to go into the details and merely settle the various details in the bill. The details may, of course, include cutting out any clause, remodelling any clause, or reconstruction of any clause; but it would not include any addition to or alteration of the principles of the bill. Under the present orders, therefore, clause by clause reading means that each clause as put in the bill finally has to be presented by the President and each clause has to be considered. If you allow amendments of principle to be moved at the clause by clause reading, it means that any member can get up and can move the insertion of a section which has never hitherto found a place in the bill. The present order as regards the clause by clause submission does not provide for any new clause being submitted by the President. All it says is that the clauses of the bill as presented by the select committee be submitted by the President clause by clause. He has simply to take the bill in his hands and say such and such clause stand part of the bill. It is not allowed under the rule that he should go further and say that a new clause shall be inserted. I submit that the present procedure is best calculated to produce a really workable bill.

If you go on putting in a new clause when you consider the bill clause by clause, it means that there is no opportunity of having the whole bill reconsidered with a view to fitting this clause in properly and making the necessary consequential amendments to the other sections, which could only be done by the select committee. Having passed the second reading it is no longer possible or practicable to send it back to the select committee and give them the power to overrule the decisions of the House;

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If clause by clause reading has been concluded, the House has definitely decided that certain clauses should stand as they are. It is not practically possible to refer a bill back to the select committee and ask them to revise the decision of the whole House. Therefore, it is not practicable, if you allow extra provisions to be inserted in the clause by clause reading, to have the whole bill scrutinised in every section composing it and to have a really businesslike workable bill. I submit, therefore, that this amendment of clause 10 which refers to clause by clause reading ought not to be made on practical grounds. At the clause by clause reading you ought not to allow a radical alteration of the bill for practical business purposes. When you get to clause by clause reading, you ought to accept the bill as then constructed merely making the necessary, may be really extensive, alterations in the various clauses which will be desired by the House.

Then when the bill has been read clause by clause, that is, when the second reading has been completed, you have read the bill absolutely through from beginning to the end. Then there remains nothing but the third reading. The third reading is provided merely for the purpose of verbal alterations. Honourable members may have noticed there were several verbal corrections which had to be made in the Children's Bill in order to make the provisions which were inserted in the clause by clause discussion absolutely clear in the bill. Under the third reading, therefore, it is restricted simply to verbal amendments.

That, Sir, is the general scheme and I submit that the general scheme as now provided in our rules gives every opportunity that members can really require for moving amendments of principle. It gives them two opportunities, at the first reading and at the report stage, and it restricts clause by clause reading to the detailed amendments which may be desired by the House. I submit, therefore, Sir, that this motion to alter the scheme of legislation ought not to be accepted by this honourable House.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I rise to support the motion moved by my honourable friend the Deputy President. I do hope that at any rate this side of the House will unanimously accept the motion. The Honourable the Home Member pointed out certain difficulties, which from the Government point of view appear to him to be insurmountable. I am going to point out certain difficulties from the point of view of this side of the House which are equally insurmountable. I may tell frankly to the House that my difficulty, not only my difficulty but I believe the difficulty of all honourable members on this side of the House, is to distinguish between an amendment of principle and an amendment of detail. I have never been able to surmount this difficulty, from which I believe all members on this side of the House equally suffer.

The Honourable the Home Member has given us an instance in the Children Bill to illustrate his point. To illustrate my difficulty, I shall give an instance from the discussion on the same bill which took place some days ago. The honourable member Mr. Hooseinbhoy Lalljee

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brought an amendment in the course of the discussion on the Children Bill that children should be protected from the evils of drink. An ordinary layman or a lawyer could not distinguish between an amendment of principle and an amendment of detail. We understood that the principle governing the bill was that children should be protected from all kinds of ill-treatment, cruelty and evils. So, we believed that it was within the scope of the bill to introduce that amendment to protect children from the drink evil. But, Sir, I was surprised, when that amendment was moved, at the Honourable the Home Member raising an objection that it was not within the scope of the bill and that it was an amendment of principle which could not be moved at that stage. It was surprising because we thought that the principle of the bill was the protection of children and that the amendment moved by my honourable friend was also meant for the protection of children from the vice of drink. Such practical difficulties arise in almost every measure of legislation brought before the House. So, we have got to consider carefully whether it is an amendment of principle or an amendment of detail; not only that, we have got to consider whether it is an amendment that requires the sanction of the Government of India. Difficulties are put in one after another. I thought that the principle of that legislation was the protection of children and that honourable members of this House would be free, with as little difficulty as possible, to introduce any provision which they thought contributed to the protection of children. Now, the Honourable the Home Member has stated that the House has got every opportunity of introducing amendments of principle. He said there were two opportunities, the first reading and the subsequent stage in the select committee. I wish to draw the attention of the Honourable the Home Member to the fact that the only opportunity that this House has to consider a real amendment of principle of any importance is the opportunity it gets when the bill comes from the select committee. That is the first time that the House considers the measure comprehensively: it is the select committee that considers what is the view of each and every member coming from the different sections and what are the defects in the bill. And the first time that the House as a whole considers the bill seriously is at the second reading, and if at that time an amendment of principle cannot be moved, it is taking away an important privilege of the House.

Another point which I wish to urge, and which the honourable the Deputy President has made clear, is that this restriction does not exist in any other province in this country. As far as I can understand, Sir, such a restriction is not imposed in the Punjab, Bengal or any other province; not even in the Legislative Assembly. Then, I do not understand why such a restriction, an important restriction, taking away all the opportunities and facilities that members have to amend a bill, should exist in this House alone. I hope the amendment will be duly carried against any opposition from the other side. If members are to consider and discuss a bill and introduce amendments at convenient stages, why do they take away the most convenient opportunity that the

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members have to introduce amendments of principle ? I hope the amendment will be unanimously accepted from this side of the House.

Mr. D. B. ADWANI (Karachi City): You will remember, Sir, the suggestion that some sort of change should be made in the Standing Orders came from yourself, in order to avoid the difficulty that members felt when they had to put forward an amendment of principle at the second reading. The real difficulty has arisen from the fact that the procedure of Government in putting before the House the first reading of a bill is really faulty. What they do in presenting a bill for the first reading is simply to put the notes on clauses. They do not in the first instance enunciate the general principles of a bill. I think, Sir, in this connection, the most important point that we have to consider is: What are the general principles and what are the principles of detail ? At the first reading of a bill it has always been my very great difficulty to understand what are the general principles? I have never found in any one of the Government bills that have been presented any note stating the general principles distinctly so that we could get an opportunity to alter the general principles at the first reading of the bill, in order that the select committee might be able to make the necessary changes in the structure of the bill. That has not been the case. Notes on clauses have been given, and unless we are prepared to change the clause itself, we cannot make any changes in the notes on clauses. That has been the defect in the procedure adopted by Government. Now, Sir, as the honourable member for Bombay pointed out, the difficulty arises as to what is a principle ? I make a distinction between a general principle and a principle of detail. For example, we were told the other day when we were considering the bill to amend the Bombay City Municipal Act, that it would not be possible for this House when the bill came for the second reading to put in an amendment to the effect that the appointment of the municipal commissioner should be made by the corporation of Bombay. The question is whether there was any general principle involved in that amendment. From my point of view it was a matter of detail. But you were pleased to rule that such a matter would come under the term 'amendment of principle'. What we are really attempting is that we should be able to make, at the second reading of a bill, changes in the clauses which may not in themselves be very material and may be matters of detail, but yet may be regarded as matters of principle. I think, Sir, if this House is permitted to make such changes or alterations in the bill, it would not make any material alteration in the structure of the bill. Such a power is, I think, absolutely necessary. We have found during the discussion of the various bills during the last two or three sessions that this change in the Standing Orders is absolutely necessary. In fact, as you are aware, Sir, in the former Council, before these Standing Orders were made, this procedure was adopted at the second reading of the bill. The Council was able to make changes of principle, not changes of general principle—important principle—which might change the whole structure of the Act, but changes in clauses, although they related to matters of principle.

Mr. S. T. KAMBLI (Dharwar District): Sir, I rise to oppose the motion. The practice hitherto obtaining in this House has been working very satisfactorily. The practice is that the first reading of the bill should be confined to a discussion of the principle and that no discussion of principle should take place at the second reading of the bill and that no amendment of clauses should be allowed to be made at the second reading of the bill which would affect the very principle of the bill itself. Sir, if the principle of the bill is allowed to be amended at the second reading, I am of opinion that there will be no hope of arriving at any perfect or harmonious piece of legislation. In that case any honourable member will be at liberty to introduce any amendment in a clause of the bill or will be at liberty to introduce a new clause in a bill which may affect the whole principle of the bill or which may affect or destroy the very object of the bill itself, and in that case it will be very difficult to recast the whole bill at that stage. In the course of the first reading of the bill ample time is allowed to the honourable members of the House to discuss the principle of the bill. The bill is previously published by the Government and ample opportunity is afforded to members to see what is the principle of the bill and what is the object of the bill. Having thus got sufficient opportunity beforehand (*i.e.*, before the time of reading of the bill) and having got sufficient opportunity in the course of the first reading to discuss the principle of the bill, and having got an opportunity to throw out the bill if the principle of the bill is not to the liking of the House, I do not see any reason why the principle of the bill should be allowed to be amended at the second reading of the bill.

A point has been made out that there is a difficulty often experienced by many of the honourable members in this House in determining or deciding as to whether a particular amendment affects the principle of the bill or as to whether a particular amendment does not affect the principle but only the details of the bill. Sir, such difficulties certainly do occur oftentimes, but I do not think that such a difficulty alone is sufficient to revolutionise or upset the existing procedure or principle which has worked so satisfactorily for the last four years. Taking the advantages and disadvantages into consideration, I beg to submit that the disadvantages accruing from the proposed alterations are sure to preponderate over the advantages accruing from them. Therefore, I oppose the motion.

MOULVI RAFIUDDIN AHMAD (Central Division): Mr. President, I am sorry that I was not here when my honourable friend the Deputy President moved this motion, and I therefore could not hear his arguments, which I am sure must have been very sound. (Mr. B. G. Pahalajani: I have not given any arguments yet: I have only moved the amendment.) Hence, Sir, I am entirely in the dark. But there is one principle upon which I think we should act, and that is that we should be very slow in making changes in the constitution. I therefere think that unless some strong case is made out, the House should not give its support to such changes. The practice is very different in the House of Commons. There the first reading is taken for granted as a matter of course. Everybody allows the first reading and the real time for making amendments

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or discussing the principles is the second reading. But here, Sir, there are two procedures. For a private bill one has first to obtain the leave of the House to introduce it. Then you have the introduction, and the first reading. That is to say, the private bill is discussed at the time of the leave for introduction, it is discussed at the first reading and then in the select committee. So, as far as private bills are concerned, honourable members have too many opportunities for discussion. As far as Government bills are concerned, there is no such thing as leave for introduction, no permission is required by Government for introduction. So the first reading is taken up for discussion of principles like the second reading in the House of Commons. Some honourable members contend that they do not always know what is an amendment of principle, and what is an amendment of detail. I want to know whether they will be any wiser if this motion is passed. Those who do not know how to make a distinction between a detail and a principle, I take it that they will never know it. The time for discussion is, really speaking, at the first reading and if unnecessary discussion can be allowed at every reading, there will be no finality; even after the second reading some honourable members may get up and say they want to make amendments of principle, and even at the third reading some may like to discuss principles. I have not been convinced that this change would be necessary, but if any further arguments come to prove that we should have this opportunity, I shall certainly vote in favour of the amendment, so I keep an open mind at present.

Mr. M. R. JAYAKAR (Bombay University): Sir, I am afraid my honourable friend (Moulvi Rafiuddin Ahmad) is looking at this question from the wrong point of view. He said that those who advocate the amendment of the Standing Orders must make out a strong case that it is necessary to so amend them. I beg to differ from him and to point out that those who want these words to remain, having regard to the fact that no such words are to be found in the rules or procedure in the Legislative Assembly or any other Legislative Council in this country, have to make out a case why such words or rules should be allowed to remain in this House as a special provision. It has been stated by the honourable member from Bombay—and I think he is right—that in the Legislative Assembly there is absolute freedom as regards the discussion of principles and details at the second reading and I understand from the honourable the Deputy President that in other Councils in this country, absolute freedom is given to honourable members to move any amendments at the second reading. If so, may we not ask whether any special case has been made out why this House, either because of its incapacity or want of intelligence or, even its alleged obstructiveness, should be fettered with regard to the moving of amendments at the second reading? I submit, Sir, that this is the right point from which the question should be viewed. Everywhere else there is absolute freedom in regard to the moving of amendments, and we alone are asked here to have our freedom fettered. I have listened very carefully to the speech of the

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Honourable the Leader of the House, and I can understand Government's anxiety if such an amendment were passed, because it upsets, or is likely to upset, the arrangement of the several sections as drafted by Government and consequently there may be some delay in passing a bill which is urgent. I say, I can understand this anxiety on the part of the Leader of the House, as representing Government. But I cannot understand any non-official member of this House wanting this liberty of moving amendments of principle to be fettered. Let us look at this amendment. It is mainly intended to protect those very exceptional cases in which one cannot see clearly what is a principle and what is a detail, I am sure in many cases this House will be able to see clearly such a distinction of principle and detail. About such bills there is no difficulty at all. I do not think even Government benches will be able to argue that the attitude of this House has been such, so unreasonable, that it has frivolously asked for amendments of principle on the second reading of unimportant bills. On the contrary, if experience is to be our guide, let us recall the Children's Bill, with regard to which assurances were given by the Honourable the Leader of the House when it was first introduced, that he would raise no objection with regard to amendments of principle at the second reading. Is it the experience of this House that this liberty, to move amendments of principle at the second reading, which the Leader of the House allowed as a special case in the Children's Protection Bill, and which we now want by rules has been abused by this House ? Is it the experience of the House of the five days' discussion we had on that bill, that the House did not exercise that liberty in the right spirit, and with due restraint ? Can the House recall the discussion which we have had for the last five days on that bill and say that such liberty ought not to be repeated on important bills where it is necessary ? Is that the experience of the honourable members who have spoken against the amendment ? On the contrary, even members who do not generally agree with the Swaraj party in many matters, have gone out of their way to congratulate them on the extreme care and attention that they devoted to the provisions of this bill. What made such care and attention possible ? It was the concessions shown by Government benches contrary to the terms of the rule now sought to be amended. What this House should now seek is to have the same liberty secured by the amendment proposed.

Two objections have been raised by the Honourable the Leader of the House. The first is—and I do not think it is a right assumption to make—that this liberty will be abused, and that honourable members will get up and light-heartedly go on moving amendments of principle at the second reading of every bill. I submit that this is not our experience. This amendment is mainly intended to cover that small margin of cases where it is very difficult to say what is a principle and what is a detail. I am a lawyer, and I appreciate the difficulty better. I see my honourable friend the Advocate General sitting opposite and I am sure he will vouch hat even trained lawyers are not able to say in many cases, what is a

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principle and what is a detail. I remember several times judges being perplexed by this difficulty. In many cases, of course, there will be no difficulty. But this amendment will serve to protect cases where this distinction is not clear. When this House has an important piece of legislation before it, and it becomes necessary to move important amendments even of principle at the second reading, is it the desire of this House that its liberty should be fettered in any way? Take the case of the Children's Protection Bill. How many important amendments of principle were moved at the second reading leading to the eradication of the objectionable provisions until the bill became, aseven the "Times of India" has admitted in to-day's issue, a marvel of care and attention! All these amendments would have been impossible if this distinction between principle and detail had been strictly observed. Therefore, I do not want this House to be frightened, when it is argued that it may misuse this right. In many cases, the bills, I am sure, will be discussed and passed without any amendments of principle whatever. Cases, for example, like the Prevention of Smoke-Nuisances Bill and the Cattle-trespass Bill, where the principle is obvious, will pass rapidly. I may, however, give this House an illustration on the other side of the line, namely, the Co-operative Societies Bill. Does not this House remember what blood was shed over its preamble at the last session, to which my honourable friend from Kaira wanted to move an amendment? Can we not recall the psychological distinctions made by one member after another as to whether his was an amendment of principle or detail? It is to protect such exceptional cases, where the choice lies between making a slight departure from the rule or totally excluding an important amendment in the second reading, that this amendment will be useful. I wish the House to mark the very narrow margin this amendment is meant to cover, namely, the cases where the choice inevitably lies between making a departure and excluding an important amendment. In such cases I want the House not to give up its right to make proper amendments at the second reading, even on matters of principle,. Besides the fact that in other legislatures the stricter rule does not prevail, there is an important consideration which this House should not lose sight of. We are most of us new to this legislature; some of us have come to this House for the first time, many have come here from backward places in the mofussil, and the courtesy will be appreciated if the rules are so adjusted as to suit the level of many of the members. We should be allowed to put before this House all important amendments even of principle at the second reading. That will be making the best use of the experience of the honourable members. One difficulty pointed out by the Honourable the Leader of the House is not insurmountable; that Government's draftsmen will find it difficult to make it a harmonious and consistent piece of legislation is not a great difficulty. Surely there is enough intelligence in the Government department to obviate this supposed difficulty. I do not think that the Honourable the Advocate General will argue that the combined talent of his office and that of the Honourable

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the Home Member and Home Secretary, as also that of the Legal Remembrancer and Legal Secretary is not competent to get over this difficulty. Let me make myself clear by an illustration. In the Children's Bill how many amendments there were—a mass of detail and conflict—and yet it must be said to the credit of Government that in two days' time the Home Secretary could study all the discrepancies that had crept in and get them corrected or adjusted, so that this House was able to pass the third reading of the bill within two days. What the Home Secretary did here single-handed, surely the Government can do with all the legal officers at their command. It is because this House is new to this work that it wants to have the freedom of making at the second reading all amendments which are reasonable. What this House demands is that if the amendments are reasonable, they should not be rejected technically on the ground of this difficult rule. Only three days ago we had to listen to some bickerings about how matters were dealt with in the select committee on the Co-operative Societies Bill. I do not wish to refer to that episode in greater detail. But we heard how important amendments were ruled out by the president of the select committee leaving a rankling feeling in the mind of some honourable members that their valuable suggestions were ignored. This is not a happy result and ought to be avoided as far as possible. On these grounds, I submit that this House should support the amendment.

The Honourable Mr. C. V. MEHTA: Mr. President, the honourable member for the Bombay University has put his case before the House with his usual fairness and moderation. So far as I can understand that case, it boils down to this, that he wants the small margin of protected doubtful cases where a question of principle is involved to be protected by this amendment of the Standing Order. Now, if that is the only point at issue, then I think my honourable friend representing the Poona city is perfecly right in saying that the onus of proof lies on those who want to change the practice which has gone on and I think fairly satisfactorily not only for the last four years, but for years before that. But I will not refer to what happened in the Council before the reforms came into existence, but certainly during the existence of the reformed Council, at any rate the present rules have worked with satisfaction. To strengthen his case the honourable member for Bombay University gave instances of several bills which were before the House during this session. But it happens that those bills were all bills proposing new legislation. They were not bills of any magnitude for proposing amendments to existing legislation, and I submit that it has been the experience of the House in the past that when legislation amending legislation of some extensive character is before the House, very considerable difficulties arise if amendments of principle are allowed at any stage. I shall assure the House that it is not the intention of Government by any means to curtail or restrict the liberty of honourable members in any way. If any proof of that were needed it would be in the fact that Government have deliberately and without hesitation come forward to meet the wishes of honourable

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members opposite when they were asked to give assurances that no objections of principle would be taken when the second reading came before the Council. I submit that the *bona-fides* of Government are absolutely proved by this, and there is no reason whatever to think that the same consideration will not be shown in future by Government to any requests that may be made by non-official members. Your only concern at the present moment, however, is to try and see how the legislation of this Council firstly is carried out in the quickest manner possible, and secondly, in a manner in which the least dislocation can arise with existing legislation. To take the second matter first, I will take for instance the piece of legislation that was before this Council two years ago. Then various amendments were proposed and allowed, and it caused the utmost confusion in an important Act which extends over some 530 sections. I do not think Sir, that merely the compliment which the honourable member paid to the legal advisers of Government is quite enough to carry out the object which we have in view. It may be possible, and I have no doubt that the legal officers of Government use their best endeavours to try and fit in all amendments with the existing legislation, but it is not always possible to do so in the short time that would be available if the proposed amendment of this Standing Order is carried out. My only anxiety is that in such an important matter as legislation especially when it seeks to amend existing Acts, we should have enough time given not only to the officers of Government to study that legislation, but we should have enough time also for this Council to consider it in select committee. I am one of those conservative people, Sir, who believe that no legislation should hurriedly in the very first instance be carried without being referred to a select committee. I think it is wise for every Council to do so and the example of the last few days has completely confirmed me in that view. Let us take, for instance, the amount of time and care that was correctly utilised in connection with the Children's Bill. All sorts of amendments may be moved in the amendment of an existing Act, and I think it would be a very dangerous practice to allow an amendment to be carried without being fully considered in select committee. What are the existing opportunities that are available to the House to-day and how is it that Government desire to reduce them? If the Council can make out that the result of Government action would be restriction of these facilities that are in existence, they would be perfectly right in changing the Standing Order. You have at present, as the Honourable the Leader of the House put it, two very good opportunities for bringing in any amendments of principle, one at the first reading of the bill and what is more important, the second one is before the motion for the second reading is carried by the House. That policy was adopted by the Council in the case of the Co-operative Societies bill and very correctly adopted too. With these opportunities for moving any amendments of principle and with the additional advantage of having them considered again by the select committee, does the House want to prolong the period of legislation still further and allow amendments of principle to be moved at the second reading which should,

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as I have explained, necessitate a reference back to the select committee for consideration. *Ex hypothesi*, I started with the assumption that it is extremely dangerous for the House to pass legislation without reference to the select committee. With these two opportunities and with the further assurance on the part of Government that no obstructive attitude will be taken up when requests are made for not raising objections of principle, I think the Council are very fully safeguarded and I do not think it will be to the interest of this House or of the honourable members to make any change. I therefore would recommend that this amendment be thrown out.

Mr. A N. SURVE (Bombay City, North): Mr. President, I had no intention of taking part in this debate, but I feel it my duty to place a few facts before this House for its serious consideration. Sir, we are told that no permission should be given to amend the principle of a bill at the second or third reading. In connection with that, let me tell this House that sometimes the bills are so rushed that the honourable members of this House have hardly any time to go over the contents of the papers that are hurled at them. Take, for instance, the very report which we are considering at present. These reports of the select committee were handed to us only ten minutes before we came to this House to-day. Are Government justified in asking us to read and digest the contents of these papers in the space of ten minutes and form our opinion ? That is not the only thing. The second point is, take the instance of the Statistics Bill. That bill was going to be read in this House this session and when was it given to us ? Was it not circulated among the members after the session commenced ? Are there not instances in this House when bills have been radically changed ? Let me assure this House that there have been several such instances. I quote the instance of the Bombay Municipal Amendment Bill, under which the franchise was lowered and the number of members was increased. At that time the Honourable the General Member, who is sitting on the opposite side to-day, was on this side of the House and at his instance the bill underwent such a material and wholesale change that we had to postpone the third reading of that bill for about a week. Take the instance of the Children's Bill. The subject matter of the honourable member Mr. Bole's amendment was raised in the select committee by the honourable member representing the community of Bombay. I do not know whether it was also raised by the honourable member representing labour in the select committee, but it was overruled there. Had the amendment of the honourable member representing labour been drafted in good language, would not this House have accepted it ? But the amendment was thrown out or at least we acceded to the compromise which the Honourable the Leader of the House accepted simply because the amendment was badly drafted, otherwise the House was fully prepared to accept the amendment which was proposed by the honourable member representing labour. Therefore, it is very difficult to say what is a matter of principle and what is a matter of detail. There have been instances where we have.

[Mr. A. N. Surve]

in spite of our Standing Orders, made what would have otherwise been a matter of principle a matter of detail and allowed the amendment to be passed to be incorporated in the bill. The other point is that when bills come from the opposite benches Government always claim infallibility in respect of them. Government relying on their infallibility recommend that their bill should be accepted by this House. But is it fair that we should accept, without a differing voice, whatever is submitted to us for our consideration and not be at liberty to raise any question ? It very often happens in the course of debate that a certain thought flashes across a member's mind and he rises on his legs and then says " here is something lacking ". There have been instances in which Government have accepted what was but the result of inspiration on the part of non-official members. Therefore, to say that the amendment should not be moved at a later stage is, I think, not quite proper.

May I not also bring to the notice of this House that this very Standing Order which is sought to be amended has been made a handle by Government to raise technical objections ? There have been many occasions when Government have used it improperly. Therefore, I think this House will be fully justified in considering very seriously the points that I have placed before this House. With these observations, I leave the matter for the judgment of each member of this House.

Mr. J. BAPTISTA (Bombay City, North): Sir, I rise to support the amendment. The honourable member, Moulvi Rafiuddin Ahmad, said that those who cannot distinguish between principle and no principle or between principle and detail will never be able to distinguish in future. I must mention the difficulty I myself experienced in distinguishing between principle and detail. What appeared to me to be a detail was magnified into a principle and what appeared to me to be a principle was minimised into a detail. I therefore think that the liberty asked for in this matter by way of this amendment would be a liberty in the right direction.

A further reason is that these words do not occur in the rules of other provinces. That is a *prima facie* case for not having them in the rules of this province because even Government benches admit that of all the provinces in India Bombay is the most advanced province, and in that case, why should this advanced province be subjected to a limitation of this description ? I think Government benches will do well to put more confidence into the reasonableness of the elected members. I think they can tell what is good legislation and what is bad legislation, and as long as a legislation is good, every liberty should be granted for promoting that good legislation and technical difficulties ought not to be allowed to stand in the way. I am told that it will not be difficult for Government to arrange anything in logical sequence which may be necessary in legislation. If any difficulty of that kind occurs, Government benches are quite at liberty to put the legislation in logical and uniform sequence. Those things are very petty matters and I do not think petty matters should stand in the way of principle. So far as I understand it, an

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amendment of principle can only be moved at the first reading. Therefore, that amendment will have to be considered, and will have to be accepted or rejected at the first reading; it will not go to the select committee. So far as I understand it, it will have to be voted upon when the first reading is moved and any amendment of principle is proposed on the first reading of the bill. That is what I understand; I may be wrong, and I am speaking subject to correction. That is what I consider to be the difficulty to move amendments of principle at the first reading. Under the Standing Orders we have to give seven days' notice of any amendment of principle which we wish to move. It is not always possible to do so within that time, but suppose we do send in an amendment which is an amendment of principle at the first reading, it will have to be voted upon and accepted or rejected; it cannot be considered in select committee. Then, I should like to draw attention to the minute of dissent that is attached to the report. It says:

"We consider sufficient opportunities for amendments of principle are provided during the first reading under Standing Order VIII 4 (2)."

That is quite correct. But the minute goes on to say:

"and upon presentation of the report of the Select Committee under Standing Order VIII 8 (2) (c)".....

But I find there is no Standing Order VIII 8 (2) (*c*).

The Honourable Sir MAURICE HAYWARD: It is Standing Order VIII 8 (2) (*b*).

Mr. J. BAPTISTA: That Standing Order reads:

"that the bill, as reported, be recommitted to the Select Committee either—
(*i*) without limitation, or
(*ii*) with respect to particular clauses or amendments only, or
(*iii*) with instruction to the Select Committee to make some particular or additional provision in the Bill."

Does this give an opportunity to amend the bill so far as an amendment of principle is concerned?

The Honourable Sir MAURICE HAYWARD: Yes.

Mr. J. BAPTISTA: I understand, Sir, that an amendment, whether it be of principle or not, can, under this clause, be recommitted to the select committee for the purpose of further consideration, although it is an amendment of principle. I understand, Sir, there are rulings of this House which prevent.....

The Honourable Sir MAURICE HAYWARD: No.

Mr. J. BAPTISTA: I understand the honourable Kunbi member for Bombay, North....[Interruption]. My point is....[Interruption]. I do not know, Sir, if I can ask for your ruling at this stage.

The Honourable the PRESIDENT: If the honourable member will read the clause to which his attention has been drawn, he will find the explanation there. If a bill is reported upon, the motion cannot be that a particular amendment, whether of principle or detail, may be considered at that stage. The motion at that stage will be that the bill as reported be recommitted to the select committee either without

[The President]

limitation or with respect to particular clauses or amendments only which exist in the bill, or with instructions to the select committee to make some particular or additional provision in the bill; so that, at that stage the House is entitled to ask the select committee to reconsider the bill with reference to any one of these three points.

Mr. J. BAPTISTA: One of the points is amendments; but do they include amendments of principle?

The Honourable Sir MAURICE HAYWARD: The bill can be recommitted to the select committee without limitation.

The Honourable the PRESIDENT: You would have to move 'without limitation' or you have got to give specific instructions to the select committee to include some particular or additional provisions in the bill. The motion before the House will be recommittal to the select committee with any one of these three directions.

Mr. J. BAPTISTA: I am not yet clear upon your ruling, Sir.

The Honourable the PRESIDENT: The honourable member may know that I did not give any ruling at all. I merely pointed out to the honourable member the procedure provided under the Standing Orders.

Mr. J. BAPTISTA: So far as I read the section, I do not think it would be recommittal to the select committee with instructions to insert amendments of principle.

The Honourable Sir MAURICE HAYWARD: Yes, it is.

Mr J. BAPTISTA: If that is the intention, the effect of recommittal to the select committee will only be this, that it will delay the matter for another period of three or six months, and when the bill comes back again, it may be that the select committee have not thought it fit to include those amendments of principle, and they may not have power to do so, because they could not, at that stage, move amendments of principle. So that, we shall be entirely at the mercy of the select committee, and we shall be compelled to abide by the decision of the select committee. I think these difficulties ought to be swept away, and we should have full liberty to move amendments of principle.

Mr. W. S. MUKADAM: Sir, I move for a closure.

The Honourable the PRESIDENT: I want to draw the attention of honourable members to the fact that there are two replies still to be made, and honourable members cannot proceed to vote within the eight minutes that are available. The honourable mover of the motion (Mr. Pahalajani) will have to reply and the Member of Government will have the right of reply.

The Honourable Sir MAURICE HAYWARD: I shall be very short, Sir.

Mr. B. G. PAHALAJANI: I do not know whether I can be short.

The Honourable the PRESIDENT: If both the honourable members say that they will finish within two minutes each, I will accept the closure,

[The President]

and put the motion to the vote after the two honourable members have finished their remarks.

The Honourable Sir MAURICE HAYWARD : I think, Sir, it can be done in a quarter of an hour.

The Honourable the PRESIDENT : I accept the closure and call upon the honourable mover to reply.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I will go as fast as I can. It is necessary to give in brief the history of this amendment. The chief reason of this amendment was that this House was compelled to ask for the indulgence of the Government benches on two occasions to enable the House, in the select committee and afterwards, to enlarge the provisions of any bill. As a necessity for it was keenly felt, the Honourable the President had to ask the Government benches whether they would raise any objections to amendments of principle at the second reading. That was the genesis of the amendment : the amendment was brought forward by me in order to enable the House to dispose of bills without restriction which is at present placed over its authority.

MOULVI RAFIUDDIN AHMAD : I think we may adjourn now, Sir.

The Honourable the PRESIDENT : I personally think we might adjourn now. Closure has been accepted, and we will not have any further discussion except the two replies.

The Honourable Sir MAURICE HAYWARD : Go on and finish it, Sir.

Honourable MEMBERS : To-morrow.

The Honourable the PRESIDENT : I think the House should now adjourn till to-morrow when the Deputy President will reply and the Leader of the House will reply. The House is adjourned till 2 p.m. to-morrow, Wednesday, the 22nd October 1924.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS

*Wednesday, the 22nd October 1924.*

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The Council re-assembled at the Council Hall, Poona, at 2 p.m. on Wednesday, the 22nd October 1924, the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
ANGADI, Mr. S. N.
BAPTISTA, Mr. J.
BHOPATKAR, Mr. L. B.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Saheb SHER MAHOMED KHAN
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Mr. V. A.
DADACHANJI, Dr. K. E.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. I
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GIBSON, Mr. R. E.
GRANTHAM, Mr. V. A.
GRIFFITHS, Mr. V. M.
GUNJAL, Mr. N. R.
HAJI ABDULLAH HAROON
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
JADHAV, the Honourable Mr. B. V.
JAYAKAR, Mr. M. R.
JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KALBHOR, Mr. G. M.
KAMBLI, Mr. S. T.

Kanga, Mr. J. B.
Karki, Mr. M. D.
Kay, Mr. J. A.
Kazi Inaitullakhan
Kothari, Mr. V. R.
Lalji Naranji, Mr.
Lalljee, Mr. Hooseinbhoy A.
Lawrence, the Honourable Mr. H. S.
Linford, Mr. J. W.
Madan, Mr. J. A.
Mahomed Ayub Shah Mahomed Khuhro, Mr.
Mavalankar, Mr. G. K.
Mehta, the Honourable Mr. C. V.
Mehta, Dr. M. M.
Montgomerie, Mr. A.
Mujumdar, Sardar G. N.
Mukadam, Mr. W. S.
Nanal, Mr. B. R.
Narielvala, Mr. H. H.
Nariman, Mr. K. F.
Navle, Mr. N. E.
Nekaljay, Mr. R. S.
Noor Mahomed, Mr.
Owen, Mr. A. C.
Pahalajani, Mr. B. G.
Painter, Mr. H. L.
Patel, Mr. A. E.
Patel, Mr. D. N.
Patel, Mr. G. I.
Patil, Mr. D. R.
Pir Rasulbaksh Shah
Powar, Mr. M. B.
Pradhan, Mr. G. B.
Pradhan, Mr. R. G.
Pratt, Mr. F. G.
Rahimtoola, Mr. Hoosenally M.
Saheba, Mr. H. D.
Saptarshi, Mr. C. M.
Sardesai, Mr. S. A.
Sayed Shahjade Saheb Haidar Saheb
Sedgwick, Mr. L. J.
Shankarrao Jayaramrao Zunzarrao, Mr.
Shinde, Mr. R. D.
Shivdasani, Mr. H. B.
Soman, Mr. R. G.
Surve, Mr. A. N.
Surve, Mr. V. A.
Swaminarayan, Mr. J. C.
Thakersi, Mr. Punjabhai
Thakor of Kerwada, the

THOMAS, Mr. G. A.
VELKAR, Dr. M. B.
WADIA, Mr. N. J.
WILES, Mr. G.
WOODS, Mr. E. E.

(Further consideration of Motion No. II of 1924 to amend Standing Orders.)

The Honourable the PRESIDENT: Order, order. I call upon the Honourable the Deputy President to reply.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I informed the House yesterday that I have brought forward this motion in order to remove the difficulty which has been felt by both sides of the House. The amendment which I proposed to make will be beneficial both to the Government and to the non-official members of this House. The difficulty was felt at the time when both the Children Bill and the Co-operative Societies Bill came up before the Council for the first reading. Then amendments of principle were moved and the Government seeing the prospect of the bills being rejected agreed not to raise any objections to any amendments of principle at the time of the second reading. The result was that the passage of that measure was facilitated and smoothened. In view of the difficulties that were being experienced, I have brought forward this amendment of the existing Standing Order. The existing Standing Order does not provide for moving any amendment of principle at the second reading. The orders were exactly the same as before the year 1911 as the present ones. In that year a committee was appointed by the Council over which His Excellency the then Governor presided. The committee examined the whole question thoroughly and when the report of that committee came up, the Honourable Mr. G. Carmichael moving the adoption of the report said:

"The proposal that no discussion of principles should be permitted after the first reading seemed to the committee to be of doubtful expediency. Such a rule would no doubt expedite the process of legislation; but, seeing that the first reading of a bill may take place 18 days after its publication, we did not think that the Council ought to be asked to commit itself to a final decision on the principles of important or contentious bills within such a short time. As a rule, members have seen only the text of a bill and a brief statement of objects and reasons when they come to Council for first reading. They look for a fuller explanation of these objects and reasons from the proposer when he moves that the bill be read a first time, and they ought to be given an opportunity after that, in the case at least of important or contentious measures, of considering the attitude they will take up in respect of the bill. Also it may be important to ascertain public opinion on a particular measure, before the Council proceeds to the final discussion of principles, and this in many cases could not be done until after the first reading of a bill. For these reasons we were unanimous in thinking that the final settlement of the principles of a bill ought not to be taken at the first reading."

Further on the Honourable Member went on to say:

"Secondly our proposed rule will save delay and repetition; as the rule stands at present, an amendment which has been moved in very general terms as one of principle, and has been rejected at the second reading may be reproduced in more particular terms at the detailed discussion and unnecessarily occupy the time of the Council a second time. Thirdly, a real difficulty has often been felt in knowing where the exact line of demarcation between amendments of principle and amendments of detail lies; this will be entirely obviated by our proposal. And lastly, it may often be desirable, in the case of Government bills as well as of private bills to have an opportunity of coming to a compromise on a contentious measure even after the second reading, by abandoning or modifying one or more principles of a bill."

[Mr. B. G. Pahalajani]

These terms are explicit and the Government then accepted these amendments, the importance of which I could not better describe than in the words of the then Leader of the House. I shall quote a passage from the speech of our Honourable President, who was then a Mr.:

"Under the existing rules there have been occasions when at the time of the second reading of a bill it has been found necessary to separate amendments of principle from amendments of detail in order to allow the question of principle being settled in the first instance and at a recent meeting of the Council we had to discuss various amendments on a bill before its second reading was actually carried. The object of the new rule is to give the Councillors at the second reading an opportunity of declaring in a general discussion on the report of the Select Committee whether they wish to proceed further with the legislation or whether they wish to drop it, so that if it be decided to drop it the time of the Council may not be wasted in discussing the amendments. With regard to the first reading the object of putting the rule in this form is that any member, if so inclined, can bring forward amendments of principle at that stage, so that they might be sent to the Select Committee for consideration. If that was not done, the result would be that the Select Committee would only consider the matter placed before it and subsequently new points, which were not considered by the Select Committee would be sprung upon the Council. When the rules were before the Select Committee we thought that the Council should be given an opportunity of declaring whether they want legislation to proceed further or to stop there, before the motion for the second reading of a bill is put to the vote. Once the Council pass that motion, then both the principles and the details of the measures may be discussed by amendments. On the occasion of the consideration of the measures, clause by clause, the Council may alter or amend principles as well as details, and when that stage is passed, the Council can only make verbal alterations at the third reading."

It is now evident therefore that every one of the members agreed to amend the rules in the way in which we want to do it now by the amendment I have proposed. It would interest the Council to know the observations of the then Governor in Council presiding at the meeting in the course of the winding up of the debate:

"I must confess that I have not the faintest idea how I should differentiate between the general character and scope and the principles."

So, in 1911, the amendment that we propose to adopt now was accepted and the limitation upon moving an amendment of principle at the time of the clause by clause discussion was done away with: and the Council was free to move any amendment of principle at the second reading. The words are '*any amendment*' and not excluding one of principle.

Sir, these rules lasted for ten years, until 1921, when the present rules were made. How those new rules were made, we do not know, but until 1921, for ten years no difficulty was experienced either by the President, who was then the Governor, or by any of the forty members that then sat in the Legislative Council. Harmoniously, without any friction, those rules were worked. But in the case of the present rules difficulty has been experienced when the two bills were moved last time. In the face of the words "except an amendment of principle" the non-official side of the House had only one alternative when they are considering the first reading: either to throw out the first reading if they are not allowed to move an amendment of principle later, unless the Government gave way and agree that an amendment of principle could be moved at the second reading, in which case the discussion would by consent proceed. And as the Government today told us, in the case of the two bills an indulgence was extended to this part of the House before they passed the first reading. It is exactly to remove this conception of indulgence and to have it as a

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privilege which we should possess that I have moved this amendment. If this House refuse to accept the privilege, and refuse to have a right, it is entirely in their hands to do so. By the removal of the words " except an amendment of principle " the right of this House will be extended, and my hope is that it will be extended.

It may also be necessary to bring to the notice of this House that beyond the wise Legislative Council of Bombay, no Legislative Assembly in the whole of India, the Council of State, the Legislative Assembly, the Legislative Councils of Madras, Bengal, Punjab, Behar and Orissa, and Central Provinces—we have gone through the Standing Orders of every one of these Councils—in none of them is there any limitation as regards moving amendments of principle at the second reading. The words in their Standing Orders are clear. In all the Councils, one after another, the Legislative Assembly and the Council of State included, the words are to the effect that it shall be in the discretion of the president after the bill has been considered (" a second time " is omitted) to move clause by clause, and *amendments* in the sequence of sections shall be moved at that stage. Further, any amendments to the sections could be moved at that stage. If therefore every one of the six or seven Councils in India has that rule—and I challenge any contradiction of this fact, because I had prepared a regular table and placed before the members of the committee that considered the amendment of Standing Orders—if every one of those Councils has adopted that rule, I see no difficulty whatever why this Council for smoother working and better facility should not adopt my amendment and the same rule.

Now, Sir, the only objection against this amendment urged by the Honourable the Home Member is that if at the second reading non-official members are allowed to move an amendment of principle, the Government will find difficulty in recasting the sections. The honourable member from Bombay (North), Mr. Surve, yesterday placed before the Council the difficulties created by the existence of these words, and he actually told the Council how the Government can obstruct the non-official members owing to the existence of these words. The suggestion made by the Honourable the Home Member was that the House has a right after the presentation of the select committee's report to amend the principle of the bill. I fail to find this provision in the Standing Orders. The words are to the effect that at the first reading the discussion of the principle *alone* shall take place, and not of details. Then the bill is referred to the select committee. Certainly in the select committee nothing can be done beyond the sections already in the bill, because there is no amendment of principle to be allowed there. The principle is affirmed at the first reading, and after that there is an exclusion of any amendment touching a principle. Therefore, between the first and the second reading there is absolute exclusion of any amendment changing, adding to, or substracting from the principle. The Honourable the Home Member told us that if any member wants to extend the principle when the select committees' report was presented he could move that the bill be referred back to the select committee without limita-

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tion. With due deference to the Honourable the Leader of the House, I may state that no provision therein is made to add amendments of principle in the clauses. I will quote a practical instance. In the case of the Co-operative Societies Bill, when 150 amendments were tabled it was the Honourable Minister in charge who thought it difficult to go through the bill clause by clause and therefore moved that the bill be sent back to t .e select committee to consider those amendments; subsequently he accepted the motion of its recommital without limitation enabling the committee to touch sections other than those to which amendments had been proposed: Both the Honourable Members who spoke on behalf of Government have stated to us that amendments of principle can be made by the select committee. Granting for argument's sake that that power does exist, if after the select committee has reported, the Council wanted to add one word to one section containing a small principle, does the Council want that for that purpose the bill should again be referred back to the select committee and that this Council should waste six months to get a report from them? Is it necessary that it should go back to the select committee for putting in one little line because it may affect the principle? I submit, Sir, that this could be done by the help of the legal members of the Council here. It is not at all necessary to refer it back to the select committee. The very procedure suggested by the Honourable the Revenue Member that every amendment of principle should be referred back to the select committee, is more conducive to delay than the process that I advocate, namely, to enable the House itself to make an amendment whenever necessary.

I shall not take much of the time of the Council, but I only want to state that this is an extension of their rights. All that I want is that amendments of principle should not be prevented at the second reading. The Honourable the Home Member said that members know the exact principles when they are considering the first reading. Members of the Council, Sir, read the bill carefully, only after the first reading is passed :- they begin to think only after the first reading. If the proposal of Government is accepted, then if any amendment of principle is to be introduced after the first reading, it will be wasting the time of the Council to refer it back to a select committee. Instead of that we should take the power ourselves to effect an amendment of principle at the second reading.

The Honourable the Revenue Member told us yesterday that the existing rule has worked smoothly: he was supported in that by my honourable colleague Mr. Kambli. But I ask a simple question. Has the old method that lasted for 10 years in this Council been reported by any member of the old Council, including the Revenue Member, who was also a member of that Council, to have produced any friction? Was the Honourable the Revenue Member prepared to tell the Council yesterday that under any circumstance a difficulty had arisen out of an amendment of principle being proposed at the second reading? There was no confusion, and Acts were passed under the presidency of His Excellency the Governor as well as under the presidency of the Honourable the President, and if there was no difficulty experienced then, why should

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we anticipate, except to support Government, any difficulty or any friction arising now? Have we not sufficient faith in the Honourable the President of the present Council to guide the deliberations of this Council with the same wisdom as His Excellency did in the previous days? If we have, then I submit, Sir, that the liberty that the non-official members demand, should be given to them. It is like Government's keeping the Damocles' sword always over the heads of non-official members. When we come to a detail, they say this is an amendment of principle. When we come to the principle, Government gets nervous and they promise that they will raise no objection to consider an amendment of principle at the second reading. When we come to the second reading, there is the objection raised that this is a matter of principle and cannot be raised now. Now, when an attempt is made to remove these difficulties and to give the Council greater liberty of introducing their principles at the second reading, I cannot understand, Sir, why this should be so strongly and strenuously resisted by Government. I only regret that the Honourable the President is himself non-vocal at present, being in the Chair, otherwise the direction or the guidance that he gave in the select committee with regard to this matter which I have placed before this Council about there being no great difficulty in moving amendments of principle is a sufficient index of the success of the old rule. The necessity of frequent undertaking from the Government not to raise objection to the amendment of a principle at the second reading is a sufficient indication of the failure of the present rule. Which are you prepared to accept? If my honourable colleagues are prepared to accept the latter, the frequent favour, the frequent indulgence of the Government, take them. If my honourable colleagues are prepared to insist upon their right and have the right of moving amendments of principle—they need not propose, there is nothing to compel them to propose—if they want to insist upon that right by the effect of their votes, let them take it. In any case, this is a vital matter as regards the privilege of the non-official members of this House and I hope I will be fully supported in this matter.

The Honourable Sir MAURICE HAYWARD: Mr. President, I am sorry that so complicated a matter should cause any trouble to the House. But these rules of legislative business are necessarily complicated and require very careful study and consideration. But it is entirely a practical question of the best rules for getting through our business. It affects both sides of the House; it affects any private member who wants to get a private bill through just as much as it affects a Government Member who wants to get Government business through on behalf of Government.

Now, Sir, the honourable the leader of the Swaraj party admitted the difficulties which would arise if we make this proposed modification and, on the other hand, he was ready to admit that there was no particular harm in leaving the rule as it is. He pointed out—that in fact was one of his arguments in favour of the modification—that he did not think that the modification would make much difference because it would not be very much used, and he instanced the amendments moved to the

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Children's Protection Bill, that none of them were points of principle. It was a very good argument, but an argument on my side. If this rule was not going to be of much practical use, what is the good of making the modification ? Surely, if you are going to make a modification, you ought to do so only if there is a very good reason for it. If there isn't a very good reason to alter the rules, why alter them ? Why not go on with the same rules ?

Mr. M. R. JAYAKAR : On a point of correction, Sir, I do not think the Honourable the Leader of the House followed me correctly. What I said was that in the case of the Children's Protection Bill the right was most properly and cautiously exercised by the House of moving amendments of principle at the second reading. If they had not been allowed, the House would not have got such an excellent bill as the result of their deliberations. That is what I said.

The Honourable Sir MAURICE HAYWARD : I do not myself consider that any of the amendments which were made were really questions of principle ; they were really points of detail, and they could be made perfectly well whether I had given the assurance to the House or not. They were really points of detail which could be introduced very well in the amendments under the rules as they now stand.

The Deputy President has referred to the old rules, but he seems to forget that those rules were for a different state of things. They were for the old Councils which were very differently constituted. There were then fewer members and there were not nearly so many amendments brought forward and it did not so much matter then what the amendments were and when they were moved. So the rules were left indefinite and it was left generally to the rulings of the President. But now we have got into a much more business form of assembly, a very much larger representation and, if I may say so, a very much closer consideration of all legislative measures. And, therefore, for the sake of all of us it is necessary that our rules should be more definite so that we should all know more exactly where we are.

Then, the leader of the Swaraj party also said that we were not very well acquainted with our rules and therefore, he said, let us modify them. Well, there again, that is an argument for leaving the rules entirely as they are. If we are not very well acquainted with them—and it seems to me that it is true because it does not seem to be realised by several honourable members including the Deputy President, that you can, when the second reading is proposed (immediately after the presentation of the report of a select committee) move that the bill should be recommitted to the select committee for inclusion of amendments of principle—that surely is no reason for modifying the rules.

The honourable the Deputy President just now said that he did not think it was possible. But it is possible ; the rules are perfectly plain in the matter and it is as clear as day light. Here are the words :

"That the Bill, as reported, be recommitted to the Select Committee.....with instructions to the Select Committee to make some particular or additional provision in the Bill."

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Therefore, you can give instructions to the select committee to introduce an entirely new principle, add an entirely new chapter or an entirely new section, and the select committee is bound to carry out those instructions of the House and to the best of its ability to introduce them into the bill. It is perfectly plain, and I feel absolutely sure about it, because that is the procedure in the House of Commons and this is taken from the House of Commons. I do not believe, Sir, there can be any doubt about it.

There is, of course, Sir, some difficulty in deciding between what is a question of principle and what is a question of detail. But these sorts of difficulties on questions of facts are difficulties which are presenting themselves to judicial officers every day, but every judicial officer has to face them and he has to decide to the best of his ability. And when in doubt he would give the benefit of the doubt to the member of the House. As a general principle, I do not think it will be really difficult to decide. The amendment would clearly be a question of principle if it so radically altered the bill that it made it necessary or desirable that the whole bill should be reconsidered by the select committee and that seems to me would be a very good, broad principle to go on, that it would be really out of order as a general principle if introduced at a very late stage if it so radically altered the bill as to require practically a reference to the select committee, and if it were such an amendment, then it ought not to be allowed after the bill has emerged from the select committee and is being read clause by clause. If it were not such an amendment, then I think as a general rule it would be well within the expression " an amendment of detail will be allowed " and if there is any doubt about it, I am quite sure it will be allowed by the Honourable the President. There are difficulties, but when once these broad lines are established, I do not believe that they would really present any formidable trouble to the President and I am quite sure that a matter of this sort can be fully trusted to the commonsense and the practical experience of the President of this House.

I should just like to briefly repeat what is the general scheme. We have the general rule which applies to every motion in this House, whether it refers to a bill or whether it refers to a resolution or anything else, that any amendment to it must be within the scope of the proposal. That would cover even a bill. For instance, I take it that if it were a bill dealing with courts an amendment could not contain an elaborate chapter about land revenue and the abolition of the assessment as obviously it would be outside the scope of that bill. That is provided for by the general rules in Standing Order V. But the difference between principle and detail is somewhat more delicate. I suppose an amendment of principle would be one which amended the preamble or added a great number of clauses or a separate chapter to the subject, one which would, as I said, require radical modifications and examination by a select committee. Otherwise the amendments would be of details but might include deletions of clauses or modifications of clauses just as in the case of the Children's Bill. Principles can under the present Standing Order VIII be amended at the first reading and you can do that either by amending the preamble, putting in words either to extend the preamble or to restrict it or else you go and

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ask the House to put in a whole block of clauses extending the objects and refer the whole thing to be scrutinised and put in proper order by the select committee. There is no doubt that you can extend or alter a principle like that at the first reading. But the present Standing Order simply says that that may be done at the first reading. It does not say it may not be done at any subsequent period. All it says is it may be done at the first reading and it leaves it entirely open to the subsequent rules to decide whether it may be done also at a subsequent period. You pass your first reading and perhaps at that time you do not put in any amendment of principle. You are not quite sure about it, you prefer to have the opinion of the select committee. It then goes to the select committee and the select committee looks through the bill. They scrutinise it clause by clause and it is entirely open to the select committee to say that in their opinion the bill is not bad as far as it goes but the principle ought to be extended and they bring that to the notice of the House. It is perfectly open to the select committee to say that or they may say the bill is not bad as far as it goes but certainly the principle ought to be restricted and they bring that to the notice of the House. It is perfectly open to them to say that. There is nothing whatever in the rules preventing them from doing that. Their report would come then before this House and the House would then be in a really good position to realise what the effect of the bill is going to be and they would also be able to realise whether the principles were right, whether they wanted an amendment, a restriction or whether they were so bad that the whole bill should be thrown out and if they wanted to throw it out at the second reading, there is nothing to prevent them from doing that. On the other hand, if they think the principles are not bad on the whole but they want modification, there is nothing whatever in the rules to prevent them from saying so and recommitting the bill as provided by Rule VIII with that particular instruction to the select committee. They may say to the select committee, "we quite agree with you. You point out to us that the principles want amendment. You are right and we give you the instruction to make the necessary amendment and to report the bill to us again." That is entirely within the rules and that is entirely according to the procedure which is followed in the House of Commons. Then the committee would make those alterations and would bring the report again to the House and then the House would finally decide whether they did or did not accept those principles. If they accepted those principles, then they would say, "very well, we accept them now and allow the bill to be read a second time". That means the President then gets up and puts the clauses clause by clause before the House and when he is putting them clause by clause before the House, of course the clause must be there in the bill or else he cannot put it. He cannot put a clause to the House if the clause is not there in the bill. The rules say that. He cannot do it, if there is no clause. He cannot put it and therefore if anybody then gets up and says he wants to insert a clause, he is too late. When the principle has been accepted, if anybody jumps up and says, "Oh, I forgot to say it before, but I should now like to amend the principle, it has just occurred

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to me that the principle should be amended, I have just thought of something, I should like to put it in", then the President will say "where is your clause, where is your amendment, what clause is it an amendment to". He is bound to say so. If the clause is not there, what can the President do? The President will say, very naturally, "if you forgot about that, I cannot help it. You had plenty of time to make up your mind. You cannot move that now. If you like you may leave it to subsequent legislation. It is too late now. We have got on beyond that, we have decided on the principles". I think that is really the position put practically. The rules have worked quite satisfactorily for the last four years. It would be difficult therefore from that point of view to justify modifying them in the direction proposed. It would moreover lead as shown to great difficulty on both sides of the House. We had much better stick to the rules as they are. We ought rather to get further experience of those rules. We have these two opportunities—I unhesitatingly say—these two opportunities of amending principles at the motion for the first reading and at the motion for the second reading and if we cannot make up our minds by the first and the second readings I do not think we ought to be allowed to amend them any more and try to do so at the clause by clause stage. Having accepted them at the second reading, we had better get on with the clause by clause examination in a business-like manner and pass the bill. If it were found out afterwards that something else ought to be done, then the bill might be withdrawn or there may be further legislation at a subsequent session. I submit therefore that our present procedure is a good procedure, that it is a good, practical procedure; that we are gradually getting to know it and that when we fully realise the wide possibilities of our present procedure I am quite sure we shall not want to modify it in the future. I think, Sir, that we have better rules than any other legislative council. We should not be turned aside by the fact that other councils have got worse rules. When we are the most advanced presidency we ought to have the best rules. Our rules are the best rules as they follow the practice and procedure of the House of Commons.

Question put. House divided; Ayes, 38; Noes, 46. Motion lost.

*Division No. 14.*

**Ayes.**

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| Adwani, Mr. D. B. | Mukadam, Mr. W. S. |
| Angadi, Mr. S. N. | Nanal, Mr. B. R. |
| Baptista, Mr. J. | Narielvala, Mr. H. H. |
| Bhopatkar, Mr. L. B. | Nariman, Mr. K. F. |
| Desai, Rao Saheb D. P. | Noor Mahomed, Mr. |
| Dev, Mr. S. S. | Pahalajani, Mr. B. G. |
| Dixit, Dr. M. K. | Patel, Mr. A. E. |
| Gunjal, Mr. N. R. | Patel, Mr. D. N. |
| Jayakar, Mr. M. R. | Patil, Mr. D. R. |
| Jog, Mr. V. N. | Powar, Mr. M. B. |
| Joshi, Mr. P. G. | Pradhan, Mr. G. B. |
| Karki, Mr. M. D. | Rahimtoola, Mr. Hoosenally M. |
| Kothari, Mr. V. R. | Saheba, Mr. H. D. |
| Lalji Naranji, Mr. | Saptarshi, Mr. C. M. |
| Mavalankar, Mr. G. K. | Sardesai, Mr. S. A. |
| Mehta, Dr. M. M. | Shivdasani, Mr. H. B. |

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|---|---|
| SOMAN, Mr. R. G. | THAKERSI, Mr. PUNJABHAI |
| SURVE, Mr. V. A. | THAKOR of Kerwada, the |
| SWAMINARAYAN, Mr. J. C. | VELKAR, Dr. M. B. |

*Tellers for the Ayes:* Rao Saheb D. P. DESAI and Mr. L. B. BHOPATKAR

**Noes.**

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|---|---|
| ABDUL LATIF HAJI HAJRAT KHAN, Mr. | KAMBLI, Mr. S. T. |
| ABDULPURKAR, Mr. N. A. | KANGA, Mr. J. B. |
| AHMAD, MOULVI RAFIUDDIN | KAY, Mr. J. A. |
| BHUTTO, Khan Bahadur S. N. | KAZI INAITULLAKHAN |
| BOLE, Mr. S. K. | LAWRENCE, the Honourable Mr. H. S. |
| BUNTER, Mr. J. P. | LINFORD, Mr. J. W. |
| CHATFIELD, Mr. G. E. | MAHOMED AYUB SHAH MAHOMED KHUHRO, Mr. |
| CHAUDHARI, Mr. L. S. | MEHTA, the Honourable Mr. C. V. |
| COOPER, Khan Bahadur D. B. | MONTGOMERIE, Mr. A. |
| DABHOLKAR, Mr. V. A. | NEKALJAY, Mr. R. S. |
| DADACHANJI, Dr. K. E. | OWEN, Mr. A. C. |
| DEHLAVI, the Honourable Mr. A. M. K. | PAINTER, Mr. H. L. |
| FERNANDEZ, Dr. COSMAS | Pir RASULBAKSH SHAH |
| FRAMJI, Mr. K. S. | PRADHAN, Mr. R. G. |
| GHOSAL, Mr. J. | PRATT, Mr. F. G. |
| GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH | SAYED SHAHJADE SAHEB HAIDAR SAHEB |
| GIBSON, Mr. R. E. | SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr. |
| GRANTHAM, Mr. V. A. | SHINDE, Mr. R. D. |
| GRIFFITHS, Mr. V. M. | THOMAS, Mr. G. A. |
| HATCH, Mr. G. W. | WADIA, Mr. N. J. |
| HAYWARD, the Honourable Sir MAURICE | WILES, Mr. G. |
| HEPPER, Sir LAWLESS | WOODS, Mr. E. E. |
| JADHAV, the Honourable Mr. B. V. | |
| JEHANGIR, the Honourable Mr. COWASJI | |

*Tellers for the Noes:* Mr. J. W. LINFORD and Mr. E. E. WOODS.

## MOTIONS FOR LEAVE TO AMEND STANDING ORDERS.

The Honourable the PRESIDENT: The next item of business is the Motions to amend Standing Orders. The first is from the honourable member Mr. Jayakar. It is:

Chapter IV, Order 1: *Add*—2 (B) Provided that with the permission of the President, a member may move any of the resolutions that stand in his name, whatever their order on the agenda be; but no such permission shall be given unless 24 hours' notice has been given to the Government Member in charge, if he so desires.

Chapter IV, Order 4 (1): *Add* after words "Select Committee" "or of any resolution".

Chapter IV, Order 4 (2): *Omit.*

Chapter IV, Order 6: After the words "every meeting", *add* words "except during voting of demands of the annual budget".

Chapter IV, Order 7 (3): *Omit* the words "and of a Bill with its statement of objects and reasons published under Rule 18".

Chapter IV, Order 7 (3) (*ii*): *Omit* the word "not" before "be sent". *Omit* "until leave to introduce the bill has been obtained".

Chapter V, Order 3: Instead of words "Such decision has been arrived at, at a different stage", *substitute* "until 12 months expire".

Chapter VI, Order 10: *Omit* words "may be put only in the form of a fresh question at a subsequent meeting of the Council", and *substitute* "may be taken as notice and shall be answered without further notice at a subsequent meeting of the Council".

Chapter VIII, Order 1 (1): *Omit* word "opposes" and *substitute* words "moves the motion" and *omit* words "moves the motion" and *substitute* word "opposes".

Chapter VIII, Order 11 (2) (*a*): *Substitute* "session" for "meeting".

(2) (*b*): *Substitute* "session" for "meeting".

Chapter X, Order 5 (2): *Add* after "been withdrawn" "unless another member specially authorised by the member in whose name it appears on the agenda, is ready and willing to move it".

[The President]

Chapter X, Order 12 (1): After the word "Council" *add* "and decided by the vote of the Council".

(2) Change "One year" into "six months".

Chapter XI, Order 3: *Omit* words "with the consent of the member of Government in charge of the department concerned".

I have to ask whether the honourable member Mr. Jayakar has the leave of the House for the amendments to the Standing Orders of which he has given notice. Does any one object?

(No honourable member objected.)

The Honourable the PRESIDENT: No one objects. The honourable member has the leave of the House.

Now, we have got to appoint a select committee to consider these amendments to the Standing Orders. Chapter IX, Standing Order 3, lays down:

"Where a member has the leave of the Council to proceed, the draft amendments shall be referred to a select committee of which the President shall be chairman, and of which the Deputy President and a chairman of the Council to be nominated by the President shall be members."

For this purpose, I nominate the honourable member Mr. Surve to be a member of the select committee.

The same Standing Order further provides:

"The remaining members, who shall be seven in number, shall be elected by the Council by such method as the President may determine."

For this purpose, we will adopt the usual procedure which we have adopted in the past, namely that candidates will be nominated by a proposer and seconder, and then the election will take place by ballot.

I want honourable members to take down the names of those who have been proposed and seconded. I will read them out:

Mr. L. B. Bhopatkar,
Mr. K. F. Nariman,
Mr. P. G. Joshi,
Rao Saheb D. P. Desai,
Mr. H. A. Lalljee,
Mr. S. T. Kambli,
Mr. D. B. Adwani,
Mr. B. K. Dalvi,
Khan Bahadur S. N. Bhutto,
Mr. J. Baptista,
Mr. R. D. Shinde,
Mr D. R. Patil,
Mr. N. J. Wadia,
Khan Bahadur Shaikh Gulam Hussain,
The Honourable Mr. C. V. Mehta,
The Honourable Sir Maurice Hayward,
Moulvi Rafiuddin Ahmad,
Mr. W. S. Mukadam.

I hope every honourable member has got the voting paper. The usual procedure will be followed, namely that honourable members will put a cross against the name of such candidate as the honourable members

[The President]

desire to vote for provided that they shall not vote for more than seven. They have to put crosses against seven names only, and then fold the paper and hand it over to the Secretary. There should be no signature or no other mark on the voting paper except the crosses.

I take it that all voting papers have now been received. I will appoint the following tellers to report the result: Mr. B. G. Pahalajani, Mr. M. S. Khuhro, Mr. N. E. Navle and Mr. V. A. Dabholkar.

The question is whether the House desires that tellers should retire now and bring in the result or whether they would prefer that we should go on with the work, and the tellers should work out the result during tea interval. (House agreed to the latter course.) The result will be announced after the tea interval.

The next proposal is also to amend Standing Orders. Mr. P. G. Joshi wishes to ask for leave of the House to amend Standing Orders. The motion is as follows:

*Delete* all the words at the end beginning from "thereon" from Standing Order VIII, clause I, sub-clause (1), and *add* the following in their stead:—

"and shall request those members who support the motion to rise in their places. If more than 30 members rise accordingly the President shall intimate that the leave to introduce the bill is granted, whereupon the member, who gave notice of the motion, shall forthwith introduce the Bill."

As no one objects leave is granted.

Mr. L. B. Bhopatkar wishes to ask for the leave of the House to amend Standing Orders. The motion is as follows:

*Standing Order X, 1 (1) (a)*:

"In the first line of Standing Order X, 1 (1) (*a*) after the word 'resolution' *add* 'either by himself or through another member authorized by him in that behalf'."

As no one objects leave is granted.

Mr. H. B. Shivdasani wishes to ask for the leave of the House to amend Standing Orders. The motion reads thus:

1. In Order IV, 4 (2) after the words "available for such business" in line 2, *insert* the words "or to any future Session".
2. *Omit* Standing Order No. IV, 7 (3) (*ii*).
3. In Standing Order X, 12, for the word "moved" in line 1, *substitute* the words "voted on".

As no one objects leave is granted.

Mr. B. G. Pahalajani wishes to ask for the leave of the House to amend Standing Orders. The motion is as follows:

*Substitute* for Chapter V 3 the following:—

"A motion must not raise a question substantially identical with one on which the Council has given a decision in the same Session. Provided: (*a*) That nothing in this Standing Order shall unless the President, in any case otherwise directs, be deemed to prevent the making of (*a*) any motion for the amendment of a Bill which is consequential on or designed merely to alter the drafting of another amendment which has been carried; (*b*) any motion which has to be or may be made within a period determined by or under the rules or Standing Orders."

In Chapter IV, Order 4 (1), *add* after the proposed words "of any resolution" the words "or any motion".

As no one objects leave is granted.

All these motions to amend Standing Orders will be referred to the same select committee as soon as the result is announced.

I understand that an arrangement has been arrived at by which the House can proceed to decide the resolution relating to the Cotton Transport Act

[The President]

immediately. One of two procedures may be followed: either the Honourable Minister can be allowed to amend his motion if agreed to by the House or it may be moved in the form of an amendment. I wish to know which line Government propose to take.

The Honourable Mr. A. M. K. DEHLAVI: Sir, I beg leave of the House to amend the motion which I have already moved in view of the arrangement which has been arrived at.

The Honourable the PRESIDENT: The Honourable Minister has got to state in what manner he wishes to amend.

The Honourable Mr. A. M. K. DEHLAVI: According to the arrangement arrived at the motion would read thus:

"This Council approves of the proposed amendment in Rule 5 under section 7 of the Cotton Transport Act, and authorises the publication of the said amendment".

May I explain, Sir,.....

The Honourable the PRESIDENT: No. You must get the permission of the House to amend your motion. Then I will ask those honourable members who have given notice of amendments whether they would like to withdraw their amendments. Then you can make a speech.

Question put and leave granted.

The Honourable the PRESIDENT: I should like to know if Mr. Shivdasani wishes to withdraw his amendment.

Mr. H. B. SHIVDASANI: I would like to say a word.....

The Honourable the PRESIDENT: I will allow the honourable member to say that on the motion as amended. He had better withdraw his amendment first.

Mr. H. B. SHIVDASANI: The honourable the Chief Secretary replied to the constitutional point. I want to say a few words about that, and then I will withdraw.

The Honourable the PRESIDENT: The honourable member can say that on the motion as amended. First he will withdraw his amendment.

Mr. H. B. SHIVDASANI: Then, I wish to withdraw my amendment.

Question put.

That Mr. H. B. Shivdasani be given leave to withdraw his amendment.

and agreed to.

The Honourable the PRESIDENT: Now the motion before the House is the amended motion of the Honourable Minister. Mr. Shivdasani can say anything that he has to say now.

Mr. H. B. SHIVDASANI (Surat District): Sir, while replying to the constitutional point raised by me the honourable the Chief Secretary told us that Government did not follow the decision of the House because the matter was of local importance, and because several members might have voted for it without understanding what they were doing. By

[Mr. H. B. Shivdasani]

saying so he was merely adding insult to injury, if I may be allowed to say so. The honourable members of the House do understand what principle is involved.....

Mr. G. E. CHATFIELD : May I rise to correct that statement, Sir ? I never said anything of the sort.

Mr. H. B. SHIVDASANI : I had understood him to say.....

The Honourable the PRESIDENT : He has contradicted it. Accept it and leave it at that.

Mr. H. B. SHIVDASANI : It was said that at the conference I was agreeable to having two zones provided transport of cotton was allowed by road. I have always been agreeable to that alternative right from the beginning, and even yesterday I expressed my willingness to agree to that alternative, because the poor cultivator does not want to transport his cotton by rail : all that he wants is that he should be free to take the cotton by cart to the most convenient centre where he can get it ginned and sell it. Now, the difficulty under the Cotton Transport Act was that under that law it was not permissible to allow transport of cotton by road as it makes no distinction between transport by road and transport by rail. As it was not possible to have transport of cotton by road without license I have agreed to have transport of cotton by road with license, provided the Government agreed to give license to all the cultivators of all the villages of that area. to the north of Tapti, and provided that the license was to be granted in every case. So, I have all along been consistent, and it is not that it was only at the conference that I agreed to this alternative.

It is not necessary for me to refer to any other incident that took place at the Surat conference. They have tried to make out that it was not to the interest of the cultivators to the south of the Tapti to have this transport by road. I might be permitted to point out, Sir, that I represent the cultivators to the south of the Tapti. The Surat district consists of eight talukas, six of which are south of the Tapti. Moreover, the majority of my electors are drawn from these cultivators of the south of the Tapti. I have received several applications from the cultivators residing in talukas south of the Tapti who say that the representatives assembled at the Surat conference were not their representatives and that they are not in favour of the restriction of transport by road. As an agreement has been arrived at with the Government in this matter, it is not necessary for me to dwell on this matter any further.

The Honourable Mr. A. M. K. DEHLAVI : Sir, the amended form in which I read the motion only means this : that the three zones, namely, from the Nerbudda to the Tapti, from the Tapti to the Mindhola, and from the Mindhola to the Par, exist, and transport by rail and road would be controlled as it has been controlled. The difference would be that the licenses to be issued for the three talukas in the north, Chorasi, Olpad and Mandvi, would be given as a matter of course and no enquiry would be made into their desirability. But it must be understood that, as at present, the quantity of cotton produced in each village would be

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ascertained, and within the limits of that quantity licenses would be granted, but the cultivators of each village, instead of having to go any distance at all, would get the license in their own village for the purpose of transporting the cotton produced by them. The procedure is this that the licensing authority would send the licenses to a committee consisting of two or three of the village men who will issue the licenses to those people who wish to transport cotton. And that is the farthest that both sides have agreed that they could go. The honourable member was himself anxious that the various existing zones should be preserved and that particularly to the south of the Tapti up to Navsari there ought to be two zones. I hope the whole position has been made clear enough to honourable members of the Council.

I need not take any further time, but there is one more matter, Sir, which, with your permission, I will refer to as the honourable member opposite (Mr. Shivdasani) was given permission.....

The Honourable the PRESIDENT: The Honourable Minister is perfectly entitled to give a full reply.

The Honourable Mr. A. M. K. DEHLAVI: I am anxious to save the time of the House, but I want to make it clear that Government have agreed to this arrangement only in a spirit of meeting the difficulties of the people, which they labour under. But the question is still a difficult question whether this arrangement would be found to be a perfect arrangement: that question will be seen only after we have put these rules into practice.

The other point which I would just passingly like to answer is the point which was made by the honourable member Mr. Shivdasani in his speech regarding the conduct of the conference. As it touches me personally, I should like to meet it. I do not mean to answer him in a spirit of retaliation, but merely wish to explain what the situation was. My honourable friend has said that the conference in Surat was composed of men who were collected together to fall in with the wishes of the Government, and that the people who should have a real voice in the matter had no voice. In the same breath he alleged that a certain resolution that was attempted to be put at that conference was not placed before the conference because I was afraid that it would be carried and that the voice of the people would be forced upon the Government.....

Mr. H. B. SHIVDASANI: I have never said that.

The Honourable Mr. A. M. K. DEHLAVI: He did say that, Sir. It actually appeared in the "Bombay Chronicle".....

The Honourable the PRESIDENT: The Honourable Minister must accept the honourable member's contradiction. He cannot take any notice of newspaper reports.

The Honourable Mr. A. M. K. DEHLAVI: I accept his contradiction now. I need only point out that the two things were inconsistent. All that the conference was held for was with a view to ascertain the real demand of the people on the spot, and that conference was called

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out of respect and regard to the views expressed last time in the Bombay session when this question was discussed there. It was a suggestion which fell from the honourable the leader of the Swaraj party that it would be best if people met together and the question of one zone or two zones or more than two zones were considered at such meeting. Therefore, strict orders were sent out to the Collectors of Broach and Surat to call the representatives of all the interests possible, and all the interests were represented. It could not be a conference of thousands of people; a conference would always be of a selected few. All interests were collected, their opinions were ascertained and the motion I have brought was the result.

The THAKOR of KERWADA: Were any people called to this conference from Broach?

(At this stage Mr. H. D. Saheba, Rao Saheb D. P. Desai and Mr. J. C. Swaminarayan each began to ask questions in quick succession.)

The Honourable the PRESIDENT: Why is the Honourable Minister going into these matters?

The Honourable Mr. A. M. K. DEHLAVI: This was referred to and therefore I think I am entitled to a reply. In response to these numerous queries, I may again point out that the Collectors of Broach and Surat were written to to include as many people as they thought would represent the people's interests. I have nothing further to say beyond the fact that it was not a regular formal conference, but it was an informal conference called together only to gather the sense of the people and to understand what they wanted.

Mr. J. C. SWAMINARAYAN: Sir, in the reply the Honourable Minister has stated that.....

The Honourable the PRESIDENT: The honourable member cannot make a speech now. The Honourable Minister has already made his reply.....

Mr. J. C. SWAMINARAYAN: But, Sir, in his reply he has stated....

The Honourable the PRESIDENT: May I inform the honourable member that the House is only bound down by the motion and the form of the notification that I am reading out to them, and that they are bound down to nothing else?

Motion read, put to the vote and carried.

## BILL NO. XXII OF 1924 (A BILL TO AMEND THE BOMBAY DISTRICT POLICE ACT, 1890.)

The Honourable the PRESIDENT: The next business is Private Bills—Bill No. XXII of 1924 (A Bill to amend the Bombay District Police Act, 1890).

First reading.

Mr. A. N. SURVE (Bombay City, North): Mr. President, I beg to move the first reading of * Bill No. XXII of 1924 (a Bill to amend the Bombay District Police Act, 1890). Sir, I find that by a curious irony of fate the tables of

* Vide Appendix 69

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honourable members are without a copy of the Bombay District Police Act. I do not blame Government for that, because it is not their duty, but I simply beg to point out that it makes the matter more difficult for me. The point which is involved in my bill refers to section 25, clause (2). For the better understanding of the honourable members I read paragraph (2), section 25, which is as follows:

"The cost of such additional police shall, if Government so direct, be either in whole or in part defrayed by a tax imposed on the persons hereinbelow mentioned, or by a rate assessed on the property of such persons, or both by a tax and by a rate so imposed and assessed," and so on.

This is the paragraph to which I beg to move an amendment. My amendment is to add the words "with the approval of the Legislative Council expressed by a resolution" after the word "Government". So the paragraph as amended would read as follows:

"The cost of such additional police shall, if Government with the approval of the Legislative Council expressed by a resolution so direct, be either in whole or in part defrayed", etc.

I am not going to read the whole section but I shall only read the first paragraph of section 25 which is as follows:

"Government may, from time to time, by notification, direct the employment of additional police for such period as it shall think fit in any local area which shall appear to it to be in a disturbed or dangerous state, or in which the conduct of the inhabitants or of any particular section of the inhabitants shall, in its opinion, render it expedient temporarily to increase the strength of the police."

From what I have read it will appear that wherever a riot takes place or wherever there is an increase in crime or wherever there are other exciting factors in a local area or a village, Government has the power of imposing additional police in that area. Suppose that Government have thought it fit to impose such a kind of additional police, then they usually under this section issue a notification. To make myself more clear I shall read a skeleton draft of a notification. It usually runs as follows:—

"Whereas it appears to His Excellency the Governor in Council that the conduct of the inhabitants of the village (*a*) in taluka (*b*) in district (*c*) renders it expedient to employ additional police in that village for a period..... (it generally is of one year) ..... the Governor in Council is pleased in exercise of the powers conferred by section 25 of the Bombay District Police Act, 1890.....(then there is the first paragraph called 'a').....to direct the employment in the local areas of the said village of additional police of the strength and cost hereinbelow set forth for a period of one year and to direct that the cost of such additional police as hereinbelow set forth shall be defrayed by a rate assessed on all the male inhabitants of the village with the exception of the following persons ...."

Then the exception is given, then follow the details of the additional police that is going to be stationed and there may be one head constable and a few constables or a sub-inspector and constables. The cost required for maintaining the police is also set forth in the notification.

So, having made these introductory remarks, I now come to the principle of this bill. The principle that is involved in this bill is, should the power which is at present enjoyed by the executive be subjected to the sanction of this House? That is the principle which is involved in the bill which is before the House. I maintain the negative. I say that Government should not have the power of imposing additional police without the consent of this House only in this respect that the consent of this House is to be taken not for the imposition of the police but for the cost

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of that police. Government may at any time impose additional police, for that my bill does not require the consent of this House, but when the question of cost arises, I say that Government should come in the first instance to obtain the sanction of this House and then recover the cost of the additional police from the local area concerned.

Having stated the principle that is involved in this bill and having also stated that Government should not in future enjoy the privilege which they have enjoyed so far, it becomes necessary for me to give my reasons why I maintain this proposition. The first reason that I give is that several illegalities have been perpetrated by the Government in imposing this additional police. In support of this statement I refer to the letter (I am speaking about the Borsad punitive levy which is quite fresh in the minds of all honourable members) which the Commissioner, N. D., wrote to the Secretary of the Home Department. Paragraph 4 of that letter runs as follows:—

"Assessment of the cost of the force: It was agreed that for the present although some part of the additional police will have to be employed outside.....

mark the word "outside".....

"of the Borsad taluka, the whole cost should be assessed on the Borsad taluka only".

Now, here there is an illegality. If you read section 25, clause 2, sub-paragraph (*a*), you will find that if additional police is imposed in any particular area, the cost of that police is to be levied from the inhabitants of that local area only and not from outside people. Here, the Commissioner and other gentlemen, high officials of Government they were, who attended this conference, recommended to Government that the police is to be employed outside Borsad taluka, that is in the taluka of Anand, and still the money of that police was to be recovered not from the people of Anand but from the inhabitants of Borsad taluka. This recommendation was made by a conference consisting of high Government officials. It was very fortunate that there was in that conference at least one officer who was alive to his responsibility and he was the Inspector General of Police. He in his paragraph 5 says "the only question concerning which I am in doubt is whether it is justifiable to impose additional police upon the villages situated in the Anand taluka while debiting their cost to villagers resident in the Borsad taluka". Here, there was one officer at least who brought it to the notice of Government that they were actually committing an illegality.

Having thus given you one instance of an illegality, viz., exercise of power which the Government did not possess under the clause of the section, I come to the second proposition and that is "that the people of Borsad were wrongly blamed". All those gentlemen who have known the Borsad affair know it for a certainty that the Government had given it out openly that they were imposing this punitive levy because the inhabitants of Borsad taluka were conniving at the crime. I say, Sir, this charge which was levelled by Government against the inhabitants of the Borsad taluka was wrong and for that I give you my reasons. The

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District Superintendent of Police, Kaira, in his letter No. 210 bearing the date, 14th April 1923, writes to the District Magistrate of Kaira as follows:—

"Paragraph 6:—Crucifixion of police informer. At the end of 1921 Babbar Deva (for whose capture Rs. 6,500 were offered) and his gang visited the village of Jhalan at night, forcibly removed the informer, marched him to a neighbouring village, lashed him to a tree and, after riddling his body with bullets, crucified him to the same tree to strike terror in the hearts of other would-be informers and betrayers."

Sir, this was the state in Borsad taluka; any outlaw could lay his hand on a police informer, and not only kill him but kill the members of his family. Under these circumstances, could you expect any of the inhabitants, insufficiently protected as they were by the police, to come to the police and say "Well, here is the man; go and arrest him"? Then, it was not only the police informers who suffered at the hands of the outlaws, but other people also suffered. I can give the Council several instances. In paragraph 7 of the same letter, the following occurs:

"In 1921, outlaw Babar Deva appeared before the village of Golel in the Borsad taluka with his followers. Ascertaining that his two victims—members of the watandar police patel's family of Golel—were engaged in preparing for their evening meal, he suddenly appeared before the patel's house, and without warning fired and killed them. The household and the village people were awake, but no one dared to oppose him. This murder was the outcome of assistance rendered to the police by the deceased men's family."

Why were these two people killed? Because the members of their family had rendered assistance to the police.

I shall not give to the House further full details, but shall read the headings of some of the cases that are given in the document mentioned by me. "Abduction and murder of Bakore Bulta, a police informer of Golel"; "Resident Magistrate of Borsad attacked and robbed by Dharala dacoits". Please note that it was not a private man, but a Government officer of the standing of a resident magistrate who was attacked. Paragraph 67 says "Government revenue looted at Chunel"; paragraph 51 describes that "A gang of 20 Dharalas clad in khaki and hats attacked Chanor".

Now, Sir, when Government officers are thus ill-treated by the outlaws, the outlaws who are armed to the teeth, can anybody reasonably expect the poor peasants who were unarmed and almost paralysed with terror to oppose the outlaws? If Government, who have all the machinery of the police at their back, expect assistance from the helpless peasants, could they ever get it? And yet Government said "Because you are not going to give your assistance to us, therefore we are going to put additional police upon you" and do what? "make you suffer doubly". Government said "You are suffering from the outlaws, and now we will compel you to suffer further by fining you in the shape of the police levy". Can this attitude on the part of Government be called just? But that is not all. The unrest at Borsad was not the outcome of outlawry alone but there were economic factors also at work. In this connection, I shall quote from letter No. Pol.-65, dated 18th April 1922, from the

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District Magistrate, Kaira, to the Commissioner, Northern Division. Paragraph 7 of that letter states:—

"It is very possibly true that the ultimate cause of this abnormal amount of crime is partly an economic one."

The District Magistrate, the highest officer on the spot, says that there is crime, but that crime is not the outcome only of outlawry, but there is an economic cause also. He says that it is very possibly true that the ultimate cause of this abnormal amount of crime is partly an economic one. The paragraph goes on to say:

"What that economic cause is may perhaps be more easily seen after the settlement officer has completed his enquiries in the district."

What does this paragraph tell us? Does it not tell us that the Borsad people were wrongly blamed. Sir, these two items do not complete the whole charge. In the Borsad affair I have yet to add another item against Government and that is the policy of hesitation and putting off which the Government adopted. Had Government been more prompt the Borsad affair would not have assumed the magnitude which it did, and that will appear from letter No 210 of 1923 from the District Superintendent of Police to the District Magistrate of Kaira. He says in that letter ....

MOULVI RAFIUDDIN AHMAD: From where is the honourable member quoting?

Mr. A. N. SURVE: I am quoting this from the correspondence that was published in the "Chronicle" at the instance of the Director of Information.

Mr. A. N. SURVE: The District Superintendent of Police in his letter says:

"Several of my predecessors, particularly Mr. Bailey, have made it incontrovertibly clear by special and administrative reports that the criminality of the Dharala was a blot on our administration, and that it required rigorous and early remedial measures under the Criminal Tribes Act, if it were ever to be brought under control and finally eradicated. Well thought out and carefully calculated solutions were suggested to meet the situation, and these received the strong support of several District Magistrates, but unfortunately, for various reasons, they were negatived, and so owing to the continued criminality on the part of the Dharalas the work of reiterating these proposals like a Penelope's web still continues."

Mr. President, mark the words "like a Penelope's web". The local officers there say "We have been making proposals the District Magistrate has approved of them, but when they go to Government they are turned down, and on account of this inactivity on the part of higher authorities the Dharalas became bolder and more outrageous." So, if crime increased in Borsad, it was not the Dharalas that were to be blamed in the first instance. I have just pointed out that there were economic causes also which aggravated the trouble. Was it not the fault of Government that it did not act on the advice of the local officers? Sir, though there was outlawry, though there were economic causes at work and above all though Government was undecided and inactive yet it unwisely levied that additional impost, and you know what an amount of dissatisfaction it had created in the whole of that taluka. The amount was not a small one; it was nearly Rs. 2½ lakhs per year, and every inhabitant

male and female, of any age, without any exception, was made to pay that levy. Thus it is clear that the Government has grievously blundered from the beginning to the end in the part it played in the Borsad affair. First it expected assistance from a people who were unable to render it. Next it misconstrued inability with unwillingness and in punishing people for their supposed connivance at the misdeeds of the outlaws. Further Government ignored the economic causes altogether though they knew that a large amount of unrest owed its origin to economic conditions. And lastly the blame came to Government because it was not prompt to take action. By its own inactivity it encouraged the outlaws to become more daring and grow in power. Had Government been active in the beginning it could have ended the trouble very easily. Notwithstanding these considerations, we find that the Government made a scapegoat of the suffering public of Borsad and taxed them. Can it therefore be said that the Government have made a wise or proper use of the power which they possess under section 25 of the District Police Act.

I shall now mention some of the *irregularities* which the Government have committed in the exercise of this power which they possess under the Act. Government shortly after the issue of a notification very generally amend or modify it. I give honourable members only one instance though I can mention many. I refer to notification No. 9680 bearing date 15th October 1920. Under it about 19 villages in the Kaira district were brought under this impost and all the inhabitants were made to pay proportionately. A latter notification No. 5312 bearing date 30th May 1921 amended the former one, and it penalised only 14 villages, and not the entire population but only a section of it, viz., the Dharalas. The points to be noted in the two notifications are that in the first all the people of the 19 villages were penalised whereas in the second only the Dharalas and they too of 14 villages only were punished. The point that I wish to make is that Government go on making experiments at the cost of the people. They do not know in the first instance who is the real criminal and therefore they penalise all and by elimination they try to find out the offender. Suppose there are 20 persons they will ask all the 20 to pay and later on eliminate the innocent from the levy. Under this process the innocent are made to suffer equally with the guilty.

Mr. A. MONTGOMERIE : I did not catch the number of the notification the honourable member is referring to.

Mr. A. N. SURVE : The number of the notification is 9680 dated 15th October 1920. It was further extended by notification No. 5312 of 30th May 1921.

Let us examine the later notification a little further. The honourable members will find that it is only the Dharalas who are made to pay. But Sir, may I tell the House that even among the Dharalas themselves there are various sections. I think there are three principal sections, viz., the Patanwadias, Parias and Pagis. Of these the first are the most criminal.

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May I know from Government if they observe this distinction ? Are there not other Dharalas belonging to the other two classes and who reside in these 14 villages ? If the Parias and the Pagis are less criminal than the Patanwadias why do you penalise them equally ? Is it just to deal out equal punishment to the innocent and the criminal. The next point which I bring to the notice of this House is the *carelessness* about exemptions. I quote from notification No. 6137 bearing date 20th July 1919. In that notification the Bania Patidar inhabitants of Nadiad were subjected to the imposition. But, Sir, will you be astonished to hear that seven months after this notification they amended it by exempting Government servants from it. May I bring it to the notice of this House that there is a section that if there are to be any exceptions Government should notify them. Why Government took seven months to notify that their own servants were exempted ? Why can they not have done it in the very first instance and notified that the Government servants will be exempted from the levy? This is but one of the many instances of carelessness on the part of the officials in the Secretariat.

Then I give the House another instance from which honourable members will see that Government hardly knows its own mind. I am referring to the orders relating to Malegaon punitive levy. The number of the notification is 6423 bearing date the 1st July 1921. Under this notification the tax was to be levied " on male adult Mahomedan inhabitants and such other inhabitants as may be notified 'hereafter', by a rate assessed on their property." That is, Government did not know all the people who should be rendered liable to the punitive levy. The amount was to be recovered by a rate assessed on properties. Just consider the import of this "Firman". It means that the rich and the poor are unequally punished. A man who has more property is made to pay more whereas a poor man who has less property is made to pay less. Though the blind deity presiding over justice does not distinguish between the rich and the poor, our Government does, and thereby ruthlessly violate one of the elementary canons of jurisprudence. Fortunately this order was further very shortly modified by the following notification, *viz.*, No. 6801. Under that notification the tax was to be levied from all people equal in amount to the income tax they paid. The balance was to be paid by others—*i.e.*, non-payers of income tax—in equal shares " provided that if any person owns more than one loom he shall pay an extra share for every extra loom". I do not know since when looms became capable of committing criminal acts, but I know that their owners were ordered to be paid punitive levy on the basis that if a man had one loom he was to pay once, if he had two looms he was to pay twice. This precious notification also was later on cancelled and another was issued and that was notification No. 9910 bearing date 8th of October 1921. That notification says that the tax was to be recovered " wholly by a tax imposed on the male adult Mahomedan inhabitants of the said town and such other inhabitants of the said town as may be notified by a cess assessed on their property".

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I request honourable members to bear in mind the manner in which the Collector was empowered under the Notification to assess the rate. He was to charge six annas per *sari*—Malegaon is famous for the wearing apparel of Indian ladies—and five rupees per bale of yarn. May I tell Government, Sir, that the levy that was imposed on the *saries* or on the yarn was paid not only by the Mahomedans who perpetrated the outrages at Malegaon but by the purchasers of the *saries* who were spread over the whole presidency. Sir, this is the way in which this impost of additional police is assessed and collected.

In their anxiety to reach the real culprit the Government wholly missed him and penalised the innocent ladies who purchased the Malegaon *saries* for the criminal misdeed of the weavers of Malegaon. Mr. President, with this instance before us who will say that the Government did make a very discriminate use of the statutory power which they enjoy?

(*After recess.*)

Mr. A. N. SURVE: Mr. President, before we adjourned for lunch I was speaking about the Malegaon imposition, in which with a view to be just and equitable Government passed several orders in quick succession and the last order which they enforced resulted in letting the criminals go scot free and in punishing the innocent ladies of the presidency who wear Malegaon *saries*.

Let me state another instance. In some cases Government officers have been exempted but not their families from this imposition, with the result that a village officer is not made to pay but his wife or son or aged father is made to pay.

Then lastly I come to the most notable instance of the imposition of punitive levy on the village of Navli. This village is situated in the Anand taluka. It is four miles away from the railway lines. Its inhabitants enjoy the reputation of being honest and industrious peasants. For the last 10 years not a single case of railway theft has been traced to that village. The only complaint was that there were thefts on running trains. Please note that not a single additional policeman was stationed in that village. Still the inhabitants were made to pay this impost. The wording of the section is quite clear that only those persons are to be taxed or to be subjected to the impost where additional police is actually stationed. In this particular instance, the police was stationed, four miles away on the railway lines. In spite of the fact that the villagers enjoyed the reputation of being honest and industrious peasants, every man in that village was condemned to the humiliation of paying 15 annas per head. Sir, shall we call this imposition by the name of "Reformed or civilised 'Jizia'." When the Government passed this order, the poor inhabitants of that village approached the district officer with a petition bringing all these facts to his notice. The Collector passed an order dated the 3rd October 1921 giving them the following reply. I

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am not quoting the actual words because the order was in the vernacular and I was supplied only with a translation. The words are these: "The collection of levy does not impute guilt singly or collectively." Mark the words. The officer on the spot says: "We impose this levy not because you have been thieves or because you have committed thefts. We impute no charge against any individual or against the whole village." The second point in his reply was that a number of railway thefts has been committed. If my information is correct then not a single theft was traced to this village. The third point stated in the reply was that in order to prevent thefts on running trains and to give protection to the travellers as well as to life and property of the people of the village punitive police was necessary and that it was doing satisfactory work. To prevent thefts in running trains the villagers of Navli have been subjected to this impost.

Mr. F. G. PRATT: Was that all in the collector's reply?

Mr. A. N. SURVE: I have already told that I have got only a translation. I had asked Government to place the collector's letter on the table but they have declined to do so. The following points arise from this episode, *viz.*—that firstly the villagers must subject themselves to this impost to prevent theft in the railway trains. Secondly, the villagers must pay this levy in order to give protection to travellers by the railway trains and thirdly they must pay this impost, though the police was not stationed in their village. Being dissatisfied with this reply the Commissioner was approached and that officer in his No. 459 of the 17th October gave not only the stereotyped reply that their request could not be granted but went out of his way to add pungency to his reply by adding that, "that their village has become notorious for its connection with railway thefts." Sir, see the contradiction here; the officer on the spot says "I do not bring any charge against you either singly or collectively" and the officer who is at a distance, and who looks at facts through his subordinates brands the aggrieved villagers by calling them "notorious thieves."

The matter did not rest there. It came to this House. I asked a question in this Council (I am referring to Volume V of our Council Debates, page 1049) and the heading of that question is "Punitive Police in Navli in Kaira district." My question was:

"(*a*) How many cases have been detected in which the inhabitants of Navli in Anand taluka of the Kaira district have been concerned in the railway thefts or in receiving property stolen in such thefts."

My question was how many thefts were detected, and the reply that the Honourable the Home Member vouchsafed to me was this; "Arrests in connection with railway thefts had been made in Navli". That is one part of the answer, and that did not give an answer to my question. I had asked "How many cases....." and the answer was "Arrests had been made." This leads me to suppose that perhaps some of the

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thieves after committing their nefarious act, while they were fleeing from the pursuit of the police, may have been arrested in Navli. But whether they were inhabitants of Navli,—that was my question. Anybody can be caught anywhere, and because a thief is being caught and seen in a particular locality is that locality to bear the burden of the tax? That is why I say, Sir, that a sufficient answer was not given to me. Then I come to the second part of my question, and that was:

"Was the safety of life and property of the inhabitants of Navli in danger, before the punitive police was sanctioned?"

No answer was given to this. And the third question was:

"Will Government be pleased to place on the table copies of replies sent by the District Magistrate of Kaira and the Commissioner, N. D., to the representation made by the inhabitants of Navli seeking exemption from contributing to the charges of punitive police force?"

The papers were not placed on the table but I was told "the village has now been exempted from the cost of additional police." That is the reply I got. Before that time, the men had gone to the Collector and they had gone to the Commissioner. Their representations went in vain, but when the matter came to the Council then in order to wriggle out of an awkward situation the Government exempt the villagers and silence further inquiry. The Honourable the Home Member has not placed on the table the letters which I called for, and I think they were not placed simply because there was the contradiction between the local officer and his superior officer.

Sir, the next point that may be urged is that if this amendment is carried then it would lead to insecurity and crime. I am addressing myself now to that point. From the talk I had with several honourable members of this House I gather that they are under a misapprehension, either spontaneous, or purposely created. They ask me "Well, Mr. Surve, if this power is to be taken away from Government, then how is the safety of the people to be guaranteed?" That is a very relevant question, and I give a reply to them. Sir, section 25 consists of two parts. The first part refers to the imposition of additional police. That is a power which Government can exercise in spite of this amendment. I do not come in their way at all. If Government find that there is some danger to public peace, by all means let them increase the police. My amendment does not interfere with their power as regards imposing additional police. I do not say let Government first come here and obtain the sanction of this honourable House and then impose additional police. I am not making that suggestion at all. My amendment is to the second part, and that part refers to the manner in which the cost of the additional police is to be defrayed. That is the only part which I seek to amend. I seek to lay down that the power which has been hitherto arbitrarily and erroneously used by Government shall be subjected to the sanction of the House. Let Government come and say: "We have already imposed the additional police. You please let us know whether the cost of that police is to be defrayed from a tax collected from the inhabitants of the place, or in some other way." I want that Government should allow

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us to participate in the exercise of this power which they have in the past been using in a grievously wrong manner as I have attempted to show. The Government may retort and say "We will impose the additional police, but if the Council will not give its sanction to levy the imposition, then wherefrom is the money to come." Well, I may state that the section itself makes provision for such a case. The section empowers Government to defray the cost either wholly or partly, just as they deem fit. That particular section does not bind Government to have the whole cost defrayed by a levy from those villages at all. Take, for instance, that additional police is stationed in a village and Government come here to obtain the sanction of this House, to recover its cost from the villagers and this House does not give its sanction. What would happen then? In that case, if this House will not give its sanction to meet the expenses, then Government need not care for the sanction as regards the expense already incurred because the rule is, when money is required to carry out a statutory provision no sanction of this Council is at all required. Such a contingency is already provided for by section 72 (D) (3) (*iii*) of the Government of India Act.

This section empowers Government to defray the cost from the revenues at their command, therefore, even if the House does not give its sanction no impasse will be created because the cost can be defrayed by Government out of the revenues even without submitting that item for the sanction of the Council. In this way the two objections raised against my bill are fully and satisfactorily answered, and I hope now there will be no misconception at all in the minds of some of the members. Let me repeat I am not interfering with the power of imposing or stationing additional police. My amendment is only about the cost which is to be defrayed.

Then, there is a further object and that is that this House is not sitting from day to day but it sits only in sessions and what is to happen if an emergency arises when the House is not in session. To that, I may reply that when a riot takes place, the Government do not at once issue a notification. It takes several months, and in some instances even several years, before Government does that. I give you the instance of Malegaon. A riot took place there on the 25th of April and the notification in that case was issued on the 1st of July, that is, nearly three or four months after the incident occurred. And generally this House meets after an interval of three or four months, therefore no inconvenience need arise even if Government is made to obtain the sanction of this House. It may even be urged that my proposal will increase the work of this Council. I say it will not appreciably increase the work of this Council. I have studied *Government Gazettes* for the past six years and I have found that on an average the number of new notifications per year never exceeds six. In some years new notifications did not exceed in number two or three per year, therefore objection on this score, if raised, can be very easily met. I can assure the House that my proposal does neither

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entail heavy work, nor does it create any administrative difficulty and it also does not come in the way of Government discharging their duty of preserving law and order. For these reasons I maintain that the levy which is made by Government should be subjected to the sanction of this House.

Mr. President, one word more and I shall have done. Let me bring it to your notice that when a private bill is to be moved, under rule 19 the sanction of Government is necessary. If the subject be a reserved one, the period of notice is one month, which His Excellency may increase to perhaps two if he thinks fit. I had given notice of this in the month of January and asked the Honourable the Home Secretary how much notice he would expect from me. And let me tell you that, true to my expectations, the reply I received, not from him but from the Secretary of the Legislative Council, was that Government would expect full two months' notice. I do not really know why Government should insist on their pound of flesh. Why was two months' notice necessary ? Why be so very exacting, when one month's notice would have satisfied the letter of the rule ? When private members ask for more time or more notice, they are charged with being obstructive or not expediting work, but when the matter is in the hands of Government itself, do they expedite it by demanding two months' notice when one month's notice would have been quite sufficient ?

Some of my well-wishers asked me whether I would proceed with my bill or withdraw it. Well, I was in a very great difficulty and therefore I must give this explanation to this House that this particular matter has exercised my mind since not yesterday or the day before, nor a week ago, but it has been in my mind for several years. Let me tell you, when I was a student in the school I read in a paper that in the district of Ratnagiri a certain village was being continuously taxed under this particular section and thereby the provision of the Act was abused to satisfy the caprice of the local officer. There was absolutely no need or justification for continuing the additional police, but year after year the notification was renewed and the people though they were very poor were subjected to this unjust impost. That impression created in mind when I was at school was revived when I came across the Navli incident of which I have spoken today. That happened in February 1922. From that time this matter is exercising my mind. Again a third time in the year 1923 I was very rudely shaken when I moved my resolution about the Bombay punitive levy. Those honourable members who belonged to the old House knew that I had moved that resolution, and that resolution was defeated on wrong information given to this House from Government benches. Sir, these are the ways in which I have been thinking and thinking of it for years together, and nobody will say that I have brought this bill without thinking, or without mature deliberation. I have thought and thought over it for years together, and for that very reason I move the first reading of my bill. I have convinced myself that this is a power which should not be given absolutely to Government.

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I appeal to all sections of this House, irrespective of their communities, to judge for themselves whether the information which I have laid before them deserves any consideration. I would ask honourable members to remember that it is not on the inhabitants of cities who can afford to pay the levy or who can pay for legal assistance to contest it that this impost falls. It falls heavily on the villagers, the dumb masses who cannot afford to pay the levy, who cannot secure legal aid to question its propriety or who cannot speak for themselves, it is those poor villagers who fall victims to this unrestricted power. This is not a party question. This question is above parties, and I appeal earnestly to this House to accept the first reading of this bill. (Hear, hear; and applause.)

Question proposed.

The Honourable the PRESIDENT: Before the discussion proceeds, I should like to intimate to honourable members the result of the election of the select committee for the Standing Orders. The scrutineers report that the following six honourable members have secured a majority of votes and that there is a tie between two honourable members for the seventh place. The six honourable members who have been duly elected are:—

The Honourable Mr. C. V. Mehta,
Mr. L. B. Bhopatkar,
Mr. K. F. Nariman,
Mr. Joseph Baptista,
Mr. Hosseinbhoy A. Lalljee, and
Mr. S. T. Kambli.

The tie is between the Honourable the Leader of the House and the Honourable Minister for Local Self-government, and I give my casting vote in favour of the Honourable the Leader of the House as this is a matter affecting the constitution and I think he should be there.

Mr. A. MONTGOMERIE: Sir, I rise to oppose the first reading of this bill and I would like first to pay a tribute to the obvious honesty and fairness which has characterised the speech in which the honourable member for Bombay has moved the motion. I quite realise that his bill is not intended to interfere with the power of Government to impose additional police on any district or on any locality in which such police may be necessary. If it were so intended, I sincerely hope—in fact I am perfectly sure—that the great majority of this House would be against it. I must say that I had some difficulty in following some of the arguments by which he supported himself. A good deal of it seemed to me to be somewhat remotely connected with his immediate purpose. The character of the inhabitants of Borsad is not I think directly in issue on a discussion of this bill, and while he has for instance taken up the case of Navli and given the inhabitants of that village a handsome testimonial, based mainly I presume on their own information, I think that the general policy of Government in imposing

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additional police on those villages in the immediate vicinity of the railway has been very well justified. The honourable member laid much stress on the fact that Navli is four miles from the railway. I do not think any member who comes from Gujarat will deny that there was a period at which these police were imposed on these villages when the greater part of the countryside was living on open theft, the railway trains were attacked by gangs of robbers who flung the contents of the trains on to the ground and commerce and industry in Gujarat at the moment were seriously threatened. A few of those villages are still paying the tax for additional police. I do not propose to justify the continuance of that tax on the reports of the district officers who I have no doubt I should be told in the course of this debate are biassed, inaccurate and unsympathetic. I would appeal to a recent speech made by no less a person than Mr. Vallabhbhai J. Patel at, I think, Anand on September 20th, in which he told a public meeting of 500 inhabitants of those villages that it was possible that they might fool the Collector, it was possible they might fool the Commissioner but they could not fool him for he was a Kaira man and he knew that in those villages there were thieves, robbers and receivers of stolen property. He advised them to pay up their tax this year and Government would no doubt, if they behaved themselves and kept up the present state of affairs (I admit that these railway thefts have almost entirely disappeared), if they continued in that good course, remove the tax. I believe my honourable friend, the Commisioner for the Northern Division, was approached by a prominent Mussalman gentleman who took a considerable part in the agitation with regard to the general imposition in Borsad and his view I gather is more or less on the lines of that held by Mr. Vallabhbhai J. Patel. The result of the representation from the local officers influenced possibly by these representations of these politicians has been that orders have now been issued that these police should be discontinued from next year. I am not concerned really with the rightness or wrongness of the imposition of the general body of police on Borsad. I think that action has been well justified by results and if out of pure *meherbhani* this Council agreed to pay for this police, that is a matter for which the inhabitants of Borsad ought to be thankful. That is how I regard the police. It was the kindness of this Council in paying for additional police necessitated by a very wide prevalence of disorder. As I said, I do not regard these particular instances as really relevant to the honourable member's argument, but he chose them because he said they indicated irregularities and illegalities on the part of Government. The only illegality which he has drawn to light was an illegal proposal which came from the wicked Commissioner, Northern Division, but then the wise Government which is responsible for dealing with the proposal did not sanction this wicked proposal.....

Mr. F. G. PRATT: I rise to a point of order. Is the honourable member in order in describing a fellow member of this House as a wicked individual?

The Honourable the PRESIDENT: I thought that was the special privilege of Government benches. I hope, however, that the honourable member, the Home Secretary, will withdraw the word.

Mr. A. MONTGOMERIE: I withdraw the word. I would point out that this illegality was not committed by Government and that the order finally issued in perfectly legal form. I think the honourable member will himself admit that.

With regard to the other difficulty which he pointed out that Government occasionally changes its mind, I can only say that that shows some slight indication that possibly Government are open to information and even correction, and that when there appears to be a matter which might not be obvious at first sight, as for instance that it was not in fact all the inhabitants of a village who were responsible, but further enquiry showed that only some of the inhabitants of the village were responsible, it seems to me, Sir, to be a right and proper action on the part of Government to revise the previous orders. The case which he chose, the case of Malegaon, seemed to me, with all due respect to him, to prove the entire impossibility of carrying his proposal into law. The matter of assessing the tax to be imposed for the payment of these additional police in Malegaon, so that the tax would, as far as possible, fall on the guilty and not on the innocent, was a matter which required the most earnest consideration of the officers who were acquainted with the local conditions of Malegaon. That the work of assessing such a tax, arranging for its machinery, deciding on what part of the population it should fall should be entrusted to this House, would be, I think, to use the House for purposes for which no deliberative body was ever used. It would be to turn it into a mixture of judiciary and executive. It would call for the discussion in this House of matters of minute detail, for constant enquiry, for the settlement of issues which this House would probably take three years to determine instead of the three months which Government do. In the course of discussion, new aspects might be brought out which would have to be elucidated by further local enquiries, and if that is to be done by a deliberative body, that body must either sit continually, or resign itself to having these matters determined at the end of a long period of years.

In dealing with the effect of his bill, the honourable member set out a constitutional doctrine which, though possibly some of us on this side of the House would be glad to accept, I feel I cannot honestly uphold as an accurate statement of the constitutional position. The honourable member told us that when a statutory right is conferred on Government, the expenses connected with the fulfilment of that right would not come before this House. I do not know what the opposite benches would say if I induced the Accountant General to print the vote of the police budget in italics, and thus render it non-voted. The Bombay Police Act gives to Government the right and the duty to raise police, just as it gives it a similar right and duty to impose additional police, and if the honourable member's view of the position were to be accepted, then it would follow that the whole police vote would be withdrawn from the

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vote of this Council. I think, on reconsideration, he himself will admit that that is so, and that brings me to the position which would arise, supposing in an area large communal riots took place. Suppose down in Belgaum we have a communal riot over a well known religious emblem. What is to happen ? Government may have to put in a large number of additional police. These have to be *additional* police. There is no provision for them in the budget. It may be a matter, as it was in the case of Borsad, of lakhs of rupees. How is Government to meet that expenditure ? They cannot engage in that expenditure without the consent of the Legislative Council, but they are compelled by facts, on the honourable member's proposal, to anticipate the sanction of the Legislative Council, to take it for granted. As I said, it may be a matter of lakhs of rupees, and yet the honourable member's proposal would compel Government to anticipate sanction. We should have to come later in the year for a supplementary grant. Then what happens if the Council refuses the grant ? The honourable member's remedy was that if the Council refused the grant, then Government just did nothing, because the Council had not the right to refuse. The Council has the right to refuse, and yet, I think everybody will admit that Government must incur this expenditure. They must anticipate the sanction, and they may have to anticipate sanction. I put it frankly to the House, in the case of communal disorders where the originating cause of the whole thing is a communal dispute—I hope it will never occur in this presidency—the result of that might easily be (for even members of the Legislative Council are human) that a division of this Council on communal grounds would turn this question of sanction into a communal fight. Sir, I suggest that that is not a consummation to be wished for. Furthermore, suppose we did leave it at that; suppose Government does anticipate the sanction, and suppose the House gives an assurance that if the Government does not impose the tax on the population, it will meet the expenditure of Government, then the assurance of the House would be given blindly. But suppose they did not, then how is the House going to decide this question. It is really a question of judicial proof. What have the people done in this particular village ? Have they been engaging in arson and murder and factious fights ? These are matters to be determined by examination of the records of the village, the reports of the district officers, and the reports of the magisterial cases which are taking place. Is this House to turn itself into a court to try, in each individual case, the question of the responsibility of a particular group of villages ? I submit, Sir, that is not the work of the Legislative Council but that it is the work which ought properly to be left to the Executive, and for these reasons, Sir, I oppose on general principle and on constitutional theory the first reading of this bill.

MOULVI RAFIUDDIN AHMAD, (Northern Division): Sir, the House must congratulate itself upon the speech of my honourable friend behind me. That speech at any rate shows that honourable members of the non-Brahmin party are realizing their responsibility to their constitu-

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encies and to the country. Sir, it is also a warning to the official benches that they cannot rely upon the non-Brahmin party and honourable members of this House to whatever party they belong do their duty without fear or favour. Now, Sir, the speech which my honourable friend the Home Secretary has delivered is weak, hollow, and halting. The reply to the speech of the mover is not demonstrated from the speech of the honourable the Home Secretary but from the impression which the mover made upon the faces of the official benches when he was speaking. Their faces were then a physiological study. One honourable member's face was so distorted that it looked like that of a woman who wanted to cry but could not succeed. Sir, everyone will tell us what the vote will be. Sir, it is a wrong principle for Government to oppose the first reading. Let us see what the honourable member has got to say. It is too soon to pass an opinion upon the bill.

Mr. K. F. NARIMAN: It is too late.

MOULVI RAFIUDDIN AHMAD: It might be too late too as my honourable friend from Bombay remarks, and I am glad of his interjection. Well, Sir, the bill takes away no power of Government, it allows all power to Government in a contingency; it only says that when Government comes to a decision as far as punitive police is concerned, they should come to this Council for final sanction. I think it is a very reasonable bill and a very reasonable demand. I was, Sir, particularly impressed by the examples which he gave. There was no reply to them from the honourable member the Home Secretary and also no answer from the Commissioner, Northern Division,

The Honourable the PRESIDENT: He gave a reply himself.

MOULVI RAFIUDDIN AHMAD: Yes, he called him wicked. If it be a reply I take it as a reply.

The Honourable the PRESIDENT: I hope honourable members will appreciate the humour underlying the reply.

MOULVI RAFIUDDIN AHMAD: I am very glad it has received the approbation of the President.

Then again, Sir, I was considerably impressed by the instance which the mover gave of Malegaon. There, Sir, it was practically a tyranny of the Government to friends and foes of the Government alike. The people that suffered most were the people that supported the Government. Some of them came to me for their redress with regard to *saris*. When this imposition on *saris* pressed hard upon them they said, "Look here; who will support the British Government? It is treating its friends so horribly". It was a very sad case. Each time they went to the Collector, the Collector became more and more menacing and as my honourable friend said in his remarks: the whole official world was in this matter opposed to the people. Sir, it is extremely necessary I say that a bill of this kind should be duly considered. It may be passed or rejected but it is wrong of the Government to move for the rejection of the motion for permission to move the bill.

An Honourable MEMBER: It is for the first reading.

MOULVI RAFIUDDIN AHMAD: Allow me, Sir, to correct my expression. I support the first reading of this bill.

Mr. F. G. PRAT: Mr. President, I feel that I am at a considerable disadvantage in rising to address the House after the oration which they have heard from the honourable member, Moulvi Rafiuddin Ahmad, the fluent and resounding periods of his lusty and vigorous oration. Sir, I have been the target of several animadversions in the speech of my honourable friend opposite as I had the misfortune to be the Commissioner, Central Division, at the time of the Malegaon affray, and I also had the misfortune of being the Commissioner, Northern Division, at the time of the levy of the Borsad additional police and all through the hue and cry that was raised after it. Well, Sir, my honourable friend opposite allowed himself the luxury of a classical quotation. He talked to us of Penolope's web; so I am encouraged to say that his long references to the Borsad taluka remind me that "There's nought so tedious as a twice told tale vexing the dull ears of a drowsy man". Nevertheless when he talked about Borsad to-day I could have wished that my honourable friend opposite would have prolonged his long readings and quotations from the official correspondence and letters that were published in the *Bombay Chronicle* by the Director of Information, because I could not help feeling that the more he would have read of them, and the more the Council were reminded of the state of affairs which existed in Borsad during last winter, the more they would have felt convinced of the extreme moderation and clemency with which our Government dealt with that situation. I wished that he would have still further prolonged his reading of the long catalogue of crimes and horrors to which so large a portion of the Borsad taluka population had been directly or indirectly a party. My honourable friend the Home Secretary spoke of the speech made last September by Mr. Vallabhai J. Patel in which he gave the Borsad people some plain speaking as to what his opinion was of the general character of the considerable sections of the population of that taluka. To that testimony I wish to add some further testimony which came to my notice in the course of my own personal experience during the last two or three months in connexion with the additional police charges which have for some years past been levied on the several villages in the Anand taluka, on account of their participation in railway crimes. In that connexion I am compelled to refer to the village of Navli about which so much has been said regarding the inconsistency of the replies given by me and by the District Magistrate to the petition of the inhabitants of that village. Well, Sir, the explanation is not difficult. The fact is that the Northern Division—the Council will hear it with sorrow—has groaned under my administration for the last ten years. I began to be Commissioner in the year 1915 and consequently my memories are longer regarding Kaira and other districts of the Northern Division than those of any District Magistrate now serving in any of those districts. In the case of Navli as in the case of other villages, additional police charges were rendered necessary some years ago on account of the conduct of the inhabitants of that and the other villages. At that time the village of

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Navli had certainly an evil and criminal reputation, but in course of time it has happily lived down its reputation. The village has learnt its lesson and its respectable inhabitants brought pressure to bear upon the criminal section of the inhabitants to improve their ways—the enforcement of communal responsibility has now produced its expected results. Crimes increasingly decreased and finally came to an end. Therefore both the District Magistrate and myself are right. Navli was formerly notorious for its criminal propensities, but it is no longer subject to that reproach.

In the Anand taluka, as I have just now stated, a large number of villages have been and are subject to this taxation on account of their participation in railway thefts. Up to the end of the current year they will go on paying for the additional police which it has been found necessary to impose there for the protection of property and person. As a result of this communal responsibility brought to bear on them, the number of railway crimes has steadily decreased and now I am happy to say that it has almost reached a vanishing point. So much so, Government have agreed, in view of the improved situation, that if the villagers will pay up what is due in the current year, no further charge will be made after next December and in 1926 there will be no levy.

In connexion with that I may inform the House that the absolute justice of the impost has been admitted in a conversation with me by a very well-known venerable gentleman who for a long time past has been living in Anand taluka and moving about in it as a peripatetic missionary trying his best to reclaim the criminal section of the population from their evil ways. I refer to Mr. Abbas Tyabji who may be well-known to honourable members of this House. In company with Mr. V. J. Patel he tried to visit me the other day at Ahmedabad but finding I was out he came on alone to see me at Surat. He admitted to me that the imposition of the levy was perfectly justified by the conduct of the inhabitants and asked me as a Commissioner that justice should be tempered with mercy in view of the improvement in the situation. We had a long talk and he admitted that it was not only the people like Dharalas and others are responsible for these crimes, but also many others who are in social status and respectability in the eyes of the world much higher. He admitted that Government had dealt with these villages justly and after due deliberation in using this section of the Act.

Another criticism which he made about the proceedings of the Government in these matters rather took a curious shape when he said that Government very often changes its mind and alters and modifies its notifications. Surely it is better that they should alter their orders on due cause being shown instead of without sticking to the letter of an order once issued and refusing in the face of all new facts to alter it. Yesterday and to-day we spent a considerable time in changing, modifying and altering the cotton control notification which was passed by the Legislative Council in 1923. I am quite sure that if the Legislative Council were to take up these matters, there would be more frequent changes,

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modifications and alterations. As the Home Secretary pointed out we cannot in this Council get a reasoned consideration and discussion of such questions on their merits. We saw how in the course of the debate on the cotton control notification the matter drifted into such confusion that the only way out of it was to take the matter outside of this hall and have it settled by a small meeting of people outside who could bring themselves into touch with and understand the issues and the facts. I oppose this motion, because I am perfectly convinced that it would be utterly impossible for the Legislative Council to deal with a matter of executive administration.

Mr. L. B. BHOPATKAR (Poona City): Sir, I support the first reading of the bill. And while doing so, I cannot but express my sense of admiration for the exceptionally good speech which the honourable mover has delivered. It was a speech, Sir, which, in my opinion, was characterised by fairness and impartiality. I draw the attention of this honourable House particularly to the suggestion he made at the tag end of his speech, namely, that all the parties, if at all there are any parties, should sink all their differences and should vote on this question impartially and without any bias. I only wish that the honourable mover himself will follow the same principle in all questions that come before the Council, and I hope he will himself follow the lesson which he has taught us. Be that as it may, I think a great deal of irrelevant matter has been unnecessarily introduced so far as the main principle of the bill is concerned. I do not suppose that this honourable House is concerned with what Mr. Vallabhai Patel has said or the Commissioner of Northern Division has done in regard to the imposition of punitive police in a particular village. The plain question before the House is this: whether the legislature is to be given control over the executive or not. That is the point so far as this bill is concerned. The House will particularly note, Sir, that the amendment that is proposed is to add the words "with the approval of the Legislative Council expressed by a resolution". The honourable mover has already informed the House of the two paragraphs which compose section 25 of the Bombay District Police Act. It is plain from the amendment that is proposed that this bill does not seek to take away the executive power of the Government to impose punitive police on any refractory village or group of villages. That is perfectly plain from the wording of the bill, and also from the statement of objects and reasons which is attached to the bill. The honourable mover has also made it absolutely clear that, so far as the imposition of additional police in any disturbed area is concerned, that power of the executive government is left absolutely untouched. The only question is whether the imposition of a tax or rate in order to cover up the expenditure over the additional police is to be placed before this House or not, and whether that tax before it is levied is to have the sanction of this House or not. I am very sorry, Sir, that this bill is in a sense a halting measure, in that it does not touch the fundamental principles that are involved in the question of the imposition of punitive police. I am one of those who feel that howsoever desirable or necessary it may be to impose additional police in a disturbed area, the way in which it is imposed, the purposes for which it is imposed, and the classes

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of people who are affected by the imposition of the punitive police, all these are not only dangerous for the time being to the mental peace of the parties concerned, but they also sow in a way the seed of future disturbances. To make myself clear on this point, I do feel that the system of the imposition of punitive police in disturbed areas is something which is highly offending especially to the sense of self-respect of the inhabitants of the areas concerned. Not only that, but it violates and grievously violates the fundamental principle of any system of civilised jurisprudence, which is that it is but right and proper on the part of the executive authorities to punish those who may be found guilty of the commission of any offence, but they should not while punishing the guilty unjustifiably punish the innocent. Whenever an additional police is imposed, what is it that the executive does? Take for instance the village that is so much talked of on both sides of the House, I mean the village of Navali. Some persons of the said village might have committed railway thefts or might have participated in the commission of the offence, but there must have been sections of people in the village quite innocent either of participation in, or commission of, the offence. If the executive authority imposes punitive police, not only the guilty are punished, but also the innocent. That is a principle that has been discountenanced by any civilised system of jurisprudence. The proposed amendment is very simple and I am really astonished to see the Government benches oppose this innocent bill. What does the amendment say? It does not come in the way of the executive authorities even in the matter of the imposition of punitive police, even though according to me, such imposition clearly militates against the fundamental principle of jurisprudence. The amending bill suggests a very modest alteration in the existing Act, and it is to the effect that if any tax or rate is to be imposed, it should be imposed with the approval of the Legislative Council expressed by a resolution. Now, does not this honourable House believe that an amendment of this nature will really mean a very salutary check upon the vagaries of the executive? The honourable mover has pointed out to the House many instances of irregularities, nay, of illegalities, committed by the executive authorities; and if no provision be made for such irregularities or illegalities to be brought before the House, then it may be safely said that the House desires itself to be a party to them. My submission to the House therefore is that the bill if accepted will serve as a very wholesome check upon the high-handed acts that are of tentimes done by the executive authorities; not only that, but it will afford the honourable House an opportunity to examine the whole question and get itself satisfied about the necessity and propriety of executive acts in this behalf. Certainly it is no use either for the honourable mover of this bill or an honourable member like the commissioner of the Northern Division to fight over the facts of a particular case. The House is hardly concerned with them. We cannot know from only the speeches of the two honourable members mentioned above on which side the truth lies. We may be able to form our own judgment when all the relevant facts are laid on the table. I would certainly like to know from the honourable

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House whether they would not desire to get as of right all the papers and all the facts of all those cases involving the question of the imposition of punitive police. I think, Sir, honestly enough and in all conscience, that this amendment should not only have been welcomed with open arms by the Government benches, but in obedience to the spirit of the reformed constitution and out of deference to the public opinion, they themselves should have submitted such an amendment to the vote of the Council. It is really surprising to see that, instead of doing that they are opposing it especially when the power of the executive authorities is not touched thereby in the least. For all these grounds I support the first reading of the bill.

Rao Saheb D. P. DESAI (Kaira District): Sir, I support the first reading of this bill. It has been moved so ably that I will not touch the several instances mentioned by the honourable mover, but will say just a word or two in reply to what has fallen from my honourable friends opposite. The honourable member the Home Secretary in making a reference to the points raised by the honourable mover stated that Mr. Vallabhbhai Patel had definitely stated in a speech before the villagers that they could fool the Commissioner or the Collector but not himself as he was a Kaira man and he knew that there were receivers of stolen property in the Kaira district. I say, Sir, even if that were true, what does that show? That there were receivers of stolen property among them for whom the additional fine was levied. But, Sir, are there not receivers of stolen property everywhere? Even in Bombay, Sir, within an area of only 23 miles, we have got to maintain a big sessions court and seven magistrates (presidency magistrates) and they are deciding cases of theft dacoities, etc., so often that a poor district like Kaira district cannot show even 5 per cent. or 10 per cent. of the cases that are being tried by these magistrates. But there also—in the city of Bombay—property that is stolen is being received by some persons presumably. Why then should not a fine be levied there? That is my question to the Home Secretary. Unfortunately, the main issue in these matters is often being overlooked. In one of the letters that the honourable mover has cited it is stated that the main cause why these thefts and dacoities are committed is economical and referred to settlements that were going on there in the district. While my honourable friend the Commissioner, Northern Division, was speaking I had expected him to give specially his opinion regarding the causes of these thefts and dacoities, that they were due to the economical question that is due to heavy assessments of land revenue referred to in the correspondence. But, unfortunately, he has failed to touch on this question and to enlighten the Council on the true causes for these crimes. In fact, in the correspondence the Collector of the district and the police superintendent were both right in attributing these serious crimes in the Kaira district to economic causes and to the heaviness of the assessments charged. We wished to know how far the economic causes have to do with these thefts and dacoities. But none of the honourable members on behalf of Government have touched on the true causes that underlie these crimes in the district.

[Rao Saheb D. P. Desai]

Sir, the communities that are being fined under the Police Act at times are not the real criminals and I thoroughly agree with my honourable friend from Poona (Mr. Bhopatkar) in his statement that the executive orders that penalise both the good and the bad should never be executed or, if at all executed, should be executed with the sanction of the representatives of the people. All the troubles we were put to in the Kaira district in fact, all the troubles that we were put to either at Borsad, and other places in this presidency, were due to innocent people being made to suffer along with the others. So in my opinion the object of the bill in providing for the sanction of the Legislative Council before the tax or levy is imposed is salutary and I see no reason why Government should obstruct such a beneficient measure. With these remarks I support the first reading of the bill.

Mr. G. K. MAVALANKAR (Ahmedabad City): Mr. President, I cannot see eye to eye with the honourable member from Poona (Mr. Bhopatkar) when he on the principle of jurisprudence disputes the principle of penalising wholesale a village or villages. But as that question has not been put forward by the honourable mover of the amendment, I shall not dilate on that point any more.

As regards Mr. Vallabhbhai's speech and quotation from it that has been put forth by the honourable member the Home Secretary, I would, on the same authority, if Mr. Vallabhbhai's name is to carry any weight, if his authority is to be respected, bring to the notice of this House that Mr. Vallabhbhai was known as the hero of Borsad, that is, of the non-payment movement of this penal tax. Here the question is of penalising and whether that penalising made with the authority of Government was done correctly or incorrectly or whether it was done with good and proper judgment or not. That is the point at issue. In spite of what the honourable member, the Commissioner, Northern Division, stated that the whole thing was carried out with extraordinary clemency, still matters were carried so far that Mr. Vallabhbhai had actually to go to Borsad and to lead the Satyagraha or non-payment campaign because the levy of penal tax was itself unjust and was being collected so unjustly. When Mr. Vallabhbhai's speech is quoted here, then much stronger becomes my ground in support of the bill brought forward by my honourable friend Mr. Surve. The question is whether or not the power in question is being properly used by Government and therefore in order to put a check upon the power of Government this bill is introduced and I therefore support the first reading of this bill. Moreover, I can add looking to what Mr. Vallabhbhai actually stated as regards dacoities which occurred in the villages near the railway line which is quoted here, it is a much stronger ground for supporting that when even such a strong agitator against Government is a fair, honest and truthful man, then what wonder is there that in this House when so many persons who are not so strong agitators like Mr. Vallabhbhai would come forward to support the penalising of the people of a village if the penalising is just in their eyes and desirable.

With these words I support the first reading of this bill.

Mr. R. G. PRADHAN (Nasik District): Sir, I had no intention of rising to speak on this bill, but when I listened to the speeches that have been made I am reminded of a consideration which, I think, I should be failing in my duty if I did not place before this honourable House. The honourable House will remember that when in the February session I moved my resolution regarding the land revenue assessments I referred to the pratice existing in this country of imposing taxation without any legislative control or sanction, and I pointed out that that practice was objectionable in itself and that it had been condemned by such an eminent authority as the Joint Parliamentary Committee on the Government of India Bill. If honourable members would refer to section 25 of the District Police Act, which this bill seeks to amend, they will find that the effect of that section is that it authorises Government to impose certain kinds of taxation or certain kinds of rate or both, upon certain sections of the people, without reference to legislative control and without any legislative sanction. The question which this House has to consider is whether that practice, which has been followed by Government and which has been in this particular case embodied in this particular provision of the District Police Act is a reasonable practice, whether it is a pratice which this House is going to approve of. I submit, Sir, that in view of the discussion that has taken place in several places on the question of the principle involved in this, this House should not lend its countenance to the practice that obtains in this country of imposing taxation without any reference to the legislature. What the bill seeks to do is, if I rightly understand it, to bring this power of Government to impose taxation without legislative control or sanction, under the control of this Council and under the sanction of this Council. When I look at the matter from this constitutional point of view—and I appeal to the House to look at the matter from this constitutional point of view—it appears to me that the amendment which this bill seeks to make in this provision is quite a salutary one, that it is quite consistent with the constitutional principle which I have mentioned; and I therefore appeal to the House to support the first reading of the bill.

Dr. M. B. VELKAR (Bombay City, South): Sir, I rise to support the first reading of this bill. In supporting it I want to submit only one observation for the consideration of this House and it is this that if this House were to look at this amendment rather dispassionately, it would certainly come to the conclusion that the punitive tax as it exists at present, is a punitive measure and therefore an extraordinary measure and that in this particular situation if anybody has to give sanction to it it is this House and not the executive because many a time we come to find that this power comes to be abused by the executive. The case of Borsad has already been quoted. What had happened there? There was outlawry rampant in Borsad, there was danger to life and property of the people in Borsad. Was it not the duty of Government to give protection to the life and property of the people of Borsad? Certainly, the people of Borsad taluka did pay taxes to Government and in return they certainly expected amenities in the form of protection to their lives and properties from Government and so I say that it was the primary duty of

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Government to give protection to life and property of the people of Borsad. If Government failed in their primary duty, I believe everyone in this House will admit that Government themselves are to blame. It will be admitted that the primary function of every Government is to give protection to life and property of the persons who are in charge of that Government. If Government fails to do this primary duty, then the Govenment must close its shop, but should not certainly punish the people. I say, therefore, if at any time such an extraordinary situation arises anywhere as to necessitate the imposition of such a punitive measure, this House should be consulted as regards the cost that is likely to be involved in taking such an extraordinary step. In my opinion when the time comes to make use of this extraordinary power of making a special imposition of this kind, the only competent authority to decide the amount of the levy is a House like this. I say, therefore the amendment to the bill proposed by my honourable friend Mr. Surve is one in the right direction and should prove acceptable to the House.

Mr. D. N. PATEL (Kaira District): Sir, I rise to support the first reading of the bill brought forward by my honourable friend from Bombay. I must say that I am very thankful to him for having gone to the trouble in the manner he has done to get the Act amended in accordance with the wishes of the people.

As regards clause (2) of section 25 of the District Police Act, the honourable member Mr. Bhopatkar has already made some very pertinent observations. I submit that the clause has outworked its necessity. That clause was incorporated in the statute a number of years ago. Since then the province has undergone a great change, both socially and politically and therefore there seems to be no longer any need for retaining the clause in that Act. The retention of that clause appears to me to be a veritable blot upon the Government. There is undoubtedly a strong case for the entire deletion of that clause and a very much stronger one for the acceptance of the amendment moved by my honourable friend, Mr. Surve. Now, the commissioner, Northern Division, suggested in his speech that the situation in Borsad was dealt with extreme clemency and moderation. I come from that very district and from that very place, and I am conversant with all the facts that have been raised. The two talukas of Borsad and Anand became the abodes of outlaws for a number of years, not months. Owing to the weakness of the police, and, it is suspected on our side, with the connivance of the police, they carried on extortions, robberies and murders. The poor agriculturists could not go even to their fields, and could not even stay in their fields; the merchants could not go to the outside villages for the collection of their outstandings, and the villagers could not go to the taluka towns for the purchase of ordinary things. This state of things continued in Borsad, not for some months, but for a number of years, at least four or five. The people were very much harassed, and the people looked to Government for help; but instead of getting any help from Government they got that notification. Generally, the police are in touch with the

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Government. The police of Kaira prevailed upon the Government to issue the notification, and the Government without consulting this honourable House, or without consulting the leaders of the place, at once issued the notification imposing the punitive police, the cost of which was to be defrayed by the villagers, whether they were males or females, young or old. The people resented this, and opposed it, as a result of which the Honourable the Home Member was made to visit Borsad and to enquire about the matter personally. A great conference was held in his presence. The Commissioner, Northern Division, the Collector of the Kaira district, the district deputy collector, the district superintendent of police, the assistant superintendent of police, in short all the officers from the top to the bottom were present there. In all about 1,000 people had assembled there, and to the very face of these high officers the people disclosed all the rogueries of the police and disclosed everything to the Honourable the Home Member. He was convinced of the innocence of the people, and the result was that the notification was cancelled. This is the way in which the powers given by the section were abused by the police and the Government. The amending bill is a salutary check on Government. I support it, and I hope all the honourable members of the House will support it.

Mr. A. N. SURVE (Bombay City, North): Sir, I need hardly rise to make a reply. My case has not only remained unanswered, on the contrary, I find that some of the charges I have made have been admitted by the opposite side. The Honourable Member the Commissioner, Northern Division, has admitted that there was an illegality which was cured afterwards. My next point, *viz.*, that Government have not been exercising their power properly, is practically admitted by so high an officer as the Home Secretary himself.

It should be borne in mind that the Commissioner has said that a very reverend gentleman, Mr. Tyebji, told him that the action taken by Government was the correct one. That is the very thing which I seek to emphasise. What has become of the C. I. D.? Has Government begun to found its actions on the information given by missionaries? Sir, you know that the locality is inhabited by Dharalas, and the missionaries are there to convert them.

Mr. F. G. PRATT: I spoke nothing about Christian missionaries. I spoke of the Hindu non-co-operator missionaries.

Mr. A. N. SURVE: Whatever it may be, my point is this, that if Government want to take action on the advice of non-officials, it is high time that the power which they enjoy should be taken away from them.

Then the Home Secretary has accused me of inaccuracies. There may be inaccuracies. I do not claim that I possess all the official information, but such official information as I did possess was placed by me before him. Two days before, I had given him the numbers of all the notifications.....

Mr. A. MONTGOMERIE: May I say, Sir, that there seems to be some misunderstanding? I never accused the honourable member of inaccuracies. I do not remember referring in any way to anything which he has said as inaccurate.

Mr. A. N. SURVE: I thank him for that admission. I want to clear the criticism on this point. I was under no obligation to disclose my case to Government, but I went out of my way, and all the particulars that I had at my disposal were given to the Home Secretary, with a view that he should bring up his case before the Council as strongly as he could. But the House has witnessed the manner in which he has placed his case before it and it can judge for itself about its strength or weakness. I have already stated that even if this House did not sanction the money, Government, under the statutory provisions, had the power to take the money out from the revenue, and still I am very sorry to find that the Home Secretary has urged that budget grants may not be sanctioned. What has that to do with the question under consideration Let me assure him and this House also that under the statutory provisions, Government can appropriate that money at any moment irrespective of the sanction of this House. Then, may I remind him of this: when the Bombay riots took place, and the Government came before this House for a supplementary grant, was the grant not sanctioned? Sir, this House is not quite so very unreasonable. Whenever there is any proposal which deserves co-operation from this side, Government always gets it and will get it. May I again remind him that when the punitive levy at Malegaon failed and compensation was to be given to the sufferers of that place did not this House rise to the occasion and sanction the money? Sir, I need hardly press this point any further.

My honourable friend representing Poona City (Mr. Bhopatkar) gave me advice on making matters coming before the council a party question. I am very thankful to him for it. But I should like to tell him that if he scans the division lists, he will find that the non-Brahmin party has always been consistent. If we differ from his party on some points he should not run away with the idea that we do so with the object of spitefully defeating them. Sir, we have our own programme to work out. The programme of the Swaraj party is different. We have come here to work the reforms, disappointing though they are; we have not come here to offer obstruction for the sake of wrecking reforms. Where their programme and our programme meet on a common ground, we willingly join hands with them. Therefore, to give me that gratuitous advice was thoroughly uncalled for. Then, my honourable friend from Nasik (Mr. Pradhan) stated that the bill should be sent to a select committee. It is only a one clause bill, and and I hardly.....

Mr. R. G. PRADHAN: I did not say, Sir, that the bill should be sent to a select committee.

Mr. A. N. SURVE: I am very glad if that is so. In conclusion I appeal in the name of the villagers of the entire presidency that the first reading of this bill which I have placed before the House should be unanimously passed because it seeks to protect them from arbitrary and uncontrolled exercise of statutory power.

The Honourable Sir MAURICE HAYWARD : Mr. President, I should like to refer first to the remark made by my honourable friend opposite that it is unsual to oppose a bill on the first reading. I think he is under some misapprehension that it was a motion to introduce the bill. That we did not oppose according to the usual practice. This is the first reading. There is a principle in question, and it seems to me it is my duty to state our point of view, so that the principle may be thoroughly understood and voted on by this House. I think it is generally admitted by a majority of the House though here are some honourable members who do not seem to have realized it that communal responsibility is a perfectly good rule in jurisprudence. Communal responsibility has been in existence for a great many centuries in this country and it was in fact the only way of securing law and order in the old days before we were so degraded as to have a body of organised police. In those days the way to recover property was to trace the thieves to a village and to tell that village to trace those tracks on to another village or else pay up. Communal responsibility is recognised not only in this country but it is recognized also in England. I think the honourable mover recognises that on occasions this communal responsibility must be enforced. I understand his point is that the question of who should pay ought to be decided by this honourable House. In support of that he cited several instances in which he believed that illegalities and other very grievous mistakes were committed. As a matter of fact it has been shown by the reply given on these particular instances that there have been no illegalities, but there was one illegal suggestion which was promptly queried by the Inspector General of Police and rejected by the Government. If there have been mistakes that is a matter of opinion. But there can be no doubt that there are several classes of cases in which we have to enforce this communal responsibility. The most ordinary case is where systematic offences are perpatrated by particular villages and where you cannot ascertain who the particular offenders are because all the villagers are more or less in league and refuse to give any evidence, or any help at all. Such a case was the case of the Anand villagers who were made responsible for the railway thefts, and the justification of the additional police force imposed at their expense has been the resulting reduction of railway offences to the normal. That has been recognized not only by members in this House but by gentlemen leading other parties outside this House. But since we have found from enquiries made and reports received subsequent to this that there is no further necessity for the additional police, we have issued orders that these particular posts should be withdrawn from the beginning of the next year. Now there is another class of cases in which it is necessary to enforce this communal responsibility, namely, rioting between two communities where it is quite impossible to gather exactly who were responsible. In those cases what ordinarily happens is that one community charges the leaders of the other with dacoity, arson and murder, and the other reciprocates by selecting the leaders of the former and charging them with similar offences. In all probability both charges are untrue. It is very unlikely that the leaders of either side took an actual part in the rioting. Something has to be done to

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maintain law and order and the only remedy left is to entertain additional police at the expense of the particular town in question. Then, there is a third class of cases, which is similar and is particularly prevalent in the Southern Division of this presidency. These are cases of factions in villages, which lead to murders and other offences and neither side will give reliable evidence. The only way in which the villagers can be reduced to a sense of responsibility is to make them pay for an additional force of police in their villages for the purpose of maintaining order.

Mr. M. D. KARKI: May I kow, Sir, where these factions are in existence which lead to murders in Southern Division?

The Honourable Sir MAURICE HAYWARD: I could without difficulty inform him after reference to the Commissioner, Southern Division. But I do not think that it is really necessary for our present purposes. We do not want to enquire here into the details of a number of cases because that would mean detailed examination of a great number of papers after getting them all printed. I do not think that is really a task which can very properly be undertaken by this House. Now, Sir, communal responsibilty has to be enforced as a practical measure in all these cases, otherwise respect for law and order will be lost and the general public will suffer. It is necessary in the interests of the general public to entertain these additional forces of police. We have heard, Sir, a good deal of the Borsad taluka. But I submit that the Borsad taluka case is one which specially proves the reasonableness in such cases of the executive. The Dharala question is as old as the Kaira district. We have heard any way ever since 1840 of disorders and disturbances and the difficulty of enforcing respect for law and order on the Dharalas and on those patidars who encourage them. It is well-known, and my honourable friend from Kaira will not deny it, that there have been patidars responsible for such encouragement.

This is a very old, very difficult and long-standing question. Various expedients have been tried from time to time, unfortunately without effect, and there have been murders and dacoities without number and the public suffered. It is sufficient only to mention the name of Babar Deva to raise a picture of desolation, fear and terrorism which I suppose has never been equalled in any taluka outside the Kaira district. When that state of affairs was brought to our notice we recognised that it was our duty to take exceptional measures to put down these disorders and protect the people. I heartily agree with the honourable members who have said that it was the primary duty of the executive government to protect the people. I maintain further that we rose to the occasion, and recognising that nothing was possible without drastic measures, we took those measures and the whole responsibility for taking them which rests on the Government. Various plans had been recommended but had failed. The whole question was reconsidered and it was decided that it was necessary to entertain an exceptionally strong police force to put down these disorders in the same way that we had put down the disorders of Mir Khan Baluch and his well-known gang of dacoits in north

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Gujarat. If any honourable members are inclined to lay the responsibility for taking these special measures on the local officers, let me tell them that I take the entire responsibility on myself. They originated at the headquarters of Government. And the result? Where is Babar Deva? Where are his lieutenants and his gang of dacoits? Not a single one is at present free. All of them have been captured and, Babar Deva and his gang have been cleared off the face of the Kaira district. Is that not sufficient justification for the action we took? Undoubtedly, and it is fully appreciated by all the people in the Borsad taluka and in the Kaira district.

The question as to who was to pay them arose. It cost a good deal of money and when we have to spend money we have got to obtain leave of the Finance Department. If we say that we are going to recover the same from the people who are responsible for the expenditure the leave is quickly obtained. If not, the reply will probably be: "No provision has been made in the budget and reference must first be made to the finance committee or the Legislative Council". Then what is to happen? Are we to say, "The dacoits are cutting throats. Let them cut some more throats. Let us wait 3 or 4 months till the next meeting of the Legislative Council"? That is the practical difficulty which I want the House to recognise. In such cases, prompt action is necessary to protect the public and to put down disorders. On account of these practical difficulties I have to oppose the principle of this bill while at the same time recognising that such matters will naturally be of great interest to members of this honourable House. We cannot do without engaging more men to cope with widespread disorders. We cannot engage more men unless we have got money to pay for them. Discretion to take action at once must be vested in the executive leaving the matter afterwards to the approval or disapproval of the Legislative Council either by questions or by resolutions and similar effective remedies which are already vested in this House.

I think, Sir, I have said enough about Borsad to show that it was a special case requiring special action and that the special action taken was fully justified and that the people responsible for those disorders ought *prima facie* surely to pay and not the whole presidency. But there were in this particular case particular circumstances. When they were brought to my notice, I went down personally to enquire into them and when satisfied of their existence, recommended modification of the orders for payment. What were those circumstances? They were famine conditions threatened which made it extremely difficult for the people to pay any part of the heavy burden thrown upon them; terrorism not experienced in any other district of the presidency; and the peculiar position of this taluka bounded by the Mahi river with its deep ravines affording specially good shelter for dacoits and surrounded by Indian States' territory. These circumstances rendered it particularly difficult for the normal body of police stationed there to deal effectively with the dacoits. I was satisfied after personal investigation on the spot with the local officials

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and police officers and the deputy inspector general of police that a sufficient police force had not been hitherto maintained in the taluka to deal effectively with the dacoities there so prevalent. I had therefore no hesitation in recommending the question whether the people should pay or not pay should be entirely left to this honourable House. It was decided on those particular facts that the charges should be met from the provincial revenue and the necessary grant was sanctioned by this House. This particular case is itself sufficient to show that when there are good reasons, orders will be modified as required by the executive Government. It proves the reasonableness of the Government.

With regard to Malegaon it has been complained by my honourable friend opposite, that the right people were not made responsible. That is always a very difficult question to settle. While one party will blame the other party, it will on the other hand be charged by the other party with sole responsibility. We did our best to lay the burden on those primarily responsible and to distribute it fairly between all parties. It was a question of poll tax in Borsad and it was suggested that a poll tax was unfair, because the rich paid no more than the poor. It was a tax according to property in Malegaon, and it was suggested that it was unfair because the single poor man paid less than the single rich man. Well, however that may be, I think that probably the tax as finally settled was fairly and justly distributed in Malegaon. Any way it was the subject of litigation and the final notification was eventually upheld by the High Court.

Now, Sir, I will deal with the question more generally. I have submitted that in cases in which it has been necessary for us to impose additional police, we have taken into consideration all the circumstances and where we have been convinced subsequently we were wrong, or there were reasons for modifying the orders, we have not hesitated to modify them and I submit, Sir, that the existing law as it stands is necessary in order to give us the practical power to protect the public in case of emergency, and that there is sufficient check on the mistakes which may be made in exercise of that power in the rights vested in this House in asking questions, in bringing resolutions and other pressure to bear upon the executive government. I will go further than this and say that the delay which would be entailed by having to wait and not entertain extra police until the whole case has been submitted to this honourable House would be altogether against the public interests, and that the enquiry necessary before entertaining this police is an enquiry which could not practically be made by a Legislative Council. It would not be practical for this honourable House to make an enquiry on the spot. We are not a judicial body and we cannot sit down and examine a great number of documents. It is not practicable or possible. It is a matter which is essentially one for your executive government and you have to trust your executive government and to trust to the powers of control, which I have mentioned, are already vested in this Legislative Council.

I have only one more remark to make, Sir, and that is that this particular form of legislation is not peculiar to the Bombay presidency; it is a form

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which is in force throughout the whole of India. We have here our own particular Police Act which makes this provision, but there is the Government of India Police Act of 1861, which has a similar provision for the whole of India. It is a recognised form of empowering the executive government to maintain law and order on behalf of the public. I submit, Sir, that it would be a very dangerous precedent, if, by an amendment of this sort, the power of the executive government were hampered in exercising that duty of maintaining law and order throughout the presidency. I submit, therefore, Sir, that on these general considerations the principle of this bill ought not to be accepted and the first reading ought to be rejected by this honourable House.

**Bill read a first time.** Question put: House divided: Ayes 41, Noes 39. Motion carried.

*Division No. 15.*

**Ayes**

Abdulpurkar, Mr. N. A.
Adwani, Mr. D. B.
Ahmad, Moulvi Rafiuddin
Angadi, Mr. S. N.
Bhopatkar, Mr. L. B.
Dadachanji, Dr. K. E.
Dalvi, Mr. B. K.
Desai, Rao Saheb D. P.
Dev, Mr. S. S.
Dixit, Dr. M. K.
Gunjal, Mr. N. R.
Jayakar, Mr. M. R.
Jog, Mr. V. N.
Joshi, Mr. P. G.
Kambli, Mr. S. T.
Karki, Mr. M. D.
Lalji Naranji, Mr.
Mahomed Ayub Shah Mahomed Khuhro, Mr.
Mavalankar, Mr. G. K.
Mehta, Dr. M. M.
Mukadam, Mr. W. S.
Narielvala, Mr. H. H.
Nariman, Mr. K. F.
Pahalajani, Mr. B. G.
Patel, Mr. D. N.
Powar, Mr. M. B.
Pradhan, Mr. G. B.
Pradhan, Mr. R. G.
Rahimtoola, Mr. Hoosenally M.
Saheba, Mr. H. D.
Saptarshi, Mr. C. M.
Sardesai, Mr. S. A.
Shankarrao Jayarambao Zunzarrao, Mr.
Shivdasani, Mr. H. B.
Soman, Mr. R. G.
Sueve, Mr. A. N.
Surve, Mr. V. A.
Swaminarayan, Mr. J. C.
Thakersi, Mr. Punjabhai
Thakor of Kerwada, the
Velkar, Dr. M. B.

*Tellers for the Ayes:* Mr. D. N. Patel and Mr. G. K. Mavalankar.

**Noes**

Abdul Latif Haji Hajrat Khan, Mr.
Bole, Mr. S. K.
Buyter, Mr. J. P.
Chatfield, Mr. G. E.
Chaudhari, Mr. L. S.
Cooper, Khan Bahadur D. B.
Dabholkar, Mr. V. A.
Dehlavi, the Honourable Mr. A. M. K.
Fernandez, Dr. Cosmas
Framji, Mr. K. S.
Ghosal, Mr. J.
Ghulam Hussain, the Honourable Khan Bahadur Shaikh.
Gibson, Mr. R. E.
Grantham, Mr. V. A.
Griffiths, Mr. V. M.
Hatch, Mr. G. W.
Hayward, the Honourable Sir Maurice
Hepper, Sir Lawless
Jadhav, the Honourable Mr. B. V.
Jehangir, the Honourable Mr. Cowasji
Kanga, Mr. J. B.
Kay, Mr. J. A.
Kazi Inaitullakhan
Lawrence, the Honourable Mr. H. S.
Linford, Mr. J. W.
Mehta, the Honourable Mr. C. V.
Montgomerie, Mr. A.
Mujumdar, Sardar G. N.
Nekaljay, Mr. R. S.
Noor Mahomed, Mr.
Owen, Mr. A. C.
Painter, Mr. H. L.
Pir Rasulbaksh Shah
Pratt, Mr. F. G.

Noes—*continued.*

| | |
|---|---|
| Shinde, Mr. R. D. | Wiles, Mr. G. |
| Thomas, Mr. G. A. | Woods, Mr. E. E. |
| Wadia, Mr. N. J. | |

*Tellers for the Noes*; Mr. V. A. Grantham and Mr. J. A. Kay.

Mr. A. N. SURVE (Bombay City, North): Mr. President, I beg to move that the bill be now read a second time.

Question proposed.

The Honourable Sir MAURICE HAYWARD: I move an amendment, Sir,

"That this bill be referred to a select committee consisting of nine members, five to form a quorum, with instructions to report within two months; the committee to consist of the following members;

Mr. A. N. Surve, Moulvi Rafiuddin Ahmad, Mr. S. T. Kambli, Mr. R. G. Pradhan, Mr. Noor Mahomed, Mr. L. B. Bhopatkar, Mr. N. J. Wadia (Legal Secretary), Mr. A Montgomerie and the Home Member."

I should like to explain, Sir, the desirability of referring even this apparently small measure to a select committee. I am not sure whether honourable members have got the District Police Act before them. But it is Bombay Act No. IV of 1890, and the particular section in question is section 25. The first sub-section gives power by notification to employ "additional police for such period as it (Government) shall think fit in any local area which shall appear to it to be in a disturbed or dangerous state, or in which the conduct of the inhabitants or of any particular section of the inhabitants shall, in its opinion, render it expedient temporarily to increase the strength of the police".

The first sub-section gives power by notification to employ additional police in any disturbed area, and sub-section (2) says, "the cost shall, if Government so direct, be defrayed by a tax imposed on the persons hereinbelow mentioned, or by a rate or by both a tax and a rate imposed and assessed .....".Then come (*a*) and (*b*) followed by an Explanation. Sub-section (3) says, "it shall be lawful for Government to extend, for a term not exceeding in any case five years, the period for the payment of such tax or rate beyond the period for which such additional police are actually employed". Sub-section (4) says, "the said tax shall be imposed, or the said rate shall be assessed, except in a municipal district, by the Collector at his discretion". Then there is the further provision that, "if the local area in which any such tax is to be imposed, or any such rate is to be assessed, is a municipal district", it has got to be assessed by the municipality in conformity with the directions given by Government. Sub-section (5) says, "it shall be lawful for Government, by order, to exempt any persons from liability to bear any portion of such cost". The point I want to make is that in this section 25 there are powers given at various stages to Government and I think the select committee will have to consider how far the amendment of only one sub-section will be sufficient and whether if the principle is accepted and adhered to, it will not be necessary also in a similar manner to modify the other sub-sections to make the whole section workable and to

[Sir Maurice Hayward]

provide also at other stages for the sanction of the Legislative Council. I submit, Sir, that it is necessary to carefully look through this proposed amendment to see exactly what its effect is going to be on the whole section and whether that is the only amendment required or whether other amendments are wanted. I submit therefore this House will be well advised to send this bill to the select committee to be fully considered from every point of view.

Question proposed.

The Honourable the PRESIDENT: Does no honourable member wish to address the House? As there seems to be no one desirous of speaking on this motion, I call upon the honourable member, Mr. Surve to reply.

Mr. A. N. SURVE (Bombay City, North): This is a one clause bill and it does not contain anything which needs going to the select committee. There have been instances of longer bills having been read and passed all their three readings at one sitting. I cite the instance of the Karachi Port Trust Bill which, though very hotly opposed here, was passed in the last session without committing it to a select committee. There is no necessity for committing the bill to the select committee and moreover what is the select committee going to do? The only addition that the bill seeks to make is that the sanction of the Legislative Council should be obtained. How is the select committee going to modify it? It cannot negative what the bill seeks to effect. For these reasons hardly any good purpose except wasting time could be served by sending the bill to the select committee. Under these circumstances I oppose the amendment.

The Honourable Sir MAURICE HAYWARD: I do not wish to add anything. I have explained the position.

The Honourable the PRESIDENT: The original motion is that the bill be read a second time. To that there is an amendment that the bill be referred to a select committee consisting of nine members, namely, Mr. A. N. Surve, Moulvi Rafiuddin Ahmad, Mr. S. T. Kambli, Mr. R. G. Pradhan, Mr. Noor Mahomed, Mr. L. B. Bhopatkar, Mr. N. J. Wadia, Mr. A. Montgomerie and the Honourable Sir Maurice Hayward, five to form a quorum and to report in two months.

Question put. House divided. Ayes 45: Noes 34. Motion carried.

*Division No. 16.*

**Ayes.**

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
AHMAD, MOULVI RAFIUDDIN
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Mr. V. A.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
FERNANDES, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GIBSON, Mr. R. E.

Ayes—*continued.*

GRANTHAM, Mr. V. A.
GRIFFITHS, Mr. V. M.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
JADHAV, the Honourable Mr. B. V.
JEHANGIR, the Honourable Mr. COWASJI
KALBHOR, Mr. G. M.
KAMBLI, Mr. S. T.
KANGA, Mr. J. B.
KAY, Mr. J. A.
LAWRENCE, the Honourable Mr. H. S.
LINFORD, Mr. J. W.
MEHTA, the Honourable Mr. C. V.
MONTGOMERIE, Mr. A.
NAVLE, Mr. N. E.
NEKALJAY, Mr. R. S.
PAINTER, Mr. H. L.
PATIL, Mr. D. R.
PIR RASULBAKSH SHAH
PRADHAN, Mr. R. G.
PRATT, Mr. F. G.
SARDESAI, Mr. S. A.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHINDE, Mr. R. D.
THAKOR of KERWADA, the
THOMAS, Mr. G. A.
WADIA, Mr. N. J.
WILES, Mr. G.
WOODS, Mr. E. E.

*Tellers for the Ayes*: Mr. V. A. GRANTHAM and Mr. J. A. KAY.

Noes.

ABDULPURKAR, Mr. N. A.
ADWANI, Mr. D. B.
ANGADI, Mr. S. N.
BHOPATKAR, Mr. L. B.
DADACHANJI, Dr. K. E.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
GUNJAL, Mr. N. R.
JAYAKAR, Mr. M. R.
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KARKI, Mr. M. D.
LALJI NARANJI, Mr.
MAHOMED AYUB SHAH MAHOMED KHUHRO, Mr.
MAVALANKAR, Mr. G. K.
MEHTA, Dr. M. M.
MUKADAM, Mr. W. S.
NARIELVALA, Mr. H. H.
NARIMAN, Mr. K. F.
PAHALAJANI, Mr. B. G.
PATEL, Mr. D. N.
POWAR, Mr. M. B.
PRADHAN, Mr. G. B.
RAHIMTOOLA, Mr. HOOSENALLY M.
SAHEBA, Mr. H. D.
SAPTARSHI, Mr. C. M.
SHIVDASANI, Mr. H. B.
SOMAN, Mr. R. G.
SURVE, Mr. A. N.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
THAKERSI, Mr. PUNJABHAI
VELKAR, Dr. M. B.

*Tellers for the Noes*: Mr. G. K. MAVALANKAR and Mr. D. N. PATEL.

The Honourable the PRESIDENT: I will now put the amendment just carried as a substantive motion.

Bill referred to select committee.

Question put and carried.

Mr. M. R. JAYAKAR (Bombay University): Sir, I wish to make a suggestion with regard to the time when we should meet on Saturday. Saturday is a very important day, as most of the mofussil members would be anxious to go back to their homes for Divali, so as to reach there on Sunday. If it is possible, may I suggest for your consideration, Sir, that on Saturday the House should sit from 11 a. m. to 2 p. m. so that by the 3 p. m., train the mofussil members may be able to leave for their homes and reach them on Sunday?

The Honourable the PRESIDENT: I should like to be guided by the general feeling in the House. Is it the general feeling that the House should meet at 11 o'clock on Saturday and adjourn at 2, to enable honourable members to reach their homes in time for the Divali?

The Honourable Sir MAURICE HAYWARD: I have no objection if that suits the convenience of the House.

[The President]

The Honourable the PRESIDENT: I take it that that is the general view of the House.

Mr. N. E. NAVLE: Sir, I oppose this proposal of the honourable member Mr. Jayakar, because we have tabled important resolutions for this session, and our position will be jeopardised, as we will not be able to move those resolutions.

The Honourable the PRESIDENT: The difference is one hour and a half. The working day at present is 4½ hours, and the present proposal reduces these 4½ hours to 3.

Mr. R. G. PRADHAN: We can meet at 10 a.m.

The Honourable the PRESIDENT: I should like to know how many honourable members wish to oppose this suggestion. I want them to realise that the matter is entirely at my discretion, but in exercising my discretion, I wish to consult the convenience of honourable members as far as possible.

The Honourable Sir MAURICE HAYWARD: I would merely make this suggestion that if any particular members want any particular resolutions to be discussed, they might be given priority.

The Honourable the PRESIDENT: It is a question of reducing the non-official time by one hour and a half. Those who wish to oppose it will please get up in their seats.

Mr. N. E. NAVLE: If the Honourable the Home Member gives us that assurance, that priority will be given.....

The Honourable the PRESIDENT: The giving of priority is in my hands.

Mr. B. G. PAHALAJANI: May I suggest that we sit for an additional hour to-morrow and on Friday?

The Honourable the PRESIDENT: In the first place, I should like to know how many honourable members object to meeting at 11 o'clock and adjourning at 2 p.m., on Saturday. Those who wish to object will please get up in their seats.

(No honourable member objected).

The Honourable the PRESIDENT: That settles the matter. The House is now adjourned till 2 p.m. to-morrow, Thursday, the 23rd October 1924.

H 803—6

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

*Thursday, the 23rd October 1924.*

The Council re-assembled at the Council Hall, Poona, on Thursday, the 23rd October 1924, at 2 p.m., the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ADDYMAN, Mr. J.
ADWANI, Mr. D. B.
AHMAD, Moulvi RAFIUDDIN
ANGADI, Mr. S. N.
BAPTISTA, Mr. J.
BHOPATKAR, Mr. L. B.
BHUTTO, Khan Bahadur S. N.
BIJARANI, Khan Saheb SHER MAHOMED KHAN.
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
CHAUDHARI, Mr. L. S.
DABHOLKAR, Mr. V. A.
DADACHANJI, Dr. K. E.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GIBSON, Mr. R. E.
GRANTHAM, Mr. V. A.
GRIFFITHS, Mr. V. M.
GUNJAL, Mr. N. R.
HAJI ABDULAH HAROON
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
JADHAV, the Honourable Mr. B. V.
JAYAKAR, Mr. M. R.
JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KAMBLI, Mr. S. T.
KANGA, Mr. J. B.
KARKI, Mr. M. D.
KAZI INAITULLAKHAN

KOTHARI, Mr. V. R.
LALJI NARANJI, Mr.
LALLJEE, Mr. HOOSEINBHOY A.
LAWRENCE, the Honourable Mr. H. S.
MADAN, Mr. J. A.
MAHOMED AYUB SHAH MAHOMED KHUHRO, Mr.
MAVALANKAR, Mr. G. K.
MEHTA, the Honourable Mr. C. V.
MEHTA, Dr. M. M.
MONTGOMERIE, Mr. A.
MUJUMDAR, Sardar G. N.
MUKADAM, Mr. W. S.
NANAL, Mr. B. R.
NARIELVALA, Mr. H. H.
NARIMAN, Mr. K. F.
NAVLE, Mr. N. E.
NEKALJAY, Mr. R. S.
NOOR MAHOMED, Mr.
OWEN, Mr. A. C.
PAHALAJANI, Mr. B. G.
PAINTER, Mr. H. L.
PATEL, Mr. A. E.
PATEL, Mr. D. N.
PATIL, Mr. D. R.
PIR RASULBAKSH SHAH
POWAR, Mr. M. B.
PRADHAN, Mr. G. B.
PRADHAN, Mr. R. G.
PRATT, Mr. F. G.
RAHIMTOOLA, Mr. HOOSENALLY M.
SAHEBA, Mr. H. D.
SAPTARSHI, Mr. C. M.
SARDESAI, Mr. S. A.
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHINDE, Mr. R. D.
SHIVDASANI, Mr. H. B.
SOMAN, Mr. R. G.
SURVE, Mr. A. N.
SURVE, Mr. V. A.
SWAMINARAYAN, Mr. J. C.
THAKERSI, Mr. PUNJABHAI
THAKOR of AMOD, the
THAKOR of KERWADA, the
THOMAS, Mr. G. A.
VELKAR, Dr. M. B.
WADIA, Mr. N. J.
WILES, Mr. G.
WOODS, Mr. E. E.

The Honourable the PRESIDENT: Order, order. Questions.

CREMATION GROUND AT SUKKUR.

Mr. D. B. ADWANI (Karachi City): (*a*) Will Government be pleased to state whether they intend to close down the cremation ground at Sukkur on account of the construction of residential quarters for the staff of the Lloyd Barrage and Canals construction ?

(*b*) Are Government aware that the above proposal has created strong opposition among the Hindus of Sind, as coming into conflict with their religious sentiments ?

(*c*) What steps do Government propose to take in the matter ?

The Honourable Mr. COWASJI JEHANGIR: (*a*) and (*c*). The reasons for the closure of the Hindu cremation ground at Sukkur and the steps proposed to be taken by Government in the matter have been set forth in detail in the Press Note No. 154 C, dated 2nd August 1924 published in the *Sind Official Gazette* of 21st idem to which and to the corrigendum thereto the attention of the honourable member is invited.

(*b*) No.

Mr. D. B. ADWANI: With reference to part (*b*) of the reply, are not Government aware of the articles that appeared in the press and the agitation that went on in Sind regarding the closing down of the cremation ground ?

The Honourable Mr. COWASJI JEHANGIR: If the honourable member refers to his question (*a*) it says:

" Will Government be pleased to state whether they intend to close down the cremation ground at Sukkur on account of the construction of residential quarters for the staff of the Lloyd Barrage and Canals construction ? ".

Government are not aware of any agitation on account of the construction of residential quarters on that site, because no residential quarters are to be constructed on that site. Government are aware of the agitation against closing the cremation ground.

Mr. M. R. JAYAKAR: Did Government take the trouble of ascertaining public opinion on this question ?

The Honourable Mr. COWASJI JEHANGIR: I refer the honourable member to the press note which explains the position clearly.

Mr. D. B. ADWANI: Has the public been satisfied with the press note issued by Government ?

The Honourable Mr. COWASJI JEHANGIR: The honourable member is in a better position to answer that question.

Mr. M. R. JAYAKAR: Was it not possible for the Government to divert the road a little and avoid the closing down of the cremation ground ?

The Honourable Mr. COWASJI JAHANGIR: I again refer the honourable member to the press note where the whole position is clearly explained.

Mr. M. R. JAYAKAR: My question is a simple one and the Honourable Member may as well answer it.

The Honourable Mr. COWASJI JEHANGIR: The statement is laid on the table and the honourable member can easily refer to it.

PENSIONS TO INFERIOR SERVANTS.

Mr. D. B. ADWANI (Karachi City): (*a*) Will Government be pleased to state if it is a fact that the inferior servants of Government get only Rs. 4 per month as pension on their retirement?

(*b*) If so, have they considered the question of the adequateness of this rate of pension, and do they intend to take any action in this connection?

The Honourable Mr. H. S. LAWRENCE: The answer is in the negative.

Mr. D. B. ADWANI: If the answer to (*b*) is in the negative, what is the answer to (*a*)?

The Honourable Mr. H. S. LAWRENCE: If the answer to (*b*) is in the negative, then it assumes that the answer to (*a*) is in the affirmative.

PRIMARY TEACHERS' PENSION FUND.

Mr. D. B. ADWANI (Karachi City): Will Government be pleased to state—

(*a*) the total amount credited to the primary teachers' pension fund during each of the last two years, and

(*b*) the total amount disbursed to primary teachers by way of pension during the same period?

The Honourable Mr. B. V. JADHAV: Attention is invited to the reply given in March last to a question on the same subject put by the honourable member for the Panch Mahals District.

PROVIDENT FUND FOR PRIMARY TEACHERS.

Mr. D. B. ADWANI (Karachi City): Will Government be pleased to state whether it is a fact that they are contemplating the creation of a provident fund for primary teachers instead of the present pension fund? If so, when is the change likely to be effected?

The Honourable Mr. B. V. JADHAV: No; in view of the transfer shortly of the control of primary education under the Bombay Primary Education Act, 1923, the matter is to be left to the local authorities (*vide* rule 49 of the draft rules published in Government Notification No. 2534, dated the 3rd October 1923).

Mr. D. B. ADWANI: When will the transfer take place?

The Honourable Mr. B. V. JADHAV: As soon as the district local board elections take place?

Mr. D. B. ADWANI: In the meantime cannot Government take steps?

The Honourable Mr. B. V. JADHAV: I want notice of the question.

LEAVE RULES FOR PRIMARY TEACHERS.

Mr. D. B. ADWANI (Karachi City): Will Government be pleased to state—

(*a*) Whether it is a fact that in regard to leave the fundamental rules were at first made applicable to primary teachers that these were then substituted by the Civil Service Regulations rules, and that the old rules relating to leave have now finally been made applicable?

(*b*) If so, what are the grounds for not applying the fundamental rules to primary teachers?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

ADVANCE INCREMENTS TO CLERKS IN SIND.

Mr. D. B. ADWANI (Karachi City): (*a*) Will Government be pleased to state whether it is a fact that secondary teachers in Sind get two advance increments to their salaries and primary teachers Rs. 5 on account of the high cost of living in Sind, while low paid clerks in the educational and other departments do not get such increments?

(*b*) If so, do Government intend to take any action?

The Honourable Mr. B. V. JADHAV: So far as the departments under my charge are concerned, the answer to part (*a*) is in the affirmative, while that to part (*b*) is in the negative. The question of giving clerks of the Educational Department in Sind an increased initial rate of pay was raised in 1920 but it was decided after careful consideration, that no special concession was necessary. No such proposals have been received by Government with regard to clerks in the medical and sanitary departments in Sind. With regard to clerks in other departments the honourable member is referred to the Honourable Ministers or Members in charge of those departments.

SCALES OF PAY TO CLERKS IN SIND.

Mr. D. B. ADWANI (Karachi City): (*a*) Will Government be pleased to state whether it is a fact that clerks in the office of the Commissioner in Sind and the Police, Forest and Public Works Departments in Sind are given more liberal scales of pay than those in other departments?

(*b*) If so, what are the reasons therefor?

The Honourable Mr. H. S. LAWRENCE: The scales of pay have been determined on a consideration of the character and conditions of the duties performed, and of the opportunities of promotion offered. They are not more liberal than has been found to be necessary.

APPOINTMENTS OF DISTRICT HEALTH OFFICERS.

Mr. D. B. ADWANI (Karachi City): Will Government be pleased to state whether it is a fact that appointments of district health officers are intended to be created in the presidency and Sind?

(*b*) If so, when will they be created?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: No. Attention is however invited to section 119 (2) of the Bombay Local Boards Act, 1923. So far no Board has appointed a public health officer.

### Allowances to Head Masters.

Mr. D. B. ADWANI (Karachi City): Will Government be pleased to state what decision has been arrived at in regard to the question of allowances to head masters of primary schools?

The Honourable Mr. B. V. JADHAV: The question is still under consideration.

### Sind Allowance to acting Assistant Deputy Educational Inspectors.

Mr. D. B. ADWANI (Karachi City): Will Government be pleased to state whether it is a fact that some of the primary teachers in Sind who are acting as assistant deputy educational inspectors are not allowed to draw the Sind allowance on the ground that they are drawing salary in excess of the present scale of their pay?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

### Pay of trained Primary Teachers.

Mr. S. N. ANGADI (Belgaum District): Will Government be pleased to state whether it is a fact that primary school teachers trained since 1923 are being paid Rs. 5 less per month than they would be entitled to under the scale of salaries of primary school teachers trained before that year?

(*b*) If so, why are they being paid at such reduced rate?

The Honourable Mr. B. V. JADHAV: Attention is invited to the replies given at the last session to questions on the same subject put by the honourable members for Satara and East and West Khandesh districts.

### Sub-Inspectors of Salt and Excise Departments.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to lay on the table the information on the following points regarding the sub-inspectors of the Salt and Excise Departments appointed or confirmed on or after the 1st of March 1922:—

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|
| Name. | Religion. | Qualifications. | Date of appointment. | Present pay. | Place and district where stationed now. |

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

RECOMMENDATIONS OF THE RETRENCHMENT COMMITTEE.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to state whether they have taken any steps in connection with the recommendations of the Retrenchment Committee after the 15th February 1924; if so, what steps have been taken?

The Honourable Mr. H. S. LAWRENCE: A statement * indicating the steps taken by Government in connection with the recommendations of the Retrenchment Committee, which were shown as being still under consideration in the statement laid before the Legislative Council, is put up.

CONTRACTS REGARDING SUKKUR BARRAGE SCHEME.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to lay on the Council Table the names of the contractors to whom contracts of the amount of Rs. 25,000 and above have been given with the amounts of contracts in each case in connexion with the Sukkur Barrage Scheme?

The Honourable Mr. COWASJI JEHANGIR: A list† containing the names of contractors and firms who have been given contracts of the amount of Rs. 25,000 and above for works on the Lloyd Barrage and Canals Construction Scheme, with the amounts of contracts in each case, is placed on the Council Table.

DETENTION OF MESSRS. GHANEKAR AND OTHERS UNDER LOCK AND KEY.

Mr. L. B. BHOPATKAR (Poona City): Are Government aware that Messrs. Ghanekar, Chunilal Swarupchand and Annaji Tukaram Hadavate were kept under lock and key for some hours by the mamlatdar of Junnar, in spite of their protest? Was such action taken under the Land Revenue Code?

The Honourable Mr. C. V. MEHTA: The persons in question were detained in the sub-jail room, but not under lock and key. The answer to the latter part of the question is in the affirmative.

Mr. L. B. BHOPATKAR: May I know the section of the Land Revenue Code under which this action was taken?

The Honourable Mr. C. V. MEHTA: I cannot give the section off-hand; but it is one of the coercive sections.

TOLL NAKA AT KUPWAD ON SANGLI-MIRAJ ROAD.

Mr. L. B. BHOPATKAR (Poona City): (*a*) Will Government be pleased to state whether their attention has been drawn to a correspondence published in the vernacular daily paper *Lokamanya* in its issue of 28th July 1924 about the alleged establishment of a toll naka in the British jurisdiction of the village of Kupwad in Tasgaon taluka by the Sangli State?

* *Vide* Appendix 53. † *Vide* Appendix 47.

(*b*) (*i*) Does such a toll naka exist at Kupwad, and if so, is its income received by Government ? If not, who receives it ? (*ii*) Is it a fact the toll naka has been auctioned for one year for Rs. 6,000 ?

(*c*) Will Government be pleased to state the length of the Sangli-Miraj road within British territory ? What has been the average annual expenditure on repairs to this road during the last 20 years ?

(*d*) Will Government state whether the taluka board was allowed the option to levy the toll and repair the road ?

(*e*) Is it a fact that there are two other roads near Sangli, namely, the Miraj-Udgaon road and the Sangli-Udgaon road, both of which pass through British territory; if so, what steps are taken to repair these two roads so far as the portions of them within British territory are concerned ? Is it intended to levy any toll on any of these roads ? Will Government state the length of these two roads and the approximate annual repair charges of these two roads separately ?

The Honourable Sir MAURICE HAYWARD: (*a*) The answer is in the affirmative.

(*b*) (*i*) There is a toll bar at Kupwad, the income of which is taken by the Sangli State. (*ii*) Government have no information.

(*d*) The repair of the road was refused by the Taluka Board. Reference is requested to the reply given to Mr. Soman, Member for the Satara District on the 18th October 1924.

(*c*) and (*e*) Reference is requested to the Honourable Minister in charge of the Public Works Department.

NON-BRAHMIN CLERKS IN SHOLAPUR SUB-JUDGE'S COURT.

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

(*a*) whether they are aware of the correspondence which appeared in the newspaper *Deen-Mitra* of the 10th October 1923 regarding the grievances of the non-Brahmin clerks in a subordinate judge's court at Sholapur ?

(*b*) If so, do they intend to take any action in the matter ?

The Honourable Sir MAURICE HAYWARD : The article was noticed but no steps were taken as no representation from the parties interested was received in the matter by Government.

Mr. S. S. DEV: Do not Government take action upon anonymous correspondence appearing in newspapers ?

The Honourable Sir MAURICE HAYWARD : Anonymous correspondence is not noticed by Government.

Mr. S. K. BOLE: Can such representations be submitted direct to Government ?

The Honourable Sir MAURICE HAYWARD: The general rule is, they have to be submitted through the official superior.

Mr. S. K. BOLE: But the heads of these offices are themselves the persons against whom the complaints are made.

The Honourable Sir MAURICE HAYWARD: But they are bound to forward any representations made; and if they do not, the subordinates will have a right of appeal to the immediate superiors and, if necessary, to Government.

Mr. D. R. PATIL: Is it the policy of Government not to take action even when grievances are brought to notice, if representations are not received from the aggrieved parties?

The Honourable Sir MAURICE HAYWARD: Anonymous correspondence and petitions are not noticed. That has for a long time been the policy of Government.

Mr. N. E. NAVLE: Is special representation required in each and every case? Are there no general orders of Government that representation should be given to non-Brahmin and backward classes?

The Honourable Sir MAURICE HAYWARD: I do not think that particular question arises out of this question.

### Compensation in Mahableshwar Road Accident.

Mr. S. K. BOLE: Will Government be pleased to state whether any compensation was paid to the peons and their relatives who recently met with an accident on the Mahableshwar road whilst travelling in a motor lorry? If so, what was the amount paid to each person concerned?

The Honourable Mr. H. S. LAWRENCE: The men who were injured were given all leave concessions, that were possible under the rules, and were also paid full compensation for their property which was lost or damaged. The cost of the latter amounted to Rs. 72. Of the three men injured, two have now returned to duty. The third has submitted a petition stating that he is permanently disabled and praying that provision may be made for him. His case is being enquired into by Government and will be duly considered when the medical report is received.

### Pension of Teachers.

Mr. S. K. BOLE: Will the Government be pleased to state what action has been taken on Mr. Upasani's resolution passed in the Bombay Legislative Council in July 1919 regarding the whole service of teachers in vernacular schools being recognised as superior for purposes of pension?

The Honourable Mr. B. V. JADHAV: Attention is invited to Press Note* No. 4349, Educational Department, dated the 3rd August 1921, a copy of which is laid on the Council Table.

### Konkan Railway.

Dr. K. E. DADACHANJI (Bombay City, South): Will Government be pleased to state whether the plans and estimates of the Konkan

* *Vide* Appendix 50.

railway project are ready, and if so, what further steps do they intend to take in the matter ?

The Honourable Mr. C. V. MEHTA: The honourable member is referred to the reply given to a similar question put by Mr. M. B. Powar.

PENSION RULES (NEW).

Mr. B. K. DALVI (Belgaum District): Will Government be pleased to state when the new pension rules under the Fundamental Rules which are pending for a long time for the subordinate service are to come into effect ?

The Honourable Mr. H. S. LAWRENCE: The revised pension rules are still under consideration of the Government of India and no information is available as to when they will be issued.

CHARI WOOD FOR THE BELGAUM MATCH MANUFACTURING COMPANY.

Mr. B. K. DALVI (Belgaum District): Will Government be pleased to state—

(*a*) What use the 'chari' wood from the local jungles of Belgaum District was put to before it came to be used for the manufacture of matches ?

(*b*) Is it a fact that the Forest Department was required to remove it at some cost to make room for the growth of other useful trees ?

(*c*) Was it ever given free of royalty to the Belgaum Match Manufacturing Company ?

(*d*) If so, how long was that concession continued to that company ? And why was that concession subsequently withdrawn ?

(*e*) What was the rate subsequently charged to that company for the wood it required for its manufacture and since what date was such charge made ?

(*f*) Is it a fact that that rate was again varied in August 1923 ? If so, why ?

(*g*) Is it a fact that forest authorities put further restrictions on the company in May 1924 both as regards the price and measurement ? If so, why have such restrictions been imposed ?

(*h*) Was any representation made by the company to the authorities concerned that these restrictions had been affecting its infant industry detrimentally and that it should be allowed its former concession, *viz.*, grant of chari wood free of royalty ?

(*i*) If so, do Government intend to take any steps in the matter, and if so, what steps do they intend to take ?

The Honourable Mr. A. M. K. DEHLAVI: Enquiry is being made.

CONVERSION OF PREMCHAND ROYCHAND TRAINING COLLEGE INTO A SCHOOL.

Rao Saheb D. P. DESAI (Kaira District): (*a*) Is it true that the Premchand Roychand Training College at Ahmedabad has been reduced

into a school and placed under a headmaster in the subordinate educational service ? If so, what are the reasons for the change ?

(*b*) How many other training colleges in the presidency have been converted into schools and for what reasons ?

(*c*) Will Government be pleased to state how many students in each of the institutions mentioned in the previous question receive Government or local board or municipal stipends or scholarships ?

(*d*) How many Mahomedan students are there in the Premchand Roychand Training College and how many of them receive Government stipends and scholarships ? How many Hindus belonging to backward communities are there in the above college and how many of them receive Government stipends and scholarships ?

(*e*) Is it true that the headmaster of the Premchand Roychand Training School (as it is now called) has under him three separate training institutions, namely, an Urdu school, a Gujarati school and the "practising" school ?

The Honourable Mr. B. V. JADHAV : (*a*) and (*b*) Attention is invited to (1) Press Note No. 1994, Educational Department, dated the 11th October 1923 and (2) the answer given to a question on the same subject put by the honourable member in February 1924.

(*c*) to (*e*) Information has been called for.

(A supplementary question asked by Rao Saheb D. P. Desai, and the reply to it by the Honourable Mr. B. V. Jadhav, were both inaudible.)

### District Educational Inspecting Staff.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state whether it is a fact that they intend to transfer the whole of the district educational inspecting staff as at present constituted to the local boards ? If so, what are the details of the scheme as regards—

(i) who is to pay for the staff ;

(ii) who will select the staff for any particular local board ;

(iii) whether Government will maintain an inspecting staff of their own, and if so, the functions of the latter ?

The Honourable Mr. B. V. JADHAV : The whole question is under consideration.

### Primary Teachers in the Districts of Gujarat.

Rao Saheb D. P. DESAI (Kaira District): (*a*) Will Government be pleased to state how many primary teachers in each of the Gujarat districts are drawing Rs. 15 per month ?

(*b*) Will Government be pleased to state why the minimum pay has been reduced to Rs. 15 per month in such cases, and in what direction the saving so effected is intended to be applied ?

The Honourable Mr. B. V. JADHAV : Enquiries are being made.

TOLL BARS ON SAKRI-PIMPALNER AND SAKRI-NANDURBAR ROADS.

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

(*a*) whether they are aware that toll bars on the Sakri-Pimpalner road and Sakri-Nandurbar road are causing great hardship to the people using those roads ?

(*b*) Whether Government intend to abolish them in accordance with their policy of gradually abolishing all toll bars, and if so, when ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*a*) No complaints from the people using the roads in question have been received.

(*b*) Yes. In due course.

GUN AND SWORDS FOR VILLAGE PATILS AND VILLAGERS IN POONA DISTRICT.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state whether they are aware of the risks to which villagers and their crops are exposed from dacoits and wild animals owing to their not possessing gun licenses in sufficient number ? If so, do they intend to take any action in this connection ?

The Honourable Sir MAURICE HAYWARD: Government have not received any complaints on the subject. District magistrates have full discretion in the matter of granting licenses for the protection of life and crops in villages and they are competent to deal with any hardship or risks which may be brought to their notice.

EXEMPTION OF GOVERNMENT OFFICIALS AND SERVANTS FROM PAYING TOLL TAX.

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

(*a*) Whether Government officers and servants on duty are exempted the payment of toll tax on provincial and local board roads ?

(*b*) Whether members of this Council and members, officers or servants of local boards on duty are allowed exemption from payment of toll tax on such roads ?

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

(*b*) Members of the Legislative Council are not exempted from payment of tolls on provincial and local board roads.

Officers and members of local boards are not exempted but they are allowed to bill the boards on account of tolls in their travelling allowance bills. Local fund overseers and other subordinates are, however, exempted from payment of tolls only when they are travelling on duty in connection with the road on which the tolls are levied.

Mr. M. D. KARKI: May I know whether the Honourable the Minister will be able to extend the privilege to local board members also ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: That does not arise.

Mr. M. D. KARKI: Government officers are exempted from paying tolls at the bars. Why should not the privilege be extended to local board members also? (No reply.)

### Advance Increments of Pay to Clerks in the Judicial Department.

Mr. N. R. GUNJAL (Poona District): (*a*) Will Government be pleased to furnish the dates from which the several scales of the pay of lower subordinate establishments were improved in the education, revenue, judicial, registration, forest, abkari, police, P. W. D. and other principal departments of public service, showing at the same time the extent of the improvements in each case?

(*b*) Will Government be pleased to state whether they are aware that clerks in departments other than the judicial department, who started on initial pay of Rs. 20 since 1914 or prior to that date, were given advance increments for years 1914 to 1920, while those in the judicial department having equal length of service and similar qualifications got no such advance increments on the ground that they got less pay up to 1918?

(*c*) If so, will Government be pleased to state whether they intend to take any action in this connection?

The Honourable Sir MAURICE HAYWARD: (*a*) Reference is requested to the Honourable Member, Finance Department.

(*b*) Reference is requested to the replies given to the honourable member for the Deccan Sardars and Inamdars on the 14th October 1924.

### Railway between Talegaon and Manchar.

Mr. N. R. GUNJAL (Poona District): (*a*) Will Government be pleased to state whether they are aware of any scheme regarding the construction of a railway line from Talegaon to Manchar in the Poona district?

(*b*) Is it a fact that permission has been granted to the persons named Messrs. Bhatawadekar and Puranik for constructing such a line?

(*c*) If so, what has been the progress on this scheme?

The Honourable Mr. C. V. MEHTA: (*a*) Yes.

(*b*) No. Permission has been granted to Messrs. Phatak, Khandge and Bhatawadekar, promoters to carry out a survey of a line on the "Roadrails" system.

(*c*) The promoters intimate that the survey of the line has been finished. The plan and estimate and report are awaited.

### English in Primary Schools.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state in which of the primary schools in the Poona district is English taught to boys and girls in standards V, VI and VII in accordance

with Government Resolution No. 605, dated 12th June 1922, Educational Department ?

The Honourable Mr. B. V. JADHAV : None.

Mr. N. E. NAVLE : Is there no necessity of extending the system to the schools in the Poona district ?

The Honourable Mr. B. V. JADHAV : The schools opened are an experimental measure, and Government will consider the necessity of opening new schools when the experiment is a success.

Mr. H. B. SHIVDASANI : When will Government be able to know whether the experiment is a success ? (*No reply.*)

## Municipal Bill for Karachi.

HAJI ABDULLAH HAROON (Karachi City) : Will Government be pleased to state—

(*a*) what stage has been reached in the matter of the drafting of new Municipal Bill for the city of Karachi ;

(*b*) when is that bill expected to be introduced in the Council ?

(*c*) Do Government intend to give the Karachi municipality an opportunity to consider the bill before it is introduced in the Council ?

(*d*) Is it a fact that a draft of that bill was made in 1921 ; and if so, what has been its fate ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (*a*) A draft Bill has been prepared and is being revised in accordance with the decisions of Government on certain questions connected therewith.

(*b*) and (*c*) The draft Bill will be referred to the Karachi Municipality for its remarks before it is introduced in the Council.

(*d*) Yes, the draft was found to be unsatisfactory and was consequently rejected.

Mr. D. B. ADWANI : Have three years been found to be insufficient to draft the bill ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The special officer that was appointed merely copied down sections of various Acts, some from the Bombay City Municipal Act and some from the Rangoon Municipal Act, and there was no coherence. We had to scrap the whole draft, and we have now in hand quite a new bill for Karachi. That must naturally take some time, as it must be put in the legal form. We have only one Legal Remembrancer. If the honourable House allows us to appoint more than one Legal Remembrancer we can draft bills earlier.

Mr. D. B. ADWANI : Will it take two or three years more ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Will the honourable member read the reply ? It is ready now.

### Reports of Public Speeches.

HAJI ABDULLAH HAROON (Karachi City): Will Government be pleased to state—

(*a*) Whether it is a fact that there is a Standing Order of the Commissioner in Sind that the Government reporters taking notes of political speeches delivered in public should get their notes attested by one or more responsible local non-officials ?

(*b*) If so, was that procedure adopted by those who reported to the authorities the speech for which Shaikh Abdul Majid Sahib, the then Secretary of Sind Provincial Khilafat Committee and Editor of Daily " Al Wahid ", Karachi, was sentenced by the City Magistrate of Hyderabad, Sind, on the 17th January 1924 to suffer 12 months' imprisonment for refusal to furnish securities for good behaviour ?

(*c*) If so, what are the names of the non-officials who attested the notes made by the police in this case, and why were they not produced in Court as prosecution witnesses ?

The Honourable Sir MAURICE HAYWARD : Information has been called for.

### Allegations against Sub-Assistant Surgeon, Mr. Moolchand.

HAJI ABDULLAH HAROON (Karachi City): (*a*) Will Government be pleased to state whether the Surgeon General with the Government of Bombay received any applications from the residents of Dadu, district Larkana, containing serious allegations against the sub-assistant surgeon, Mr. Moolchand ?

(*b*) If so, have those charges being inquired into ?

(*c*) If so, by whom and with what result ?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

### Occupied Assessed Lands in Sind.

HAJI ABDULLAH HAROON (Karachi City): Will Government be pleased to state what was the area of the total occupied assessed land, in the year 1912-13 and in the last year in each of the districts of Sind and what part of such area in each district was occupied by Mussalman and by Hindu holders respectively in each of the above two years ?

The Honourable Mr. C. V. MEHTA: Information has been called for.

### Holland Ghee.

HAJI ABDULLAH HAROON (Karachi City): (*a*) Will Government be pleased to state whether their attention has been drawn to a paragraph under the heading of " Banavati Ghee " appearing on page 4 of the " Al Wahid " of Karachi, dated the 31st August 1924, alleging that as elsewhere in India, so in Karachi imitation ghee is imported from Holland and is being sold ?

(*b*) What has been the total imports so far of that kind of ghee in Karachi and in Bombay, respectively ?

(c) Have the Government got that ghee analysed by the Chemical Analyser to satisfy themselves if its consumption is not detrimental to the health of the people ?

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

(b) and (c) Inquiry is being made.

Mr. NOOR MAHOMED: Is there any special reason why this article in the "Al Wahid" regarding this imitation ghee has not come to the notice of the Honourable the Education Minister !

The Honourable Mr. B. V. JADHAV: He does not know Sindhi.

Mr. NOOR MAHOMED: Do any articles published in any paper in Sind ever come to his notice ?

The Honourable Mr. B. V. JADHAV: If the proprietor or manager of the paper, or any honourable member, sends me a copy with its translation, it will.

Mr. M. R. JAYAKAR: Has not Government any department whose special duty is to take note of such articles ?

The Honourable Mr. B. V. JADHAV: Yes.

Mr. M. R. JAYAKAR: Which is maintained out of public revenues ?

The Honourable Mr. B. V. JADHAV: Yes, certainly.

Mr. M. R. JAYAKAR: Is it not the duty of that department to extract such articles and report them to the responsible Minister ?

The Honourable Mr. B. V. JADHAV: This particular article did not come to my notice and the Translator's department is not under me.

Mr. NOOR MAHOMED: Has any article published either in the "Al Wahid" or any vernacular newspaper in Sind ever come to the notice of the Honourable the Education Minister ?

The Honourable Mr. B. V. JADHAV: I cannot reply off-hand to that question.

Mr. S. K. BOLE: Are Government aware that in Bombay imitation ghee is sold under the name of vegetable ghee ?

The Honourable Mr. B. V. JADHAV: Yes, Government are aware; and they have introduced a bill to check such adulteration.

MOULVI RAFIUDDIN AHMAD: May I ask, when the date of the article is given, whether the object is not to draw the attention of the Honourable Minister himself to the matter ? (No reply.)

## Petter Oil Engine for Forest Department.

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state the cost of the "Petter" oil engine that was purchased by the engineer on deputation from the Public Works Department to the Forest Department, the purpose for which it has been so far utilised, and what work it is at present doing ?

The Honourable Mr. A. M. K. DEHLAVI: One B. H. P. Petter Oil Engine was purchased at a cost of Rs. 2,326-2-0 for working an American Cross-cut Pole Saw. The outfit was purchased with a view to effect a saving in labour and money in preparing fuel billets for the Madras

and Southern Maratha Railway. It was employed in the Belgaum division for cutting up poles into billets for supply to the Madras and Southern Maratha Railway. At present the outfit is idle as there is no suitable work for it.

Mr. M. D. KARKI: May I know the cost of the old engine?

The Honourable Mr. A. M. K. DEHLAVI: I shall have to enquire.

### Irrigation in the Dharwar District.

Mr. V. N. JOG (Dharwar District): (*a*) Will Government be pleased to state whether any irrigation survey has ever been made or any irrigation schemes prepared in connection with any of the rivers, the Tungabhadra, the Malaprabha and the Vardha in the Dharwar district?

(*b*) Are they aware that scarcity of water and famines are frequent occurrences in the Nargund petha and Ron taluka of the Dharwar district?

(*c*) Will Government be pleased to state whether they have any schemes in contemplation for the alleviation of this condition?

The Honourable Mr. COWASJI JEHANGIR: The information has been called for.

### Mr. Divakar's Release.

Mr. V. N. JOG (Dharwar District): (*a*) Will Government be pleased to state whether any action was taken on the resolution passed by the Council about the release of Mr. Ranganath Ramchandra Divakar of Dharwar, convicted and sentenced under Section 124A and Section 153A of the Indian Penal Code?

(*b*) If so, will Government be pleased to state whether they have decided to release him on any conditions; and if so, what are those conditions?

(*c*) If so, and if those conditions have been offered to Mr. Divakar, has he accepted them?

The Honourable Sir MAURICE HAYWARD: The resolution of this Council was brought to the notice of Mr. Divakar, by the superintendent of the prison in which he is confined. The conditions under which Government had accepted the resolution were made clear to Mr. Divakar and he was informed that if he apologised and gave an undertaking not to make public speeches or publish writings on political topics for the outstanding portion of his sentence, the question of his release would be considered. Mr. Divakar however declined to apologise and refused to promise to keep the conditions imposed by Government.

### Pasture Land in Dharwar District.

Mr. V. N. JOG (Dharwar District): (*a*) Will Government be pleased to state what is the quantity of pasture land available for the grazing of cattle in each village of the Dharwar district?

(*b*) Will Government be pleased to state what is the minimum of pasture land, according to the scale laid down by them, necessary for each 100 head of cattle in a village in the Dharwar district ?

(*c*) Will Government be pleased to state how many villages in the Dharwar district have and how many have not the minimum quantity of pasture land necessary for their cattle ?

The Honourable Mr. A. M. K. DEHLAVI : Information has been called for.

### Average Expenses per Student.

* Mr. P. G. JOSHI (East Khandesh) : Will Government be pleased to state the average expenses incurred per student from the provincial revenues in (1) European schools and (2) aided Anglo-Vernacular schools ?

The Honourable Sir MAURICE HAYWARD : The average annual cost to Government of educating a pupil in 1922-23 was as below :—

| | Rs. | Rs. |
|---|---|---|
| Aided European schools .. .. | 67 | 35 |
| Aided English-teaching schools .. | 20 | |
| Aided Anglo-Vernacular schools .. | 15 | |
| Government Anglo-Vernacular schools .. | 56 | |

Mr. P. G. JOSHI : May I know the difference between aided European schools and aided English-teaching schools ?

The Honourable Sir MAURICE HAYWARD : The difference is the percentage of non-Europeans permitted in European schools and in English-teaching schools. In the European schools the percentage is strictly limited, and I think now 25 per cent. only is allowed. I do not think the same restriction applies to aided English-teaching schools.

### Separation of Civil Courts at Erandol and Amalner.

Mr. P. G. JOSHI (East Khandesh District) : Will Government be pleased to state whether they intend to dislink the civil courts at Erandol and Amalner in the East Khandesh district, and if so, from what date ?

The Honourable Sir MAURICE HAYWARD : No such proposal is under consideration at present.

Mr. D. R. PATIL : Has any one from East Khandesh made a proposal to Government that....(inaudible).

The Honourable Sir MAURICE HAYWARD : I am not aware of any such proposal.

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

TALUKA AND DISTRICT LOCAL BOARD ELECTIONS IN DHARWAR, BELGAUM AND BIJAPUR.

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

(*a*) whether they have fixed any dates for the taluka and district local board elections in the Dharwar, Belgaum and Bijapur districts and, if so, what dates have been fixed ?

(*b*) whether election rolls for the above districts have been prepared ?

(*c*) If not, when will they be prepared ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*a*) Attention is invited to Government notification No. 4454, dated the 31st July 1924. The objections invited in the notification have now been received and are being considered by Government. The rules will be finally published shortly. It is proposed to authorise the Commissioner to fix the date of the reconstitution of the boards for each district.

(*b*) and (*c*) The election rolls are being prepared by the Collectors concerned.

Mr. S. T. KAMBLI: Is it a fact that the Collector of Bijapur has fixed the date of local board elections in his district without any reference to Government or without being authorized to do so ?

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

DAM OVER RIVER TUNGABHADRA.

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

(*a*) whether it is a fact that the Government of Madras intend to construct a dam over the river Tungabhadra near the borders of the Bombay presidency;

(*b*) if so, whether the said Government are making surveys for the said purpose;

(*c*) whether the Government of Bombay intend to be a joint partner in the said scheme;

(*d*) whether the consent of the Government of Bombay has been obtained by the Madras Government to their scheme of constructing a dam over the Tungabhadra river;

(*e*) If not, do the Government of Bombay intend to take any action in this connection ?

The Honourable Mr. COWASJI JEHANGIR: (*a*) and (*b*) From enquiries made from the Government of Madras it appears that the Tungabhadra reservoir project framed in 1905 is under re-examination with a view to the preparation of a modified project.

(*c*) The Government of Bombay have not been invited to participate in the scheme.

(*d*) No.

(*e*) Yes. In due course.

Mr. S. T. KAMBLI: May I know in what direction Government proposes to take action ?

The Honourable Mr. COWASJI JEHANGIR: I am afraid I am not in a position to answer that question just now. When the whole question is examined, we will see what action to take.

Rao Saheb D. P. DESAI: What are the reasons for not offering to participate in the scheme ?

The Honourable Mr. COWASJI JEHANGIR: I cannot answer my honourable friend without notice.

Mr. D. R. PATIL: The words given here in the answer to (*e*) are "in due course". What period is meant by that expression " in due course " ?

The Honourable Mr. COWASJI JEHANGIR: I am afraid I cannot give the honourable member any idea, even an approximate date. They are big schemes costing lakhs or crores.

FOREST MAHALS IN KANARA.

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

(1) the number and the names of forest mahals in Kanara;

(2) whether Government propose or any proposal has been made to them to abolish the system ?

The Honourable Mr. A. M. K. DEHLAVI: (1) There are five forest mahals.

Their names are given below :—

(*i*) Dandeli
(*ii*) Virnoli } in Kanara N. D. (all in Haliyal taluka).
(*iii*) Kulgi

(*i*) Kirwatt
(*ii*) Bilki } in Kanara E. D. (both in Yellapur taluka).

(2) It is not proposed to abolish any of the above mahals.

Mr. M. D. KARKI: Asked a question which was inaudible; the reply was also not audible.

ABOLITION OF THE FOREST MAHALS IN THE DISTRICT OF BELGAUM.

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

(*a*) whether there is any proposal before them for abolishing the forest mahals in the district of Belgaum;

(*b*) if so, what action has been taken thereon ?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) 20 villages of the Khanapur taluka and 9 villages of the Belgaum taluka in the Belgaum district were transferred to the Forest Department for management and constituted into two mahals designated as the Khanapur and Belgaum Forest mahals. These mahals were abolished in February 1924 and the management of the villages was re-transferred to the Revenue Department. There are now no forest mahals in the Belgaum district.

(*b*) The question does not arise.

Mr. M. D. KARKI: What is the object of forming these mahals and then what is the object of re-transferring them ?

The Honourable Mr. A. M. K. DEHLAVI: When schemes come into existence, they have to be formed, and when the schemes are finished, they are no longer necessary and are re-transferred.

### Flood Relief Fund in Kanara.

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

(*a*) the amount of money collected in each of the talukas of Karwar, Ankola, Kumta and Honavar and petha Bhatkal by or at the instance of the Collector of Kanara for the relief of areas suffering from floods ;

(*b*) the amount of money distributed in those talukas ;

(*c*) the balance of money remaining out of the amounts so collected, if any ;

(*d*) what proposals have been made, if any, for the disposal of such balance ;

(*e*) when and how Government intend to dispose of such balance.

The Honourable Mr. C. V. MEHTA:

(*a*)

| | Rs. | as. | p. |
|---|---|---|---|
| Karwar .. .. .. | 1,446 | 1 | 9 |
| Ankola .. .. .. | 370 | 0 | 0 |
| Kumpta .. .. .. | 676 | 12 | 0 |
| Honavar } Bhatkal } .. .. .. | *Nil.* | | |

(*b*) Rs. 347 in Kumpta taluka only.

(*c*)

| | Rs. | as. | p. |
|---|---|---|---|
| Karwar .. .. .. | 493 | 5 | 9 |
| Ankola .. .. .. | 179 | 0 | 0 |
| Kumpta .. .. .. | 79 | 6 | 0 |

The rest of the amounts have been handed over to the Honavar Flood Relief Committee.

(*d*) The balance with the Karwar Committee has been retained until the future requirements of the Honavar Committee are known. The Ankola Committee has kept the balance as a fund for future emergency. Some of the balance with the Kumpta Committee is required for distribution in that taluka ; the rest will be disposed of by the Committee.

(*e*) Does not arise.

Mr. M. D. KARKI: May I know to what year the figures relate ?

The Honourable Mr. C. V. MEHTA: I am not sure, but I believe it was 1923. I really cannot tell you the exact date.

Mr. M. D. KARKI: I think the figures are of this year.

The Honourable Mr. C. V. MEHTA: Then they probably are.

### Economic Value of Hand Spinning.

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state whether they have taken any steps to encourage hand

spinning in the presidency ? If so, what steps have they taken in this direction ?

The Honourable Mr. B. V. JADHAV : So far no steps have been taken by the Department of Industries to encourage hand spinning in this presidency.

Some experiments, however, to test the economics of hand spinning, were made by the Director of Industries who arranged a hand spinning competition at Mahisgaon in the Sholapur district in July 1922. It was found that at the prices then prevailing a hand spinner could make a profit of 3 annas per lb. as his wages, and that the best hand spinner took 15 hours to spin a lb., while the average time for 15 competitors who took part was 23 hours.

Mr. M. D. KARKI : (Asked a question which was inaudible).

The Honourable Mr. B. V. JADHAV : No, they have not.

ADMISSION OF UNTOUCHABLES IN PUBLIC BOATS AND FERRIES.

Mr. M. D. KARKI (Kanara District) : (*a*) Will Government be pleased to state whether they are aware that "Antyajas" and untouchables are not admitted into public ferry boats in the Kanara district when they are carrying any members of other castes ?

(*b*) If so, do Government intend to take any action in the matter ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (*a*) "Antyajas" or untouchables are not refused admittance into public ferries and boats. They do travel by public ferries without obstruction. In many of the ferry boats, rowers are mostly Christians who have no scruples to admit members of this class. Such of the few passengers as have any scruples about them, travel in another boat, if available, or take their turn, after waiting, when the boat returns after unloading the untouchables.

KUMTA TALUKA KACHERI.

Mr. M. D. KARKI (Kanara District) : (*a*) Will Government be pleased to state whether they are aware of the inconvenience caused to the public by the unsatisfactory condition in which the ground floor of the Kumta taluka office has been kept ?

(*b*) If so, what are the reasons for keeping it in that condition ?

The Honourable Mr. C. V. MEHTA : Information has been called for.

MUKHTIARKARS IN SIND.

Mr. MAHOMED AYUB SHAH MAHOMED KHUHRO (Larkana District) : (*a*) Will Government be pleased to state whether it is a fact that in order to increase the number of Mahomedan mukhtiarkars in Sind the policy of direct recruitment of the four mukhtiarkars every year as probationers was initiated in 1918 ?

(*b*) If so, how many mukhtiarkars were recruited in pursuance of that policy and how many of them are still in Government service ?

(*c*) Is it a fact that Government intended to continue this policy for full ten years ?

(*d*) If so, will Government be pleased to state whether this policy was changed three years ago ; if so, what were the reasons therefor ?

(*e*) Will Government be pleased to furnish the total number of mukhtiarkars in Sind, stating how many out of them are Mahomedans, how many Hindus and how many belong to other communities ?

The Honourable Mr. C. V. MEHTA : (*a*) Yes.

(*b*) Information has been called for.

(*c*) Yes.

(*d*) In the year 1921 there were numerous reversions amongst acting mukhtiarkars and owing to this cause and the reduction of appointments which was then imminent, there was little likelihood that vacancies would be available in which the numerous probationary mukhtiarkars could be placed. The scheme was temporarily suspended for this reason by the Commissioner in Sind. He has subsequently been directed to revert to the policy of 1918.

(*e*) Total number of mukhtiarkars 82.

| | No. |
|---|---|
| Hindus | 56 |
| Mahomedans | 19 |
| Other communities | 5 |
| Vacant posts | 2 |

## Expenditure on Schools.

* Mr. HOOSEINBHOY A. LALLJEE (Bombay City) : Will Government be pleased to state the number of schools, the number of scholars, the annual average cost to Government per pupil and the total amount spent in the following schools during the last financial year ending on the 31st March 1924 :—

(*a*) English teaching schools ;

(*b*) Anglo-vernacular schools ;

(*c*) primary schools ?

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

Mr. HOOSEINBHOY A. LALLJEE : May I know how the figures given by the Honourable Minister can be reconciled with the figures just given by the Honourable the Home Member in reply to the question put by Mr. P. G. Joshi on page 29 of this list ?

The Honourable Mr. B. V. JADHAV : I think they are easily reconcilable. The figures given by me are figures supplied for the transferred subjects.

Mr. K. F. NARIMAN : What about the English-teaching schools ?

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

† *Vide* Appendix 51.

The Honourable Mr. B. V. JADHAV: The education of British boys is under the Honourable the Home Member.

Mr. K. F. NARIMAN: Does it mean that the Honourable the Minister cannot be trusted with the education of English boys?

The DEPUTY PRESIDENT: That does not arise.

Mr. M. R. JAYAKAR: Will the Honourable the Minister explain the difference between the figures mentioned at page 29 in respect of of aided Anglo-vernacular schools (15) and the figures for the same at page 88—22·9?

The Honourable Sir MAURICE HAYWARD: I can explain that. The figures at page 29 deal with the year 1922-23 and those at page 88 deal with the year ending 31st March 1924.

Mr. HOOSENALLY M. RAHIMTOOLA: Has the expenditure increased 50 per cent. in one year?

The Honourable Sir MAURICE HAYWARD: At page 29 aided Anglo-vernacular schools are shown to have cost 20 and at page 88 that cost is shown at 21: that is not a great deal of difference.

Mr. HOOSENALLY M. RAHIMTOOLA: No, Sir. The figure 20 is shown at page 29 against aided English-teaching schools, whereas the figure 15 is put down against aided Anglo-vernacular schools at page 29, as against the 22·9 shown against the same type of schools at page 88.

The Honourable Sir MAURICE HAYWARD: One set of figures concerns aided schools while the other regards all schools. That may account for the difference. The two sets refer to different years and to different kinds of schools.

## Capital Invested, Income and Expenditure of Karachi Port Trust.

*Mr. LALJI NARANJI (Indian Merchants' Chamber and Bureau): Will Government be pleased to state—

(1) the total capital invested by the Karachi Port Trust;

(2) the gross annual return;

(3) the net profit or loss per annum during the last ten years; and

(4) the changes in the Port Trust charges during the last ten years?

The Honourable Mr. COWASJI JEHANGIR: (1) The total capital expenditure of the Karachi Port Trust as at 31st March 1924 is Rs. 4,32,44,514.

(2) The gross receipts during 1923-24 on the above expenditure was 14·83 per cent. excluding Port Fund Account and 15·95 per cent. including Port Fund Account.

(3) The net working result during the last ten years was as follows:—

| Year. | Surplus. | Deficit. |
|---|---|---|
| 1914-15 .. .. .. | | 4,07,865 |
| 1915-16 .. .. .. | | 4,75,292 |
| 1916-17 .. .. | 6,73,137 | .. |

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

| Year. | Surplus. | Deficit. |
|---|---|---|
| 1917-18 .. .. | 15,98,215 | .. |
| 1918-19 .. .. | 9,601 | .. |
| 1919-20 .. .. | .. | 9,07,388 |
| 1920-21 .. .. | 2,07,090 | .. |
| 1921-22 .. .. | 1,90,633 | .. |
| 1922-23 .. .. | .. | 67,317 |
| 1923-24 .. .. | 7,44,964 | .. |

(4) Additions to amendments of the schedule of charges have been made from time to time as found expedient.

In 1919 a surcharge of 25 per cent. was levied on wharfage, cranage, berth night and holiday and mooring fees and this was increased to 33⅓ per cent. in 1920.

In 1922 the wharfage rates for the ship wharves were revised and the surcharge abolished and in 1924 similar measures were adopted in the case of the wharfage rates for the Bunders.

### Defamation suits against "Bombay Chronicle."

Mr. LALJI NARANJI (Indian Merchants' Chamber and Bureau): (*a*) Will Government be pleased to state whether the amount of damages awarded against the "Bombay Chronicle" to Mr. Painter, Mr. Marsden and Mr. Shivalingappa by the Bombay High Court will be credited to Government or whether they will be paid to those three gentlemen for their personal use?

(*b*) If the latter, will Government be pleased to state whether the costs incurred by the plaintiffs were incurred by them personally or by Government, and what were the costs in each case?

The Honourable Sir MAURICE HAYWARD: (*a*) and (*b*) The costs have not yet been completely ascertained nor have the damages been fully recovered. The whole matter is under the consideration of Government.

Mr. K. F. NARIMAN: Will the Honourable the Home Member be pleased to state whether in this suit the Advocate General and the Public Prosecutor appeared in their capacities of the Advocate-General and the Public Prosecutor respectively or in their private capacities?

The Honourable Sir MAURICE HAYWARD: Legal assistance was given by Government.

Mr. K. F. NARIMAN: Did the Public Prosecutor appear as the Public Prosecutor or as a private solicitor?

The Honourable Sir MAURICE HAYWARD: I should be glad to answer any further questions on receipt of specific notice.

Mr. K. F. NARIMAN: Can the Honourable the Home Member give any instance where a Public Prosecutor appeared to instruct in a civil suit as a private solicitor?

The DEPUTY PRESIDENT: That question does not arise.

Mr. D. B. ADWANI: Question (*b*) distinctly asks whether the costs incurred by the plaintiffs were incurred by them personally or by Government. I want a reply to this specific question.

The Honourable Sir MAURICE HAYWARD: Partly personally and partly by Government.

Mr. M. R. JAYAKAR: In what percentage?

The Honourable Sir MAURICE HAYWARD: The whole matter is under the consideration of Government.

Mr. D. B. ADWANI: Is the question of percentage under consideration?

The Honourable Sir MAURICE HAYWARD: I should be glad to give any further information on receiving specific notice of any specific information required by any honourable members.

TAX COLLECTED BY BOMBAY PORT TRUST FROM DECK PASSENGER.

Mr. LALJI NARANJI (Indian Merchants' Chamber and Bureau): (*a*) Will Government be pleased to state whether they are aware that the Bombay Port Trust have been collecting since April last Re. 1 per package from every deck passenger? Was the sanction of Government obtained for levying this charge?

(*b*) Before sanctioning the above charge did Government make any enquiries as to the necessity for the tax?

(*c*) Did Government make enquiries as regards its justification and whether they consulted any public bodies?

The Honourable Mr. COWASJI JEHANGIR: (*a*) Yes. The levy of the charge was sanctioned by Government. It is levied upon all passengers, and not merely upon deck passengers.

(*b*) Before sanctioning the charge Government were satisfied as to the necessity for the tax.

(*c*) No. Government did not consider it necessary to consult any public bodies as the two local chambers are fully represented on the Board of Trustees.

Mr. V. A. DABHOLKAR: The answer to (*b*) says "before sanctioning the charge Government were satisfied as to the necessity for the tax". May I know the nature of the necessity that led Government to sanction the levy of this tax?

The Honourable Mr. COWASJI JEHANGIR: Want of funds on the part of the Port Trust.

Mr. K. F. NARIMAN: Is it levied by Government or by the Port Trust?

The Honourable Mr. COWASJI JEHANGIR: It is levied by the Port Trust.

ENGLISH TEACHERS FOR URDU PRIMARY SCHOOLS.

Mr. H. M. RAHIMTOOLA on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state

why no teacher of English is provided to any Urdu primary schools in the districts as is done for Gujarati schools in the Gujarat division ?

The Honourable Mr. B. V. JADHAV: The policy of Government with regard to the opening of English classes is stated in Press Note No. 605 dated the 1st September 1923. The places in which the twenty *existing* English classes have been opened (*vide* statement printed as an accompaniment to Government Resolution no. 605, dated the 12th June 1922, published with Press Note No. 605 of the same date) were selected after very careful consideration and it was decided to try the experiment in the case of two Urdu schools in the Central and Southern Divisions, viz., one at Nashirabad in the East Khandesh district and the other at Kudchi in the Belgaum district. It was reported at the time that there was no *suitable* Urdu school in the Northern Division to which English classes might similarly be attached.

### Land acquired for P. R. Training College.

Mr. H. M. RAHIMTOOLA on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state whether any land was acquired for the P. R. Training College when the Urdu classes were first attached to it in 1914 ? If so, for what purpose do Government intend to utilize such land ?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

### Protected Monuments.

Mr. H. M. RAHIMTOOLA on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): (*a*) Will Government be pleased to state when an ancient monument was first declared to be a protected monument in this presidency under section 3 of the Ancient Monuments Preservation Act, 1904 ?

(*b*) What is the total number of such protected monuments in the (*i*) Bombay Presidency, (*ii*) Ahmedabad and (*iii*) Surat ?

(*c*) What is the total amount spent by Government during the last ten years on their preservation ?

(*d*) Are Government aware that there are several protected monuments in the city of Ahmedabad which require early repairs ?

(*e*) Is any financial assistance given by Government to public bodies desirous of preserving or repairing a protected monument ?

The Honourable Mr. COWASJI JEHANGIR: Information is being obtained.

### Hindu Teachers in Urdu Schools.

Mr. H. M. RAHIMTOOLA on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): (*a*) Will Government be pleased to state whether it is a fact that Hindu teachers who are not trained in Urdu are employed in some Urdu schools in the presidency ?

(*b*) If so, how many such Hindu teachers are employed in Urdu schools in the presidency proper ?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

LIST OF SARDARS AND INAMDARS IN THEIR INAM VILLAGES.

*Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to supply a list of Sardars and Inamdars with the names of their inam villages:

* * * * *

(*g*) Who are exempted from payment of toll at the toll-bars in this presidency?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*g*) The accompanying statement† furnishes the information required.

Mr. H. B. SHIVDASANI: What are the special reasons for exempting Sardars from paying tolls?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I want notice.

Mr. H. B. SHIVDASANI: Why should Sardars be exempted?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (No answer).

The THAKOR of KERWADA: Are not the Sardars of Gujarat paying toll taxes?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Some of them do not pay.

Mr. J. C. SWAMINARAYAN: Why should Sardars be exempted from paying the tax and not the poor people?

The DEPUTY PRESIDENT: That does not arise.

FUNCTIONS OF THE AGENT FOR THE SARDARS IN THE DECCAN.

*Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to specify the functions of the Agent for the Sardars in the Deccan with regard to the affairs of the Sardars in his jurisdiction?

The Honourable Sir MAURICE HAYWARD: The duties of the Agent for the Sardars in the Deccan have not been specifically defined but generally speaking, he is the channel through which representations to Government are made by Sardars. When suits are filed against the privileged hereditary Sardars they are decided in his court instead of in the ordinary civil courts.

Sardar G. N. MUJUMDAR: What is the monthly salary of this official, the Agent for the Sardars?

The Honourable Sir MAURICE HAYWARD: The Agent for the Sardars gets nothing.

Mr. C. M. SAPTARSHI: Why does he do voluntary work?

The Honourable Sir MAURICE HAYWARD: He does it in addition to his other duties.

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

†*Vide* Appendix 52.

Mr. HOOSEINBHOY A. LALLJEE: Is he a whole-time officer?

The Honourable Sir MAURICE HAYWARD: He is the District Judge.

### Compensation to Inamdar of Dhadeghar for Grant of Building Permits to the Panchgani Building Estate Company.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state with reference to the questions asked in the last Council (Council Debates, Vol. VIII, page 309, Vol. IX, page 25; Vol. X, page 378) in connection with the Inamdar of Dhandeghar, district Satara;

(1) what are the sanctioned rates to be charged for building sites within the Panchgani area in the inam village of Dhandeghar;

(2) what are the terms or conditions, if any, imposed upon the said inamdar regarding the sanctioned rates to be charged for building sites;

(3) whether any compensation is to be given to the inamdar on account of building permits having been given to the Panchgani Building Estate Company and to the Head Master of the Panchgani High School without the inamdar's consent; if so, how much compensation is to be given?

The Honourable Mr. C. V. MEHTA: (1) Rs. 5 per acre.

(2) No special terms or conditions are imposed.

(3) The permission was not given by Government; the question, therefore, does not arise.

### Recommendations of Excise Advisory Committee, Poona.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): (*a*) Will Government be pleased to state what were the recommendations made by the Excise Advisory Committee, Poona, at its meeting held about the middle of June 1924?

(*b*) Will Government be pleased to state which of those recommendations have been accepted by them; and which of them rejected and the reasons for their rejection?

The Honourable Mr. A. M. K. DEHLAVI: A copy of Government Resolution* No. L.C.-1593, dated 9th October 1924, which contains the information required by the Honourable Member is placed on the Council Table.

Sardar G. N. MUJUMDAR: Will the Honourable Minister kindly state whether the local excise advisory committee has asked for the control of excise arrangements or for facilities for the inspection of country liquor shops?

The Honourable Mr. A. M. K. DEHLAVI: That requires notice.

**Vide* Appendix 48.

JADID SHETSANADIS IN THE INAM VILLAGE OF MANKAPUR, BELGAUM DISTRICT.

*Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state whether it is a fact that some Jadid shetsanadis in the inam village of Mankapur in the district of Belgaum are made to serve Government against the will of the inamdars, if so on what grounds are they required to do so ?

The Honourable Mr. C. V. MEHTA : The four jadid sanadis have been doing work both under the village officers and the inamdars. The inamdars took over one of the 4 sanadis exclusively for their own work from 17th March 1921, but they were informed that they could not withdraw the sanadi. The existing number of four sanadis is necessary. The inamdars were however informed that the number would be reduced to three on condition that the three sanadis worked solely under the village officers.

Sardar G. N. MUJUMDAR : When these are jadid sanadis, have Government got any right to use their services as they are given grants by the inamdars ?

The Honourable Mr. C. V. MEHTA : I think the answer explains what the honourable member wants.

Sardar G. N. MUJUMDAR : No, it doesn't.

The DEPUTY PRESIDENT : There is no further answer from the Government.

OLD BOMBAY ROAD NEAR VILLAGES OF AUNDH AND SANGWI.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state whether they are aware of the great inconvenience caused to the public on the old Bombay road near the village of Aundh and Sangwi near Poona by the construction of the dam at Khalas. If so, do they intend to take any action in the matter ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Yes. A rope ferry has been provided by Government to remove the inconvenience but it is understood that people are not utilising it in order to avoid the ferry charges which they consider to be heavy. The question of reducing these charges is being considered. When this is done, it is hoped that the ferry service will soon be popular and the inconvenience complained of will disappear.

Mr. HOOSEINBHOY A. LALLJEE : How long has it been under the consideration of Government ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : Not very long.

POLICE HELP IN CASES OF EMERGENCY.

Mr. K. F. NARIMAN (Bombay City, South): (*a*) Will Government be pleased to state whether their attention has been drawn to an incident which took place in the beginning of June last in Bombay when a city

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

police constable when appealed to for help is alleged to have refused to render any assistance to an assaulted person to obtain the names of the assaulting persons ? Will they also be pleased to state whether it is a fact that when the Superintendent of Police was appealed to he stated that the city police in Bombay have no authority, without an order from a magistrate, to help any citizen in securing the name and address of an assailant even though assaulted in the presence of police ?

(*b*) If the reply to the latter part of (*a*) be in the affirmative, will Government be pleased to state what authority there is for the said reply of the Police Superintendent ?

The Honourable Sir MAURICE HAYWARD : The answer is in the negative.

INDENT FOR MILD STEEL BARS, DEVELOPMENT DIRECTORATE.

Mr. K. F. NARIMAN (Bombay City, South) : (*a*) Will the Honourable the General Member be pleased to state whether it is a fact that about two years ago an indent for 1,200 mild steel bars for concrete piles of the size $\frac{5}{8}$ and of the value of about Rs. 2,50,000 was made by the Executive Engineer in charge and that in the said indent the size of the said bars was altered by the Superintending Engineer to $\frac{7}{8}$ ?

(*b*) If so, will the Honourable the General Member in charge be pleased to state whether it is a fact that on account of this alteration in the indent mild steel bars of the size $\frac{7}{8}$ arrived in Bombay, whereas the requirement of the Directorate was for size $\frac{5}{8}$ and that the said large quantity of bars of the value of nearly Rs. 2,50,000 are thus lying unserviceable in the stores of the Development Directorate, which have been unable to re-sell them in spite of public advertisement ?

(*c*) Will the Honourable the General Member in charge be pleased to state whether it is a fact that a second indent with the correct size required, namely, $\frac{5}{8}$ had to be sent ?

(*d*) If the reply to (*a*) and (*b*) be in the affirmative, will the Honourable the General Member in charge be pleased to state whether any action has been taken in the matter ?

The Honourable Mr. COWASJI JEHANGIR : (*a*) The facts are not as stated but are as follows :—

The Executive Engineer sent in his indent for steel, which the Superintending Engineer scrutinized. He discovered that the Executive Engineer had omitted from his indent the bars necessary for making piles.

The matter was discussed with the Executive Engineer with the result that the bars required for piles were added to the Executive Engineer's indent by the Superintending Engineer's office supervisor apparently on the verbal instructions of the Superintending Engineer, who has accepted responsibility in the matter.

The diameter of bars added to the Executive Engineer's indent was $\frac{7}{8}$", whereas bars of $\frac{5}{8}$" diameter were actually in use at the time.

(*b*) It is not a fact that the bars are lying unserviceable. When the error was discovered, the piles and frame-work of chawls at Worli were

re-designed utilizing $\frac{7}{8}$" instead of $\frac{5}{8}$" bars without loss to Government. The $\frac{7}{8}$" bars so far thus used up amount to over 800 tons. It is not possible at this stage to state what bars, if any, will be surplus to the Department, as this depends on whether the chawl construction programme is to proceed after the chawls now under construction are completed. If any bars remain over, it will be due to the curtailment of the original programme for which the steel was necessarily ordered in advance. If it is found necessary to dispose of the bars at any time, Government anticipate that there will be no loss on the transaction.

(c) This is not a fact. On the other hand, only a sufficient number of $\frac{5}{8}$" bars to make an economical re-arrangement of reinforcements was ordered in the succeeding indent for steel.

(d) No action was considered necessary.

Mr. K. F. NARIMAN: Who is the superior officer, the Executive Engineer, or the Superintending Engineer?

The Honourable Mr. COWASJI JEHANGIR: I believe it is the Superintending Engineer.

Mr. K. F. NARIMAN: The Honourable Member believes it to be so; is he not sure about it?

Mr. C. M. SAPTARSHI: On a point of order, Sir, can the Honourable Members on the Government benches and on this side of the House speak between themselves, or is the honourable member who puts the question to do so to the Chair and the Government Member replying also to do the same?

The DEPUTY PRESIDENT: They must be addressed to the Chair. I expect every honourable member to sit down after he asks his supplementary question. I leave it to the good sense of honourable members to obey that rule.

Mr. C. M. SAPTARSHI: The second person is not to be used, I suppose?

The DEPUTY PRESIDENT: Yes.

Mr. K. F. NARIMAN: Can the Honourable the General Member explain as to how this mistake occurred, namely, the putting in of $\frac{7}{8}$" instead of $\frac{5}{8}$".

The Honourable Mr. COWASJI JEHANGIR: It is all explained in the answer. May I read it out?

Mr. K. F. NARIMAN: May I know why no action was taken in this matter?

The Honourable Mr. COWASJI JEHANGIR: It is purely a mistake.

Mr. K. F. NARIMAN: How much did this mistake cost the department?

The Honourable Mr. COWASJI JEHANGIR: It cost the department nothing.

Mr. K. F. NARIMAN: Is it not a fact that materials came to the department which were not required for the time being, and the cost

of these materials was Rs. 2,50,000, and a second indent had to be sent for bars of the correct diameter ?

The Honourable Mr. COWASJI JEHANGIR: That is not a fact. The facts are all printed.

Mr. HOOSEINBHOY A. LALLJEE: How long have these bars been lying with the department unused ? My point is that if they have been lying with the department for a long period, there has been some loss of interest on the amount of the cost.

The Honourable Mr. COWASJI JEHANGIR: I would again refer my honourable friend to the printed answer. If he reads the answer carefully, he will get all the information he wants. If all this trouble is due to my not having read out the printed answer, I will read it out.

Mr. K. F. NARIMAN: Is it not a fact that these bars were advertised for sale in the *Times of India* and other newspapers ?

The Honourable Mr. COWASJI JEHANGIR: I would ask for notice of that, as I shall have to make enquiries before answering it.

Mr K. F. NARIMAN: If they were required for use in other departments, why were they advertised for sale ?

The DEPUTY PRESIDENT: That does not arise.

Mr. D. B. ADWANI: If it is found necessary to dispose of the bars at any time, will not Government incur a loss on the transaction ? Have not the prices of steel gone down ?

The Honourable Mr. COWASJI JEHANGIR: From facts ascertained, I am in a position to say that we can sell the steel bars that we have got without a loss.

Mr. D. B. ADWANI: Has not the price of steel gone down since ?

The Honourable Mr. COWASJI JEHANGIR: If the honourable member will kindly specify the kind of steel, I shall be able to give an answer.

Mr. D. B. ADWANI: Steel bars of the kind which the department have with them at present undisposed of.

The Honourable Mr. COWASJI JEHANGIR : Steel bars of that kind have not gone down in price.

Mr. H. B. SHIVDASANI: Won't it come down in the future ?

The DEPUTY PRESIDENT: That does not arise.

## Gandhi and Anarchy.

Mr. K. F. NARIMAN (Bombay City, South): (*a*) Will Government be pleased to state whether any assistance was given or any materials supplied by any of the departments of Government to Sir Sankaran Nair in connection with the compilation of his book "Gandhi and Anarchy"?

(*b*) Were any copies of the said book purchased by Government; if so, how many?

(*c*) Were any translations in any vernacular language made of the said book at the instance of Government? If so, were any copies of such translations distributed in any place or to any persons?

The Honourable Sir MAURICE HAYWARD: (*a*) Copies were furnished of the judgments of the Sessions Judges of Nasik and Dharwar in the Malegaon and Dharwar Riots cases. No other assistance or materials were given by Government.

(*b*) Yes, fifty.

(*c*) No. None.

Mr. K. F. NARIMAN: Is it not a fact that parties not connected with a case are not entitled to copies of judgments?

The Honourable Sir MAURICE HAYWARD: No.

Mr. K. F. NARIMAN: Why did Government, in this particular case, go out of the way to supply these copies to a private publisher?

The Honourable Sir MAURICE HAYWARD: I have nothing to add to the reply as printed.

Mr. W. S. MUKADAM: May I know whether copies were supplied to the writer of the book free of charge?

The Honourable Sir MAURICE HAYWARD: I don't know.

Mr. C. M. SAPTARSHI: May I know how those 50 copies were distributed?

The Honourable Sir MAURICE HAYWARD: I have nothing to add to the printed reply.

Mr. W. S. MUKADAM: What sum was paid by Government for these 50 copies?

The Honourable Sir MAURICE HAYWARD: I suppose fifty times the price of the book, of which no doubt a copy has been purchased by the honourable member.

Mr. W. S. MUKADAM: May I know what use Government have made of these 50 copies?

The Honourable Sir MAURICE HAYWARD: They have been read with interest.

Mr. W. S. MUKADAM: May I know to whom they were distributed for reading?

The Honourable Sir MAURICE HAYWARD: One was read by the Home Member.

Mr. K. F. NARIMAN: What has become of the other 49?

(No reply).

Mr. P. G. JOSHI: Sir, I rise to a point of order. I should like to know whether any Minister or Member of the Executive Council is entitled to remain silent without answering supplementary questions.

The DEPUTY PRESIDENT: They are justified in refusing to answer any supplementary questions.

Mr. P. G. JOSHI: I would bring to your notice Standing Order 10 of chapter VI, which says:

"A member to whom a supplementary question is addressed may decline to answer it without notice, in which case the supplementary question may be put only in the form of a fresh question at a subsequent meeting of the Council."

That means that in any other case the Member of the Executive Council or the Minister must answer supplementary questions as a matter of etiquette.

The DEPUTY PRESIDENT: A matter of etiquette is not a matter of rule, and as long as there is no provision, we have to follow the ordinary practice of Parliament. I do not think any member of the Government is bound to answer any supplementary questions. He may sit silent if he chooses.

Mr. K. F. NARIMAN: May I know, Sir, what Sir Sankaran Nair was charged for the copies supplied to him?

The Honourable Sir MAURICE HAYWARD: The question has already been asked and answered.

Mr. K. F. NARIMAN: The question is what he was charged for the copies supplied to him.

The Honourable Sir MAURICE HAYWARD: If the honourable member would listen to questions asked by other honourable members, and not by himself alone, he would notice that the question has been put and answered.

Mr. K. F. NARIMAN: The question what Sir Sankaran Nair was charged for the copies of judgments supplied to him has not been put and has not been answered.

(No reply).

Mr. M. R. JAYAKAR: Are these copies going to be used in public libraries under the control of Government?

The Honourable Sir MAURICE HAYWARD: I believe they have all been distributed to officers.

Mr. M. R. JAYAKAR: Amongst public libraries under the control of Government or elsewhere?

The Honourable Sir MAURICE HAYWARD: Public libraries are not officers of Government.

## GOVERNMENT SAW MILLS.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state the name or names of the maker or makers of the machinery purchased up till now for the Government saw mill at Chikhalda in the Dangs forest by the Forest Department and also the names of the firm or firms from which the machinery has been purchased?

The Honourable Mr. A. M. K. DEHLAVI: (1) Names of makers of the machinery are:—

Portable Steam Engine—Messrs. Marshall Sons and Company.
American Log Mill—American Saw Mill Machinery Company.

Three Circular Saw Machines—A. Ransome and Company.
Pump for water—Not known.
Drilling Machine—Manufactured at Buffalo, U. S. A.—Names of makers not known.

(2) Names of firms from which the machinery was purchased :—

Messrs. Marshall Sons and Company.
Messrs. Parry and Company.
Messrs. Ransome and Company.
Messrs. Garlic and Company.
Messrs. Mohsin and Company.
Messrs. Clubwalla and Company.
The British American Machinery.

A few smaller details of equipment were purchased from other firms but the information is not readily at hand.

Mr. W. S. MUKADAM: May I know whether all the machinery required was purchased direct from these firms ?

The Honourable Mr. A. M. K. DEHLAVI: Will the honourable member speak plainly if he insinuates anything ?

Mr. W. S. MUKADAM: May I know whether all these firms mentioned here have got their offices in Bombay ?

The Honourable Mr. A. M. K. DEHLAVI: Most of them.

Mr. W. S. MUKADAM: Is it a fact that these offices give very liberal commission ?

The Honourable Mr. A. M. K. DEHLAVI: I will again ask the honourable member to speak plainly whether he insinuates that commission was taken by Government officials.

Mr. W. S. MUKADAM: I mean discount.

The Honourable Mr. A. M. K. DEHLAVI: If the honourable member puts the question in the regular manner, I will make inquiries.

### Carts as Takavi to Bhils in the Dangs Forest.

Mr. W. S. MUKADAM (Panch Mahals District): (*a*) Will Government be pleased to state whether it is a fact that carts were given as takavi to Bhils of the Dangs by the Forest Department ?

(*b*) If so, will the Government be pleased to state the names and addresses of persons who were given takavi in this form and the price paid for each cart ?

(*c*) Will Government be pleased to state whether any wheels of these carts were purchased from Government at any places outside the Dangs ? If so, at what places were they purchased, from whom, and at what price was each pair of wheels purchased, and how many in all were so purchased ?

(*d*) Will Government be pleased to state whether it is a fact that the Forest Department have sold some of these carts, on the condition that the delivery is to be given at the station of the purchaser ? If so, what

sum has been spent for the railway fare for conveying the carts to such stations ?

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

### Recommendations of the Retrenchment Committee.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to state whether they have taken any steps in connection with the recommendations of the Retrenchment Committee since 1st March 1924; and if so, what steps have been taken ?

The Honourable Mr. H. S. LAWRENCE: The honourable member's attention is drawn to the reply given to question put by Mr. L. B. Bhopatkar.

### Depressed Classes in Government Service.

Mr. R. S. NEKALJAY: Will Government be pleased to furnish the number of members of the depressed classes people in the public service in the presidency, exclusive of watandar Mahars ?

The Honourable Mr. H. S. LAWRENCE: The information has been called for.

### Maharki Land in Savkars' Possession.

Mr. R. S. NEKALJAY: (*a*) Will Government be pleased to state—

(i) the number of plots of inami or maharki land belonging to watandar Mahars now in possession of savkars or money-lenders in the Presidency, giving the approximate income from each plot of such land per annum;

(ii) for how long each such plot of land has been in the possession of a savkar or money-lender;

(iii) the amount lent by the savkar on each such plot of land ?

(*b*) Will Government be pleased to state whether they are aware that there is a shortage in the maharki watan lands causing great suffering to watandar Mahars ?

The Honourable Mr. C. V. MEHTA: Information has been called for.

### Kaira Pensioners' Associations' Memorial for Increase of Pensions.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state—

(*a*) whether they have received any memorial from the President, Kaira Pensioners' Association, regarding an increase in the pensions;

(*b*) if so, whether Government intend to take any action thereon; if so what action do they intend to take ?

The Honourable Mr. H. S. LAWRENCE: (*a*) Yes.

(*b*) The memorial was received in January 1924. By that time Government had already sanctioned the continuance of the increase in pensions for a further period of one year ending 31st October 1924.

Government have now decided to continue the increase of pensions for a further period of one year more, *i.e.*, up to 31st October 1925.

### Vasad-Kathana Railway.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state—

(*a*) whether they are aware that the trade and agriculture in the taluka of Borsad (district Kaira) has been greatly affected in the absence of any railway therein by the opening of a new railway line in the adjoining Baroda territory;

(*b*) if so, do they intend to take any action in this connection;

(*c*) how far has the construction of the Vasad-Kathana railway progressed?

The Honourable Mr. C. V. MEHTA: (*a*) No.

(*b*) Does not arise.

(*c*) The original estimate which allowed for a fully equipped line shows that the anticipated earnings cannot justify the expenditure proposed. An attempt is being made to reduce the cost and a revised estimate will soon be submitted by the Agent, B.B. & C.I. Railway Company, to the Railway Board.

### Assessment on Land used for Educational Purposes at Sunav, Taluka Borsad, District Kaira.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state—

(*a*) whether they are aware that the Collector of Kaira levies Rs. 5-7-8 as altered assessment for survey number 563-B. of village Sunav, taluka Borsad, district Kaira, which land was granted, rent-free, by Government Resolution No. 11914, dated 4th December 1918, for the construction of an English school building;

(*b*) why such altered assessment is being levied;

(*c*) whether Government were consulted before orders to the above effect were passed;

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

The Honourable Mr. C. V. MEHTA: (*a*) Government are aware that the Collector of Kaira levies altered assessment upon survey number 563-B. which was granted, rent-free, by the Government Resolution mentioned for construction of an English school. The amount of altered assessment so levied is Rs. 57-8-0.

(*b*) The exemption of the site from payment of revenue was cancelled by Government and altered assessment levied, when the school was removed from the list of aided and recognized schools.

(*c*) Yes.

(*d*) No.

Rao Saheb D. P. DESAI: With regard to (*d*) I want to ask whether there is any rule in the Land Revenue Code authorising Government to withdraw this concession of granting land free of assessment if the school ceases to be an aided school?

The Honourable Mr. C. V. MEHTA : So far as I remember this case, the grant was given under certain conditions imposed by the Educational Department. Those conditions were not fulfilled and therefore the land could be taken back. For any further information I will refer the honourable member to the Honourable Minister of Education.

### Pecuniary Help to Agriculturists.

Mr. D. N. PATEL (Kaira District) : Will Government be pleased to state the extent of pecuniary help rendered by them to agriculturists for improvement of agriculture during the year 1923-24 ?

The Honourable Mr. H. S. LAWRENCE : It is presumed that information regarding the distribution of tagai during the year 1923-1924 is required. The total figure was Rs. 8,10,581.

### Karad-Chiplun Railway.

Mr. M. B. POWAR (Kolaba District) : (*a*) Will Government be pleased to state whether they are aware of the survey undertaken by the M. S. M. Railway Company in the year 1920 with a view to constructing a railway line from Karad in Satara district to Ulva in Kolaba-district *via* Chiplun and Mahad ?

(*b*) If so, will Government be pleased to state to what stage the same railway project has now advanced and when the actual work of construction is expected to be commenced ?

The Honourable Mr. C. V. MEHTA : (*a*) Yes.

(*b*) As the project is financially unjustifiable its further consideration has been dropped by the Railway Board. However, the financial prospects of a light broad-gauge railway to Dasgaon, Khed or Chiplun, taking off the main line of the G. I. P. Railway near Thana or Mumbra and connecting with a point near Ulva or Panvel on the proposed Karad-Chiplun-Ulva line is under investigation.

Mr. P. C. JOSHI : I would like to know for how long it is under investigation.

The Honourable Mr. C. V. MEHTA : For a few months I think.

### Levy of Toll by Thana District Local Board.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts) : (*a*) Will Government be pleased to state whether they intend to take any action regarding the new practice introduced by the Thana district local board of levying toll for every trip ?

(*b*) Will Government be pleased to state if the creation of a pot-naka within the limits of the village has the approval of the panchayat established there ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (*a*) The practice introduced by the Thana local board is in accordance

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

with Government orders based on clause 4 of the Toll Lease Form which contemplates the levy of toll for every outward trip. Government have since issued orders that with effect from 1st April 1925 tolls should be levied only once a day irrespective of the outward and return journeys made during the same day. In view of these orders the District local board has resolved that tolls should be levied only once a day and not for each trip from 1st April 1925.

(*b*) No. The tolls are in existence since 1922 and the panchayats are formed since 1st September 1923. No panchayat is consulted about a toll naka or a road which vests in the local Board. The approval of a panchayat is also not taken for the erection of a pat naka but if a panchayat objects to a naka, the objection is given due consideration by the board.

Mr. N. E. NAVLE: Were these orders uniformly given to all district local boards or specially to the Thana district local board ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The orders have been uniform in the case of all district local boards.

Mr. N. E. NAVLE: If the orders were uniformly given to all district local boards then, why was not the extra levy of toll in Thana district stopped at once.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: It will be stopped when the new year commences.

### Village Fund of Village Panchayat in Nasik District.

*Mr. R. G. PRADHAN (Nasik District): Will the Honourable Minister for Local Self-government be pleased to lay on the table a statement showing the sums placed to the credit of the village fund of each of the village panchayats in the district of Nasik, every year since their establishment, under clauses (*a*), (*f*), (*g*) and (*h*), section 25 of the Village Panchayats Act, 1920 ?

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

### Free and Compulsory Education in Bombay.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(1) the date on which application was made by the Bombay Municipal Corporation to Government for sanction to the introduction of free and compulsory primary education in F and G wards;

(2) the reasons why such sanction has not been granted;

(3) whether Government intend to give such sanction; if so, when ?

The Honourable Mr. B. V. JADHAV: (1) The original application of the Corporation was submitted on 26th February 1923. As this

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

† *Vide* Appendix 49.

application was received before the promulgation of the rules under section 18 of the City of Bombay Primary Education Act, 1920, the Corporation was asked to revise its scheme after taking into consideration the abovementioned rules as well as certain remarks made by the Director of Public Instruction. The revised scheme was submitted to Government with the President's letter No. 10111, dated the 1st February 1924.

(2) and (3) The examination of the Corporation's scheme has now been almost completed, and Government hope to address the Corporation shortly.

Mr. HOOSENALLY M. RAHIMTOOLA: Is the sanction given in the letter which Government have addressed to the corporation?

The Honourable Mr. B. V. JADHAV: Yes, on certain condition.

### Changes in Government Vernacular Training Colleges.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(*a*) what changes (1) as to admission to the various classes in the Government vernacular training colleges for primary teachers, (2) in the rules for appearing at the various teachers' examinations, and (3) in the amount of fees charged at the training colleges for studies and at the training college and vernacular final examinations, have been introduced since 1921; and

(*b*) their reasons for the same?

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

### Post of Secretary to the Kurla Municipality.

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): (*a*) Will Government be pleased to state whether it is a fact that the Kurla municipality resolved some months ago to raise the scale of pay of the post of the Secretary.

(*b*) If so, is it a fact that the Commissioner, Bombay Suburban Division, has withheld his sanction to the proposal?

(*c*) If so, under what circumstances has he done so; and

(*d*) has he informed the municipality of his having done so; if not, why not?

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

(*b*), (*c*) and (*d*). No application for sanction has been made by the President, Kurla Municipality, in accordance with the Board's resolution though he has been several times called upon by the Collector to make it.

### Sanitary Committee in Satara District.

Mr. R. G. SOMAN (Satara District): (*a*) Will Government be pleased to state the number of sanitary committees in the Satara district before village panchayats were introduced in that district?

(*b*) What were the total grants allowed to such sanitary committees in the years 1920-21 and 1921-22?

(*c*) Have any grants been allowed to the new village panchayats established in the Satara District either by Government or by the district local board ?

(*d*) If so, what are the amounts of these grants ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Information is being obtained.

DAM AT VAKESHWAR.

Mr. R. G. SOMAN (Satara District): (*a*) Will Government be pleased to state whether it is a fact that a dam was intended to be constructed at Vakeshwar in Khatav taluka in the Satara district and has been partially constructed ?

(*b*) Is it a fact that work was abandoned some years back and if so, what were the grounds therefor ?

(*c*) Has the Collector of Satara recently received any application in this respect from the inhabitants of Vaduj in Khatav taluka ?

(*d*) If so, do Government intend to take any action in this connection ?

The Honourable Mr. COWASJI JEHANGIR: The information has been called for.

DAM OR TANK AT JASHI.

Mr. R. G. SOMAN (Satara District): (*a*) Will Government be pleased to state whether it is true that a scheme of constructing a dam or a tank at Jashi in Man taluka of the Satara district was under contemplation some years ago and that the estimates were prepared of the approximate cost of this scheme ?

(*b*) What was the total cost estimated ?

(*c*) What were the grounds for abandoning this scheme ?

The Honourable Mr. COWASJI JEHANGIR: The information has been called for.

YERALA CANAL WORKS.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state—

(*a*) Whether they are aware that a public notice has been published by the sub-divisional officer, Public Works Department, in charge of the Yerala Canal Works in the Satara district, as to the application of the general canal rules excepting rules Nos. 11 and 12 from the ensuing rabi season ?

(*b*) If so, have similar notices been published by other sub-divisional officers for the information of the other *bagayatdars* of the Satara District ?

The Honourable Mr. COWASJI JEHANGIR: The information has been called for.

PROGRAMME OF TOURS BY DISTRICT OFFICERS.

Mr. A. N. SURVE (Bombay City, North): (*a*) Will Government be pleased to state what measures are adopted by district officers, viz.,

Collector and Assistant or Deputy Collectors, to notify to the public the programme of their tours ?

(*b*) Are these measures uniformly adopted in all the districts in the Presidency ?

(*c*) If not, in what districts are they not followed and what are the reasons therefor ?

(*d*) Is it true that the Collector of Satara does not now publish the programme of his tours in the local newspapers as it used to be published before ?

(*e*) Are Government aware that such omission causes inconvenience to the public ?

The Honourable Mr. C. V. MEHTA : Information has been called for.

### Secondary Education.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): (*a*) Will Government be pleased to state whether it is their policy to withdraw from the responsibility for imparting secondary education in places where there are efficient private agencies for imparting the same ?

(*b*) If so, will they be pleased to state in what places they have put that policy in execution and in what other places they intend to do so ?

The Honourable Mr. B. V. JADHAV : The matter is still under consideration.

Mr. J. C. SWAMINARAYAN : How long will the matter remain under consideration ?

The Honourable Mr. B. V. JADHAV : Until it is decided.

Mr. J. C. SWAMINARAYAN : When is it likely to be decided ? (No reply).

Mr. M. R. JAYAKAR : Will that be during the life of this Council ? (No reply).

Mr. D. B. ADWANI : Will not Government machine be made to move faster in this case ?

The DEPUTY PRESIDENT : That is no supplementary question.

### Flag Stations on Broach-Jambusar Railway.

The THAKOR of AMOD (Northern Division): (*a*) Will Government be pleased to state whether any standard has been laid down by which the necessity or otherwise of providing regular stations on the Broach-Jambusar Railway is determined ?

(*b*) If so, does the amount of traffic at the two flag stations on that Railway at Bayadra and Tanchha satisfy that standard ?

The Honourable Mr. C. V. MEHTA : The information has been called for.

### Kurla Municipality.

Dr. M. B. VELKAR (Bombay City, South): Will Government be pleased to state—

(*a*) whether they have received any petition or petitions from any citizen or citizens of Kurla drawing their attention to the grievances

connected with the sanitation of the place and the conduct of any of the councillors or the secretary of the municipality;

(*b*) if so, what action have Government taken in the matter?

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

(*b*) The affairs of the municipality are at present engaging the attention of Government.

Mr. G. B. PRADHAN: Is it a fact that Government have decided to supersede this municipality?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: No.

Mr. G. B. PRADHAN: Have Government received a resolution from the general board of the municipality requesting Government to remove the president from the membership as well as the presidentship?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: So far, Government has not received any such resolution, but I may tell the honourable member that the municipality will be dissolved.

## The Director of Labour.

Dr. M. B. VELKAR (Bombay City, South): Will Government be pleased to state—

(*a*) whether their attention has been drawn to a letter which appeared in the *Bombay Chronicle*, dated the 2nd November 1923, over the signature of one Mr. Sarma;

(*b*) whether it is a fact that Mr. Findlay Shirras, the Director of Labour (now on leave), was utilising the services of his office establishment in the preparation of a book on Public Finance;

(*c*) if so, whether this book is intended to be a Government publication?

The Honourable Sir MAURICE HAYWARD: (*a*) Yes.

(*b*) Yes. A clerk checked some official figures and the stenographer did some typing but usually out of office hours.

(*c*) No.

Dr. M. B. VELKAR: With regard to (*b*) will the Honourable the Leader of the House inform this House whether the Government stenographer was paid for the work that he did outside office hours?

The Honourable Sir MAURICE HAYWARD: I cannot say.

Mr. D. B. ADWANI: Was the typewriter used Government or private property?

The Honourable Sir MAURICE HAYWARD: I think it was Government property.

Dr. M. B. VELKAR: Are Government servants allowed to do any work outside office hours under the Government Servants' Conduct Rules?

The Honourable Sir MAURICE HAYWARD: With permission.

Dr. M. B. VELKAR: Was permission taken in this particular case of the head of the office?

The Honourable Sir MAURICE HAYWARD: It must have been.

Dr. M. B. VELKAR: With regard to (c) if the book published is not to be an official publication, then I want to know whether Government officials can utilise the services of their office establishment in the preparation of such books.

The Honourable Sir MAURICE HAYWARD: No.

Mr. D. B. ADWANI: Do Government think it right and proper that a Government officer should utilize a Government typewriter in this way?

The Honourable Sir MAURICE HAYWARD: They are not allowed to do so if it would interfere in any way with the work of the office.

Dr. M. B. VELKAR: If Government officers are not allowed to utilise the service of the office establishment for private work, I want to know whether Government will be pleased to take action against Mr. Findlay Shirras for doing so for the preparation of his book.

The Honourable Sir MAURICE HAYWARD: It does not seem to be of sufficient importance.

## Preference to retrenched Graduates in filling Vacancies.

Dr. M. B. VELKAR (Bombay City, South): Will Government be pleased to state—

(a) Whether they have issued any instructions to the educational and other departments of Government to give preference to the retrenched graduate teachers while filling vacancies?

(b) If the answer to the above is in the affirmative, will they be pleased to lay on the table a copy of these instructions?

The Honourable Mr. B. V. JADHAV: Attention is invited to the reply given to a question on the subject put by the honourable member for Poona city (Non-Mahomedan Urban Constituency) on 15th October 1924.

The DEPUTY PRESIDENT: The next item that is to be taken up is the complimentary resolution of the honourable member Mr. A. N. Surve with respect to the services of our Honourable President, Sir Ibrahim Rahimtoola. I call upon him to move it.

Mr. A. N. SURVE (Bombay City, North): Mr. Deputy President, with the permission of the House I beg to move the following resolution:

"This Council records its warm appreciation of the able discharge of the arduous duties by the Honourable Sir Ibrahim Rahimtoola, Kt., of the Office of Nominated President of the Bombay Legislative Council which he held for over a year and a quarter and during which time he won the esteem and respect of both—the official and non-official—sides of this House by his fairness, patience and reasonableness and guided its deliberations with a view to the growth of the Legislature on responsible and democratic lines."

Sir, according to the Reforms Act for the first four years the President of this Council has to be nominated. That period is shortly to expire and the President's Salary Bill which we have passed this session has given us intimation that in the near future we will have an elected President. Therefore it is our duty before we part with our nominated President to express our warm appreciation of the able manner in which he has discharged the duties of his high office.

[Mr. A. N. Surve]

Sir, my acquaintance with him has been a very long one. It goes as far as the first year of plague. At that time I was a mere child and he was the president of one of the ward committees that were established to give relief. I used to accompany my father who was a secretary of one of the sub-committees and from that time I have been keenly watching how our president rendered service to the public. That is not all. We were also neighbours. The city of Bombay is divided into several wards. At that time he and I used to reside in the same ward, namely, the B ward of the Bombay city. The relations between neighbours are proverbially antagonistic; but in our case they were not so. On the contrary I respected him and adopted him as a model and tried to imitate him. When I was graduated and became an elector of my ward the old relation subsisting between us became more intimate and went on growing till we met each other again in this Council. You will thus see that our acquaintance is not a new one.

Then to make a brief reference to the remarkable career of our Honourable President, I may tell the House that he was a great merchant and he was a member of the Bombay municipal corporation. He has rendered social and communal services to the people. When non-official members were allowed to be appointed as members of the Executive Council, he was appointed to the Executive Council and he held the portfolios of Revenue and Education. Both these portfolios relate very intimately to the interests of the masses. I am glad to say that he has discharged the duties connected with them to the advancement and contentment of the masses. Sir, his services to the education of this presidency are well-known. He had framed a scheme of gradual expansion of primary education by instalments. Had it not been for the passing of the Compulsory Primary Education Act his scheme by this time would have made considerable progress and primary education would have been appreciably advanced. His scheme has now fallen in abeyance, but let us hope that under the new Act the progress of primary education will be very rapid and the setback which his scheme has suffered will be made good. His work as an Executive Councillor may be taken as a model. If the present holders of those portfolios try to walk in his footsteps I am perfectly sure they will win the golden opinion of the people of this presidency.

Sir, these are his achievements. But we are not concerned to-day with them. In 1923, when he retired from his office as executive councillor a resolution was moved and his services were duly appreciated and recorded. Therefore I shall not repeat them. But at that time I expressed the wish that Sir Ibrahim Rahimtoola should seek election to the Legislative Council and come on the non-official side of this House in order to help its deliberations with his mature experience. Fortunately that wish was anticipated. He did come here, but not as an elected member; he came here as the nominated president. His career as a nominated president I shall refer to shortly afterwards. But let me tell you that we had the opportunity of having two nominated presidents within this short period of four years, and there have been differences between the

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respective periods of the two presidents The first period was a period of workers of the Reforms, of persons who were co-operators and who wanted to work the Reforms. The Honourable the late President had to deal with people of that persuasion. But the present President had to deal with another set of people whose political programme was of an entirely different kind. I do not cast reflection on anybody, but the composition of the late Council and the present Council are strikingly different. There is much learning comparatively speaking in the members of the present Council: that was not the case with the past one. In this way, Sir, the two presidents had to perform duties under different conditions. There are also differences between the late President and the present President based on individualities. Sir, I am not casting reflections on anybody: I revere and respect the memory of our past President. But there are certain patent facts which cannot be ignored. The past President had the benefit of legal learning. Our present President is not encumbered with that burden: but though he is rid of that burden he is endowed with qualities—though not of the head in the sense of legal learning—with qualities of the heart. Sir, the brain may rule supreme, but the rule of the heart is far more supreme. The brain may subdue an individual, but the individual subdued always feels rancour and bitterness. The person who is subdued by the excellent qualities of the heart never feels any bitterness. The rulings of the past president were of the first kind. We knew he was doing the right thing, but all the same we thought that he might have showed some indulgence, though his rulings could not be disputed, still those rulings were resented by some of the members of this House in spite of their being intrinsically correct and of their being dictated by the occasion. But fortunately.....

Mr. B. K. DALVI: I rise to a point of order, Sir.

Mr. A. N. SURVE: But fortunately that is not the case in the rulings of the present president. Sir, I have already told you that I am only stating facts. I am not making strictures. Both achieved the same results.

The DEPUTY PRESIDENT: May I draw the attention of the honourable member to the fact that our late president, the Honourable Sir Narayan Chandavarkar, is dead? We may not, in decency, discuss his rulings. The honourable member is perfectly within his rights to discuss them, but I am only suggesting that it is a matter of our decency and respect for the dead. They may not be discussed in this Council.

Mr. A. N. SURVE: I bow to your ruling, Sir. I was merely stating facts. I have already stated that I revere the memory of our late president. Without being reminded I am aware that our late president is dead. It appears I am misunderstood. The point I am making is that the two periods are fundamentally different in their character; and the rulings of our late lamented president were good for that period and the rulings of the present president are good for the other period. The rulings of both were good and appropriate in their own ways and for

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their respective periods, because they were evoked under different conditions and there is nothing common between the two to judge of their relative merits. The Reforms are a very delicate structure, and if they are to be made a success, the president must handle them with great care. The rulings of our present president have won the esteem and goodwill of this House. And they have helped the progress of this House into parliamentary methods on practical and responsible lines, and we all appreciate them.

We wish him health and happiness, but we do not wish him retirement. (Hear, hear). We still wish that he should come here amongst us and give us the benefit of his ripe experience. I am sure in moving this resolution I am voicing the feelings of the entire House, and I hope they will unanimously accept my resolution.

Question proposed.

Mr. D. R. PATIL (East Khandesh District): Mr. President, I feel immense pleasure in heartily supporting the motion of my honourable friend Mr. Surve. To my mind, Sir, the qualities that are necessary for a president are impartiality, sound judgment, tact, talent, and capacity to follow the debates. I believe, Sir, all these qualities which I have referred to can be prominently found in our president, and I believe he is so very conversant with the rules of procedure of the Council work that almost all the rules are as it were on the tip of his tongue.

He is so quick in the despatch of his work. I believe he has given entire satisfaction to all the parties concerned and therefore it is the duty of every member of this House to admire his work and to support the motion of my honourable friend Mr. Surve. With these words I support the motion.

Mr. M. R. JAYAKAR (Bombay University): Sir, on behalf of that section of the House which has come to this House, as the honourable mover of the resolution has pointed out with a different programme from that of their predecessors, I mean the Swaraj party, I have very great pleasure in associating myself with the sentiments expressed in this resolution. And the House, I am sure, will understand the true significance of our association, if it recollects for a moment that it is not a part of our programme while we are in this House to join in laudatory congratulations. We have come here for a more determined and earnest purpose. But on occasions like this when the truth has to be said, I feel very great pleasure in associating myself with the other members of this House and in conveying to the Honourable the President in whose honour this resolution has been proposed, the sentiments of this House. I will not be long, because I hold that where praise is deserved, no long advocacy, sentiment or imagination is needed. They have generally to be reserved for occasions where the praise is fictitious or not deserved. According to that rule of life, I shall content myself with very few remarks. I am proud to say that unlike my honourable friend Mr. Surve my acquaintance with the Honourable the President commenced under more pleasant circumstances than plague times. It commenced in the halls of the Bombay Presidency Association, in whose sacred precincts, so many members

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whom I now find sitting on the other side of the House, at one time learnt their political lessons. It is there that the germs were laid of what ultimately developed into a deep esteem for our honoured President. I cannot help saying that although we Swarajists are in this House surrounded by many difficulties and disappointments,—and our disappointments are perhaps greater than those of other members of this House,—still the one redeeming feature which enlivens our existence here is the extreme pleasantness of the Honourable the President. I will not repeat what is said in the resolution, because that is before the House, but one of its aspects which I want to specially mention is the extreme pleasantness and courtesy with which the Honourable the President has conducted the affairs of this House. I do not think that even those who have at times differed from him will go the length of saying that his decisions have been delivered with any rashness, unpleasantness or discourtesy. A president has at times to be strict, firm and even hard. But the Honourable the President of this House combines in a characteristic manner firmness with courtesy. I hope whatever party we may belong to in this House, we all realise that it would be difficult to carry on the deliberations of this Council for anything like five hours, from day to day, for a fortnight or for over four weeks as in Bombay, were it not that the President was an embodiment of courtesy and pleasantness. I say this is the one redeeming feature of this House. Not unoften has his pleasantness come to the rescue of this House when perhaps the debate lapsed into heat and passion, and that is a feature which I wish this House to remember when according their assent to this resolution.

I will not be long. I just want to ask your attention to the last few lines of this resolution because they deserve more than passing mention: "With a view to the growth of the Legislature on responsible and democratic lines." That is a very important part of this resolution. I want the House further to note this, that often fairness and impartiality can dwindle into a cold feeling, of inhuman sternness as we lawyers know in the case of some judges. But if fairness and impartiality are coupled with courtesy and pleasantness, and arise from a clear vision of the appointed destiny of this House, and are guided by the feeling that in conducting its deliberations, one must have an eye to the growth and progress of this House on democratic lines, then the firmness and impartiality rise to become human virtues. I am sure I am voicing, in this connection, the mind of this House when I say that whenever the Honourable the President felt impressed with doubt as to which way his decision should go, on all such occasions the House will agree he has exercised his discretion in favour of the popular side giving it so, to say, the benefit of the doubt, with the one view that gradually the traditions and the ideals of this House, at least as far as his individual rulings can do so, should tend towards the growth of the Legislature on responsible and democratic lines. I have heard it said, Sir,—and I am not saying this in a factious or a cavilling spirit,—I am only stating a fact, that perhaps in some corners of this House there lurks a feeling that very often the

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Honourable the President gave his rulings so as to favour the popular side. I say, Sir, that if it was so, it is to his credit that he realises that it is better that his rulings, in cases where there is a doubt, should lean towards the popular cause so as to lead the legislature along the lines of responsible and democratic Government, than towards conserving the power and privileges of a Government already strong. And I hold the view, Sir, and I hope honourable members will agree with me, that so far from being an impediment to his honour, it is a great point in his favour that he keeps very clearly and steadily before him the ideal that he has to help this House to reach its appointed destiny, on the lines of responsible and democratic Government.

I do not know, Sir, whether, as in the case of the British Parliament, any future writer will trouble to write a history of this puny legislature, puny in this sense that here very little popular control is permitted over the benches opposite. I do not think, therefore, many future writers will trouble to write a history of such an elementary experiment. But if any such writer, a fifty or a hundred years hence, when India is on her legs and fully independent, should dip into the past, even in the spirit of a dilettante or dry-as-dust historian, and want to bring up to the surface the concerns of this House, I have no doubt that the glorious part that the Honourable Sir Ibrahim Rahimtoola has played in connection with this House will occupy an important part in the annals of such a chronicler. With these words, Sir, I have very great pleasure in associating the Swarajists in this House with the sentiments expressed in this resolution.

Mr. S. T. KAMBLI (Dharwar District): Sir, I rise to support the resolution brought forward by my honourable friend from Bombay. In doing so I associate myself with all the sentiments and feelings that have been expressed by the honourable members who have preceded me in speaking on this motion.

Sir, I have had the privilege of knowing the Honourable the President for the last four years. When I first saw him he was an Executive Councillor of this Government. In the discharge of his duties as an Executive Councillor he showed a deep devotion to duty and an unfailing courtesy to the honourable non-official members of this House. On many a difficult occasion which oftentimes faced the Government, Sir Ibrahim came to the rescue of the Government. It may not be out of place here to refer to the extremely difficult situation which arose in this House in the last Council with regard to the imprisonment of one of the members of this House. Then an adjournment motion was moved and it was to the highest credit of Sir Ibrahim that he suggested a most satisfactory solution of the most difficult problem which then faced the Government benches. As the president of this Council, he has shown the same strict devotion to duty in the discharge of his onerous duties as he showed when he was a Member of the Government. I am glad to say that he has maintained and developed the traditions of this House so very ably built by the first president of this Council, the late Sir Narayan Chandavarkar. It must be said to the

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credit of the Honourable the President that though a layman and not a trained lawyer, his rulings on the most difficult questions and points of order raised in this House have been characterised by a strong and robust commonsense and fairness. I am quite sure that there is not a single honourable member in this House who felt on any occasion any disappointment either with the conduct of the president or with his rulings. Sir, he has from the beginning shown himself to be a good advocate of the rights and liberties of the people; even when he was on the Government benches he declared on one occasion that he liked to preserve and maintain the rights and liberties of the people just as much as the honourable members on the opposite benches and as the president of this Council he has shown on many occasions an inclination and a desire to advance the rights and liberties of this House and to safeguard the popular rights. In conclusion, Sir, I have to say that this reformed Council was indeed very fortunate in having Sir Ibrahim as the president of this House during its fourth year of existence. I heartily support the resolution before the House.

Mr. R. G. PRADHAN (Nasik District): Sir, I beg to associate myself heartily with the sentiments expressed in this resolution. I have not been so fortunate as my honourable friend Mr. Surve as to come into close contact with our esteemed president, but I have closely followed his career, not only as the president of this Council, not only as a member of the Executive Council of the Bombay Government, but also in various other spheres of public life, and I recall to myself the time when he valiantly fought the battles of the people. As a prominent non-official leader of advanced public opinion in this country, he ever stood for the liberties of the people and strove his best to advance those liberties. It was, Sir, quite in the fitness of things that when the office of the president of this Council became vacant owing to the lamented death of Sir Narayan Chandavarkar, the Government should have been pleased to appoint the Honourable Sir Ibrahim to this high office. The Government thereby recognised his sterling qualities, qualities which he placed unreservedly in the service of the Crown.

The office of the president of the Legislative Council or of any representative assembly is, I should think, not an enviable one. I am reminded in this connection of an incident in the life of Sir Henry Campbell-Bannermann, one of the great Premiers of England, whose name will live in history as the maker of the South African Constitution and also as the author of that wise maxim which has exercised no little influence upon the development of political thought and political life in this country, that wise maxim, Sir, which says that good government is no substitute for self-government (Hear, hear). Sir Henry Campbell-Bannermann aspired at one time to be the Speaker of the House of Commons and when in the nineties of the last century the office of the Speaker of the House of Commons fell vacant he openly expressed to his colleagues his desire to be elected to that office. His great biographer Mr. Spender commenting upon this expresses surprise how a fighting party politician as he was could desire such an office as the office of the Speaker of the House of

[Mr. R. G. Pradhan]

Commons with its certain disadvantages and with its certain limitations; and amongst the disadvantages and limitations of that office that author mentions the penalty which attaches to that office of having to listen to the wise and the unwise. Probably that penalty of having to listen to the wise and the unwise does not attach to the office of the president of our honourable House because we are all wise men (Laughter) and I do not think we have ever inflicted any unwise speeches upon the Chair, unless perhaps it may be that some traces of unwisdom have occasionally been detected amongst the speeches (I speak without meaning any offence) made by members on the benches on the other side. But whatever the limitations or whatever the disadvantages of this high office may be, there can be no doubt that the office calls for infinite patience, infinite tact and also what the same author has rightly said, frozen impartiality. It is not a small thing, Sir, to maintain the same spirit of patience, forbearance and impartiality at seven o'clock after having spent a weary day as at two o'clock when we commence our proceedings. But, Sir, I have not the least hesitation in saying that our respected president has conspicuously displayed all these qualities, and he has brought credit not only to the Chair which he has so gloriously occupied but to this honourable House whose deliberations he has so well guided with a single eye, as my honourable friend Mr. Jayakar said, towards the development of responsible and representative institutions in this country. Sir, parliamentary institutions are new in this country; we have to be very jealous of them, and we have to build up glorious traditions and wise conventions and in that noble task I have not the slightest doubt our worthy president has played an important and very worthy part. Sir, I have not the least doubt that all sections of this House, to whatever political party they belong, will feel that in Sir Ibrahim Rahimtoola we have had an ideal president (Hear, hear), and I have not the least doubt that it is impossible for this House not to unanimously wish that he is elected our president.

Mr. LALJI NARANJI (Indian Merchants Chamber): Sir, on behalf of the Indian commercial community, I have great pleasure in supporting the resolution that has been moved by the honourable member for Bombay, North (Mr. A. N. Surve). Sir, our president (the Honourable Sir Ibrahim Rahimtoola) comes from the merchant class, and he was a merchant first; then he became a politician, then he became a Member of the Executive Council, and afterwards he was nominated as the President of this Council. As a merchant and as a politician his wide activities are all known to honourable members here, and I do not wish to take up the time of the House by enumerating all the services he has rendered to the cause of Indian commerce. His chief services to the cause of Indian trade and commerce are well known, and his wide activities and continuous fights with the Government of India at Delhi resulted in the appointment of the Industrial Commission. Though, unfortunately, he was not included in the Industrial Commission, it owed its appointment to him and his labours. That Commission resulted in giving so many advantages to the industries of this country, and one of the great industrial activities, namely, the Tata Iron and Steel Trust, is the result of that

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Commission. I do not wish to take any more time of the House, because those activities are so many, and his services not only as a merchant but as a politician are so varied that it is no use enumerating them here. In the discharge of his duties as president of this Council, he has satisfied all parties. He has, so far as I can see, satisfied both the Government party and the non-official party. At present, in India, as the Reforms have been working for only a very few years, very few people would be able to discharge the onerous duties of the President of a council, but in the present president we have a successful businessman and a politician, and as such he has satisfied all of us, and again I say that I have great pleasure in supporting the resolution.

MOULVI RAFIUDDIN AHMAD (Central Division): Mr. President, I shall not be very long. As a representative of the Mahomedan community, it is my duty to say a few words on this occasion. The President of this House is also the Father of this House. I am his oldest colleague in this Council, and it behoves me to associate myself with all the remarks that have been made by the previous speakers. I will only say that many of the members of this House have caught wisdom from his lips and inspiration from his example.

Mr. J. ADDYMAN (Bombay City): Sir, on behalf of the European representatives I desire to associate myself most heartily with the resolution before the House, and also with the sentiments expressed by honourable members who have preceded me. I am not so fortunate as most honourable members in so far that my acquaintance with the President of this Council does not cover so many years. During the period I have had the privilege of occupying a seat in this House I have always been impressed with the spirit of fairness in which the Honourable the President has carried out his very responsible duties.

Mr. S. S. DEV (West Khandesh District): Sir, I do not know on whose behalf I have to speak, but I shall speak on behalf of those honourable members whose acquaintance like myself with our President began for the first time on the 18th of February 1924. I saw him first on that day, and I saw him only for as many days as he presided in the Council, not a day more nor less. Sir, when we return to our constituencies after a session is over, people naturally ask us about many things that happen in this Council, as to what the Council is going to do for them (they expect much from this Council), what kind of people we see, and so on. And I tell them most frankly my impressions of the Council and I give them my appreciation of the honourable members that I see before me, the seven honourable members on the front Government bench, the seven on the second bench and those on the third bench I tell them of the parties in the Council including the members of the Swaraj party, not forgetting my honourable friend Mr. Nariman and I give them my idea of the relative strength of the parties. I have also spoken to my constituents about our worthy president. I have told them that we have got a President who is born a president, and that there is no other born president in this presidency. Just as poets are born, so is our president

[Mr. S. S. Dev]

a born president. If there is one man in this House for whom there is universal admiration and the highest regard, I say, without meaning any disrespect to any one else, that is our president. It is said that praise, where it is genuine, is very brief, and I shall therefore conclude by saying one thing, namely that probably there is no second to him in the presidency. We must have him again. Most of the charm and the importance of the Council will be gone without him.

The Honourable Sir MAURICE HAYWARD: Sir, I should like to associate myself, on behalf of the official benches, with the motion which has been moved by my friend opposite in relation to Sir Ibrahim Rahimtoola, our nominated president. I have a personal pleasure also in supporting a resolution in favour of an old colleague, a Member of the Executive Council and former Leader of this honourable House. I think, Sir, it is particularly suitable that this resolution should be moved and endorsed unanimously by all sides of this House on this the last session during which we shall be presided over by a nominated president. As we are all aware, at the next session we shall have to elect our own president.

I do not think it is necessary for me, Sir, to enlarge on what has been so well and fully expressed by other honourable members, but I do think that we are fortunate in having secured the services of one endowed with so much courtesy, tact and with such wide experience of men and things and perhaps as one honourable member put it, not encumbered with the legal learning which weighs so heavily on some of the less fortunate of us here.

We do not, Sir, perhaps all realise the really heavy duties imposed on the president who has to sit every hour of the sessions day in and day out, in his chair and listen patiently to every remark made by every single member of this honourable House. It is, Sir, a really heavy duty to maintain touch with all the various subjects which are brought up here for discussion and to maintain that patience which is so necessary to guide the deliberations of this honourable House. We have our intervals of rest when there are subjects under discussion with which we are not so particularly interested. But we do recognize even though we do not share the heavy duties of having to sit here all the time like the president, we do however realize and recognize to the full the great patience which our president has exhibited and the impartiality and the independence which are so necessary for the position of the president. And I think that the fine examples which have been set before us by the two nominated presidents under whose authority we have hitherto carried on the Reforms have been most valuable in making us appreciate and realize the imperative importance of preserving by our traditions the impartiality and the independence of the president of so responsible an assembly as the Legislative Council of this great presidency of Bombay.

HAJI ABDULLAH HAROON (Karachi City) (Addressed the House in Urdu): Mr. President, it is a pleasure and honour to me to

[Haji Abdullah Haroon]

associate myself with what has just been said by the various honourable members with regard to the manner our venerable president has carried on his duties to the satisfaction of every section of this honourable House. It is a matter of great pride, gratification and honour to us, Mussalmans, that the services of a member of our community should have been so acceptable to the honourable members of this House; and I can assure you that he is as popular outside the House as inside it. Only recently we, Sind members, have prevailed on him to come and honour us by presiding at an educational conference in Sind. Sir Ibrahim has presided at bigger functions than the one to be held in Sind and I mention this fact only to show that his presiding at the meetings of this House and outside it is an honour to such meetings and functions.

Mr. N. R. GUNJAL (Poona District): (Addressed the House in Marathi): Sir, I heartily support the resolution moved by my honourable friend Mr. Surve. The one distinguishing feature of our president which I take this opportunity to allude to is that he has been allowing some of us to address the House in our own vernacular, and has been taking great pleasure in doing so. As regards his work in this Council several honourable members, representing various parts of the presidency, have already made appreciative references and I do not want to say anything about it. But as all of them have addressed the House in English, I as a Maharashtriyan stand to address the House in the Maharashtriya or Marathi language. It is the fervent wish of those who do not know English that they should some day succeed in addressing the House in the Marathi language or the language of the Maharashtra and to this end the present president would heartily encourage us. I will close my remarks with a hope that by the grace of God we may have the Honourable Sir Ibrahim as our future president also.

Mr. S. N. ANGADI (Belgaum District): Sir, I am really very much delighted to learn that the considered opinion of this honourable House is that our president has discharged his duties to the entire satisfaction of every one. But the words will have no meaning at all, unless they are accompanied by deeds. Therefore, I confidently hope that Government will show its sincerity by nominating him as a member of this House; and the House will only prove its sincerity by unanimously electing him as its future president. Lastly I wish to associate myself with all the sentiments and feelings expressed about him by my honourable friends who spoke before me. Sir, I do not wish to take up the time of the House by speaking more, but I would most heartily support the resolution moved by the honourable member Mr. Surve.

Khan Saheb SHER MAHOMED KHAN BIJARANI (Upper Sind Frontier District) Addressing the House in Sindhi said that he heartily supported the resolution.

The DEPUTY PRESIDENT: I think the resolution has been sufficiently discussed; and although I believe, as presiding on this occasion in the absence of the Honourable the President, according to the rules I have no voice, yet I will take the liberty with the permission of this House to

[The Deputy President]

acknowledge my respect, my deep veneration—respect is a poor word to express my feelings—my deep veneration for the retiring president whom I have always adopted both for his courtesy and tact as my ideal. I do not think it is necessary for me to be long. I will put this resolution the Council.

Question put and carried unanimously.

The DEPUTY PRESIDENT: I further submit to the House a desire that the Secretary may be empowered by this House to convey a copy of this resolution to the Honourable the President if it is the will of the House.

(The House indicated assent.)

*(After recess.)*

The Honourable the PRESIDENT: Gentlemen, I have seen the copy of the resolution which in your extreme kindness you have been good enough to pass, putting on record my humble services as your President during the last 15 months. Need I say how deeply I am touched by this mark of your approval in the discharge of what everyone must recognize are very responsible and onerous duties? When the post of your President was offered to me I hesitated for a considerable time whether I should accept it. I realized the immense responsibilities which would devolve upon your President in guiding your proceedings. It was necessary that he should be perfectly fair and judicially impartial in dealing with all sections of the House. I decided to accept it in the belief that after all it could only be expected from anyone that he should do his best; and that nothing more could reasonably be expected than his utmost capacity in the discharge of his responsible duties. While accepting this office, I laid it down as my ideal that I should deal with all points that might require my decision in a spirit of perfect fairness and judicial impartiality. If I have succeeded in the discharge of that ideal in however small a way, I have been amply rewarded. Gentlemen, to enable this Council to work harmoniously and in the best interests of the presidency, it is necessary that there should be co-operation between both sections of the House. I have tried to help, it may be in a very humble way, in promoting that spirit of co-operation which is essential in the best interests of the people of this presidency. Gentlemen, I cannot take the unction to my soul that all your kindness is deserved by me. I put your kindness in extending to me your appreciation to this fact only: that I have tried my humble best in the discharge of those onerous duties.

Gentlemen, I do not wish to trouble you any more. When the heart is full, it is difficult to find words adequately to express all that one feels on an occasion like this. I am sure you will appreciate the sincerity of my gratitude for your kind appreciation. (Applause.)

## MOTION FOR LEAVE TO INTRODUCE A BILL TO ALTER THE CONSTITUTION AND TO WIDEN THE POWERS OF MUNICIPALITIES.

The Honourable the PRESIDENT: I should like to point out once again that the procedure that will be adopted on this occasion as on

[The President]

similar occasions in the past is that the honourable mover will ask for leave and explain briefly the object of the measure, for introducing which he wishes to ask for the leave of the House. I will then ask whether anybody wishes to oppose. If anybody wishes to oppose, I will call upon him to briefly state the reasons why he opposes the motion. I will then ask the honourable mover to briefly reply and then the motion will be put to the vote.

Mr. L. B. BHOPATKAR (Poona City): Sir, I beg leave of the House to introduce my bill to alter the constitution and widen the powers of municipalities. In doing so I beg to lay before this honourable House some of the most important points that have been embodied in my bill.

There can be no gainsaying the fact that local self-government, in this presidency at least, has not at all kept pace with the progress of national government. Local self-government stands where it was in 1901 when the District Municipal Act was passed.

Coming to the amendments which I propose to make by my bill in the said Act, they are in all seven in number. Under the existing Act there are only 14 municipalities which have been styled as city municipalities in Schedule E of the District Municipal Act. Under paragraph 2 of section 181 of that Act the Governor in Council has got the power to declare a municipality as a city municipality. The amendment that I propose to effect in the existing Act is this: Though under the Act III of 1901 there are 14 municipalities....:

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: May I say a few words, Sir? The city municipalities are not 14 only, as mentioned by the honourable member. We have by executive order converted 34 municipalities into city municipalities.

Mr. L. B. BHOPATKAR: I quite appreciate the point that there is power vested in the Act for the declaration of a municipality as a city municipality. What I want to point out is that there is no principle or basis on which this declaration is generally made. There is not laid down the basis on the strength of which a municipality shall have the right to be styled as a city municipality. The first amendment that I propose is that a city containing a population of 15,000 or more shall be entitled to all the rights and privileges of a city municipality as contained in the District Municipal Act.

And if this House passes this amendment in the various readings, a sort of reasonable basis will be established by means of which municipalities will be entitled to be declared as city municipalities and therefore to enjoy the privileges given to them under the District Municipal Act.

The second amendment that I propose is, that any city municipality already so declared or any municipality which may be declared a city municipality in the future shall be constituted wholly on the elective basis. Under the present arrangements no city municipality is without the element of nomination. Even city municipalities like those of Ahmedabad and Poona contain nomination to the extent of one-fifth of the

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number of members composing them. According to my amendment all the city municipalities will be made wholly elected, and the other municipalities which are not city municipalities will contain nomination only to the extent of one-fifth of the number of members constituting the municipality. You will find, Sir, that the amending bill not only affects the municipalities existing in the larger cities of this presidedcy, but it also practically widens the whole basis of the District Municipal Act. I believe, Sir, that unless we lift up, so to say, our municipal administration on to the level of the principle on which the legislative councils are based, there will not come to be instituted the necessary co-ordination between the various parts of a government worth the name of government.

The third amendment that I have proposed is that the presidents and vice-presidents of all the municipalities, whether city municipalities or otherwise, shall be elected. (*An honourable member from Government benches:* They are all elected). Not only that, but my amendment also proposes that no Government servant shall be entitled to be the vice-president or president of any municipality. In this connection I would like to bring to the notice of the Honourable Minister in charge of local Self-Government and of the honourable members of the House certain figures which will make my point very clear. We find, Sir, that in the presidency there are in all 159 municipalities, out of which 109 have got elected non-official presidents, 27 nominated non-official presidents and 23 nominated official presidents. From these figures it is quite plain that there is a considerable margin left in which officials are either entitled to be, or are elected or nominated as presidents or vice-presidents of municipalities. I firmly believe that unless local self-government is taken out of the trammels of officialdom, be it the lower or the higher officialdom, it is not possible for it to make any appreciable progress in this country; and I also believe that unless local self-government lays down proper and solid foundations for the provincial autonomy that is sure to come into existence in the near future, the structure of that provincial autonomy will not be as firm and safe as it really ought to be. The fourth.....

The Honourable the PRESIDENT: I do not wish to interrupt the honourable member, because I realise the importance of the measure he is trying to pilot through this Council. At the same time I may point out that if he goes into all these details as regards the measure he wishes to introduce, it will entitle any honourable member who wishes to oppose it to go into the merits of all the points that the honourable member makes and the discussion will be prolonged, which is against the wording of the Standing Order. This is merely a formal motion for leave to introduce, and if the honourable member instead of going into details erely men tions the seven principles underlying the bill, without going into how he proposes to amend the bill to embody the principles he refers to, I will not stop him. If he follows my suggestion, then we can go through the business much faster.

Mr. L. B. BHOPATKAR: I thank you, Sir, for your suggestion. Then, Sir, the fourth principle is the removal of the disqualification which

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is imposed by section 15 (1) of the present Act. According to that section if a person is sentenced by a criminal court to imprisonment exceeding six months, or is dismissed from Government service, or having been a pleader his sanad is withdrawn by the High Court, etc., the disqualification attaches to him not only for a stated period but throughout his life. I feel, Sir, and I am sure the House will also feel that this disqualification is unreasonably and unconscionably harsh. By this amendment I propose that this disqualification should be there, but that it should continue only for five years, after the lapse of which the disqualification should automatically cease to exist.

The fifth principle that I have incorporated into the bill is in regard to section 56 (*m*), which has come into prominence recently on account of some adventitious circumstances. For the information of the honourable members of this House I will read that sub-section: It lays down that municipalities may provide money.

"With the previous concurrence of the collector, for any public reception, ceremony, entertainment or exhibition within the municipal district."

I propose, Sir, that the words "with the previous concurrence of the collector" may be deleted, so that a municipality which deliberately passes a resolution to expend a trifling sum for the reception of any person, should not be obliged to secure the previous concurrence of the collector. I have proposed the deletion of these words on some principle. Take for instance, a municipality like the Poona city municipality, which consists of members, some of whom are members of this Council and some members of the Legislative Assembly. If such a municipality has come to any conclusion in the matter, I do not feel it to be either right or just that one single individual like the collector should have the despotic power of overruling its deliberate and considered decision in that behalf.

The sixth principle is in regard to section 58 of the District Municipal Act, and by my amendment I propose that the proviso to that section should be deleted.

The proviso is to this effect:

"Provided that the extent of the independent authority of any municipality in repect of public education and their relations with the Government Educational Department shall from time to time be prescribed by the Governor in Council."

The House might be aware of the fact that the proviso to section 58 of the present Act has been the cause of some friction between the Government and some municipalities in Gujarat, and the contention that they have made, and I should say rightly made, is that if there is no contribution made by the Government towards the upkeep of an institution, there should be no control of the Government over such institution. If the Government is not contributing anything towards the maintenance of an association or institution, Government should not be permitted to exercise the right of any control over such association or institution. And the honourable House will readily see that the principle is a very sound one.

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As I said before, there has come to be an unhappy friction between the Government and some of the municipalities in Gujarat regarding this point. In order to remove that friction and to make the working of the local self-government smooth and helpful towards securing the interests of the persons residing within its jurisdiction I have suggested the amendment of the deletion of the proviso to section 58 of the Act.

There is one more point, Sir, and I consider it to be somewhat important, and it is in regard to sections 160 and 41 of the present Act. We often find that if a municipality is in need of any land or building for municipal purposes, according to section 160 there is a procedure which it has to go through. But because the wording of section 160 is rather vague, advantage is taken of the vagueness of the wording by municipalities to at once move the Government to take action under section 41, namely, to apply the Land Acquisition Act. I feel, Sir, that the procedure which is laid down in section 160 of the present Act is a wholesome one. I do not wish to deprive the municipalities of their ultimate right of asking Government to apply the Land Acquisition Act for the acquisition of a property needed for municipal purposes, but I only submit that the section should be worded in such a manner that the procedure laid down therein should be made binding upon municipalities, and it is only in the last resort that they should be held entitled to move Government for the application of the Land Acquisition Act.

These are the seven principles that in my opinion should be embodied in the present Act. My amending bill seeks to introduce them in the present Act and I do hope, Sir, that this honourable House will grant me leave to introduce my bill.

In conclusion I say, Sir, only one word, and it is in regard to the grant of leave to introduce the bill. The House is perfectly entitled to throw out the bill at the first reading, or second reading or even at the third reading, if it ultimately finds that it will not conduce to the progress of local self-government in the presidency. But I believe, Sir, that there is nothing that should come in the way of the introduction of this bill being allowed by the House. It can throw out the bill afterwards, but it should allow its introduction for the present for the simple reason that a *prima facie* case is, in my opinion, made out in its favour.

The Honourable the PRESIDENT: Does any honourable member oppose this bill?

Mr. S. T. KAMBLI (Dharwar District): I oppose it, Sir. In opposing the motion for leave to introduce this bill, I have to say, Sir, that the District Municipal Act not only stands in need of amendments in the thirteen or fourteen sections referred to by the honourable mover of the bill, but it also requires in my opinion a total recasting. The Honourable Minister in charge of local self-government has promised to introduce a consolidated bill for the advanced or major municipalities in the next session of this Council. In view of the fact that the Honourable Minister is going to introduce a consolidated bill in the very next session of the Council, it appears to me not reasonable to allow a motion for leave

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to introduce a bill to amend certain sections only of the District Municipal Act. Sir, though I am in perfect agreement with some of the principles underlying certain clauses of the amending bill, I cannot help opposing it on this main ground, namely, that the Honourable Minister has promised to introduce a consolidated bill with regard to the municipalities, in order to recast the whole Municipal Act. It is necessary, therefore, for me to oppose this motion for leave to introduce the bill. With these words I oppose the motion.

The Honourable the PRESIDENT: The motion is opposed.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I wish to make a statement, Sir, which will satisfy both the honourable mover of the bill and the opposer.

As regards all the seven principles—the seven amendments—that the honourable member has proposed, I might submit, Sir, that I have prepared a bill which is known as the Major Municipalities Bill, and which has been referred to the municipalities and has been before them nearly for the last eighteen months, and we have now received the opinions of practically all the municipalities. All these amendments are embodied in that bill, and he will excuse me if I may tell him that, excepting perhaps one principle, he has borrowed *verbatim* from my bill most of the principles, and embodied them in his bill. He complains, Sir, that the Act, as it stands at present, provides for only fourteen municipalities being denominated city municipalities and he wants us to have city municipalities in those places which contain a population of 15,000 or more. I am providing for that, and am even going further. Even without his desiring us to do so, we have ordered that every city municipality should have an elected president. But some municipalities do not want to have elected presidents; they say "We do not want to have an elected president; but we want an official president". That I cannot help, Sir.

The third reform he wants is also embodied in the new bill. It has also been embodied in the District Local Boards Act.

As regards money spent on receptions, sanction of Government is required. The latest policy of Government in regard to it is not to object to it. In regard to this point, we have received criticisms and I am considering them, and I hope honourable members will see the new Major Municipalities Bill in a different shape.

As regards the educational clauses, education in the local bodies at present is governed by the Primary Education Act. Major municipalities now or hereafter will have nothing to do with education.

As regards the applying of the Land Acquisition Act, there is a difference of opinion between the honourable member and some of the municipalities. However, I am considering this along with the other criticisms on my bill which was sent eighteen months ago to all the municipalities for criticism.

I do not think any point remains. Supposing the honourable member is given leave to introduce his bill, the earliest he can bring it for the first

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reading before the House is July next. I assure this House that I am going through the criticism of the various municipalities that have submitted their views, and I am going through all other matters connected with this question, and I will do my best to introduce the first reading of my bill at the next budget session, if not at the latest in July, and so there will be no necessity for this bill. If any honourable member has to make any amendments, he can move them to my bill. Further, if leave is granted now, the bill will have to be printed, published and translated which will mean a waste of public money. With this assurance, I hope the honourable member will withdraw his bill.

Mr. L. B. BHOPATKAR (Poona City): Sir, I am really surprised to hear some of the remarks passed by the Honourable the Minister for local self-government, especially the remark that my bill is a mere copy of some of the provisions contained in his bill. I am inclined to think that he has either forgotten his own bill or that he has not read my amending bill. Can the Honourable the Minister show that he has, in "his bill", provided for the deletion of the words "and with the concurrence of the Collector"? Can he show that he has provided for making the procedure now embodied in section 160 obligatory upon the municipalities? Can he show that his bill provides that no Government official shall be the president or vice-president of any municipality? Sir, barring the amendment in regard to the removal of disqualification, there is absolutely nothing contained in my bill which he has provided for in his bill.

The second point is that the bill that is so much made of by the Honourable the Minister relates only to 32 municipalities, that is to say, only to major municipalities out of the total of 159 municipalities. His bill is absolutely silent about the constitution of the remaining municipalities and their powers. In regard to the remaining 127 municipalities, the Honourable the Minister has not given any undertaking that he will introduce.....

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: We have given them the general right of electing their own presidents and if they do not use that right, I cannot help it.

Mr. L. B. BHOPATKAR: That is exactly my point. The right of a municipality should not depend upon the whims of any member on the opposite benches, but it should be made a right and a privilege under an enactment of this House.

I am really happy to see that the honourable member Mr. Kambli is in agreement with almost all the principles of my bill but he is opposed to the leave being granted to introduce my bill on the ground that Government is introducing a bill and that therefore there is no necessity to grant that permission. I have already in my opening speech disclosed a few places where there are intrinsic differences between my bill and the one proposed by the Honourable Minister and in support of my statement, I will

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only read a part of the preamble of his proposed bill, which runs thus :—

"Whereas it is expedient to amend the law relating to the management of municipal affairs in certain cities of the Bombay Presidency."

and in the Schedule I the Honourable Minister gives the names of only 32 municipalities. So his proposed bill will only really affect the constitution of 32 municipalities, whereas my bill, if accepted by the House, will alter the constitution of the whole local self-government in the presidency. As this House very well knows, the administration of municipal affairs affects a very considerable portion of the population in the presidency, namely, 27 lakhs of people. The Honourable Minister is anxious to grant wider powers to only the city municipalities, to the major municipalities, whereas I am anxious to protect and widen the powers of every municipality major or minor, in the presidency. If the Honourable Minister undertakes to introduce a larger measure which will alter the constitution and widen the powers of the major as well as the minor municipalities, then certainly I would be only too glad to withdraw my bill in favour of his. His proposed bill was considered clause by clause by the Poona city municipality, of which I am a member and it came to the conclusion that there is little or no resemblance between his bill and mine. I hope, Sir, that the House will not be influenced by the remarks made by the Honourable the Minister in charge of local self-government, and it will grant me leave to introduce my bill.

Question put. House divided. Ayes 43 : Noes 41. Motion carried.

*Division No. 17.*

**Ayes.**

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| Adwani, Mr. D. B. | Navle, Mr. N. R. |
| Bhopatkar, Mr. L. B. | Pahalajani, Mr. B. G. |
| Dalvi, Mr. B. K. | Patel, Mr. A. E. |
| Desai, Rao Saheb D. P. | Patel, Mr. D. N. |
| Dev, Mr. S. S. | Patil, Mr. D. R. |
| Dixit, Dr. M. K. | Powar, Mr. M. B. |
| Gunjal, Mr. N. R. | Pradhan, Mr. G. B. |
| Haji Abdullah Haroon | Pradhan, Mr. R. G. |
| Jayakar, Mr. M. R. | Saheba, Mr. H. D. |
| Jog, Mr. V. N. | Saptarshi, Mr. C. M. |
| Joshi, Mr. P. G. | Sardesai, Mr. S. A. |
| Kalbhor, Mr. G. M. | Shankarrao Jayaramrao Zunzarrao, Mr. |
| Karki, Mr. M. D. | Shinde, Mr. R. D. |
| Kothari, Mr. V. R. | Shivdasani, Mr. H. B. |
| Lalljee, Mr. Hooseinbhoy A. | Soman, Mr. R. G. |
| Mavalankar, Mr. G. K. | Surve, Mr. A. N. |
| Mehta, Dr. M. M. | Surve, Mr. V. A. |
| Mujumdar, Sardar G. N. | Swaminarayan, Mr. J. C. |
| Mukadam, Mr. W. S. | Thakersi, Mr. Punjabhai |
| Nanal, Mr. B. R. | Thakor of Kerwada, the |
| Nariklvala, Mr. H. H. | Velkar, Dr. M. B. |
| Nariman, Mr. K. F. | |

*Tellers for the Ayes* : Mr. L. B. Bhopatkar and Mr. D. B. Adwani.

**Noes.**

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|---|---|
| Abdul Latif Haji Hajrat Khan, Mr. | Bhutto, Khan Bahadur S. N. |
| Addyman, Mr. J. | Bole, Mr. S. K. |
| Ahmad, Moulvi Rafiuddin | Bunter, Mr. J. P. |
| Angadi, Mr. S. N. | Chatfield, Mr. G. E. |

Noes—*contd.*

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| Chaudhari, Mr. L. S. | Kanga, Mr. J. B. |
| Dabholkar, Mr. V. A. | Kazi Inaitullakhan |
| Dadachanji, Dr. K. E. | Lawrence, the Honourable Mr. H. S. |
| Dehlavi, the Honourable Mr. A. M. K. | Mahomed Ayub Shah Mahomed Khuhro, Mr. |
| Fernandez, Dr. Cosmas | Mehta, the Honourable Mr. C. V. |
| Framji, Mr. K. S. | Montgomerie, Mr. A. |
| Ghosal, Mr. J. | Nekaljay, Mr. R. S. |
| Ghulam Hussain, the Honourable Khan Bahadur Shaikh | Noor Mahomed, Mr. |
| Gibson, Mr. R. E. | Owen, Mr. A. C. |
| Grantham, Mr. V. A. | Painter, Mr. H. L. |
| Griffiths, Mr. V. M. | Pir Rasulbaksh Shah |
| Hatch, Mr. G. W. | Pratt, Mr. F. G. |
| Hayward, the Honourable Sir Maurice | Thomas, Mr. G. A. |
| Hepper, Sir Lawless | Wadia, Mr. N. J. |
| Jadhav, the Honourable Mr. B. V. | Wiles, Mr. G. |
| Jehangir, the Honourable Mr. Cowasji | Woods, Mr. E. E. |
| Kambli, Mr. S. T. | |

*Tellers for the Noes*: Mr. S. T. Kambli and Mr. E. E. Woods.

The Honourable the PRESIDENT: Leave to introduce is granted. Will the honourable member introduce the bill?

Mr. L. B. BHOPATKAR: Sir, I beg to introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

## MOTION FOR LEAVE TO INTRODUCE A BILL TO AMEND THE BOMBAY RENT (WAR RESTRICTIONS) ACT, 1918 (BOM. II OF 1918) AND THE BOMBAY RENT (WAR RESTRICTIONS) NO. 2 ACT, 1918 (BOM. VII OF 1918) AS AMENDED BY BOMBAY ACT III OF 1923.

Mr. K. F. NARIMAN (Bombay City, South): Mr. President, I beg to apply for leave to introduce a Bill to amend the Bombay Rent (War Restrictions) Act, 1918 (Bom. II of 1918) and the Bombay Rent (War Restrictions No, 2) Act, 1918 (Bom. VII of 1918) as amended by Bombay Act II of 1923. I may assure the House that, at this stage, I do not want to go into the merits of this most intricate question, as I have the utmost desire, at this stage, to avoid all controversy on the subject. But I may say that this is a subject which has been agitating the city of Bombay most for the last several months, and it is a subject which the whole of this honourable House will agree, requires to be considered and discussed. I feel more hopeful about it, because to the corporation of the city of Bombay the Government of Bombay have given a reply to their request to extend this Act, that this serious matter is receiving the consideration of Government, and they intend to consider it from the beginning of next year. Therefore, the most important body, that is the Government, desire this important matter to be considered. I may also state that the Swaraj party also has been considering a bill which, while affording necessary relief to the tenants, might also not create undue hardship and difficulties to the landlords, and the non-Brahmin party also desire that this matter should be considered. Therefore, so far as the consideration is concerned, I take it that the whole House is agreed that this very important and intricate question should be considered. I do hope, therefore, that an opportunity to consider the bill will not

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be denied to this House, and the necessary leave to introduce it will be granted to me.

But before I ask for leave to introduce the bill, I have got to ask for the indulgence of this House to make certain changes in the bill as it stands. I would assure this House that these changes have become necessary in view of certain unforeseen difficulties and circumstances that have arisen, and if you will give me indulgence, I will explain the legal position and the difficulties that have arisen. This bill refers to a reserved subject, and as such under rule 19 requires full one month's notice to be given before the date of the session. That means that I must give notice of this bill to the Secretary of the Council at least on the 12th or 13th of September, that is, one month before the 13th of October, which is the date fixed for the session of this House. This is also a bill which, under section 80A of the Government of India Act requires the previous sanction of the Governor-General as it is a reserved subject, and in order to get that sanction, the House will agree that I must submit the bill to the Governor-General for sanction at least one month before the date when it should be sent in to the Secretary of the Council. That means that this bill must reach the Governor-General for sanction about the middle of August. I accordingly took the necessary precautions and sent the bill as it stands, about the middle of August, to the Governor General for sanction. I was aware at the time that another bill had passed through all the three stages in this House, namely, the bill to amend the Rent Restrictions Act, so as to extend the rent relief to Karachi residential quarters for the same period as it was for Bombay, namely, December 1925. The Act as it stood, before the amending bill was passed, gave relief to Karachi with regard to rent restrictions only up to the 31st of August 1924, but by that amending bill the relief was extended to Karachi up to the end of December 1925. But I was also aware of another provision in the Government of India Act which says, Sir, that the bill does not become law till it receives the final assent of the Governor-General. Therefore I felt Sir, that when I submitted my bill for the sanction of the Government of India, although there was the last amendment that had passed the three stages of this House still under section 81 of the Government of India Act which is very clear and emphatic, that amendment may not have the force of law till it receives the assent of the Governor-General. If you will permit me, Sir, I will just read the necessary clause of section 81 of the Government of India Act, *i.e.*, clause 3:

"If the governor, lieut.-governor or chief commissioner assents to any such Bill he shall forthwith send an authentic copy of the Act to the Governor-General, and the Act shall not have validity until the Governor-General has assented thereto and that assent has been signified by the Governor-General to, and published by the Governor, lieut.-governor or chief commissioner."

Therefore it is very clear under the Act that although the bill may have passed all the stages, still until it is finally assented to, and that assent has been published in the Gazette, that bill has not the validity of law. Therefore, I submitted the bill to the Governor-General although that amending bill had passed the three stages, but it not having had the

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assent of the Governor-General, I thought that if I introduced the bill as amended by the last section of the Act that would be illegal under the statute and perhaps might be ruled out of order and therefore I thought it better and safer to submit the bill as it originally stood without the last amendment, and the Governor-General was pleased to accord sanction to the bill as it was presented. Although I at that time brought to the attention of this House that this bill as well as other bills were before the Council, in spite of that the Governor-General was pleased to accord sanction to the bill as it stood in the original form and I received intimation from the Secretary of the Council of that assent on the 5th of September. That date is rather important. Three days after the 5th of September, on the 8th of September, the assent of the Governor-General was given to the last amending Act. That was Act III of 1924. Now, Sir, it may be urged that I should have fresh sanction of the Governor-General if I want to make verbal alterations in my bill, and that I must submit my bill before the 12th or 13th of September. I got that gazette on 9th September, there were only three days within which to get the sanction to the alteration which it was impossible to do, and therefore it was necessary to submit the bill in the form in which it was submitted and I hope the House will give me the indulgence of making verbal alteration in the draft as it stands. I may tell the House that all the requirements that are necessary for the introduction have been complied with. I have given timely notice and have got the sanction to the bill; the bill has been admitted on the agenda; and the only alteration which is necessary does not affect the scope or extent of the bill. The original bill as it stood wants extension of the original Act up to the end of 1925 to Karachi and Bombay and the alteration which is necessary in view of the subsequent and the last amendment of the Rent Act is that certain portion of this draft becomes redundant and that portion which relates to separate provision for Karachi is superfluous in view of the fact that the period of both Bombay city as well as Karachi is the same, December 1925, and therefore I will only ask permission to have this verbal alteration. I will apply for permission to introduce the bill and ask for the indulgence of the House to permit the verbal alteration which does not interfere either with the scope of the bill or with the principle of the bill or with the extent of the bill. If you permit me to extend the principle the only necessary addition that will have to be made in view of the last amendment as amended by the Bombay Act 1923, is that I will have to add a fresh amendment namely, add after "the sanction was given" "as further amended by Act III of 1924". That will have to be added wherever there is the clause 'as amended by Bombay Act III of 1923'. The further amendment which has been assented to will have to be added, viz., 'Act of 1924,' and further, Sir, sub-section 4 of Bombay Rent (War Restrictions) Act as amended by Act III of 1923, and after the words "this Act shall be in force," etc., the words "31st of December 1925" shall be substituted. This becomes absolutely superfluous because by the last amendment this portion is deleted from the section and the only amendment which will be necessary is that instead of the figure 1925 the

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figure 1928 shall be substituted. That is the only amendment which is necessary. It is not that I am asking for anything to be added or more than sanction has been given for; I am only asking for the deletion of certain words which have been superfluous. The only amendment which shall be required to section 4 is that the first 4 lines will have to be deleted and instead of "1925" the figures "1928" will have to be substituted.

Considering the circumstances and the great importance of this question, I hope no technical objection will be raised but permission will be given and opportunity will be given to this House to consider that question in all its aspects, and I may assure the House that this is a practical measure and that it will in no way restrict the rights of the landlords in some form or another and that it is in no way a harsh or undue measure which is operating against the landlords in some form or another. It will only give the liberty to overhaul the whole Act and I hope the House will consider the question sympathetically and grant me leave to introduce this bill.

The Honourable the PRESIDENT: In the first place, I should like to point out that there is no provision in the Act, Rules or Standing Orders which would enable this House to make any alterations in the bill as submitted for leave to introduce. The other difficulty which comes in the way is the difficulty to which the honourable member has referred, namely, that the sanction of the Governor General required under the Government of India Act has been given to this bill as it is now submitted to the House, and therefore any changes of the kind which the honourable member desires to make, even if they were permissible under the Rules and Standing Orders, would change the bill. Though the bill may not be changed in substance it would be changed in wording and may require further sanction of the Governor-General. Therefore the suggestion of the honourable member cannot be complied with. No alteration can, under the Standing Orders or Rules, be made at this stage.

Then, the difficulty is, how to proceed. The only way which occurs to me as likely to meet the difficulties would be for the honourable member to ask for leave for the bill as it stands on the agenda paper and to which the Governor-General has given his previous sanction, pointing out the defect in it and urging that this House could, if they they accord leave, amend those parts of the bill on the occasion of the first reading.

This is a novel thing which has arisen. I appreciate the difficulty which the honourable member has had in consequence of complying with all the formalities strictly according to law. But I must rule his proposal at this stage to move an amendment to be quite out of order. At the same time I have suggested to the honourable member that if he secures the indulgence of the House, he can alter the bill, after it is introduced in the form in which it was sanctioned by the Governor General at the time of the first reading. The bill though defective has got the merit of having received the sanction of the Governor General. The House may, if it is so inclined, allow him to introduce the bill in the form in which it received the sanction of the Governor General. The honourable member has

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pointed out the defects for which he has given ample explanation. It is for the House to consider whether they are satisfied with his explanation and whether they would allow him to introduce it in the form in which it appears in the agenda paper. A very ticklish question has arisen for the first time in the history of the legislative councils in India. I would like to hear any honourable member who wishes to speak on the point. Before that, I want to know whether the honourable member Mr. Nariman would like to ask for leave to introduce the bill in the original form with its defects.

Mr. K. F. NARIMAN: I am much obliged to you, Sir, for the suggestion. I beg to move for the leave of the Council to introduce the bill as it stands.

Mr. V. A. DABHOLKAR: My submission is that the honourable member will be moving a bill to amend an Act which is not in existence on the statute book, because the Act mentioned in the bill has been amended by the Act of 1924. As such, the Act to amend which the honourable member is moving for leave to introduce a bill does not exist. Would it be in order to grant leave to introduce a bill to amend an Act which does not exist?

The Honourable the PRESIDENT: The point as it really strikes me is this: A bill has been drafted in such a way as to deal with two parts of the existing law. The first part has become redundant in consequence of the subsequent passing of another bill. The latter part of it still remains intact. I have given a great amount of thought to this subject and I have consulted eminent lawyers. It appears to me that by the procedure I have suggested we can get over the difficulty. To rule out of order a measure of this kind on technical grounds does not appear to me the right course. I wish to inform honourable members that it is a well recognised principle that the President has sometimes discretion of not deciding a point himself but leaving it to the judgment of the House. I have not done it so far. But in this case extraordinary circumstances have arisen and I do not wish by my ruling to deprive a majority of the members of this House, if they are so inclined, of the opportunity to proceed with the measure. It is with that view that I am adopting the principle of leaving the decision to the House. I think it is the best thing that the House should itself decide whether it will grant him leave to introduce the bill in the form in which it has received the sanction of the Governor General. I do not wish to take advantage of a technical objection and deprive a substantial majority of the House, if it exists, from proceeding with this measure. I wish to hear some expression of opinion as to what the feeling of the House is.

The Honourable Mr. COWASJI JEHANGIR: Sir, I had no intention to make any statement to-day with regard to the extension of the Rent Act. But since my honourable friend from Bombay has given good reasons for the mistakes he has committed in drafting the bill, I wish to make this

[Mr. Cowasji Jehangir]

statement on behalf of Government, in order to curtail discussion. Government propose to bring in a bill of their own. I trust that the bill that will be presented to the House will meet with the approval of both landlords and tenants. That is a bold assumption to make, Mr. President, but with the assistance of honourable members opposite who represent both landlords and tenants—I trust they will give Government their very best advice and assistance—we hope to bring in a measure which will meet with the approval of all sides of the House. Under these circumstances it becomes unimportant whether the House grants leave to the honourable member from Bombay or not. I give the assurance that Government will give an opportunity to the House to discuss this question on the bill that will be brought forward by Government.

Mr. C. M. SAPTARSHI: At what time?

The Honourable Mr. COWASJI JEHANGIR: Most probably the bill will come for first reading at the budget session when it will be referred to a select committee. The second reading will be in Poona. It is really the duty of the select committee to get the bill ready for the second reading. Under these circumstances it is of no importance whether the honourable member's bill is allowed to be introduced or not.

The Honourable the PRESIDENT: I should like to ask the honourable member whether he would press his motion for leave in view of the fact that the Honourable the General Member has given an assurance on behalf of Government that he will himself bring forward a bill on the subject.

Mr. K. F. NARIMAN: Sir, I acknowledge and appreciate on behalf of the citizens of Bombay the statement made by the Honourable the General Member and hope that he will succeed in bringing a measure which will meet with the approval of both landlords and tenants. If the Honourable the General Member introduces such a measure, I am not going to take any perverse attitude in asking for any particular measure of mine. I now ask the indulgence of the House to grant me leave to introduce my bill and I give the assurance that I will withdraw my bill as soon as the Honourable the General Member introduces the bill which he proposes to bring forward.

The Honourable the PRESIDENT: I do not wish to interrupt the honourable member. In view of the defects that have unavoidably crept into the bill and in view of the assurance given by the Honourable the General Member, the House, I think, will have ample opportunity without going through the formality of publication of this bill, to make such alterations as might suit the wishes of the majority of the House, in the bill that will be brought forward by Government. I think it would be much better for the honourable member to accept the assurance. The public will, I am sure, appreciate the position that Government have taken up, and the whole question will be solved in a perfectly satisfactory manner.

Mr. K. F. NARIMAN: Will you please give me a few minutes?

The Honourable the PRESIDENT: Yes.

Mr. J. BAPTISTA: When the bill is introduced, will it be competent for us to propose that the Act should be extended till 1928?

The Honourable the PRESIDENT: My reply is that whatever Government may do, if they submit an amending bill to the jurisdiction of the House it will be open to the House to amend it in accordance with the Rules and Standing Orders.

Mr. J. BAPTISTA: But we cannot amend the principle of the bill.

The Honourable the PRESIDENT: At the first reading you can deal with the bill as you like. I think once the House gets possessed of the bill, it will depend entirely on the majority to deal with it according to Rules and Standing Orders.

Mr. K. F. NARIMAN: If you can permit me, Sir, to ask for leave to adjourn this motion....

The Honourable the PRESIDENT: If you withdraw it, you will be entitled to bring another bill at the next session. I do not think there will be any bar to it. If you withdraw it, it will not take away your right to bring it forward at the next session.

Mr. K. F. NARIMAN: The sanction and other procedure is very complex. Further sanction will have to be obtained.

The Honourable the PRESIDENT: The re-drafting of your bill and obtaining further sanction is not necessary in view of the assurance given, because the constitution provides that if Government say that they want to extend it for one year, the House by a majority can decide that it should be extended to any longer time. The honourable member has got considerably more from Government than his bill can possibly give him. That is my reading of the situation. I do not want to influence honourable members in any way, but I think on the whole the honourable member will be well advised to withdraw.

Mr. K. F. NARIMAN: You will appreciate, Sir, that in introducing this measure I have taken from the beginning a very great responsibility. It is not a measure which affects a particular individual or person, but it affects the larger part of the population of Bombay, and therefore before I take any step in this measure I ought to weigh my responsibility very considerably. If you will permit me to make a statement rather frankly, if the Honourable the General Member will only give us an idea of the measure that he is going to introduce....

The Honourable the PRESIDENT: You will have the power to alter it, if you do not approve of it. The honourable member will realise that when he first asked for leave, I myself gave him every assistance so that his path might be smoothened. But the position is altered by the statement made by the Honourable the General Member, and I personally would have expected that a publicist of Mr. Nariman's experience would have jumped at it, because once the bill is submitted to the jurisdiction of the House the House can deal with the measure in any way it likes, in accordance with Rules and Standing Orders.

Mr. K. F. NARIMAN: Well, Sir, I am taking the assurance of the Honourable the General Member, and I hope that that will meet the requirements of the case. I will not press the case.

The Honourable the PRESIDENT: The assurance has given you more than you wanted.

Motion by leave withdrawn.

## LEAVE TO INTRODUCE A BILL FURTHER TO AMEND THE CITY OF BOMBAY IMPROVEMENT ACT, 1898.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Mr. President, I move for leave to introduce a bill further to amend the City of Bombay Improvement Act, 1898. Sir, the Bombay Municipal corporation have adopted ballot voting in all elections by the corporation except in cases where they are prevented by law. Under the City of Bombay Improvement Act it is provided that the election by the corporation of their representatives on the board of trustees should be by open vote. The corporation have passed a resolution recently that the Act should be amended to enable them to vote by ballot. This bill for introducing which I ask the leave of the House carries out that object.

Question put and leave granted.

Mr. HOOSENALLY M. RAHIMTOOLA: Mr. President, I beg to introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

Mr. HOOSENALLY M. RAHIMTOOLA: Mr. President, I request you to suspend the Standing Orders and to allow me to move the first reading of the bill. My reasons for this request are that it is a non-contentious measure and the election of the corporation's representatives on the board of trustees of the Improvement Trust will take place early next year and if this bill is to be of any use, then it must be passed at this session: otherwise it will be of no use for about two years more.

The Honourable the PRESIDENT: As usual on similar occasions, before exercising the discretionary powers which vest in me I should like to know whether there is any opposition in the House to the Standing Orders being suspended and permission to move the first reading being granted. (After a pause) I take it that there is no objection. The Standing Orders are suspended and the honourable member may move for the first reading.

First reading.

Mr. HOOSENALLY M. RAHIMTOOLA: Sir, I beg to move the first reading of the Bill* further to amend the City of Bombay Improvement Act, 1898.

Mr. V. A. DABHOLKAR: Sir, I rise to support the first reading of the bill which has been moved by my honourable friend Mr. Hoosenally M. Rahimtoola. I may point out to the honourable members that this is the only election of the corporation that is by open vote, and all the other elections of he corporation, namely those to the Standing Committee, to the Port Trust, etc., are by ballot. Therefore, Sir, this election should also be by ballot. That is my submission.

* *Vide* Appendix 68.

The Honourable Khan BAHADUR SHAIKH GHULAM HUSSAIN: Sir, Government had received the resolution of the corporation as regards this amendment, and they had proposed to give effect to it when introducing the Improvement Trust Act Amendment Bill, but as the honourable member is very anxious to get through the amendment now, we shall not oppose the motion.

Mr. V. A. DABHOLKAR: It is a question of elections, not of anxiety.

Bill read a first time. Question put and carried.

Mr. HOOSENALLY M. RAHIMTOOLA: Sir, I beg to move that

Second reading. the bill be read a second time.

MOULVI RAFIUDDIN AHMAD (Central Division): I rise Sir, to support the second reading.

Bill read a second time. Question put and carried.

*Bill read clause by clause.*

Clause 2 ordered to stand part of the bill.

Clause 1 ordered to stand part of the bill. The Preamble ordered to stand part of the bill.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, I beg to

Third reading. move that the bill be read a third time and passed.

Bill read a third time. Question put and carried.

The Honourable the PRESIDENT: The bill is read a third time and passed.

## DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST

Mr. M. D. KARKI (Kanara District): Mr. President, I beg to move the first resolution that stands in my name. It runs thus:

"This Council recommends to Government that tagai loans be advanced free of interest to those persons whose houses or lands or cattle have been damaged by the recent floods in the river Sharavati in the Honavar taluka of the Kanara district for the following purposes and that the amount of the said loans be recovered in convenient instalments not less than 5, regard being had to the nature of the purpose for which the loans are advanced:—

(1) reclaiming or improving lands damaged by the floods;

(2) building new houses to replace old ones which have been demolished or repairing houses which have been damaged by the floods;

(3) purchasing seed or bullocks for agricultural purposes;

(4) repairing such dams damaged by the floods as belong to the village communities and not to Government."

Sir, to all intents and purposes my resolution is innocent; it is harmless; it is not at all a serpent, but a rope. It can be handled without any fear of injury by any honourable member of this House, whether non-official or official. Sir, there is an urgent and earnest case in favour of the hard-hit agriculturists in the flood-affected area of my taluka (Honavar). That there exists such a case is borne out by the fact that my resolution stands second in the order of priority during the ballot. What the resolution which is put before this honourable House aims at is to secure an adequate amount of tagai free of interest to those poor people who have suffered a good deal on account of the havocs of flood. The minimum time for the repayment of the loan is limited to five years. So there can be no two opinions in this respect that my demands on behalf of my constituency are reasonable.

[Mr. M. D. Karki]

Before going into the discussion of this resolution, I want to add some remarks by way of introduction, Sir. The honourable members of this House are aware that I made a statement on the floor of this honourable House on the 1st of August 1924 regarding the abnormally high floods and the subsequent loss caused to the agriculturists. The honourable members must also be aware, Sir, of the assurance given by the Honourable the Leader of the House. I quote the very words of the Honourable the Leader of the House. He said:

"I should like to assure this House that when full reports are received as to the extent of the damage and the necessities of the situation, it will receive the very sympathetic consideration of Government."

Being inspired with this assurance of sympathetic consideration, Sir, I went to my headquarters, visited the flood-affected areas village by village, studied the situation and its necessities, and prepared a statement containing my notes dealing with the situation, and its necessities and giving my own observations and suggestions in the matter. Copies of my statements were sent to the Collector of Kanara, the Commissioner of the Division and also to the Government. In reply to my notes sent to the Government of Bombay I received a reply to the effect that I should be in close touch with the district administration on all matters connected with the flood and the Collector Mr. Maxwell could not fail to do everything in his power to arrange to meet the needs of the calamity. Since then I have kept the district administration and the Divisional Commissioner will be informed of the situation in the affected area. The Commissioner will bear me out in this respect. Sir, I would be failing in my duty if I did not express my heartfelt thanks to the district administration, especially to Mr. Maxwell and Mr. Painter, the Divisional Commissioner, who spared no pains to help the flood-stricken people as far as possible. A hundred 'Tali' palms (hutting materials) have been sanctioned free of charge. The Collector, Mr. Maxwell, has tried to collect funds for the flood relief and also has done his best to write to the charitable institutions and secure an adequate amount of funds for relief of distress. Sir, the Government of Bombay has not lagged behind. The flood-stricken people are greatly indebted to the Government of Bombay for having generously sanctioned a free grant of Rs. 6,000 for the flood relief work. With the aid of this sum of Rs. 6,000 and the amount collected in the district, we started flood relief and that relief work has simply kept their body and soul together. But our duty does not end there. I submit, Sir, that my resolution asks for interest free loan of tagai on four heads. The first is "reclaiming or improving lands damaged by the floods". You will be surprised to know, Sir, that the forcible currents of the high floods in the Sharavati river have washed away the long cultivated surface soil of the rich fields exposing the inner layer of hard earth which is quite unfit for being cultivated without any improvement or without any reclamation. Hollows and ruts have been caused in various fields in various places, and also pits and dips of various depth have been formed. Besides this, at many places valuable lands have been covered with a deposit of sand varying from 1 foot to 5 feet. Thus the soil which was

[Mr. M. D. Karki]

being cultivated up till now by the poor cultivators has to go into fallow, that is, has to remain uncultivated for a number of years if timely help is not given to them. In the ordinary law of landlord and tenant, a tenant is exempted and exonerated from payirg rent if the land or the crops are devastated by an act of God, such as fire, floods etc., etc. On the same analogy, that principle ought to be applied to this case because I think the relation between the ryots and the Government is that of tenant and landlord. Some say that the assessment we pay is in the shape of a tax and some say it is in the shape of rent. Whatever may be the technical word, for the purposes of this resolution I say the relationship between the Government and the ryot is that of landlord and tenant. Every tenant is exempted from paying rent to the landlord when the land is devastated or crops are devastated by act of God. Why should not then the same exemption be extended to the poor people whose lands have been devastated? Government in my humble opinion cannot ask for assessment of those lands which have been devastated and they cannot also compel the agriculturists to relinquish or surrender their lands to the Government. If the agriculturists keep the lands to themselves and are unwilling to pay assessment, the payment of assessment cannot be enforced because there is an individual calamity in this case in respect of several agriculturists. Instead of claiming exemption of land revenue the poor agriculturists come and say "give us remission of assessment this time because our crops have failed; give us some money not as a free grant but as a loan, but be good enough to give that loan free of interest. We will reclaim the land, improve it, cultivate it again within a year or so and we shall continue to pay assessment in future". Is not that a reasonable request? It was the primary duty of the Government to improve the lands at their own cost but the agriculturists have come forward to say that they do not want a free grant of money but a loan on the only condition that it should be given free of interest.

Secondly, there is the question of building new houses in the place of the old ones which have been either destroyed completely or ruined beyond the agriculturists' capacity to bear the loss, and also there is the question of household materials of which the agriculturists have been deprived by the floods. Nearly more than 1,000 houses were under water but 471 houses suffered considerable damage, out of which 24 belong to the Brahmins, 19 to Christians, 96 to Mahomedans and the rest to Non-Brahmins. The damage in money amounts to a total of Rs. 13,938, out of which Rs. 823 goes to the share of Brahmins, Rs. 478 to Christians, Rs. 2,220 to Mahomedans and the rest to Non-Brahmins. The amount of damage may seem very negligible to some honourable members of this House who live in mansions and ride in motor cars, but it is bound to strike in its proper proportions to those who are acquainted with the conditions of living of agriculturists in Kanara and elsewhere in Malnad country and they will agree that it is a loss beyond the capacity of those agriculturists to bear unaided and without Government assistance. The agriculturists have lost their houses, their crops, their cattle, their

[Mr. M. D. Karki]

seed, their materials and what not. The population there is getting thinner and thinner day by day, Sir. If there are no houses, such land has no market value. Several families have migrated into Mysore territory or have become extinct owing to the unbearable pressure brought to bear upon them by the forest policy. If we do not encourage the inhabitants, especially the agriculturists, we shall be driving the villagers away from the land of the living, villagers who are absolutely necessary for the benefit of mankind and the State as well. I therefore most humbly submit, Sir, that Government should accept the request made in my resolution and act upon it. Of course, as I have already stated, hutting materials have been granted to many agriculturists but our work does not end there. They want some money without interest and I think an exception may very well be made by Government in this instance. Objections will be raised to this and it will be asked whether all the persons whose houses have been demolished are agriculturists, but I can say with certainty that excepting a very few, or say one or two, all are agriculturists and the houses that have been demolished are in many cases huts and cottages costing not very high or substantial amounts. I do not wish that Government should go to the length of lending funds to those who are able to afford to pay for building their houses.

I now come to the third point, purchasing seed or bullocks for agricultural purposes. Over 800 acres of rabi land are to be brought under summer cultivation. This year's crop of kharif land has been damaged. The crops standing on the low lands have been completely ruined and the crops standing on the upper land have also likewise suffered owing to the washing away of the surface and deposit of sand, etc. The poor agriculturists have been subjected to these flood havocs for the last two years. Last year also there was a very high flood which did an immense loss to the agriculturists. But unfortunately assessment was collected even by resorting to coercive measures. This year too abnormally high floods have occurred and the agriculturists have lost everything, their houses, and everything therein. They have suffered injuries to their lands and they have suffered even in their agricultural produce, that is to say, they cannot have that agricultural produce which they expected. Owing to the impoverished condition to which they have been brought by these unforeseen events, I submit that they should be helped with interest free tagavi for the purchases of seed and bullocks. If the State does not extend such help, over 800 acres of rabi land will remain fallow, the result of which would tell very heavily upon the agriculturists and do more harm. They are urgently in need of seed, and although they have not suffered a good deal in their cattle, the after-effect of floods have brought upon them a heavy loss in respect of their cattle also. In order to keep their body and soul together, they did not care so much for their cattle which strayed into the jungles and consequently suffered. Sir, owing to the want of seed as well as cattle, agricultural operations are hampered, and it is only two days

[Mr. M. D. Karki]

ago that I received a wire from the chairman of the Flood Relief Committee, Honavar, about the matter. I will read to the House the relevant portion of it :

"Condition of cultivators deplorable; cultivation hampered for want of funds; committee requests to urge in Council further grants as six thousand now granted by Government totally insufficient; pray secure two thousand five hundred more also interest free tagai not below fifty thousand."

Now, as regards No. (4), "repairing such dams damaged by the floods as belong to the village communities and not to Government", there are two beautiful villages on the banks of the Sharavati, Kudargi and Nagari. These two beautiful villages contain a large area of fertile and valuable land yielding two crops. Now, there are two dams on the banks of the Sharavati to prevent flood water from entering the low-lying fields in these villages in normal times. These dams have been in existence from time immemorial. It is not known whether these two dams were erected by Government or by the village community. If they were built by Government, it is the bounden duty of Government to repair them, but as that fact cannot be ascertained, I have ventured to ask in this resolution that tagai, free of interest, should be given to the village communities concerned for repairing these dams. If these dams are not repaired in time, what will be the result ? They have already broken, and the river Sharavati, by having a tributary course will make itself into a creek, and a large area of land which is now fertile will be the bed of a new creek within the course of two or three years. If that land comes under the bed of a creek, Government will lose by thousands and not by hundreds in the shape of land revenue every year. In order to avert such a calamity I submit that tagai should be advanced free of interest to the village communities concerned. The amount will not come to be a very big one ; the amount required will be Rs. 2,500 according to present estimate. If that is not done immediately, and if the matter is left to be dealt with in course of time, thousands of rupees will be required for the purpose, and it may be too late to mend matters. I, therefore, submit that Government should take this resolution into their sympathetic consideration, and accept it without any modification, and Sir, I also trust, in the event otherwise, that honourable members will give me their support to carry this resolution in the best interests of the poorer people in Kanara.

Question proposed.

Mr. L. S. CHAUDHARI (East Khandesh District) : Sir, I rise to support the resolution moved by the honourable member representing Kanara (Mr. Karki), and it is a very important resolution, as it is directed to the help and advancement of the agriculturists of that district. The resolution demands that Government should extend their helping hand to the people found in distress on account of the recent floods of the river Sharavati, and the purposes for which that help is asked for have just been enumerated by the honourable mover, and they are directly touching the agricultural improvement and interest. I think there will be no other occasion better than this where State help is absolutely required

[Mr. L. S. Chaudhari]

for the help and protection of the agriculturists. Sir, the honourable member has clearly made out a case for such help, and, during the previous session of this Council, we had an opportunity of hearing the sympathetic voice of the Honourable the Leader of the House in the matter. Unfortunately, I had no occasion to see the scene of distress brought about by the floods, but I can imagine the condition in which these distressed and unfortunate people are put into by the floods, by taking the illustration of a man whose house is burnt by fire. When a house is burnt down completely, and not even a small piece of string is left to the householder, we know how our sympathies go to the man all of a sudden. If the householder is an agriculturist, we the surrounding agriculturists carry fodder to his house, and make provision for his cattle. If he has lost his cattle in the fire, we help him during his agricultural operations by lending him our bullocks. Also, if all his food supplies have been burnt down by fire, we also help him by lending or giving *gratis* some quantity of corn. From that distressed condition of a man whose house has been burnt down, we can very well imagine the condition of these unfortunate people who have been reduced to such a miserable condition as has been very well described by the honourable member for the Kanara district, and it is at such a time that Government should help these people in a generous manner. During the course of the speech, the honourable member has stated that several relief measures have already been adopted, and our thanks are due to the Commissioner of the Division and the Collector for their having extended their helping hand just in time. We have learnt that some relief works have been started, and that the Collector has also started a charitable institution. Now, the honourable member comes before this House with a humble demand that loans should be advanced to the agricultural classes free of interest. Now, Sir, even looking to the activities of the Agricultural Department, there are several suggestions on behalf of the department as well as the Department of Co-operation, that the rate of interest which the people are required to pay at present should be reduced. If that is the policy of both these departments, I think this is an occasion when we should exercise the principle of reducing the rate of interest, and grant loans to these people without taking any interest from them. Now, Sir, there is no other way left to these people excepting that of asking loans free of interest, because on account of these floods their fields and houses have been washed, they have got nothing to mortgage. They have lost their credit with their creditors in their districts. Under these circumstances I think the House should extend its generous hand to the improvement of, rather to the reclamation of, these poor people in their distressed condition.

Mr. MAHOMED AYUB SHAH MAHOMED KHUHRO (Larkana District): Sir, I rise to support the resolution made by honourable member Mr. Karki. The conditions in Sind are much worse than they are in the Kanara district as described by the honourable member. The recent floods have done much more harm to our part of country. My friend

[Mr. Mahomed Ayub Shah Mahomed Khuhro]

Haji Abdoollah Haroon had sent a resolution regarding the Sind floods, but unfortunately on account of ballot business, it has come very low in the order of numbers in the agenda and I think he shall have no chance to move it in this session. Mr. President, we had called a public meeting in Larkana and a resolution was unanimously passed in our association that because the Sawhan division, which is a very unlucky part of our province, has suffered enormously in this year's floods, Government should be approached to help the people of that division very liberally.

In Sukkur district, Rohri and Mirpur divisions have suffered considerably. In Nawabshah district Mao-Laluka was wholly submerged under water and a great portion of Sakrand taluka as well. Karachi is the district which has suffered the most, as three-fourths of it was altogether flooded. I mean to say that the loss to Sind, owing to this year's floods, has been a remarkable one and it beats the previous record altogether. The Commissioner in Sind is making collections, but it is not enough to satisfy the people who have suffered immensely, unless Government comes forward with a very liberal mind to show all sorts of concessions to the sufferers.

Mr. C. M. SAPTARSHI: I rise to a point of order. The honourable member is speaking of the conditions of Sind. I do not think his speech is within the scope of the resolution which is before the House.

The Honourable the PRESIDENT: If the honourable member makes the question of Sind flood relief the main basis of his speech, then he is quite out of order, but if he refers to the difficulties of Sind on similar occasions in supporting or opposing this motion, then he would be entitled to make a passing reference to conditions of Sind.

Mr. MAHOMED AYUB SHAH MAHOMED KHUHRO: Yes, Sir, I was simply giving reference to what has occurred in Sind during these floods.

I appeal to the Honourable Member in charge of Finance to move Government to extend a helpful hand to the sufferers in Sind, and I hope he will not fail to do that. And I hope while doing it for Kanara he will not ignore another part of the province, which requires immediate attention. With these few remarks I support the resolution.

Mr. H. L. PAINTER: Sir, It will save the time of the House if I very briefly go over the facts covered by this resolution. The honourable member for Kanara made a statement before the House last session regarding these floods and at that time he promised to see me and discuss matters with me at Belgaum, which he duly did. He also corresponded with the Collector and ever since whenever I have seen him he has expressed entire satisfaction with everything that Government or their officers have been doing in all directions in this matter with this single exception of a grant of tagai free of interest. I may go so far as to say that he has to a certain extent conceded that it is not possible for Government to do anything more. I had some difficulty in ascertaining from him why he is so very insistent upon this particular matter of tagai free of interest for seed and bullocks and why, although I explained to him that it was not possible for Government to grant it, he has asked for it

[Mr. H. L. Painter]

in this resolution. I may say he is perfectly well aware that the district authorities and Government are agreeable to grant the requests made in clauses (1), (2) and (4) of his resolution. But with regard to clause 3, *viz.*, tagai for purchasing seed or bullocks for agricultural purposes, neither the Collector, whom I have personally consulted, nor myself can see our way to propose that it should be granted free. I pressed the honourable mover very hard to explain why he was so insistent in that particular direction, but he has not been able to satisfy me. I conclude that he insists on his resolution for two reasons. One may be that he is very anxious, as he told me, to keep the poor ryot out of the clutches of the money-lender. The only other reason that I can think of is that the honourable member made an unauthorised promise that Government would grant tagai free of interest for purchasing seed or bullocks. If I may be permitted, Sir, I will read to the honourable House the last paragraph of a statement which the honourable member sent to the officers and others concerned. He states in it:

"Not only had I to talk with the people in every village on various subjects but had to address a crowded meeting of the ryots of the adjoining villages at Haigund on 19th. Besides what I have done in connection with the relief work, I have assured them that Government will not lag behind and fail in their duty to come forward with their usual generosity and liberality this time, and that Government would regain their reputation considered as lost in the estimation of the ryots owing to the harsh measures adopted by them in levying assessment last year. I have promised them that I would do my best to move on their behalf the Collector, the Divisional Commissioner and lastly the honourable members of Government in whose sympathies I have full hope and confidence to render all possible help to the afflicted. I assured and promised the people on the strength of the assurances given to me by the honourable members of the Government and the Commissioner of the Division with whom I had an opportunity to speak on the subject. If these disappoint me by not helping me to redeem my promises made on their assurance the last effort I, as a representative of the district will have to resort to, is to place the full case of the flood-stricken before the honourable House of the Bombay Legislative Council and to appeal to both official and non-official benches to redress the wrong in the name of justice, equity and humanity."

Sir, I had a conversation with the honourable mover and he expressed his anxiety to withdraw the resolution provided the third clause of it were accepted.

Mr. NOOR MAHOMED: Is the honourable member in order when he refers to a conversation which he had outside this House?

The Honourable the PRESIDENT: It is a difficult point of order. The honourable member is speaking as a Government officer and he has put all the facts before the House in order to help it in arriving at a decision. Any private conversation which is of a charater in the remotest degree objectionable will be barred.

Mr. H. L. PAINTER: There is just one other point which I should like to touch upon since it has been touched upon already by the honourable member for Kanara. That is the question of suspension or remission on account of these floods. The honourable member said that last year also the people were put to hardship on account of floods and this year they have been put to still greater hardship. Government quite realise the situation and I can give the assurance that they will be very liberal in the annewari valuation, remission and suspension of land revenue. If I am not out of order, I would say here that

[Mr. H. L. Painter]

when the time comes for the valuation of the crops, we will take such steps and issue such instructions to our officers that there will be no complaint of hardship. Thus the only difference between myself and the honourable member is on this one minor point about dispensing with interest on loans for seeds and bullocks. Already Rs. 12,000 has been placed at the disposal of the Collector of Kanara for distribution as tagai and as much more as is necessary will be granted free of interest for the reclamation of lands and for rebuilding houses and repairing dams which have been damaged by floods. But in the case of loans advanced for the purchase of bullocks and seeds we cannot agree to interest being remitted.

Mr. NOOR MAHOMED (Hyderabad District): Sir, the officials have never seen the scene of the flooded areas and they have no idea of the distress prevalent there. This morning I had a conversation with the Secretary to Government, Irrigation Department. He informed me that something like 5 lakhs will not be necessary in one single area for the relief of distress caused by floods. Sir, if you enquire of the officials about the extent of damages caused by floods, they will say that there is absolutely nothing and no tagavi grant is required. In Sind, the extent of the damages caused by the floods is very great and I conjecture that it must be so in Kanara. Therefore this resolution has the entire support of the Sind members. I have tabled an amendment for similar relief to Sind. Therefore I take advantage of the resolution that has been moved by my honourable friend. When this resolution is carried, I hope the Honourable the Finance Member, who knows the conditions of Sind will give the same consideration to Sind as he has given to Kanara.

The Honourable the PRESIDENT: Before the discussion proceeds, I wish to ask Government whether their position is as stated by the honourable member, the Commissioner, Southern Division. If that is so, the discussion will be curtailed, as I understand that they are prepared to accept clauses 1, 2 and 4 of the resolution.

The Honourable Mr. H. S. LAWRENCE: As this is a special case, Government are prepared to give *tagai* free of interest on the small scale proposed by the honourable member for Kanara for clauses 1, 2 and 4 of the resolution. But with regard to purchasing of seed and bullocks for agricultural purposes, we cannot comply with the honourable member's request.

Mr. D. B. ADWANI: As regards Sind?

The Honourable the PRESIDENT: The question of Sind does not arise at all.

Mr. NOOR MAHOMED: The point is that the honourable member for Kaira wants relief for the damages caused by floods in Kanara; and my amendment is that similar relief should be given to the other parts of the presidency which have equally suffered from floods. I request you, Sir, to give your consideration to my amendment.

The Honourable the PRESIDENT: I have given my best consideration to the matter. It is not the question of floods. It is a question of special

[The President]

relief to certain parts of the presidency. If the scope of the motion is extended in this way, some honourable member may bring in various other parts of the presidency. There have been repeated rulings on the question in the past. I do not see any reason to differ from those rulings. Is the honourable mover of the resolution satisfied with the acceptance by Government of all the parts of his resolution except part (3)?

Mr. M. D. KARKI: If they have accepted the other clauses of my resolution, I will urge upon the Government clause (3) of my resolution.

The Honourable the PRESIDENT: Then technically the whole resolution is before the House. Honourable members are themselves complaining that we have got very little time for discussion of resolutions of public interest. When they speak and move resolutions it seems they think it a matter of honour that they should take up the whole of 30 minutes allowed. I hope honourable members who are entitled to speak on the whole resolution will confine their observations to part (3) only.

Mr. V. N. JOG (Dharwar District): Sir, I shall be very short. As I am coming from a district which is quite a neighbouring one to Kanara, I can assure the House that the grievances which my honourable friend has described are quite true. Sir, I am very glad to see that Government have come forward to accept three of the four recommendations in the resolution. The only recommendation to which exception is taken by Government is in regard to part (3), that is, giving of tagai free of interest for purchase of seed and bullocks. I submit, Sir, that Government should come another step forward and accept the resolution in full, because the money that is required for the purpose will not be very much. Kanara is a very poor country, most of which is covered by forests, and the only source of living is agriculture: there is no industry or commerce there. Now, as the crops raised have been washed away, the people have nothing to live upon, and many of them have had their bullocks carried away by the floods. So, I hope they will extend their act of generosity and not come in the way of granting tagai free of interest to cases covered by (3). With these remarks I support the resolution moved by my honourable friend.

Rao Saheb D. P. DESAI (Kaira District): Sir, I support the resolution. I shall be very brief. I am afraid Government in view of their resolutions on tagai would not see their way to accepting the recommendation to give tagai free of interest. The resolution issued in 1922-23 after the Reforms came into force was so cautiously worded that Collectors and Commissioners and other officers were obliged to curtail their programme to give tagai loans even with interest. The latest resolution of 1924 goes in the same way, that is, it enjoins on district officers the giving of tagai very cautiously. This is highly improper.

The resolution recommends that tagai should be given free of interest. If the contention of the Government is that Government cannot afford to give tagai free of interest, as they themselves have to pay interest on loans, may I request my honourable friend the Member for Revenue that he should render the tagai accounts for the last 20 to 25 years? We have every reason to believe that in the past Government have made

[Rao Saheb D. P. Desai]

huge profits from their loans to cultivators and I can safely say that at least 30 to 40 lakhs have gone to the pockets of Government from the cultivators. I would therefore request the Honourable the Revenue Member to give these tagai loans from these profits. The Honourable the Finance Member should not grudge giving tagai free of interest to the Kanara people in view of the fact that these are special circumstances calling for a clear concession to the cultivators.

Mr. G. WILES: Sir, the Finance Department, as the custodians of the public purse, look unfavourably on any departure from the rules, as being likely to set up some undesirable precedent. But in the case of a calamity such as this, even the Finance Department knows how to open the purse strings, and that is why immediately they heard of this calamity Government sent down to Kanara Rs. 6,000 to be distributed as free grants. As the House has the figures given by the honourable mover of this resolution, honourable members will see that this Rs. 6,000 is a very considerable proportion of the total damage done in the Honavar taluka. The local officers consider, and Government agree with them, that in some circumstances a free gift is better than a loan. Free gifts have been given from the forests for the construction of houses; free loans are about to be given for the construction of houses; free loans are about to be given for repairs to bunds or for improving lands that have been damaged by the floods. The only question that remains is whether free of interest tagai should be given for the purchase of seeds and bullocks. In this matter Government propose to accept the view of the local officers. The Collector has gone into the question thoroughly, and he reports that he proposes to give the poorer class of cultivators not tagai free of interest, but free grants. He is reluctant to tie a burden round the necks of the poorer cultivators, by giving them loans which they may not find it easy to repay: he proposes to give them seed free. Bullocks have not been destroyed, as one honourable member said, very extensively. The official reports show that the total loss of bullocks amounts to only Rs. 600. The Collector reports that there is a tendency in Kanara to exaggerate the extent of the damage done by the floods with a view to obtaining the maximum concessions from Government. He is satisfied that he can relieve the more serious cases by free grants from the sum placed at his disposal. He is not in favour of giving tagai for seeds and bullocks free of interest. I will read out to the House from his letter:

"The applicants are at present being encouraged to apply for loans considerably in excess of their real requirements by the hope of obtaining the money free of interest; but the small loans sufficient for such purposes are such as cultivators might expect to require at any time, and the mere fact that they are compelled by necessity to ask for them does not seem to constitute a good reason for remitting interest, whatever the cause of the necessity might be. The object of the loan is to enable the applicant to carry on his ordinary occupation with profit to himself and it is expected that the yield will enable him to repay it with the usual interest."

As I have said, he goes on to say that he proposes to meet the needs of poor cultivators by free grants:

"I wish to use the Famine Relief Grant of Rs. 6,000 sanctioned by G. R. 1806 of 25th August 1924 as far as possible for expenditure of a kind which will enable the rayats to set themselves up again in agriculture, *e.g.*, for purchase and distribution

[Mr. G. Wiles]

of seed for the rabi sowing and even seed for the next kharif sowing, since in many cases they will be unable to save seed from this year's crops and must otherwise get into debt. Tagai under the Agriculturists Loans Act will also be used for this purpose, but it would be difficult for the poorer cultivators to repay such loans without depriving themselves of some of the advantages of the next harvest and it would therefore be preferable in some cases to buy and supply them with seed out of the Government grant itself."

The Council will realize from what I have said that Government have not been unmindful of the needs of the distressed cultivators, and I would remind the House of the tribute which the honourable mover of the resolution has already paid to the local officers.

Mr. J. BAPTISTA (Bombay City, North): Sir, I must congratulate the Government upon their generous policy in this matter. So far as I can perceive the difference between the Government benches and the non-official benches is very insignificant. The question here is not whether any loan should be granted, but whether any interest should be charged on the loans. So far as the granting of the loan is concerned, it depends upon the merits of the case and Government will decide it on their merits. But so far as interest is concerned, I understand that Government charge interest at the rate of 8 per cent. and this appears to me to be a *Marwari* rate of interest for Government to charge. But after all it is only a small matter, and I would respectfully recommend to Government to concede gracefully the demand in the resolution.

Mr. D. B. ADWANI (Karachi City): I only want to say, Sir, that I cannot see any difference between the purchase of seed and cattle and the other items. At the same time I do not think that it would be inappropriate for Government to make a passing reference to the measures for relief adopted or to be adopted for Sind.

An Honourable MEMBER: I move the closure, Sir.

The Honourable the PRESIDENT: I accept the closure. The honourable mover of the resolution may now reply.

Mr. M. D. KARKI: I have nothing to add, Sir, to what I have already placed before the House.

The Honourable Mr. H. S. LAWRENCE: Mr. President, I see that the House seems to be somewhat disturbed by the insistence of Government on a matter that is by common consent of only a few hundred rupees. But, Sir, even such a small amount may contain an important principle. That there is a feeling of generosity and liberality prevalent in this House at present is perhaps due to the very late hour at which we are discussing this matter, because I cannot think that in the earlier morning hours members would be so ready to throw away sums which when applied to the whole presidency would represent a very large drain on the finances of this Government. I do not know whether honourable members realise that our outstandings on loans to cultivators at the present time exceed a crore of rupees.....

Mr. J. BAPTISTA: A very small sum, compared to our revenues!

The Honourable Mr. H. S. LAWRENCE: A crore of rupees is a very small sum. says a gentleman who has just come back from Geneva. It

[Mr. H. S. Lawrence]

may be a very small sum to the gentleman coming from Geneva, but it is not a very small sum to gentlemen dealing with the finances of the Bombay presidency. The honourable gentleman has also told us that we are charging 8 per cent. interest. Well, in the first place, we are not charging 8 per cent. That inaccuracy no doubt is a small matter. Long and painful experience has taught us that we have to preserve a considerable margin between the rate at which we borrow and the rate at which we lend if we are not to put Government to a considerable loss over a period of years. We borrowed only recently at 6½ per cent., and the 1½ per cent. on that would not cover our losses in the cost of the distribution of tagai and the collection of repayments and also the remissions that it has been long the policy of this Government to give when an area is faced with serious distress. Now that we are borrowing money at 5¾ per cent., we are reducing the rate of interest to 7¼ per cent. This margin of 1½ per cent. will still be insufficient to preserve the finances of Bombay from loss over a long period of years. I cannot make myself heard, Sir, owing to conversations in the hall.....

The Honourable the PRESIDENT: Order, order. No conversation, please. May I ask the Honourable the Finance Member whether he is likely to take long? If so, as it is past 7 o'clock now, I would adjourn the meeting and he may proceed with his speech to-morrow.

The Honourable Mr. H. S. LAWRENCE: I shall not be long, Sir; I hope to finish within three or four minutes. I was saying, Sir, that this margin of 1½ per cent. will not, members of this Council will discover to their grief, in a period of years cover the margin at which we borrow and the rate at which we recover. I have had the figures for the recoveries of loans calculated over a period of 20 years, and the result has been that we have lost 35 lakhs of rupees in that period. Thirty-five lakhs, and that, too, when it was not the policy of Government to give tagai loans free of interest. We have not given tagai loans free of interest in the past, except, so far as I can find out, at one period in a particularly distressed area of Bombay about fourteen or fifteen years ago when the famine was very severe in the land. But even so, the tagai policy of the Government is a losing policy for the State and it is very necessary to realise that.

Now, Sir, in this particular instance, this small area of Kanara has been seriously damaged by an enormous storm which did terrible damage along the west cost of India. Fortunately, only this one small section of this presidency was attacked by that violent storm, and that no doubt, this House will recognise, was due to the extraordinarily good administration of the presidency by this Government. We are often held responsible for all sorts of calamities and I trust we shall also be held responsible for this particular calamity not spreading throughout this presidency. Well, Sir, in this unusual instance where enormous floods came down and did serious damage to a very small section of our territory, we have agreed that that small section should be helped to recuperate itself in the matter of the buildings that

[Mr. H. S. Lawrence]

have been destroyed and the lands the fertile soil of which has been swept off. But in this matter of seed and cattle, while it is a matter of absolutely infinitesimal importance in the area, it is a principle of the greatest importance throughout the rest of the presidency. We cannot afford to give tagai free of interest as a general principle for such purposes without leading this Government into a loss that will represent lakhs of rupees every year. Our outstandings at the present moment amount to about 1¼ crores. In several years of serious distress we have given as much as Rs. 1½ crores in a single year and in these years of serious distress we have to adopt a policy that will preserve the finances of this Government. In these years we are faced at the same time with a very serious depletion of our land revenues and at the same time with a serious expenditure, which in the past has run into several crores of rupees, for the relief of famine to save men and cattle from death. We cannot gamble in these matters, Sir. We have to adopt a serious business policy, and I hope this House will be satisfied that on all the important points we have met the needs of the cultivators of this small tract, people with whose sufferings we entirely sympathise. But we feel that we cannot weaken our policy with regard to this matter, small in amount but most important in principle, of recovering the interest on loans granted in the matter of cattle and seed. Cattle and seed repay themselves within the year. That is the reason why we differentiate loans for those purposes from loans for rebuilding houses or restoring the fertility of lands. I hope, Sir, that this House will support this Government in attempting to preserve a reasonable policy and sound discretion in the grant of loans.

The Honourable the PRESIDENT: In putting the following resolution moved by the honourable member, Mr. M. D. Karki, I will put the four sections separately:—

"This Council recommends to Government that tagai loans be advanced free of interest to those persons whose houses or lands or cattle have been damaged by the recent floods in the river Sharavati in the Honavar taluka of the Kanara district for the following purposes and that the amount of the said loans be recovered in convenient instalments not less than 5, regard being had to the nature of the purpose for which the loans are advanced:

(1) reclaiming or improving lands damaged by the floods;

(2) building new houses to replace old ones which have been demolished or repairing houses which have been damaged by the floods;

(3) purchasing seed or bullocks for agricultural purposes;

(4) repairing such dams damaged by the floods as belong to the village communities and not to Government."

Part (1) of the resolution put and carried.

Part (2) of the resolution put and carried.

Part (3) put. House divided. Ayes 44: Noes 30. Part (3) carried.

*Division No. 18.*

Ayes.

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| Adwani, Mr. D. B. | Desai, Rao Saheb D. P. |
| Ahmad, Moulvi Rafiuddin | Dev, Mr. S. S. |
| Angadi, Mr. S. N. | Dixit, Dr. M. K. |
| Baptista, Mr. J. | Gunjal, Mr. N. R. |
| Bhopatkar, Mr. L. B. | Haji Khamiso Gul Mahomed |
| Chaudhari, Mr. L. S. | Jayakar, Mr. M. R. |

Ayes—*contd.*

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| Jog, Mr. V. N. | Patil, Mr. D. R. |
| Joshi, Mr. P. G. | Powar, Mr. M. B. |
| Kambli, Mr. S. T. | Pradhan, Mr. G. B. |
| Karki, Mr. M. D. | Rahimtoola, Mr. Hoosenally M. |
| Kothari, Mr. V. R. | Saheba, Mr. H. D. |
| Lalljee, Mr. Hoosenbhoy A. | Saptarshi, Mr. C. M. |
| Mavalankar, Mr. G. K. | Sardesai, Mr. S. A. |
| Mehta, Dr. M. M. | Shinde, Mr. R. D. |
| Mukadam, Mr. W. S. | Shivdasani, Mr. H. B. |
| Nanal, Mr. B. R. | Soman, Mr. R. G. |
| Narielvala, Mr. H. H. | Surve, Mr. A. N. |
| Nariman, Mr. K. F. | Surve, Mr. V. A. |
| Noor Mahomed, Mr. | Swaminarayan, Mr. J. C. |
| Pahalajani, Mr. B. G. | Thakarsi, Mr. Punjabhai |
| Patel, Mr. A. E. | Thakor of Kerwada, the |
| Patel, Mr. D. N. | Velkar, Dr. M. B. |

*Tellers for the Ayes:* Rao Saheb D. P. Desai and Mr. Noor Mahomed.

Noes.

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| Abdul Latif Haji Hajrat Khan, Mr. | Hepper, Sir Lawless |
| Addyman, Mr. J. | Jadhav, the Honourable Mr. B. V. |
| Bunter, Mr. J. P. | Jehangir, the Honourable Mr. Cowasji |
| Chatfield, Mr. G. E. | Kanga, Mr. J. B. |
| Dalvi, Mr. B. K. | Lawrence, the Honourable Mr. H. S. |
| Dehlavi, the Honourable Mr. A. M. K. | Mehta, the Honourable Mr. C. V. |
| Fernandez, Dr. Cosmas | Montgomerie, Mr. A. |
| Framji, Mr. K. S. | Navle, Mr. N. E. |
| Ghosal, Mr. J. | Painter, Mr. H. L. |
| Ghulam Hussain, the Honourable Khan Bahadur Shaikh | Pratt, Mr. F. G. |
| Gibson, Mr. R. E. | Shankarrao Jayarambao Zunzarrao, Mr. |
| Grantham, Mr. V. A. | Thomas, Mr. G. A. |
| Griffiths, Mr. V. M. | Wadia, Mr. N. J. |
| Hatch, Mr. G. W. | Wiles, Mr. G. |
| Hayward, the Honourable Sir Maurice | Woods, Mr. E. E. |

*Tellers for the Noes:* Mr. J. Addyman and Mr. J. P. Bunter.

Part (4) put and carried.

The Honourable the PRESIDENT: The Council is now adjourned to 2'clock to-morrow, Friday, the 24th October 1924.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

*Friday, the 24th October 1924.*

The Council re-assembled at the Council Hall, Poona, on Friday, the 24th October 1924, at 2 p.m., the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

*Present:*

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ADDYMAN, Mr. J.
ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
ANGADI, Mr. S. N.
BAPTISTA, Mr. J.
BEDREKAR, Khan Bahadur I. M.
BHOPATKAR, Mr. L. B.
BIJARANI, Khan Saheb SHER MAHOMED KHAN
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
CHAUDHARI, Mr. L. S.
COOPER, Khan Bahadur D. B.
DABHOLKAR, Mr. V. A.
DADACHANJI, Dr. K. E.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GIBSON, Mr. R. E.
GRANTHAM, Mr. V. A.
GRIFFITHS, Mr. V. M.
GUNJAL, Mr. N. R.
HAJI ABDULLAH HAROON
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
HUDSON, Mr. L. S.
JADHAV, the Honourable Mr. B. V.
JAYAKAR, Mr. M. R.
JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KAMBLI, Mr. S. T.

Kanga, Mr. J. B.
Karki, Mr. M. D.
Kazi Inaitullakhan
Kothari, Mr. V. R.
Lalljee, Mr. Hooseinbhoy A.
Lawrence, the Honourable Mr. H. S.
Madan, Mr. J. A.
Mahomed Ayub Shah Mahomed Khuhro, Mr.
Mavalankar, Mr. G. K.
Mehta, the Honourable Mr. C. V.
Mehta, Dr. M. M.
Montgomerie, Mr. A.
Mujumdar, Sardar G. N.
Mukadam, Mr. W. S.
Nanal, Mr. B. R.
Narielvala, Mr. H. H.
Nariman, Mr. K. F.
Navle, Mr. N. E.
Nekaljay, Mr. R. S.
Noor Mahomed, Mr.
Owen, Mr. A. C.
Pahalajani, Mr. B. G.
Painter, Mr. H. L.
Patel, Mr. A. E.
Patel, Mr. D. N.
Patil, Mr. D. R.
Pir Rasulbaksh Shah
Powar, Mr. M. B.
Pradhan, Mr. G. B.
Pradhan, Mr. R. G.
Pratt, Mr. F. G.
Rahimtoola, Mr. Hoosenally M.
Saheba, Mr. H. D.
Saptarshi, Mr. C. M.
Sardesai, Mr. S. A.
Sedgwick, Mr. L. J.
Shankarrao Jayarambao Zunzarrao, Mr.
Shinde, Mr. R. D.
Shivdasani, Mr. H. B.
Soman, Mr. R. G.
Surve, Mr. A. N.
Surve, Mr. V. A.
Swaminarayan, Mr. J. C.
Thakersi, Mr. Punjabhai
Thakor of Kerwada, the
Thomas, Mr. G. A.
Velkar, Dr. M. B.
Wadia, Mr. C. N.
Wadia, Mr. N. J.

Wiles, Mr. G.
Woods, Mr. E. E.

The Honourable the PRESIDENT: Order, order. Questions.

## Reduction of Executive Divisions of Superintending Engineers, Indus Left and Right Banks.

Mr. B. G. PAHALAJANI (Western Sind): Will Government be pleased to state:—

(*a*) whether it is a fact that the Superintending Engineer, Indus Right Bank, stated in his written report to the Retrenchment Committee that some executive divisions within his charge could be abolished?

(*b*) If so, which executive divisions are they?

(*c*) Whether it is a fact that the Superintending Engineer, Indus Left Bank, stated in his written report to, and in his evidence before, the Retrenchment Committee that some of the executive divisions within his charge could be abolished?

(*d*) If so, which executive divisions are they?

(*e*) Whether either of these officers stated in writing that the establishment charges in their divisions could be reduced?

(*f*) If so, by what percentage?

(*g*) Whether Government have taken any steps to give effect to their opinions?

The Honourable Mr. COWASJI JEHANGIR: (*a*) Yes.

(*b*) Ghar Canals District.

(*c*) Yes.

(*d*) One of the two Jamrao Canal Districts and the Hyderabad Canals District.

(*e*) Yes.

(*f*) No percentage was given.

(*g*) Attention is invited to the remarks on pages 49 and 50 of the printed statement showing the recommendations of the Retrenchment Committee per Department and the action taken by Government on them.

Mr. B. G. PAHALAJANI: Did the Government think it unnecessary to reduce these two divisions in spite of the opinions of the Secretary to Government, Mr. Proes, and of the Superintending Engineer?

The Honourable Mr. COWASJI JEHANGIR: Government's considered opinion is embodied in the statement placed on the table of the House.

Mr. B. G. PAHALAJANI: Is that opinion based upon the opinions of these two officers?

The Honourable Mr. COWASJI JEHANGIR: That is the considered opinion of Government based upon the opinion of its responsible officers.

Mr. B. G. PAHALAJANI: Are not the Superintending Engineer and the Chief Engineer responsible officers of Government?

The Honourable Mr. COWASJI JEHANGIR: No answer to that is necessary.

Mr. B. G. PAHALAJANI: Is their opinion worth considering by the Government?

(No reply.)

RESTORATION OF RESIDENT MAGISTRATE'S COURT AT MATLI.

Mr. D. B. ADWANI (Karachi City): (*a*) Will Government be pleased to state whether it is a fact that the present District Magistrate of Hyderabad (Mr. Coverntón) has twice recommended to the Commissioner in Sind the re-opening of the court of the resident magistrate at Matli?

(*b*) What were the annual expenses of maintaining the court of the resident magistrate at Matli for each of the last three years of its existence and the annual expenses on the travelling and daily allowance of witnesses attending the mukhtiarkars' courts during the same period; and what have been the annual expenses on the latter since the abolition of the resident magistrate's court?

(*c*) Do Government intend to take any action in this connection?

The Honourable Sir MAURICE HAYWARD: (*a*), (*b*) and (*c*) Information is being obtained.

PROMOTIONS TO CLERICAL STAFF IN JUDICIAL DEPARTMENT.

Mr. L. B. BHOPATKAR (Poona City): (*a*) Will Government be pleased to state the principles on which promotions were recently given to the clerical staff in the judicial service in the Poona district?

(*b*) Are Government aware of the fact that some clerks were not given their due promotion on the ground that they did not know English?

(*c*) Will Government be pleased to state what is the language of the district and other courts in the Poona district, and in what language the records of those Courts are mostly kept?

(*d*) Is it a fact that in the recent scheme of promotions to persons mentioned above, junior clerks have been promoted over the heads of the senior ones on the plea of the "efficiency bar"? If so, will Government give the names of clerks so promoted, as also the names of clerks held to be not deserving promotion according to their seniority?

The Honourable Sir MAURICE HAYWARD: (*a*) and (*b*) Clerks of the Court and Nazirs hold selection posts. Clerks of ordinary abilities only are sufficiently remunerated by salaries on the ordinary scale and are not automatically promoted to selection posts.

(*c*) The Court language is Marathi but parts of the records are in English. The chief ministerial officers are required to be men of intelligence with educational attainments and character and to be capable of reading in English and understanding the Civil Procedure Code, the Court Fees Act, the Bombay Civil Courts Act, the orders of the High Court and the orders of Government.

(*d*) It is a fact; but it is not proposed to publish the names of those held to be unfitted for promotion to selection posts.

BAILIFFS' FEES IN BOMBAY.

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

(*a*) whether the bailiffs attached to the High Court and the Small Causes Court in Bombay are allowed to take any fees from the parties;

(*b*) if so, whether the rate of these fees is fixed?

The Honourable Sir MAURICE HAYWARD: The reply is in the negative.

Mr. S. K. BOLE: Is it a fact that in spite of that fees are charged under the disguise of gharry hire?

The Honourable Sir MAURICE HAYWARD: I have no official information.

Mr. S. K. BOLE: If they so charge such fees, will Government.....

The Honourable the PRESIDENT: That is a hypothetical question.

Mr. H. B. SHIVDASANI: Have Government any unofficial information about it?

The Honourable Sir MAURICE HAYWARD: I can only give official information.

Mr. H. D. SAHEBA: Are Government aware that the practice is prevailing everywhere in the rest of the Presidency?

The Honourable Sir MAURICE HAYWARD: Such cases have not yet been specially brought to the notice of Government.

AHMEDABAD MILL ACCIDENT.

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

(*a*) whether any inquiry was made regarding the mill accident that took place in Ahmedabad in the month of July last?

(*b*) If so, what were the conclusions arrived at?

(*c*) What was the amount of compensation paid to the families of those who were killed and to those who suffered injuries?

The Honourable Mr. COWASJI JEHANGIR: (*a*) Yes.

(*b*) A Press note publishing the report was forwarded to the leading newspapers. A copy* of the Press note is appended herewith.

(*c*) Proceedings under the Workmen's Compensation Act are being taken, and the information will be supplied hereafter.

CASES UNDER WORKMEN'S COMPENSATION ACT.

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

(*a*) the number of cases that have been tried in the presidency under the Workmen's Compensation Act since it came into force, and

(*b*) the result, with the amount of compensation, if directed to be paid, in each case?

The Honourable Mr. COWASJI JEHANGIR: As the Act only came into force on the 1st July 1924 no useful purpose will be served by

* Kept in the Secretary's Office

collecting the information for so short a period. Monthly returns of cases decided will shortly be published in the *Labour Gazette*, and an annual return will be published by the Commissioner for Workmen's Compensation, Bombay, in due course.

GOVERNMENT PATRONAGE TO " MAHARASHTRIYA DNYANKOSH ".

Mr. S. K. BOLE: Will Government be pleased to state whether any Government patronage was asked for by the editor of the *Maharashtriya Dnyankosh*, and, if so, with what result?

The Honourable Mr. B. V. JADHAV: Government patronage was asked for by the editor of the *Maharashtriya Dnyankosh*. Government have decided that the question of extending their patronage to this publication be postponed till all the volumes have been issued.

L. C. P. & S. EXAMINATION.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state whether they have made any enquiries regarding the decreasing percentage of the successful students at the final L.C.P. & S. Examination?

The Honourable Mr. B. V. JADHAV: Inquiry is being made.

SALE OF ANNUAL ADMINISTRATION REPORTS.

Mr. N. R. GUNJAL (Poona District): (*a*) Will Government be pleased to state whether the annual administration reports of all the departments of Government are offered for sale to the public?

(*b*) If there is any exception, will they be pleased to give reasons for making such exceptions, with the names of the departments concerned?

(*c*) Will they be pleased to lay on the Council table the annual reports of the Director of Information for the last three years?

The Honourable Mr. COWASJI JEHANGIR: Information is being obtained.

AYURVEDIC DISPENSARIES IN DISTRICT LOCAL BOARDS AND MUNICIPALITIES.

Mr. N. R. GUNJAL (Poona District): (a) Will Government be pleased to state whether they have appointed any I. M. S. officer for enquiry into the question of indigenous medicine since Rao Bahadur Kale's resolution on the subject in October 1921?

(*b*) If so, what are the results of such enquiry?

The Honourable Mr. B. V. JADHAV: The attention of the honourable member for the Poona district is invited to the reply given to question put by the honourable member for Poona city, Mr. L. B. Bhopatkar on 15th October 1924.

GRANTS TO VILLAGE PANCHAYATS IN THE POONA AND KOLABA DISTRICTS.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state what grants were made to each village panchayat in the Poona

and Kolaba districts by Government and by the district local boards concerned for the years 1922-23 and 1923-24 ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : No grants have been made by Government. As regards district local boards the information is being obtained.

### EXEMPTIONS TO BOMBAY B.Es.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state whether they are aware that the B. E. graduates of the University of Bombay are not allowed the exemptions granted to certain Universities of the United Kingdom, from passing in sections A and B of the Associated Membership Examination of the Institute of Civil Engineers, London ?

The Honourable Mr. B. V. JADHAV : Yes.

### AYURVEDIC AND UNANI MEDICINES.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state whether they have arrived at any definite conclusion on the question of the encouragement of Ayurvedic and Unani systems of medical treatment ?

The Honourable Mr. B. V. JADHAV: The attention of the honourable member for the Poona district is invited to the reply given to question put by the honourable member for Poona city, Mr. L. B. Bhopatkar on 15th October 1924.

### APPLICATION OF BOMBAY PREVENTION OF PROSTITUTION ACT.

HAJI ABDULLAH HAROON, (Karachi City): Will Government be pleased to state—

(*a*) What are the areas in the Presidency to which the Bombay Act XI of 1923 (Bombay Prevention of Prostitution Act) has been made applicable, mentioning date of application in each case ?

(*b*) In how many cases has any action been taken in each area under that Act up to 30th June 1924, mentioning the section of the Act and the nature and the result of such action in each case ?

The Honourable Sir MAURICE HAYWARD : (*a*) The provisions of sections 2, 3, 4, 5 and 7, sub-sections (1) and (2) of section 8, and sections 10 and 11 of the Act have been extended to the towns of Karachi, Poona, Ahmednagar, Ahmedabad and Belgaum and to the Bombay Suburban District by Government Notification No. 3015, dated the 6th March 1924.

(*b*) Information has been called for.

### SIND MUSLIM EDUCATIONAL UNION.

HAJI ABDULLAH HAROON (Karachi City): Will Government be pleased to state—

(*a*) Whether the Director of Public Instruction has considered the resolutions of the Sind Muslim Educational Union passed at its meeting

on 23rd December 1923 at Sukkur and submitted his report on the same to Government ?

(*b*) What action has been taken on each of those resolutions ?

The Honourable Mr. B. V. JADHAV : (*a*) and (*b*) Government have not received a report from the Director of Public Instruction on the resolutions referred to. Enquiries will be made.

### EXCISE COMMITTEE'S REPORT.

HAJI ABDULLAH HAROON (Karachi City): Will Government be pleased to state what action they have taken or intend to take on the Excise Committee's report ?

The Honourable Mr. A. M. K. DEHLAVI: The honourable member is referred to the reply given by Government to question put by the honourable member Mr. D. N. Patel on 18th October 1924.

### ENCYCLOPÆDIA OF MARATHI LANGUAGE AND LITERATURE.

Mr. M. R. JAYAKAR (Bombay University): (*a*) Will Government be pleased to state whether they are aware that an encyclopædia of Marathi language and literature, called Maharashtra Dnyan-Kosh is being published in Maharashtra under the editorship of Dr. Ketkar ?

(*b*) Will Government be pleased to state whether they have purchased any copies of this publication ? If so, how many copies have they purchased ?

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

(*b*) Government have not purchased any copies.

### PARTICIPATION BY PENSIONERS IN POLITICAL WORK.

Mr. M. R. JAYAKAR (Bombay University): Will Government be pleased to state—

(*a*) whether their attention has been drawn to an Associated Press message published in the "Times of India" of the 23rd August 1924, to the following effect :

> "The Bombay Government has issued the following resolution with regard to the participation by pensioners in political work :
>
> > 'The Governor-in-Council is pleased to direct that participation by pensioners in anti-Government agitation or propaganda will be construed as misconduct sufficient to entail the forfeiture of pension under Article 351, Civil Service Regulations, without previous warning'."

(*b*) Is it a fact that the Bombay Government have issued a resolution as stated in the said message ?

(*c*) If so, will Government be pleased to state—

(*i*) Whether the said resolution has been issued with the authority of the Government of India ?

(*ii*) Whether they are aware of the existence of a similar resolution in any other presidency ? If so, in which other presidency ?

(*iii*) If not, were there any special considerations that led to the issue of such a resolution in this presidency at the present moment ? If so, what are they ?

The Honourable Mr. H. S. LAWRENCE: (*a*) and (*b*) Attention is invited to the reply given to Sardar Mujumdar's question* in the last sessions of the Council in response to which a copy of Government Resolution 2851 dated 15th December 1923 was placed on the Council table.

(*c*) (*i*) and (*ii*) No.

(*c*) (*iii*) The resolution has been cancelled.

## Operation Fees in Civil Hospitals.

Mr. M. R. JAYAKAR (Bombay University): (*a*) Will Government be pleased to state whether it is true that only the sums of Rs. 2,375, Rs. 516 and Rs. 430 were credited to Government as operation fees during the years 1918-19, 1919-20, 1920-21, respectively from all the civil hospitals of the presidency and Sind ?

(*b*) How many operations were performed during those three years in the civil hospitals and what is the reason of such small amounts being collected ?

The Honourable Mr. B. V. JADHAV: (*a*) and (*b*) Please see the reply given to question put by the honourable member for Bombay City, South, Mr. K. F. Nariman.

## Establishment of Principal, Bombay School of Arts.

Mr. M. R. JAYAKAR (Bombay University): Will Government be pleased to state the number of men on the clerical establishment of the principal of the Bombay School of Art and its approximate expenses ?

The Honourable Mr. B. V. JADHAV: There are three clerks on the establishment of the Sir J. J. School of Art and the expenditure on account of these clerks is Rs. 4,752 per annum.

## Khaddar Wearing in Government Educational Institutions.

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state—

(*a*) Whether there are any orders or rules prohibiting the wearing of *khaddar* in Government educational institutions ?

(*b*) Whether it is a fact that the Principal and some Professors of the Karnatak College, Dharwar, warned its students not to wear *khaddar* and *khaddar* caps at the time of the visit of His Excellency the Governor to that institution in last August ?

(*c*) If so, has this fact been brought to their notice before ?

The Honourable Mr. B. V. JADHAV: (*a*) and (*b*) The answer to these parts of the question is in the negative.

(*c*) This question does not arise.

* Printed in this list.

DEATH OF TWO PASSENGERS NEAR BADAGANI FERRY IN KANARA.

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

(*a*) Whether it is a fact that two ferry passengers died by accident on the 20th June 1924 near the Badagani ferry in Kanara ?

(*b*) If so, to what was the accident due ?

(*c*) Whether any inquiry was made in the matter ? If so, what was the result thereof ?

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

(*b*) The ferry contractor was bound by clause 4 of the ferry agreement to offer all reasonable facilities to the passengers and to see that their luggage and goods are taken to the banks of the river with care, but he failed to do this on the day of the accident; he is also bound by clause 5 of the said agreement to keep the ferry at a convenient place to admit of the passengers embarking and disembarking with safety which also he failed to do on that day and as a consequence two passengers lost their lives after disembarking in a place from which it was dangerous for them to proceed further to their destinations.

(*c*) The Collector of Kanara held an inquiry into the matter and the ferry contractor was fined Rs. 500 for breach of conditions 4 and 5 of the agreement.

Mr. M. D. KARKI: Was any action taken by Government against the contractor under the Indian Penal Code for having caused the death of two innocent passengers by negligence ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The reply says that enquiries were made, and the contractor has been fined.

Mr. M. D. KARKI: I want to know whether any action was taken under the Indian Penal Code for breach of the rules, *i.e.*, for negligence ?

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

PURCHASE OF KHADI FOR GOVERNMENT OFFICIAL USE.

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

(*a*) What amount was spent by them annually on the purchase of cloth for use in their offices in the whole Presidency, including Sind, during the last three years ?

(*b*) Was *khadi* purchased by them for such use ? If so, what amount was spent on its purchase during the last three years ?

The Honourable Mr. COWASJI JEHANGIR: Information is being obtained.

CONDUCT OF THE PRINCIPAL OF THE KARNATAK COLLEGE, DHARWAR.

Mr. M. D. KARKI (Kanara District): (*a*) Will Government be pleased to state whether it is a fact that the principal of the Karnatak

College at Dharwar prohibited the wearing of *khadi* dress and *khadi* caps by students while attending college ?

(*b*) Is it a fact that on the local press criticising his conduct in this connection, he stated in explanation that *khadi* cap was a political emblem denoting the political party to which its wearer belonged ?

(*c*) If so, does the explanation of the principal express his individual views, or are there any Government orders regarding the use of *khadi* by students ?

The Honourable Mr. B. V. JADHAV : (*a*) No.

(*b*) No.

(*c*) This question does not arise.

### Mussalman Headmasters for High Schools.

Mr. Hoosenally M. Rahimtoola on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state :

(*a*) Whether any Mahomedan in the educational department has been appointed to be the headmaster of a high school in this Presidency since the retirement of Mr. Nanjiani ?

(*b*) If the answer to (*a*) be in the negative, the reasons therefor ?

The Honourable Mr. B. V. JADHAV : (*a*) and (*b*) The information is being collected.

### Liquor Shops Bid for by Mr. Fanibanda.

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

(*a*) whether it is a fact that Mr. E. R. Fanibanda of Ahmedabad was allowed to bid for more than one country spirit shop on 10th March 1924 ?

(*b*) whether the Commissioner of Customs, Salt and Excise in his No. 57-58—23 dated 1st February 1924 addressed to Mr. Hiraji H. Anklesaria stated " In accordance with Government orders none of the bidders in Ahmedabad are allowed to hold more than one country spirit shop " ?

(*c*) If the reply to (*a*) and (*b*) be in the affirmative, why Mr. Fanibanda was allowed to bid for more than one shop ?

(*d*) How many country spirit shops are held by the said Mr. Fanibanda as the result of the auction of such shops for 1924-25 ?

(*e*) Will Government be pleased to state whether it is a fact that Mr. E. R. Fanibanda, his nephew Mr. B. B. Fanibanda, his brother-in-law Mr. Darashaw S. Desai and some of his friends were allowed to bid for all the city liquor shops at the excise auction held this year ?

(*f*) Will Government be pleased to place on the table a copy of the Collector of Ahmedabad's notification dated the 13th February 1924 regarding the rules and conditions of the auction sale ?

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

(*b*) Yes.

(*c*) The Collector interpreted the orders of Government differently from the Commissioner of Excise, and in the exercise of his discretion allowed him to bid for more than one shop.

(*d*) Two.

(*e*) Mr. E. R. Fanibanda, Mr. B. B. Fanibanda and Mr. Darashaw S. Desai were allowed to bid. It is not known who are the friends of these persons. The Collector of Ahmedabad decided that there was adequate competition as three shops were taken by persons believed to be rivals of Mr. Fanibanda.

(*f*) A copy* of the Notification of 13th February 1924 issued by the Collector of Ahmedabad is placed on the Council table.

Mr. G. K. MAVALANKAR: In view of the fact that the Collector interpreted the orders of Government differently from the Commissioner of Excise, what is the present interpretation of Government? Is it the interpretation of the Collector or the Commissioner?

The Honourable Mr. A. M. K. DEHLAVI: Government have indicated that the Collector was not right in his interpretation.

Mr. S. S. DEV: Is Government sure that it was the result of different interpretations and not the result of the discretion exercised by the officers?

The Honourable Mr. A. M. K. DEHLAVI: Government is quite certain that it was the interpretation that was wrong.

The Honourable the PRESIDENT: That is what Government deliberately state in the reply.

Mr. J. C. SWAMINARAYAN: Will the right interpretation be followed in future?

The Honourable Mr. A. M. K. DEHLAVI: (Inaudible).

Mr. G. K. MAVALANKAR: Is it not a breach of rule 5 of the circular issued by the Collector when he gave the shops to three relatives?

The Honourable Mr. A. M. K. DEHLAVI: Government are enquiring into the matter.

Mr. S. S. DEV: Will the Honourable Minister be pleased to place on the table the order of the Commissioner of Customs which gave rise to different interpretations?

The Honourable Mr. A. M. K. DEHLAVI: I can give information to the honourable member as to what is contained therein.

Mr. G. K. MAVALANKAR: Are the three shops in the possession of the competitors?

The Honourable Mr. A. M. K. DEHLAVI: Yes; the contract has been given and they are there.

### Dholka-Vautha Road in Ahmedabad District.

Mr. W. S. MUKADAM (Panch Mahals District): (*a*) Will Government be pleased to state how many miles of metalled portion of the

* Kept in the Secretary's Office.

Dholka-Vantha Road in the Ahmedabad district is in charge of the Public Works Department ?

(*b*) Will Government be pleased to state what sum has been spent on this road during the last five years ?

(*c*) Will Government be pleased to state how many times during the last five years minor repairs were done to the road ; how many men were engaged and how long the work lasted each time ; and what were the expenses each time ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (*a*) Only 3 miles of the metalled portion of Dholka-Vantha Road, which is a local board road, is in charge of the Public Works Department.

(*b*) Rs. 20,495 were spent during the last five years on special repairs and on metalling the 3 miles and in addition Rs. 2,200 annually on current repairs to the total length of 4 miles 6 furlongs and 460 feet in Public Works Department charge.

(*c*) Minor repairs were done during the monsoon every year and current repairs throughout the whole year. It is impossible to state the exact period as well as the exact number of men employed every year ; for in addition to workmen engaged departmentally, the piecework ers and suppliers of materials had their own labourers, the number of whom is unknown.

On current repairs Rs. 2,200 were spent annually and on special repairs and metalling work Rs. 20,495 spread over five years as under :—

| Year. | Expenditure. Rs. | Name of work. |
|---|---|---|
| 1919-20 .. .. | 6,592 | On special repairs. |
| 1920-21 .. .. | 797 | |
| 1921-22 .. .. | 3,429 | |
| 1922-23 .. .. | 8,372 | On metalling. |
| 1923-24 .. .. | 1,305 | |
| Total Rs. | 20,495 | |

TOLL BARS.

*Mr. H. H. NARIELVALA (Broach District) : Will Government be pleased to furnish—

(*i*) the total number of toll bars in the Presidency, and

(*ii*) the names of the places at which they are located ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The information will be found in the accompanying statement.†

PURCHASE OF STORES BY DEVELOPMENT DIRECTORATE FROM MINISTER OF MUNITIONS.

*Mr. K. F. NARIMAN (Bombay City, South) : (*a*) Will Government be pleased to state whether it is a fact that military and other munition

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

† Kept in the Secretary's office.

stores were, on the termination of the war, purchased by the Development Directorate from the Minister of Munitions, and if so, what was the value of such stores ?

(*b*) If so, what was the total cost of such purchase including the dredger " Kalu " , and whether Messrs. Meik and Buchanan were also paid commission on such purchases ;

(*c*) whether before making such purchases, any attempt was made either to obtain a loan or hire such stores and machinery from the Minister of Munitions on reasonable rentals ;

(*d*) whether before purchasing the dredger " Kalu " from the Minister of Munitions, it was examined and certified as fit and serviceable by any expert ;

(*e*) whether it is a fact that the said dredger was condemned as unserviceable and that since its purchase it has been lying for a considerable period unused as it is unserviceable ?

The Honourable Mr. COWASJI JEHANGIR : (*a*) Yes. The value of the stores purchased for the Bombay Development Scheme amounted to Rs. 9,05,682-13-5.

(*b*) The total cost of the stores purchased, in luding the dredger amounted to Rs. 9,05,682-13-5. Messrs. Meik and Buchanan were, in accordance with their agreement, paid 1½ per cent. commission on the actual cost of the dredger only, *viz.*, Rs. 7,76,450 as debited to the Bombay Development Scheme.

(*c*) No. Such a procedure was obviously impossible as the Ministry of Munitions did not lend or hire stores.

(*d*) The dredger was surveyed by a committee of experts appointed by the Government of India in 1916 and reported by the committee as in good order and condition.

(*e*) No.

Mr. K. F. NARIMAN : Was the dredger examined at the time of purchase by an independent committee on behalf of the Development Directorate ?

The Honourable Mr. COWASJI JEHANGIR : I will ask for notice.

Mr. D. B. ADWANI : Is it now in working order ?

The Honourable Mr. COWASJI JEHANGIR : It will be working next month. The honourable member, if he visits Bombay, can see it working.

Mr. D. B. ADWANI : Is it in good health ?

The Honourable Mr. COWASJI JEHANGIR : It is in good health.

An honourable MEMBER : Has it ever suffered from ill-health ?

The Honourable the PRESIDENT : I hope such supplementary questions will not be pursued.

Mr. K. F. NARIMAN : Was it in good condition when it was purchased ?

The Honourable Mr. COWASJI JEHANGIR : It was known at the time it was purchased that it required some repair and some reconditioning. That has been done.

Mr. K. F. NARIMAN: If it was not in proper condition, why was it purchased?

The Honourable Mr. COWASJI JEHANGIR: The exact amount of repair was known to the department. It was purchased with eyes wide open.

Mr. M. R. JAYAKAR: How soon after it was purchased, were the repairs started?

The Honourable Mr. COWASJI JEHANGIR: I require notice.

Mr. H. B. SHIVDASANI: May I know the year when this dredger was purchased?

The Honourable Mr. COWASJI JEHANGIR: I cannot remember.

An honourable MEMBER: Three questions at the same time.

The Honourable the PRESIDENT: Order, order. Perhaps, the honourable member does not want to reply.

The Honourable Mr. COWASJI JEHANGIR: I was just considering the answer and I have forgotten the question itself.

Mr. W. S. MUKADAM: Is that a second-hand machine?

The Honourable Mr. COWASJI JEHANGIR: Certainly it was.

Mr. HOOSEINBHOY A. LALLJEE: Was the dredger ever worked since it was purchased?

The Honourable Mr. COWASJI JEHANGIR: It will be working next month. I have given that reply to some honourable member.

Mr. K. F. NARIMAN: In answer to a supplementary question the honourable member has replied that the committee reported that the machine was in a good condition. Was it really in good condition?

The Honourable Mr. COWASJI JEHANGIR: A machine may be in good condition; but still it may require a little tuning up. For instance, a motor car, when you purchase it, is in a good condition but still it requires some tuning up, and some parts set right.

Mr. M. R. JAYAKAR: May I know the amount that has been spent on its repair?

The Honourable Mr. COWASJI JEHANGIR: I must ask for notice.

Mr. K. F. NARIMAN: May I know the names of the members of the committee that examined the machine and certified that it was in good condition?

The Honourable Mr. COWASJI JEHANGIR: I will ask for notice. It is in the papers. I think it is the Director of Indian Marine and some others.

Mr. K. F. NARIMAN: Was it mere tuning up or reconditioning?

The Honourable Mr. COWASJI JEHANGIR: Reconditioning.

Mr. K. F. NARIMAN: May I ask why if the dredger was in a good condition when it was purchased, it was necessary to recondition it?

The Honourable Mr. COWASJI JEHANGIR: I have answered that question once.

The Honourable the PRESIDENT: I am afraid that supplementary questions are being pursued a little too far.

Mr. K. F. NARIMAN: Are Messrs. Meik and Buchanan entitled to any commission, even when a simple transfer from one Government department to another is made?

The Honourable Mr. COWASJI JEHANGIR: The agreement with the consulting engineer has already been placed on the table of the House. My honourable friend will remember that a certain percentage has to be paid as commission on the expenditure incurred by the Development Department.

Mr. K. F. NARIMAN: Then why was Sir George Buchanan not paid commission the total cost of store purchased?

The Honourable Mr. COWASJI JEHANGIR: The rest of the material was purchased for the housing division and therefore he was not entitled to any commission.

Mr. K. F. NARIMAN: On what purchase is he entitled to a commission?

The Honourable Mr. COWASJI JEHANGIR: On the purchases made for the Reclamation Scheme.

### Fees for Operations.

Mr. K. F. NARIMAN (Bombay City, South): (*a*) Will Government be pleased to state whether it is true that in the memorandum of the Surgeon General no. D.-2734, dated 5th July 1921, it is stated that the amounts credited to Government for operations performed in all the civil hospitals of the presidency were Rs. 2,375 in 1918-19; Rs. 516 in 1919-20 and Rs. 430 in 1920-21?

(*b*) What were the number of operations performed during each of these three years in all the civil hospitals of the presidency?

(*c*) If the reply to (*a*) be in the affirmative, what were the reasons for such disproportion in the amounts collected during these three years as operation fees?

The Honourable Mr. B. V. JADHAV: (*a*) The answer is in the affirmative.

(*b*) and (*c*) Information is being obtained.

### Teaching of Music in Schools.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state whether music is taught in any Government schools; if so, in what kinds of schools?

The Honourable Mr. B. V. JADHAV: Music is taught in Government secondary schools for girls and in Government training institutions for vernacular teachers and practising schools attached to them. In the Government high schools for boys at Bijapur, Sholapur and Nasik

music is allowed to be taught after school hours to students who join the special class conducted by local singers.

### Technical Institute at Ahmedabad.

Dr. M. B. VELKAR on behalf of Mr. G. I. PATEL (Ahmedabad Mill owners' Association) : Will Government be pleased to state—

(*a*) whether a hostel block for the R. C. Technical Institute at Ahmedabad was built as a donation by a citizen of that city ;

(*b*) whether it is a fact that the building has not been approved by the Public Works Department on the ground that a winding staircase has not been constructed, but a straight one ;

(*c*) whether the donor has consented to make the required change ;

(*d*) whether the Government are aware that unless the building is approved by them at an early date, the students will suffer great inconvenience during the monsoon ?

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

(*b*) Yes, because the building itself was not constructed in accordance with the plan supplied by the Public Works Department.

(*c*) The donor consented to carry out some, not all, of the improvements needed.

(*d*) It is understood that the hostel building has been approved and that it must have been occupied by the students by this time.

### Scarcity of Drinking Water in Bhusaval Taluka.

* Mr. D. R. PATIL (East Khandesh District) : (*a*) Will Government be pleased to state whether they are aware that great hardships are suffered by the people living in the Bodwad circle in Bhusaval taluka owing to the scarcity of drinking water ?

(*b*) If so, do Government intend to take any steps for the removal of this grievance ?

The Honourable Mr. B. V. JADHAV : (*a*) Government are advised that there is at times a temporary scarcity of drinking water in Bodwad, Jamthi and a few more villages in the Bhusaval taluka.

(*b*) A number of wells in the district have been deepened without complete success, and the Collector of the district will consider any further suggestions that may be made to alleviate this temporary scarcity.

Mr. D. R. PATIL : By whom were Government advised ?

The Honourable Mr. B. V. JADHAV : By their officers.

Mr. D. R. PATIL : What officers ?

The Honourable Mr. B. V. JADHAV : District officers.

Mr. D. R. PATIL : Did the district officers consult the people before they advised Government ?

The Honourable Mr. B. V. JADHAV : I do not know.

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

Mr. D. R. PATIL: Will Government be pleased to instruct the Collector of East Khandesh.....

The Honourable the PRESIDENT: That is a suggestion for action. You are asking Government to instruct.

Mr. D. R. PATIL: The answer given to (*b*) is "a number of wells in the district have been deepened without complete success." Is that an obstacle for Government to remove the grievances of the people in the places mentioned in my question ?

The Honourable Mr. B. V. JADHAV: That is so.

Mr. D. R. PATIL: Did Government deepen any wells in the circle of Bodwad ?

The Honourable Mr. B. V. JADHAV: I think so.

Rao Saheb D. P. DESAI: What department deepened, the agricultural department or the revenue department ?

The Honourable Mr. B. V. JADHAV: The health department provides the money and the revenue officers manage the work.

Rao Saheb D. P. DESAI: Will Government ask the Collector of the district to go deep into the well ?

The Honourable the PRESIDENT: Is not that a suggestion for action ?

Mr. D. R. PATIL: In answer to question (*b*) it is stated "the Collector of the district will consider any further suggestions that may be made to alleviate this temporary scarcity." Has the Collector been asked by Government to consider any suggestions in respect of the grievances, and if so, from whom ?

The Honourable Mr. B. V. JADHAV: It is one of the duties of the Collector.

Mr. D. R. PATIL: But is the Collector asked to receive any suggestions ?

The Honourable Mr. B. V. JADHAV: Government consider that their Collectors possess sufficient commonsense not to require any specific order as to this.

Mr. D. R. PATIL: Then where is the propriety of this answer "the Collector of the district will consider any further suggestions" ?

The Honourable Mr. B. V. JADHAV: I submit, Sir, that the question does not arise.

### Head Clerks to the Collectors.

Mr. R. G. PRADHAN (Nasik District): (*a*) Will Government be pleased to lay on the table a statement showing (1) the total number of head clerks to the Collectors in the Presidency; (2) how many of them are Hindus, Brahmins, non-Brahmin Hindus excluding Lingayats and Jains, Lingayats, Jains, Mahomedans, Parsees, Christians, Jews and Buddhists respectively; (3) how many of them have been appointed during the last ten years and how many of those appointed during that period belong to each of the different communities mentioned in (2) above ?

(*b*) Is it a fact that the percentage of Hindu and Mahomedan head clerks to the total number are extremely small, and if so, what are the reasons therefor ?

The Honourable Mr. C. V. MEHTA : Information has been called for.

### Estimate of Average Income.

Mr. R. G. PRADHAN (Nasik District) : With reference to my question regarding average income per head of the population asked in the last session of the Council, will Government be pleased to state what is the approximate estimate of such income ?

The Honourable Mr. H. S. LAWRENCE : The subject is under enquiry and no approximate estimate can usefully be made in anticipation.

### Hardships to Pilgrims in Mecca.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : (*a*) Will Government be pleased to state whether their attention has been drawn to a leading article appearing in the Akbar-i-Islam of 18th August 1924 regarding hardships caused to the pilgrims in Mecca ?

(*b*) If so, have Government taken any steps to verify these complaints ?

(*c*) Are Government aware of the discontent among the Mahomedans on this account ?

(*d*) If so, do Government intend to take any action in the matter ?

The Honourable Mr. COWASJI JEHANGIR : (*a*), (*b*), (*c*) and (*d*). The honourable member is informed that this is a question for the Central Government to deal with.

Mr. HOOSENALLY M. RAHIMTOOLA : Did the Government of Bombay communicate with the Central Government ?

The Honourable Mr. COWASJI JEHANGIR : This Government does not communicate with the Government of India in a matter which it is their duty to attend to.

MOULVI RAFIUDDIN AHMAD : Is the Haj Committee in Bombay under the Government of India or the Government of Bombay ?

The Honourable Mr. COWASJI JEHANGIR : It is under the orders of the Government of Bombay.

MOULVI RAFIUDDIN AHMAD : Is there anything prohibiting the Government of Bombay from making a recommendation ?

The Honourable Mr. COWASJI JEHANGIR : There is no prohibition to make a recommendation.

### Judge of the Court of Small Causes, Ahmedabad.

Mr. H. D. SAHEBA (Ahmedabad District) : (*a*) Will Government be pleased to state whether they are aware of the representation made by the Bar Association of Ahmedabad to the Chief Justice when he visited Ahmedabad in January last that the post of Small Causes Judge at

Ahmedabad be held by a Gujarati who would be better able to understand Gujarati customs and Gujarati accounts and business ?

(*b*) If so, have Government considered the matter; and if so, with what result ?

The Honourable Sir MAURICE HAYWARD : (*a*) Yes.

(*b*) Government are guided in making such appointments by the advice of the High Court.

TODDY IN SURAT, BROACH AND THANA DISTRICTS.

Mr. H. B. SHIVDASANI (Surat District) : Will Government be pleased to state—

(*a*) What was the consumption of toddy in gallons in
  (*i*) Surat district,
  (*ii*) Broach district, and
  (*iii*) Thana district,
in each of the last five years ?

(*b*) What was the number of toddy trees tapped in
  (*i*) Surat district,
  (*ii*) Broach district, and
  (*iii*) Thana district,
in each of the last five years ?

(*c*) What were the receipts from the tax on toddy trees and licence fee for shops and mandvas respectively in
  (*i*) Surat district,
  (*ii*) Broach district, and
  (*iii*) Thana district,
in each of the last five years ?

(*d*) What were the rates of the tree tax on toddy trees in
  (*i*) Surat district,
  (*ii*) Broach district, and
  (*iii*) Thana district,
in each of the last five years ?

(*e*) What are the rates of the tree tax on toddy trees in
  (*i*) Surat district,
  (*ii*) Broach district, and
  (*iii*) Thana district,
in the current year ?

(*f*) If there has been any increase in the rate of the tree tax on toddy trees in the Surat district in the current year, what are the reasons therefor ?

The Honourable Mr. A. M. K. DEHLAVI : For the information required in clauses (*a*) to (*d*) of the question, the honourable member for Surat district is referred to Appendix D and Imperial Return I appended to the Excise Administration Report for the years concerned.

The Reports for and up to the year 1922-23 have alreadybeen published.

The Report for the year 1923-24 will be published shortly.

(*e*) The rates of tree tax on toddy trees in Broach and Thana districts in the current year are the same as those shown in column 3 of Appendix D

to the Excise Administration Report for 1922-23. The tree tax rates in Surat district have been raised as shown below :—

| | |
|---|---|
| Surat City, Chorasi, Olpad, Jalalpur, Bulsar West | Rs. 6 per tree. |
| Pardi West, Bardoli, Chikhli, Bulsar East, Pardi East, Mandvi South | Rs. 3 per tree. |
| Mandvi North | Rs. 1-8-0 per tree. |

The above rates are for date trees only.

For cocoanut and brab trees the rate is double.

(*f*) In recent years there has been an increase in the Surat district both in the consumption of toddy and the total taxation on it including the tree-tax and licence fees. With a view to reduce the consumption a part of the increased taxation has been fixed permanently on the tree tax since a high tree tax acts as direct check on the tapping of a large number of trees.

Mr. H. B. SHIVDASANI: Why was the tree tax increased only in the Surat district and not in Broach and Thana districts ?

The Honourable Mr. A. M. K. DEHLAVI: The requirements of the district needed it.

Mr. H. B. SHIVDASANI: What requirements ?

The Honourable Mr. A. M. K. DEHLAVI: The circumstances of the Surat district are very much different in this respect from those of Broach and Thana.

### Toddy Trees in Surat District.

Mr. H. B. SHIVDASANI (Surat District): Will Government be pleased to state—

(*a*) On what terms toddy trees were and are given in the Surat District under domestic consumption licenses,

(*i*) during the last three years,

(*ii*) in the current year ?

(*b*) Whether it is a fact that the conditions of such licenses have been materially altered, and if so, what are the reasons therefor ?

(*c*) What were the rates of the tree tax on toddy trees.,

(*i*) for shops, and

(*ii*) for domestic consumption, in each of the last three years for each taluka of the Surat district ?

(*d*) What are the rates of tree tax on toddy trees,

(*i*) for shops, and

(*ii*) for domestic consumption, in the current year for each of the talukas of the Surat district ?

(*e*) Whether it is a fact that the rates charged for toddy trees taken for domestic consumption have been considerably enchanced and that the concessional rates on such trees taken for such purpose have been withdrawn ; and if so, what are the reasons therefor ?

The Honourable Mr. A. M. K. DEHLAVI : (*a*) Licenses for domestic consumption of toddy except those referred to below are given on payment of rates of tree tax fixed for ordinary licenses. There has been no change in this system during the current year.

Domestic consumption licenses for the Kaliparaj in Pardi, Chikhli and Bulsar talukas were issued at a reduced rate as follows :—

| | Ordinary rate. | Reduced rate. |
|---|---|---|
| | Rs. a. p. | Rs. a. p. |
| Pardi .. .. .. | 2 0 0 | 1 4 0 |
| Chikhli .. .. .. | 1 0 0 | 1 0 0 |
| Bulsar .. .. .. | 1 8 0 | 1 4 0 |
| Bulsar West .. .. .. | 3 0 0 | 1 7 0 |

The concession has been abolished this year and the rates brought up to the level of ordinary rates.

(*b*) The only change in the conditions effected during the current year is that the number of trees for which such licenses can be granted has been reduced as follows :-

| | From per family. | To |
|---|---|---|
| Cocoanut or brab trees .. | 5 | 2 in high yield areas and 3 in low yield areas. |
| Palm trees .. .. | 10 | 3 in high yield areas and 5 in low yield areas. |

the scale per individual being one-half tree instead of one cocoanut or brab or two palm trees fixed previously. The high yield areas are : Surat City, Chorasi, Olpad, Jalalpur, Bulsar (West) and Pardi(West). The rest of the district is treated as a low yield area. The number of toddy trees tapped in the Surat district rose from 1,06,200 in 1905-06 to 2,00,368 in 1922-23 ; and the number of gallons of toddy consumed from 21,76,978 to 40,75, 224. Government are of opinion that it is imperatively necessary to check this inordinate increase and have accordingly put a limit on the number of trees to be tapped during the current year by ordinary licensees. In accordance with this policy a reduction has also been made in the number of trees allowed to be tapped under the domestic consumption licenses. It may also be noted that the full number of trees allowed under these licenses was tapped in a few cases only, the average for each license being 3·3 trees only. As against this the revised limit fixed by Government is considered liberal.

(*c*) The rates for both shops and domestic consumption licenses are the same and will be found in Appendix D to the Excise Administration Report for the year 1922-23.

(*d*) The present rates for both (*i*) and (*ii*) are Rs. 6 per tree in high yield and Rs. 3 per tree in low yield areas except Mandvi North, the rate for

which is Rs. 1-8-0. These rates are for date trees only. The rates for cocoanut and brab are double the above rates.

(*e*) The first part of the question is answered under (*d*) above. The concession rates for licenses issued to the Kaliparaj have been discontinued in order to check the widespread demoralization which has resulted amongst these people from the immoderate use of cheap toddy.

Mr. H. B. SHIVDASANI: Was the object of Government to squeeze the people by raising.....

The Honourable the PRESIDENT: The honourable member cannot ask a question like that.

Mr. H. B. SHIVDASANI: What was the object of Government in raising the tax on trees taken for domestic consumption?

The Honourable Mr. A. M. K. DEHLAVI: It is surprising that the honourable member should ask that question from that side. It is a prohibition measure.

Mr. H. B. SHIVDASANI: If that is his object, why does he not stop the giving of toddy trees for domestic consumption? (*No reply.*)

## Ayurvedic Dispensaries.

Mr. R. G. SOMAN (Satara District): (*a*) Will Government be pleased to state the number of Ayurvedic dispensaries opened by or conducted under the supervision of district or taluka local boards and municipalities in the several districts of the Bombay Presidency?

(*b*) Do Government allow any grants to any such Ayurvedic dispensaries; if so, to which dispensaries?

The Honourable Mr. B. V. JADHAV: (*a*) Information is being obtained.

(*b*) Government have not received any applications so far.

Mr. R. G. SOMAN: Is the House to understand that the reply to question (*b*) is given after obtaining the information?

The Honourable Mr. B. V. JADHAV: The information is that Government have not received any applications so far.

Mr. R. G. SOMAN: Is the Honourable Minister aware that an application was presented by the district local board of Satara for a grant to the Ayurvedic dispensary at Vaduj?

The Honourable Mr. B. V. JADHAV: That application was not received by any department under me.

Mr. R. G. SOMAN: Then, is the reply correct that no applications have yet been received?

The Honourable Mr. B. V. JADHAV: Yes, as far as my department is concerned.

Mr. H. D. SAHEBA: The reply is "Government" have not received.

Mr. R. G. SOMAN: Do "applications" not mean applications from the local boards?

The Honourable Mr. B. V. JADHAV: I will request for a notice to reply.

GRANTS UNDER THE PRIMARY EDUCATION ACT.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state—

(*a*) how many district local boards have demanded the two-third grant in furtherance of new schemes under the Primary Education Act of 1923;

(*b*) how many of such demands have been sanctioned;

(*c*) has such a demand been made by the Satara district local board, and, if so, has it been sanctioned?

The Honourable Mr. B. V. JADHAV: Information has been called for.

ADMISSION TO SECONDARY SCHOOLS.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state whether it is true that admission to secondary schools is refused to students who have passed vernacular fifth standard examination, but were promoted to that standard without actually passing the fourth standard?*

The Honourable Mr. B. V. JADHAV: The reply is in the negative.

ANTI-GOVERNMENT ACTIVITIES.

Mr. R. G. SOMAN (Satara District): (*a*) Will Government be pleased to state whether Government Resolution No. 2851, dated 15th December 1923, of the Government of Bombay was issued either with the sanction of the Government of India or of the Secretary of State?

(*b*) Will Government be pleased to state what specific kinds of anti-Government activities are covered by the said resolution?

The Honourable Mr. H. S. LAWRENCE: (*a*) This Government was competent to issue the resolution in question.

(*b*) The resolution has been cancelled.

ALLOWANCE TO HEAD MASTERS.

Mr. R. G. SOMAN (Satara District): (*a*) Will Government be pleased to state whether the scheme of giving allowances to headmasters of primary schools has been reconsidered as promised in a press note dated the 24th March 1924?

(*b*) When do Government intend to give effect to this scheme?

The Honourable Mr. B. V. JADHAV: Attention is invited to the reply given at the present session to a question on the same subject put by the honourable member for Karachi city on 23rd October 1924.

RAILWAY ACCIDENTS BETWEEN KURLA AND VICTORIA TERMINUS ON G. I. P. RAILWAY.

Mr. A. N. SURVE (Bombay City, North): (*a*) Will Government be pleased to state the number of people killed while crossing the railway

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

line, during the past two years, between Kurla and Victoria Terminus of the G. I. P. Railway ?

(*b*) What arrangements are in force to prevent such accidents ?

(*c*) Who is responsible for the enforcement of this arrangement ?

The Honourable Mr. C. V. MEHTA: (*a*) 52.

(*b*) The arrangements for preventing accidents to persons while crossing the railway line are as follows :—

(1) At all stations over-bridges are provided to enable passengers to cross from one platform to the other or to gain access to the public road.

(2) Notices are posted at all over-bridges and gates warning the public against crossing the lines.

(3) Wherever a public road crosses the railway tracks, level crossing gates are provided. These gates are interlocked with signals in such a way that signals for a train cannot be lowered until the gates are closed for the public. Gatemen are provided for manning these gates day and night.

(*c*) The station staff at stations, and the gatemen in charge of gates at level crossings enforce the arrangements.

Mr. A. N. SURVE: May I know why with all these precautions the number of accidents is so high as 52 ?

The Honourable Mr. C. V. MEHTA: I cannot say.

## TECHNICAL SCHOLARSHIPS.

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state—

(*a*) to whom the Government of Bombay state technical scholarships have been awarded this year;

(*b*) the number of such scholarships that were advertised, and the number that were awarded; and if fewer were awarded than advertised, the reason therefor;

(*c*) how many applications for such scholarships were received from the Hindu intermediate and backward classes with their names and qualifications;

(*d*) the reasons why none of these scholarships were awarded to any of the applicants mentioned in (*c*) above ?

The Honourable Mr. B. V. JADHAV: (*a*) To Mr. R. G. Pradhan.

(*b*) Two scholarships were advertised in anticipation of budget provision, but owing to financial stringency, no specific budget provision on account of these scholarships could be made. One scholarship was, however, awarded, and it was decided to meet the charge on its account during the current year by re-appropriation.

(*c*) In all 90 applications were received. As the applications did not contain information as to the castes and communities of the applicants, it is not possible to say how many were from the Hindu intermediate and backward classes.

(*d*) The selected candidate was considered to be the most suitable of all the candidates who had applied for the scholarship.

REFUSAL OF ADMISSION OF STUDENTS IN SCHOOLS IN RATNAGIRI.

*Mr. A. N. SURVE (Bombay City, North): Will Government state the names of schools in the Ratnagiri district where students are permitted to attend but are refused enrolment on the ground of insufficient teachers: and also the number of pupils so shut out in each school?

The Honourable Mr. B. V. JADHAV: There are no schools in the Ratnagiri district where students are permitted to attend but are refused enrolment on the ground of insufficient teachers.

J. J. HOSPITAL.

Dr. M. B. VELKAR (Bombay City, South): Will Government be pleased to state—

(*a*) Whether their attention has been drawn to the account appearing in the *Bombay Chronicle* of 3rd July, 1924, of an inquest held on the dead body of a Mahomedan, and the jury's remarks on the conduct of the authorities of the J. J. Hospital, Bombay, in refusing to admit the dying man into the hospital?

(*b*) If so, have Government taken or do they intend to take any action in the matter?

The Honourable Mr. B. V. JADHAV: (*a*) and (*b*). Yes, the matter is under investigation.

INDIGENOUS SYSTEM OF MEDICINE.

Dr. M. B. VELKAR (Bombay City, South): (*a*) Will Government be pleased to state whether any steps have been taken by them to encourage the study, teaching and practice of the indigenous systems of medicine since the introduction of the Reforms in 1921, and if so, what steps have been taken?

(*b*) Have they made any inquiries of the Government of Bihar and United Provinces as to the action taken by them in this respect?

(*c*) If the answer to (*b*) is in the affirmative, will they be pleased to lay the replies of these Governments on the Council table?

The Honourable Mr. B. V. JADHAV: The attention of the member for Bombay city (South) is invited to the reply given to question put by the hon'ble member for Poona city, Mr. L. B. Bhopatkar, on 15th October 1924.

TECHNICAL AND INDUSTRIAL EDUCATION.

Dr. M. B. VELKAR (Bombay City, South): Will Government be pleased to lay on the Council table the full particulars of any steps taken by them to promote the technical and industrial education after the publication of the Technical and Industrial Education Committee's report in 1922?

The Honourable Mr. B. V. JADHAV: A reference is invited to the reply given to question put by the honourable member for Poona city on 15th October 1924.

*This question was asked at the meeting held in February-March 1924 when an *ad interim* reply was given.

L. C. P. & S. Examinations.

Dr. M. B. VELKAR (Bombay City, South): (*a*) Will Government be pleased to state whether their attention has been drawn to the decreasing percentages of successful candidates at the final L. C. P. and S. examination ?

(*b*) If so, have any steps been taken by them in this connection; and if so, what steps have been taken ?

(*c*) Will Government be pleased to furnish the following information for the last five years (1920—24).

| Examinations. | Date and months. | Number of candidates. | Number of successful candidates. | Percentage of column 4 to column 3. |
|---|---|---|---|---|
| Intermediate M.B.B.S. | | | | |
| B. Sc. | | | | |
| I. Sc. | | | | |
| B. E. | | | | |
| B. Ag. | | | | |
| Preliminary Scientific. | | | | |
| Final L. C. P. and S. | | | | |

The Honourable Mr. B. V. JADHAV: Enquiries are being made.

Scarcity of Fodder in Belgaum District.

Mr. S. N. ANGADI (Belgaum District): (*a*) Will Government be pleased to state whether they are aware that some talukas in the Belgaum district, namely, Hukeri, Gokak, Athni and others are suffering from extreme scarcity of fodder ?

(*b*) If so, has the Government done anything towards removing the scarcity ?

The Honourable Mr. C. V. MEHTA: (*a*) Owing to the poor jowari crop in parts of the district the supply of kadbi was affected and its price nearly trebled. A good deal of kadbi was available in the adjoining unaffected tracts, though at high rates, as well as grass in the forests.

(*b*) The measures taken to relieve the situation were :—

(1) The cultivators were allowed to take leaves of the "As" tree free of charge;

(2) the forests of the Gokak and Chikodi talukas were thrown open for cutting and removal of grass;

(3) arrangements were made for the supply at reasonable rates of the best grass from the Military Farm.

Advantage was freely taken of the first concession, though not of the remaining two. Two wagon loads of grass were taken to Gokak taluka, but the people did not want any more on account of the prejudice against grass.

Government are considering the storage of kadbi.

Mr. D. R. PATIL: As regards (2) of the answer "the forests of the Gokak and Chikodi talukas were thrown open for cutting and removal of grass", were the forests thrown open for that purpose free of charge?

The Honourable Mr. C. V. MEHTA: Yes; I believe so.

Mr. D. R. PATIL: As regards (3) "arrangements were made for the supply at reasonable rates of the best grass from the Military Farm. Advantage was freely taken of the first concession, though not of the remaining two. Two wagon loads of grass were taken to Gokak taluka, but the people did not want any more on account of the prejudice against grass", what was the nature of the prejudice?

The Honourable Mr. C. V. MEHTA: The nature of the prejudice was their dislike.

Mr. D. R. PATIL: What was their dislike due to? Did they prefer kadbi to grass? Or did they not like the quality of the grass?

The Honourable Mr. C. V. MEHTA: Yes; because they prefer kadbi in preference to grass. It is a question of quality, not so much of the price.

Mr. D. R. PATIL: Since when are Government considering the question of the storage of kadbi?

The Honourable Mr. C. V. MEHTA: Since September 1923.

Mr. D. R. PATIL: What became of the consideration?

The Honourable Mr. C. V. MEHTA: Consideration is proceeding; negotiations are going on for a scheme. It is a very big affair, I may mention to the honourable member.

### Administration Reports for Sale.

Mr. L. B. BHOPATKAR (Poona City): (*a*) Will Government be pleased to state whether the annual Administration Reports of all the departments of Government are offered for sale?

(*b*) If there is any exception, will they be pleased to state reasons with the names of the departments of which the annual administration reports are not for sale?

The Honourable Mr. COWASJI JEHANGIR: The member's attention is invited to the answer given to the question by the honourable member for Poona district, Mr. N. R. Gunjal.

### New Toddy Shop at Amargol.

Dr. K. E. DADACHANJI (Bombay City, South): (*a*) Will Government be pleased to state whether it is a fact that the Collector of Dharwar has permitted the opening of a new toddy shop in the village of Amargol?

(*b*) Is it a fact that the license for the shop in question has been granted without any auction sale having been held, for Rs. 1,000 to the country liquor licensee of Dharwar?

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

BOOKSTALLS AT B.B. & C.I. RAILWAY STATIONS.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state whether it is true that applications to vend vernacular and other papers at the stations of Nadiad and Broach are refused by the B.B. & C.I. Railway? If the reply be in the affirmative, will Government be pleased to state what arrangements are made to supply papers at these stations?

The Honourable Mr. C. V. MEHTA: Enquiries are being made.

CHINCHWAR PASTURE LAND BROUGHT UNDER CULTIVATION.

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

(1) what was the total area of pasture land at Chinchwar in the Dhulia Taluka, West Khandesh, at the end of the revenue year 1921?

(2) How many acres out of that area have been brought under cultivation since then?

(3) Among how many cultivators were these areas distributed?

(4) How many of those cultivators are from Chinchwar and how many from outside?

(5) Is it true that to no single person, except to one man from Ner, more than 50 acres has been given out for cultivation?

(6) Is it true that several tenants from Chinchwar, holding less than 50 acres, were asked on the 28th June 1924 to vacate several acres of the lands so far leased to them?

(7) Is it true that one man from Ner, who had already 100 acres of land leased to him, was given 200 acres more on the 28th June 1924; if so, why was such a large area given out to this man?

(8) Have any complaints been made by the people of Chinchwar against the method adopted in the disposal of land in question?

(9) Have any principles been laid down for the guidance of revenue authorities in leasing out such lands? If so, what are they?

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

DISCONTENT AMONG THE BAILIFFS.

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

(*a*) whether they are aware that there is serious discontent among the bailiffs in the judicial department due to the fact that they have not been yet given pay at the revised rates from 1920 as in the case of the clerks and others in the different departments?

(*b*) If so, do Government intend to take any action; if so, what action do they intend to take?

The Honourable Sir MAURICE HAYWARD: (*a*) It is possible that the bailiffs are dissatisfied. But it is not the fact that retrospective

effect from 1920 was given in all other departments as the honourable member apparently believes.

(*b*) Government are considering whether any further relief can be given to the bailiffs.

SHORTAGE OF GENERAL STAMPS IN SINDKHEDA SUB-TREASURY.

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

(*a*) whether it is a fact that for several years past during the months of April, May and June approximately general stamps for small amounts have not been available at the sub-treasury at Sindkheda, West Khandesh, and that people, therefore, during those months have to purchase stamps for larger amounts, though stamps of smaller amounts would have been sufficient for their requirements ?

(*b*) Whether it is a fact that one Barku Bhayasing Rajput of Mandane in Sindkheda taluka had, on 10th June 1924, to pass a sale deed of his open site worth Rs. 40 only in favour of one Deochand Vedu Koli on a general stamp of Rs. 2, when as a matter of fact, a general stamp of annas eight would have sufficed, because no general stamp of lesser value was available at the sub-treasury ?

(*c*) If the answer to (*a*) be in the affirmative, will Government be pleased to state how long this state of things has been going on, and how many such instances have occurred during this period ?

The Honourable Mr. C. V. MEHTA : (*a*) and (*b*) Yes.

(*c*) This state of things continued for the last 3 years and such instances during the period were as stated below :—

| Year. | Number of cases. | Stamp used in each case. | Stamp that would have been sufficient. |
|---|---|---|---|
| 1922 .. .. | 1 | 1—0 | 0—4 |
| | 1 | 2—0 | 0—8 |
| | 1 | 2—8 | 0—8 |
| | 2 | 2—8 | 1—0 |
| 1923 .. .. | 2 | 1—8 | 0—8 |
| | 5 | 2—0 | 1—0 |
| 1924 .. .. | 2 | 2—0 | 0—8 |
| | 8 | 2—0 | 1—0 |

The matter has now been set right and the question of granting refund in the cases referred to above is under consideration.

RECOMMENDATIONS OF CATTLE BREEDING AND WILD ANIMALS COMMITTEES.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state the action taken by them on each of the recommendations of the Cattle Breeding and Wild Animals Committees ?

The Honourable Mr. A. M. K. DEHLAVI: The orders of Government are contained in Government Resolutions No. 4058 of 31st January 1924 and No. 3252 of 5th August 1924, copies of which have been supplied to all non-official members of this Council.

### Relief from Insufficiency of Rain.

Mr. N. R. GUNJAL (Poona District): Having regard to the condition of the rainfall in the eastern and other parts of the Poona district, will Government be pleased to state—

(*a*) whether they intend to suspend any part of the land revenue; if so, what amounts in each taluka?

(*b*) what amount of tagai is intended to be given in each of the said talukas?

(*c*) whether they intend to take any steps for relieving distressed cattle, and if so, what steps do they intend to take?

The Honourable Mr. C. V. MEHTA: Information has been called for.

### Gairan in Khed Taluka.

Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state the number of villages in the Khed taluka of the Poona district which have not got gairan for the village cattle according to the scale of 2 cattle per acre?

The Honourable Mr. A. M. K. DEHLAVI: 57.

### Recommendations of the Indian Jails Committee.

HAJI ABDULLAH HAROON (Karachi City): Will Government be pleased to state with reference to the recommendations of the Indian Jails Committee —

(*a*) What arrangements have been made to give religious instructions to Hindu and Mahomedan prisoners in the Hyderabad (Sind), Karachi, Sukkur and Shikarpur prisons and to the Sind Convict Gang?

(*b*) If special men have been appointed for the purpose, what are their names and qualifications?

(*c*) Whether any advisory board has been appointed for the purpose of revising the sentences of long-term prisoners confined in the different prisons in Sind? If so, who are its members?

(*d*) Whether any rules have been made regarding the appointment of visitors of jails and their duties? If so, will Government be pleased to lay a copy of such rules on the table?

(*e*) Who are the official and non-official visitors of the Karachi District Prison, including lady visitors?

(*f*) Have all prisoners of this presidency who were transported to the Andamans been brought back to the presidency? If not, how many of them are still serving their sentences in the Andamans and why have they not been brought back?

The Honourable Sir MAURICE HAYWARD: (*a*) and (*b*) Information is being obtained.

(*c*) Yes. The Advisory Committees have been appointed in the case of the following prisons in Sind :—Karachi, Hyderabad, Sukkur and Sind Convict Gang. The Committee consists of three officials and two nominated local members. The officials consist of the Inspector General of Prisons, the District Magistrate and the District Judge. The names of the nominated local members are as follows :—

Hyderabad Central Prison and Sind Convict Gang :—Rao Bahadur Chatursingh Ailmal and Diwan Chandumal Gopaldas.

Karachi Prison :—Khan Bahadur K. H. Katrak and Mr. Gidumal Fatechand.

Sukkur Prison :—Khan Bahadur Pirbaksh, C.I.E. (Sukkur).
Rao Saheb Amarsing Mulsingh (Shikarpur).

(*d*) A reference is invited to Rules 335 and 338 of the Bombay Jail Manual.

(*e*) As regards official visitors, a reference is invited to rule 334 of the Bombay Jail Manual. The following are the non-official visitors :—

Sir Jehangir H. Kothari.
Rao Saheb Shewaram Dewanmal.
Khan Bahadur K. H. Katrak.
Mir Ayub Khan Jam Mir Khan.
Mr. Alijah Alidina Ali Mahomed.
Shet Kimatrai Assanmal.

(*f*) Information is being obtained.

HAJI ABDULLAH HAROON : On what principle do Government nominate visitors of jails ?

The Honourable Sir MAURICE HAYWARD : Official or non-official ?

HAJI ABDULLAH HAROON : Non-official.

The Honourable Sir MAURICE HAYWARD : The Commissioner nominates the most suitable persons.

Mr. R. D. SHINDE : As regards Sir Jehangir Kothari, are Government aware that this gentleman is always out of India, trotting the globe all over ?

The Honourable Sir MAURICE HAYWARD : Not always ; I have seen him in India.

## Grazing Fees in Sind.

HAJI ABDULLAH HAROON (Karachi City) : Will Government be pleased to state what was the grazing fee per head of cattle when the fee was first introduced and what it is now in each of the districts of Sind, showing also the different rates of grazing fees imposed successively on a head of cattle since their first introduction down to the present day ?

The Honourable Mr. A. M. K. DEHLAVI : Information has been called for.

PROSECUTIONS UNDER THE FOREST ACT.

HAJI ABDULLAH HAROON (Karachi City): Will Government be pleased to state—

(*a*) the number of prosecutions under Forest Act during the last three years in each of the districts of Sind ?

(*b*) the number of convictions in those cases ?

(*c*) the number of convictions out of those which have been quashed in appeal ?

(*d*) whether any compensation has been given to the successful appellants ?

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

RELIEF MEASURES IN SIND.

HAJI ABDULLAH HAROON (Karachi City): (*a*) Will Government be pleased to furnish, in a tabular form, a statement of estimated loss and damage to the crops, cattle, other properties and the lives of the people in each of the talukas of Sind, on account of the recent floods and heavy rains in Sind ?

(*b*) What relief measures have been or are intended to be adopted by Government to help the distressed people ?

(*c*) If they have not begun any relief measures themselves, have they encouraged or assisted the efforts made by the Congress committees or any other private agencies for the purpose of mitigating the hardships of the distressed people ?

The Honourable Mr. C. V. MEHTA : Information has been called for.

DECLARATION OF GOVERNMENT INTENTION TO REACH PROHIBITION IN 20 YEARS.

Mr. M. R. JAYAKAR (Bombay University): (*a*) Will Government be pleased to state whether they intend to carry out the recommendation contained in the resolution passed during the last session of this House that the Government should declare total prohibition, to be attained within 20 years, to be the goal of their excise policy ?

(*b*) If so, will Government be pleased to state when they will be in a position to make a declaration to that effect ?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) The whole question in all its aspects, together with the recommendation contained in the resolution referred to, is under the consideration of Government.

(*b*) Very likely before the next session.

FOREST ENGINEERING DEPARTMENT.

Mr. V. N. JOG (Dharwar District): (*a*) Will Government be pleased to state the year in which the Engineering Division of the Forest Department under the guidance of Mr. Pipe, the Executive Engineer, on deputation from the Public Works Department, was started and the purpose of starting it ?

(*b*) Will Government be pleased to lay on the table a comparative statement, showing the establishment of the above Engineering Division of the Forest Department, including those of his subordinate engineers (Dharwar and Nasik) from its start, year by year, to date and the expenditure incurred as a consequence of the schemes suggested and carried out by the engineer on deputation from the Public Works Department to the Forest Department?

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

### Kulkarni Watan in Hanagal taluka.

Mr. V. N. JOG (Dharwar District): (i) Will Government be pleased to state (*a*) the number of watandar kulkarnis in the Hanagal taluka who surrendered their hereditary rights to officiate as kulkarnis to Government in 1916-17 and (*b*) the number of applications which were subsequently made by the said Kulkarnis to Government complaining of their surrender as having been involuntary nor made of free will?

(ii) Will Government be pleased to state (*a*) what was the total annual amount of potgi given to these kulkarnis in the Hanagal taluka before they surrendered their rights, and (*b*) what is the total amount of pay now given to the talatis appointed in their places, as well as the total of the one-third allowances which are being paid to the kulkarnis who have relinquished their hereditary rights?

(iii) Will Government be pleased to state whether they are financially gainers by this arrangement? If not, do they intend to take any action in this connexion?

The Honourable Mr. C. V. MEHTA: Information has been called for.

### Hakkadar Kulkarni of Hangal, Dharwar District.

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state whether it is a fact that a notice has been issued by the Deputy Collector, Second Division, Dharwar, to one Mr. Motiram, a hakkadar of Hangal, to show cause why he should not be disqualified as a hakkadar kulkarni on the ground that he lent the use of his open plot for the District Conference, at Hangal, in April last?

The Honourable Mr. C. V. MEHTA: Information has been called for.

### Press and Registration of Books Act.

Mr. V. N. JOG (Dharwar District): Will Government be pleased to state whether their attention has been drawn to an article in the "Navashakti" of Dharwar dated the 8th April 1924, on the Acts relating to printing presses and the registration of books, and, if so, whether they intend to take any action in this connection?

The Honourable Sir MAURICE HAYWARD: Government have seen the article and are making enquiries.

### Tungabhadra River Flood.

Mr. V. N. JOG (Dharwar District): (*a*) Will Government be pleased to state in what villages in the talukas of Ranebennur, Karajgi, and the petha of Mundargi in the Dharwar district damage has been done by the Tungabhadra river rising in flood ?

(*b*) Will Government be pleased to state what is the nature and extent of damage done in each village ?

(*c*) Will Government be pleased to state what relief has been given to the sufferers or what relief Government intends to give to the sufferers ?

The Honourable Mr. C. V. MEHTA: Information has been called for.

### Damage to Crops by excessive Rain and Locusts in Dharwar District.

Mr. V. N. JOG (Dharwar District): (*a*) Will Government be pleased to state whether they are aware that in several talukas of the Dharwar district great damage has been done to the crops by excessive rain and locusts ?

(*b*) Are they aware that the jowari crop in several villages having been damaged by rain and locusts, had to be ploughed up and cotton sown in those lands again ?

(*c*) Will Government be pleased to state what is the extent of the damage in the Dharwar district from these two sources ?

(*d*) Will Government be pleased to state whether they intend to take any steps for the relief of the ryots in this connexion, and, if so, what steps they intend to take ?

The Honourable Mr. C. V. MEHTA: Information has been called for.

### Famine in Nargund Petha.

Mr. V. N. JOG (Dharwar District): (*a*) Will Government be pleased to state whether they are aware that famine conditions have been prevailing in the Nargund petha during the last three or four years ?

(*b*) Are they aware that men and cattle have left the Nargund petha in large numbers on account of famine ?

(*c*) Will Government be pleased to state what amounts out of the land revenue in the Nargund petha for the year 1923-24 were remitted or suspended ?

The Honourable Mr. C. V. MEHTA: Information has been called for.

### Annewari Valuation of Crops in Poona District.

*Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District): Will Government be pleased to state—

(*a*) in a tabular form the *annewari* valuation of the different crops grown in the different talukas of the Poona district during the present revenue year;

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

(*b*) whether any relief has been given to the agriculturists of that district during the present year? If so, what is the nature of the relief given;

(*c*) whether it is a fact that Government have recovered more than their legitimate share of the revenue from some agriculturists to whom relief has been partly or fully given;

(*d*) how much land revenue has been suspended in different talukas of Poona district?

The Honourable Mr. C. V. MEHTA: The information asked for by the honourable member is given in the appended statement.†

### Registration Department.

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

(*a*) Whether it is a fact that the Registration Department is affecting considerable savings every year?

(*b*) Whether Government adhere to the policy laid down in 1885 (G. R. No. 9474), that registration should not be treated as a source of revenue?

(*c*) If so, are there any proposals before them intended to carry out that policy?

(*d*) If so, what are those proposals, and what stage have they reached?

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

(*b*) No.

(*c*) and (*d*) Do not arise.

Mr. M. D. KARKI: Is that resolution considered to be a dead letter?

The Honourable Mr. A. M. K. DEHLAVI: There is no policy contained in that resolution.

Mr. M. D. KARKI: No policy?

The Honourable Mr. A. M. K. DEHLAVI: No.

### Kumri Cultivation in Kanara.

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state the conditions under which lands are given by them to agriculturists in Kanara for *kumri* cultivation?

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

### Area of Land under Kumri Cultivation.

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

(*a*) the total area of land in each of the divisions of Kanara allotted by them for *kumri* cultivation during the last three years;

(*b*) the total yield in kind from such cultivation during those years;

† Kept in the Secretary's Office.

(*c*) the total amount of fine levied from the cultivators, if any, for transgressing the boundaries of their respective allotments during those years ?

(*d*) the total area of land encroached upon by them during the said years ?

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

### Transport of Timber.

Mr. M. D. KARKI (Kanara District): (*a*) Will Government be pleased to state whether in Kanara or in any other place in the Presidency any of the following kinds of work have been done or undertaken by them for transporting timber from the forests to depôts :—

1. Extension of railway.
2. Improvement of water-ways.
3. Construction of slides and flumes.
4. Organisation and installation of mechanical road transport

(*b*) If so, will they be pleased to state—

(*i*) the place where they were undertaken;

(*ii*) the date of commencement and completion of such works in each case and the amount of money expended on such works;

(*iii*) whether they are still existing and serving the purpose for which they were constructed ?

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

### Relinquished Holdings and Revenue Waste.

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

(*a*) whether all or any of the survey numbers mentioned in Government Notification No. S-35-9/12422, published in *Government Gazette*, dated 31st July 1924, Part I, at page 1710, are relinquished holdings or revenue waste numbers from the beginning, *i.e.*, from the 1st settlement;

(*b*) if the former, the classes, *i.e.*, *tari*, *bagayat*, *rullen*, etc., under which they fall and the reasons for relinquishment in each case ?

(*c*) if the latter, whether they are used by the village cattle for grazing, and the reasons for the proposal to constitute them reserved forest ?

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

### Artificial Teak Plantation in Kanara.

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

(*a*) what acreage of forest lands is under artificial teak plantations in Kanara ?

(*b*) how many such plantations exist in that district and what is the acreage, name and age of each of such plantations ?

(*c*) what is the estimated cost (maximum and minimum) of artificially regenerating one acre of teak plantation, the estimated period required before it becomes fit for being exploited and the estimated amount realizable per acre when exploited ?

The Honourable Mr. A. M. K. DEHLAVI : Information has been called for.

GOVERNMENT TIMBER DEPOTS IN KANARA.

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

(*a*) How many Government timber depôts are there in talukas of Sirsi and Siddapur and petha of Mundgod ?

(*b*) What quantities of timber have been annually brought and sold in each of such depots during the last 10 years ?

(*c*) What are the amounts of expenditure annually incurred in operations commencing from felling and ending in stocking the timber in each of such depots and in maintaining and keeping up of such depots during that period ?

(*d*) What are the amounts realised annually by sale of timber in each of those depots and what are the amounts of royalty on the timber sold during that period ?

(*e*) What quantities of timber are now in stock in each of such depots and of how many years' standing are they ? What is their present value ?

The Honourable Mr. A. M. K. DEHLAVI : Information has been called for.

BETTA RULES IN KANARA.

Mr. M. D. KARKI (Kanara District) : (*a*) Will Government be pleased to state whether they are aware that the new betta rules are regarded as unsatisfactory by the gardeners of the above-ghat talukas of the Kanara District ?

(*b*) Were the opinions of the gardeners consulted before the new betta rules were framed and were the draft rules published to enable them to put in their objections to them ?

The Honourable Mr. A. M. K. DEHLAVI : Enquiry is being made.

REPRESENTATION TO THE COLLECTOR OF KANARA REGARDING BETTA RULES.

Mr. M. D. KARKI (Kanara District) : (*a*) Will Government be pleased to state whether it is true that some of the gardeners of Sirsi Taluka representated to the Collector when he was touring through the taluka this year that the new betta rules are not satisfactorily workable ?

(*b*) If so, what additions or alterations to the rules were suggested by them ?

(*c*) Has any action been taken by him on all or any of the suggestions made to him ? If so, on what points has action been taken, and if these do not cover all the suggestions, why has no action been taken on the remaining points ?

The Honourable Mr. A. M. K. DEHLAVI: Enquiry is being made.

### Civil and Criminal Cases in Aden.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Will Government be pleased to state—

(*a*) whether the average time taken by a civil or criminal case in Aden is greater than that taken for similar cases in the presidency;

(*b*) if so, do Government intend to take any action in the public interest?

The Honourable Sir MAURICE HAYWARD: (*a*) Criminal cases take in the Presidency an average period of 6·4 days for disposal and in Aden 9 days. Civil cases take in the presidency an average of 80 days for contested and 44 days for uncontested case. The average for both classes of civil cases in Aden is 32 days.

(*b*) No.

Mr. HOOSEINBHOY A. LALLJEE: Will Government make some arrangements so that the criminal cases at Aden may be expedited? They take nine days, while in Bombay they take only six days.

The Honourable Sir MAURICE HAYWARD: We cannot do anything usefully. Summary cases very largely bring down the average in the presidency.

### Removal of Bombay Milch Cattle Stables to Trombay.

Mr. HOOSENALLY M. RAHIMTOOLA on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): (*a*) Will Government be pleased to state whether it is a fact that the Bombay Municipality intend to remove the stables for milch cattle from Bombay to Trombay?

(*b*) Are Government aware of the hardships that are likely to be caused both to the owners of the milch cattle and the public by such a measure?

(*c*) Have Government received any memorial from the owners of milch cattle or the public on the subject?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*a*) and (*b*) Enquiries are being made.

(*c*) Yes. A memorial from the Bombay Milk and Buffalo Merchants' Association has been received.

### Country Liquor Shops at Ahmedabad.

*Mr. G. K. MAVALANKAR (Ahmedabad. City): (*a*) Will Government be pleased to state whether it is a fact that the Commissioner of Customs, Salt and Excise in his letter dated 29th May 1919 to Jehangirjee N. Daruwalla and others promised that the principles of "separate-shop system" would be carried out more completely at the next auction sale of country liquor shops of Ahmedabad?

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

(*b*) If so, to what extent this promise was carried out at the auction sales of country liquor shops which took place on 17th March 1921 and 28th March 1922 ?

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

(*b*) The separate-shop system was not given effect to in the auctions of 1921 and 1922. In the former year owing to the picketing movement, there were not bidders for all the shops. In the latter, the Collector to whom much discretion is given in conducting the auctions, believed that if the competition of the dealers from outside were removed or restricted, Government would lose heavily owing to the fact that the local dealers had formed a ring with the object of keeping down the bidding.

Mr. G. K. MAVALANKAR: In the reply given to (*b*) it is stated "The Collector believed that if the competition of the dealers from outside were removed or restricted, Government would lose heavily owing to the fact that the local dealers had formed a ring with the object of keeping down the bidding". Is that the guiding principle or the "separate-shop system" promised by the Commissioner of Customs the guiding principle ?

The Honourable Mr. A. M. K. DEHLAVI: It is both.

Mr. S. S. DEV: Was the Collector who used his discretion in one way in 1921-22 the same that differently interpreted the Commissioner's orders in 1924 ?

The Honourable Mr. A. M. K. DEHLAVI: I do not think so.

Dr. M. K. DIXIT: Are Government satisfied that the information given in clause (*b*) of the answer is correct ?

The Honourable Mr. A. M. K. DEHLAVI: It appears to be correct.

Dr. M. K. DIXIT: You are not quite sure.

The Honourable the PRESIDENT: How can that question be asked ? The honourable member is asking for Government's opinion.

### Indian Territorial Force.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state the total numb[illegible] of men in the Indian Territorial Force from the Maharashtra and Kar[illegible] districts, as also the number of Brahmins among them ?

The Honourable Sir MAURICE HAYWARD: 262, of whom 15 are Brahmins.

### Tour of Dr. Paranjpye, late Minister of Education.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state whether the late Minister of Education (Dr. R. P. Paranjpye) did any touring in the months of September, October and November 1923 ? If so, will they be pleased to give details of the expenditure incurred thereon mentioning in each case the name or names of the places visited by him in the course of his tour ?

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

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* Kept in the Secretary's Office.

ISSUE OF TIMBER FOR BUILDING PURPOSES.

* Mr. W. S. MUKADAM (Panch Mahals District): (*a*) Will Government be pleased to place on the Council table a list of Government officers and well-to-do landlords who have been given standing timber for their private use from the North Thana Forest during the past 7 years, in the tabular form given below :—

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|
| Name in full. | Designation in case of Government servants. | Pay of Government servants, or approximate yearly income of landlords. | Quantity of timber. | Rate charged. | Total amount received. |
| | | | | | |

(*b*) Will Government be pleased to state how many applications from villagers residing in the forest villages of the North Thana Division have been received asking for timber either free or at concession rates for house-building purposes during the last 10 years and how many of these applications have been favourably considered ?

The Honourable Mr. A. M. K. DEHLAVI : Statements† furnishing the required information are placed on the Council table.

SURVEY IN SIND.

* Mr. D. B. ADWANI on behalf of MUKHI JETHANAND PRITAMDAS (Eastern Sind) : (*a*) Will Government be pleased to state whether they are aware that there is a good deal of dissatisfaction among the people of Sind regarding the survey (specially the measurements of houses) recently made in the different parts of the Province ?

(*b*) Do Government know that there is a general consensus of opinion that the new sanads are not quite clear, and that their size is not large enough to admit of lanes being marked and boundaries and dimensions of buildings being mentioned in them ?

(*c*) Do Government intend to take any action in this connection ?

The Honourable Mr. C. V. MEHTA : (*a*) No. Certain property holders at Hyderabad have objected to the practice of omitting the record of side measurements of their properties from the sanads. It has been arranged that such measurements should be recorded on their sanads if they so desire on payment of an additional fee of 4 annas.

(*b*) The sanads are sufficiently large to admit of all necessary details being shown on them.

(*c*) No.

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

† Kept in the Secretary's office.

RATNAGIRI WATER SUPPLY.

Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state whether they are aware of the fact that the present supply of water to the town of Ratnagiri is inadequate and that the upper portion of the town suffers from great scarcity of water particularly during the summer months?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Government are aware of the fact that there is a scarcity of water particularly during the summer months.

Mr. B. R. NANAL: Do Government contemplate taking any action in this matter?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: As soon as funds are available, Government will consider it.

BRIDGE OVER KOLUMB CREEK.

Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state whether they made any inquiries as to whether it is necessary to build a bridge over the Kolumb Creek on the northern side of Malvan? If so, do they intend to take any action?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The information has been called for.

LITERATE AND ILLITERATE AGRICULTURISTS.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state the proportion of literate to illiterate persons amongst the agricultural population of the Presidency?

The Honourable Mr. B. V. JADHAV: The information asked for is not available as literacy has never been tabulated by occupation in the Indian Censuses.

MECHANICAL ASSISTANT TO THE DEPUTY DIRECTOR OF AGRICULTURE, GUJARAT.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state—

(*a*) How many applications for advice on the erection and repairs of pumping and other agricultural machinery were received by the mechanical assistant to the Deputy Director of Agriculture, Gujarat, in the year ending 31st March 1924?

(*b*) What action was taken on those applications?

(*c*) Whether the mechanical assistant has ever visited any villages in the Kaira district possessing pumping plants, in order to give benefit of his technical knowledge to the men working on those plants; if so, what villages were visited by him for such purpose in the year 1923-24, and with what result?

The Honourable Mr. A. M. K. DEHLAVI: The information is being obtained.

CEMENT USED BY DEVELOPMENT DEPARTMENT.

Dr. M. B. VELKAR on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to lay on the table a statement showing—

(*a*) the quantity of cement used by the Development Department up to the end of May 1924 ;

(*b*) the average daily rate of purchase calculated on this quantity ;

(*c*) a list of the names of the firms which have from the beginning contracted to deliver cement to the department ;

(*d*) the difference between the total amount of the purchase and the total amount which would have been payable at the market price, during the period from the beginning of 1922 to the end of May 1924 ?

The Honourable Mr. COWASJI JEHANGIR: (*a*) 65,810 tons.

(*b*) 58·5 tons per day.

(*c*) Cement has been purchased by the department from the following firms :—

(1) Messrs. Mitsui Bussen Kaisha, Limited.
(2) Messrs. The Indian States and Eastern Agency.
(3) Messrs. The Dwarka Cement Company, Limited.
(4) Messrs. The Bundi Portland Cement, Limited.
(5) Messrs. The Katni Cement and Industrial Company, Limited.
(6) Messrs. The Jubbulpore Portland Cement Company, Limited.

(*d*) The agreement for the supply of cement with the firms Nos. 3 to 6 referred to in clause (*c*) above commenced from the 1st September 1922. The cement purchased outside the agreement was purchased at market rates. With regard to the difference between the total amount of the price paid for the cement purchased under the agreement referred to and the total amount which would have been payable at the market rates, the honourable member's attention is invited to the reply given to clause (*b*) of question* put by the honourable member for Bombay city, South, Mr. K. F. Nariman, at the last session.

BRIDGE OVER PATALGANGA IN PETHA KHALAPUR.

Mr. M. B. POWAR (Kolaba District): (*a*) Will Government be pleased to state whether they are aware that the river Patalganga in the Karjat taluka of the Kolaba district has become unfordable at several places owing to the tail water from Tata Hydro-electric works being allowed to run through the river ?

(*b*) Are Government aware that there is a public demand for the construction of a bridge at Savaroli in Petha Khalapur (District Kolaba) ?

(*c*) Will Government be pleased to state whether they intend to take any steps to remove the public inconvenience ? If so, what steps do they intend to take, and when ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN (*a*) Government are aware that since the operations of hydro-electric works the Patalganga presents at places difficulty in crossing.

* *Vide* Vol. XII, pages 811 and 812.

(*b*) No. A vented causeway has been provided at the place by Messrs. Tata Sons, Limited.

(*c*) Government intend providing next year a vented causeway at Karada. With the completion of this work together with those constructed by Messrs. Tata Sons, Limited, at Khopoli and Savaroli, it is considered that no further masonry crossings over the Patalganga will be necessary.

### Cotton Cess for Bombay Development.

Mr. PUNJABHAI THAKERSI (Bombay City, North): Will Government be pleased to state the income from the cotton cess every year since 1920 and the amount spent out of such income during the same period for purposes of the Bombay Development schemes showing separately the expenditure made to meet losses incurred on (*a*) housing schemes and (*b*) suburban schemes?

The Honourable Mr. COWASJI JEHANGIR: The information required is as under:—

| Year. | Total realizations. | Amount utilised for Housing Schemes. | Amount utilised for Suburban Schemes. |
|---|---|---|---|
| | Rs. | Rs. | Rs. |
| 1920-21 .. .. | 2,75,606 | 2,08,939 | 7,755 |
| 1921-22 .. .. | 19,58,907 | 15,58,907 | 94,049 |
| 1922-23 .. .. | 19,01,169 | 15,01,169 | 2,41,744 |
| 1923-24 .. .. | 21,72,442 | 17,72,442 | 7,40,606 |
| Total .. | 63,08,124 | 50,41,457 | 10,84,214 |

### Patrol System in Bombay Police.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state whether they are aware of the dissatisfaction felt in the city of Bombay on account of the change from the fixed post policemen to the patrol system?

The Honourable Sir MAURICE HAYWARD: Government are aware of the dissatisfaction felt on account of the change from the fixed post policemen to the patrol system and the whole question is being examined.

### Dolkhamb-Shenave Road.

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state—

(*a*) when the survey and the estimate for the construction of a road between Dolkhamb and Shenave in the Shahpur taluka of the Thana district were made?

(*b*) when was the construction of this road sanctioned?

(*c*) when was the construction actually begun?

(*d*) what is its total estimated length?

(*e*) what length of the proposed road was constructed by the end of August 1924 ?

(*f*) when the whole length of the road is likely to be constructed and made open for traffic ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The information has been called for.

### Advance Increments to Subordinates in the Judicial Department, Satara District.

* Mr. R. G. SOMAN (Satara District): Will Government be pleased to state—

(*a*) whether it is true that the advance increments allowed to the subordinates of the judicial department in the Satara district have been ordered by the District Judge to be refunded on the ground that they were wrongly allowed to them;

(*b*) whether the payments of wrongly drawn increments to the subordinates in any other department in the said district have been condoned by Government;

(*c*) whether the Finance Department circular No. 2920, dated the 29th January 1924, has been applied to the case of the subordinates mentioned in (*a*); if not what are the reasons therefor;

(*d*) whether the services of the lowest grade subordinates of the judicial department in the Satara district have been taken into account in allowing advance increments for the year 1920; if not, what are the reasons therefor ?

The Honourable Sir MAURICE HAYWARD: (*a*) The attention of the honourable member is requested to the answer to his question at the last session. That answer covered the case of three clerks who had been wrongly allowed to draw advance increments. It is not proposed to cancel the order issued with regard to those three clerks. But since the decision to forego the recovery of excess amounts drawn by them was arrived at it has been discovered that 12 other clerks in the same office have also been wrongly allowed advance increments. Orders have been issued for the recovery of the excess drawings.

(*b*) It is understood that recoveries were foregone in the case of certain clerks in the Revenue Department.

(*c*) The circular quoted by the honourable member was issued after the excess payments now in question were made. The purpose of the resolution is not to sanction the condonation of overdrawals but to enforce the liability of heads of offices for preventing them.

(*d*) Substantive service on Rs. 20 is allowed to count.

Mr. R. G. SOMAN: Do the clerks in the Judicial Department to whom certain payments by way of advance increments were made stand on the same footing as the clerks in the Revenue Department ?

The Honourable Sir MAURICE HAYWARD: What particular footing is referred to by the honourable member ?

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

Mr. R. G. SOMAN: With regard to the fact that the notification referred to in the question and the reply was issued after the clerks received the payments of advance increments allowed to them wrongly.

The Honourable Sir MAURICE HAYWARD: The notification refers to all departments.

Mr. R. G. SOMAN: The reply to (*c*) says "the circular quoted by the honourable member was issued after the excess payments now in question were made. Is it meant that the notification issued in January was issued after the excess payments recovered back from the clerks?

The Honourable Sir MAURICE HAYWARD: No.

### Grants for Minor Sanitary Projects, etc.

Mr. R. G. SOMAN (Satara District): (*a*) Will Government be pleased to place on the Council table a copy of the resolution in which the proportion of grants towards the expenses of minor sanitary projects, roads and means of communication to be allowed to the district local boards has been laid down as one-half of the boards' average receipts of local fund cess?

(*b*) Is it a fact that the amount of such grant has been reduced to a large extent during the last two or three years in the case of the Satara district local board?

(*c*) If so, will Government be pleased to state when Government intend to restore this grant to its former amount?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*a*) A copy of Government Resolution * no. 2901, dated the 16th April 1919, is placed on the Council table.

(*b*) A copy of Government Resolution* no. 1570, dated the 27th April 1922, is placed on the Council table, from which it will appear that owing to financial stringency, the lump provision has been reduced to Rs. 11 lakhs, and consequently the grants to all district local boards have been proportionately reduced.

(*c*) When funds are available.

### Expenditure on Photo-copying.

Mr. R. G. SOMAN (Satara District): (*a*) Will Government be pleased to state the costs incurred by Government since the introduction of the photo-copying system in the Registration Department on the purchases of machinery and chemicals required for that purpose?

(*b*) Will Government be pleased to state the expenditure incurred on the erection of the buildings required for the photo-copying work since the introduction of that system?

(*c*) Will Government be pleased to state the head or heads of the Civil Estimates under which the expenditure mentioned in (*a*) and (*b*) is shown?

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

* Kept in the Secretary's office.

DISMISSAL OF CLERKS FROM SATARA REGISTRATION OFFICE.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state—

(*a*) Whether it is a fact that owing to the introduction of the photo-copying system in the registration offices of the Satara district, the services of eleven copying clerks from eleven registration offices of the district have been dispensed with ?

(*b*) If so, in how many out of these cases piece workers have been appointed to act for these copying clerks ?

(*c*) What is the period of the service of each of those clerks whose services have been dispensed with ?

(*d*) Is it true that the services of seven out of these eleven clerks were dispensed with at the time of the abolition of the village registration offices ?

The Honourable Mr. A. M. K. DEHLAVI: Information has bee called for.

FINE ON LATE PAYMENT OF REVENUE.

Mr. R. G. SOMAN (Satara District): (*a*) Will Government be pleased to state whether they are aware that the one-fourth fine has been levied by revenue officers in the several talukas of the district of Satara on default by the khatedars in the payment of land revenue due for the first instalment even though the amount was paid before the expiry of the period fixed for the payment of the second instalment and if so under what provision of law has such fine been imposed ?

(*b*) Will Government be pleased to state the total amount of this one-fourth fine recovered by revenue officers in the Satara district during the yeasr 1921-22, 1922-23 and 1923-24 respectively in each taluka of this district ?

The Honourable Mr. C. V. MEHTA: (*a*) Government have no information but inquiries will be made.

(*b*) Information will be called for.

RAILWAY ACCIDENTS TO WORKMEN EMPLOYED ON G. I. P. RAILWAY EXTENSION WORKS.

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state—

(*a*) The number of workmen employed on the G. I. P. Railway Extension Work between Bombay and Kalyan, who have been killed or injured by passing trains during the last two years ?

(*b*) What precautions are taken to warn the workmen of approaching trains ?

(*c*) Are the chargemen (Mukadams) held responsible for accidents to workmen under their charge ?

(*d*) In how many cases has compensation been awarded to sufferers or their relatives ?

The Honourable Mr. C. V. MEHTA: The information has been called for.

### Detailed Survey of Talukdari Villages.

The THAKOR of KERWADA on behalf of the THAKOR of AMOD (Northern Division): (*a*) Will Government be pleased to state whether the report of the detailed survey of talukdari villages and lands made in the year 1912-13 has been published?

(*b*) If not, will Government be pleased to place it on the Council table together with the report made by the survey superintendent to the higher authorities?

(*c*) Will Government be pleased to place on the Council table copies of the orders passed by them in connection with the said detailed survey?

(*d*) Will Government be pleased to state the reasons which led to the detailed survey of the talukdari estates and lands, although the said estates and lands had been already surveyed by Government agency at the cost of the talukdars concerned?

The Honourable Mr. C. V. MEHTA: (*a*) No.

(*b*) and (*c*) No such reports have been made to Government and hence no such orders passed.

(*d*) The first survey was carried out by the Talukdari Settlement Officer while the estates were under his management and was of a very rough description. As a highly efficient staff was available in 1912, opportunity was taken to correct the defects of the former survey at the cost of Government.

### Provincial Roads.

The THAKOR of KERWADA on behalf of the THAKOR of AMOD (Northern Division): Are Government aware that when provincial roads are metalled and repaired in monsoon, they are closed by placing branches and thorns across the roads and thereby the traffic is put to great hardship? If so, do Government intend to take any action in the matter?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Government are aware that when provincial roads are metalled and repaired in the monsoon obstructions are placed across the width actually under repair. Every effort is however made to leave at least half the width of the road free to traffic and to use only hurdles and fences and not thorns to close the half width actually under repair.

### Crossing on Broach-Jambusar Railway.

The THAKOR of KERWADA on behalf of the THAKOR of AMOD (Northern Division): Will Government be pleased to state whether they are aware that the crossings on the Broach-Jambusar Railway at the places where it crosses the roads leading to Nahir, Achod and Mansinghara have not been kept in good condition? If so, do they intend to take any action in this connection?

The Honourable Mr. C. V. MEHTA: The information has been called for.

REVOLVER AND GUN LICENSES.

* Dr. M. B. VELKAR (Bombay City, South): Will Government be pleased to state—

(1) How many licenses for (*a*) guns and (*b*) revolvers were issued to Indians in this Presidency during the years 1921, 1922, 1923 and 1924 up to April 30th respectively ?

(2) The number of applications for licenses from Indians for (*a*) guns and (*b*) revolvers rejected during the above-mentioned years, showing the total number of the applications in each case ?

The Honourable Sir MAURICE HAYWARD: The information required is contained in the two statements† laid on the table.

Dr. M. B. VELKAR: In the statement placed in the Secretary's office, I find that the number of applications for licenses including gun licenses was 21,916 of which 1,487 were rejected,, up to 30th April 1924, and in the case of revolvers and pistols for the same period out of 1,563 applications 177 were rejected. Why were these applications rejected ?

The Honourable Sir MAURICE HAYWARD: I am afraid I cannot answer that question without notice.

Dr. M. B. VELKAR: In view of the existence of Pathan terrorism and the utter helplessness of the people living in the city of Bombay and suburbs, will the Honourable the Home Member be pleased to state whether Government have issued any instructions to the authorities concerned to exercise their power of granting licenses more liberally ?

The Honourable Sir MAURICE HAYWARD: I am afraid that goes rather outside the present question.

Mr. NOOR MAHOMED (Hyderabad District): Sir, before you proceed with the business of the day, I wish to bring to your notice and that of the House a case of the breach of the privileges of this honourable House. You will remember, Sir, that during the last sessions on the 1st of August there was under discussion in this Council a resolution brought forward by the honourable the Deputy President on the question of the abolition of benches of honorary magistrates in Sind and during the debate thereon the honourable member for Larkana, Mr. Mahomed Ayub Khuhro, made certain remarks as regards the system prevailing in Sind, and after he had spoken the Honourable the Home Member made a reply on behalf of Government in which he did not contradict any of the remarks made by the honourable member Mr. Mahomed Ayub. After a month, Sir, on the 25th of September 1924 the following press note has been issued by the Commissioner in Sind in a weekly Government publication called the *Sind Official Gazette*. It reads as follows :—

No. L.C.6470-H.—The attention of the Commissioner in Sind has been drawn to a report which has appeared in the public press of a speech delivered by one of the Sind members of the Bombay Legislative Council at the recent session of that body on a

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

† Kept in the Secretary's Office.

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resolution regarding the proposed abolition of benches of honorary magistrates in Sind. The report of this speech contains the following passage :—

> "The second point is that officials mostly appoint retired head munshis or retired sub-inspectors and other retired officers as honorary magistrates. I am sorry to say that the deputy collectors and Collectors find food and recreation for retired munshis and retired sub-inspectors or other officers. So most of the other honorary magistrates do not wish to attend the benches simply because they do not like to go and sit along with those retired munshis and retired sub-inspectors. We are told that honorary magistrates do not attend these benches. I am one of the honorary bench magistrates, but because this is the case I do not attend the bench. I have been sitting quietly expecting that this system would be improved and that officials would realise the situation and would try to make better selections. If I find that they do not make a move in that direction I will have to resign."

The above statements in so far as they relate to the composition of the Benches in Sind are untrue. The real facts are that out of 279 bench magistrates in Sind only 25 are retired Government servants, and of these only one is a retired head munshi and one a retired sub-inspector of police. On the particular bench of which the speaker is a member and from which he apparently intends to withdraw owing to the objectionable presence of retired officials of the above grades, there are two retired Government officers, of whom one was a 1st grade mukhtiarkar (a gazetted officer) and the other a military officer.

I beg to tender a copy of the *Sind Official Gazette* containing the press note complained of.

*(The "Sind Official Gazette", Part I, dated 25th September 1924, page 1545, containing the press note in question was tendered to the Council.)*

In submitting this to you, Sir, I wish to make it clear that I am doing so only informally for the present; and as this is the first occasion on which a breach of the privileges of the House has taken place in that manner, I do hope that it will not be necessary for me to bring a regular motion in regard to it. I submit that the issuing of a press note in the manner it has been done is a very objectionable practice and is an insult to the House since an indignity has been put upon one of its honourable members and therefore on the House. If the Government thought that the statements made by my friend the honourable member for Larkana were wrong or that any of the remarks made by him were incorrect, or inaccurate, it was the function of only the honourable members on the Government benches to have corrected them on the floor of this House and not to have gone out and published their contradiction by means of an insulting press note like the one I have brought to your notice. That is the recognized practice in all the civilized countries, and I think same should be the practice in this honourable House.

The Honourable the PRESIDENT : The honourable member for Hyderabad district has raised a very important question of the privilege of this House in regard to which the whole House must be extremely sensitive. I should like to know whether the Honourable the Leader of the House wishes to make any statement before I deal with the subject.

The Honourable Sir MAURICE HAYWARD : Mr. President, Government have already noticed the press note and have already intimated to the Commissioner in Sind that criticism on the statements made by honourable members in this House should be reserved for the orders of Government.

Mr. NOOR MAHOMED : Does Government feel any regret for the lapse that has taken place ? That is the issue, Sir.

The Honourable Sir MAURICE HAYWARD : Government entirely agree, Sir, that a statement of that nature ought to be made on the floor of this House.

The Honourable the PRESIDENT : I do not know whether the House is satisfied with the statement made by Government.

HONOURABLE MEMBERS : No, no.

The Honourable the PRESIDENT : If they are satisfied, then nothing further need be said, but if honourable members are not satisfied, the procedure that should be followed according to parliamentary practice is that a definite motion should be put before the House and that priority will be granted for immediate discussion.

The Honourable Sir MAURICE HAYWARD : I really, Sir, do not understand what further is required. I expressed entire agreement with the feeling of the honourable House in the matter and the Commissioner in Sind has been informed what are the views of Government.

Mr. NOOR MAHOMED : Sir, I should like to know what the views of the Government are in regard to the indignity offered to the House. That is the point to which an appropriate and also, I may add, a definite reply should be made by the Honourable the Home Member, whether or not the Government are sorry for what has taken place. Otherwise it would be my unpleasant duty to move the motion formally for discussion by the House.

The Honourable Sir MAURICE HAYWARD : There was no intention whatever of hurting the feelings of honourable members, and if any honourable member felt hurt by the mistake made Government are exceedingly sorry that it should be so.

The Honourable the PRESIDENT : I think the House will be satisfied with the statement made by the Honourable the Leader of the House and will not like to hear anything further of the matter.

I may tell the House that I am extremely glad that the question which has been raised for the first time in this House has been satisfactorily settled. I am confident that the House will be very sensitive in regard to its privileges and honourable members may count upon the presiding authority fully co-operating in sustaining the dignity of the House.

I should like to inform honourable members that the honourable member Mr. Zunzarrao has succeeded in obtaining priority for his resolution on the lines laid down by me, namely, that all those honourable members who have the right to move resolutions prior to Mr. Zunzarrao have consented to give priority to him. Therefore the first resolution that will be moved will be from that honourable member. I should also like to inform honourable members that Mr. Nariman has also complied with the procedure I have laid down for getting priority and that priority will be granted to his resolution immediately after the honourable member Mr. Shinde's resolution has been disposed of.

(Discussion of matters of general public interest resumed.)

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) (Addressed the House in Marathi): Mr.President, the resolution that I beg to move reads as follows:

"This Council recommends to Government that the convicts at present undergoing the sentences passed in connection with the murder of the mamlatdar of Akola be released."

Sir, in moving this resolution for the acceptance of this House, I will in the first place give a short history of the whole case which led to the conviction of the accused whose release I seek by this resolution.

The district magistrate was examined by the tribunal which was appointed to try this case. The district magistrate in his statement stated that the first wire that was received by him was from the awal-karkun. The wire stated that the mamlatdar of Akola was burnt alive and that assistance should be sent at once. The wire also stated that it was apprehended that the Kolis of the villages of Rajur and Kotul were about to rise against Government and that therefore military and police should be despatched at once to those villages. The wire also stated that the Kolis of Rajur had held a meeting which the awal-karkun attended and in which he gave them an assurance that no charge will be preferred against Kolis. Now the facts reveal that a Koli by name Vithu was arrested on the day the mamlatdar was burnt alive and this Vithu was in custody till the day of the meeting and was released just after this meeting with the permission of the district magistrate. Then, Sir, a reference to the diary of Mr. Kokje, the investigating officer, will show that Vithu was released because he was a Koli.

Now, Sir, is it not a fact generally admitted that the first information about a crime that is received is mostly the real information? But a reference to the list of the accused will show that out of the 52 accused there is not a single Koli. There are 37 Marathas, and 15 others. Out of these 52 accused 18 were convicted among whom there are, one Mussulman, one Brahmin, four Bhils and ten Marathas. Is it not therefore doubtful whether the real culprits are the Kolis or the Marathas?

Then coming to the decision of the tribunal, one of the members, the late Rao Bahadur Sathe, was of opinion that the accused Joshi should be acquitted as there was no evidence against him. As my honourable friends are going to address the House, I leave it to them to go into the subject at full length and therefore I do not wish to take up the time of the House, but I will conclude my remarks with a request that this House will pass this resolution by a large majority.

Question proposed.

The Honourable Sir MAURICE HAYWARD: Mr. President, I am sorry that I cannot reply to my honourable friend opposite in Marathi though I am glad to say that I was able to follow more or less what he said. Government are aware that there are many extenuating circumstances in this particular case. But of course the actual findings of fact were findings of fact by a Commission consisting of a sessions judge, an honourable member of this House, and the third gentleman was Mr. C. N. Mehta, who is also

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at present a sessions judge. The actual findings, therefore, are findings of fact which it would not be proper for us to question any more than we question the findings of fact in cases ultimately decided by the High Court. Government's position is this: that they must accept the facts as found, but if they find there are extenuating circumstances, then they have the authority, under the Criminal Procedure Code, to remit the penalty, if they think it is too severe.

We have had this particular case under consideration before. We recognised that a very serious offence had been committed, that the mamlatdar had been killed and his body burnt in the open in the village, and it was an offence which could not be passed over without a substantial punishment. We decided, therefore, to postpone further consideration of the matter, until a substantial part of the sentence had been undergone, and we came to the conclusion that that event would happen on the first of January 1926, when seven years would have expired from the the date of the sentence. The matter has been represented to me since, on more than one occasion by my honourable friends opposite, and I am quite prepared to take the matter up again now, and not wait the extra year which we ordinarily would have waited to expire, and go into the whole question again and consider whether it would not be possible for me to recommend the release of the prisoners at an earlier date than was originally contemplated. It is necessary for me to go through the papers, as they are somewhat complicated and long, and I have not had an opportunity of studying them during this busy sessions. I hope, therefore, the honourable member will be satisfied with my assurance that I will look into this matter again, as soon as we are free from the business of this session, and I will do my best to see that justice is duly tempered in this particular case, with mercy. I think probably that statement will satisfy my honourable friend, and it will hardly be necessary for him to press this resolution.

The Honourable the PRESIDENT: Is the honourable member satisfied with the statement made by the Leader of the House, and is he willing to ask for the leave of the House to withdraw his motion?

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO: Sir, I ask for leave of the House to withdraw my resolution.

Question put and leave granted.

Mr. R. D. SHINDE (Nasik District): Sir, the resolution which I wish to move is No. 2 against my name in the agenda, and it runs:

"This Council recommends to the Governor in Council that steps be immediately taken to readjust the territorial jurisdictions....."

The Honourable the PRESIDENT: In the first place, a question of procedure is involved. The Standing Order bearing on the subject, which would permit a second resolution to be taken up, is:

"Priority on the list will entitle the member to priority in moving that resolution to which he himself has given priority under rule 1 of the schedule."

That means that he is bound down to move his first resolution. But there is a proviso which says:

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"Provided that if a resolution to which priority is given under rule 1 is disallowed, the next resolution standing in the member's name may be moved in its place."

The point is that the honourable member would be entitled to move his second resolution only if his first resolution is disallowed. Now, with regard to the honourable member's first resolution, it deals with the extension of the Rent Act, and that is a matter which was disposed of only yesterday in connection with the honourable member Mr. Nariman's bill. I do not know whether I would be justified in disallowing that resolution, but having regard to the special circumstances of the case, I will follow the procedure which I adopted at the last session in the case of the second resolution of the honourable member Mr. Patil, and that is to get the consent of the House to allow the honourable member Mr. Shinde to move his second resolution. I think, in view of the fact that the first resolution deals with a subject which has already been practically disposed of, the House will consent to give the honourable member the option to move his second resolution.

Question put and leave granted to the honourable member to move his second resolution.

Mr. R. D. SHINDE (Nasik District): Mr. President, the resolution which I beg to move is as follows: -

"This Council recommends to the Governor in Council that steps be immediately taken to readjust the territorial jurisdictions of the subordinate judges' courts in the presidency so as to remove the inconvenience to litigants wherever possible."

Sir, in placing this resolution before the House, I do not think I would be justified in taking my full 30 minutes. I will content myself with a very brief statement of the reasons which have forced me to put this resolution before the House. Sir, the territorial limits of the civil courts in the presidency were fixed at a time as far back as the original establishment of the civil courts in the presidency, and in fixing those limits regard was obviously had to the then existing means of communication by road, by rail and by means of other conveyances. Since then we have the experience of the working of the courts for a long time, and that experience has brought to the notice of Government and the public very serious inconveniences to litigants, owing to the courts being situated at pretty long distances from the villages. Government had a number of such complaints during the last 20 years, and I think they had made some attempts to remove the most serious of those grievances by creating what are known as linked courts, under which system one sub-judge has to attend to two localities at stated intervals. He looks to the business pertaining to one locality for some time, and then goes on to the other locality. But this remedy which is, I might say, working satisfactorily, could not and cannot be introduced in cases where the number of villages concerned is very few. In some cases the villagers find that the distance from their homes to the courts is very long; it may be 30 or 40 miles, and to those honourable members who are practising pleaders in the mofussil, it is a daily occurrence that their clients do complain that, especially in the monsoon, the distance causes serious inconvenience, owing to want of proper means of communication. Some

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of the villages are not near the railway line, and there are no other conveniences but the country carts. In the district which I represent in this Council, there are a number of complaints as regards the courts at Pimpalgaon, at Nasik and at Malegaon, where some of the villages are so situated that the litigants have to go over 50 miles from their places to reach the courts, with absolutely no other means of communication except the country carts. Another matter which I must bring to the notice of this House is that, in addition to this state of affairs, the High Court have issued new orders, enhancing the process fees and the *bhatta* fees. As a result of these increased charges, the defendants or the plaintiffs have to pay for the attendance of the witnesses as also for the process, considerable amounts of money, and ultimately, as we find, it is the poor defendant who has to pay the cost as well as the claim, and the poor agriculturists have to suffer considerably. Government, as I have already stated, has been very sympathetic from the beginning, but no attempt has yet been made to investigate all these complaints wherever they are and to suggest action simultaneously. What my resolution asks Government to do is that they should call for reports from the district judges and they should be instructed to take the opinion of those who are interested in the matter, in order that the Government may become aware of the exact complaints as regards the territorial jurisdiction. After they receive such reports from all districts, I think it is high time that Government should take steps to remove this long standing grievance. My honourable friend the member for West Khandesh will bear me out that such complaints from his district have been before Government for the last 20 years. Under these circumstances, without taking more time of the Council, I wish to place my resolution for the acceptance of the House.

Mr. D. R. PATIL: Sir, I want to move an amendment. I want to add "criminal courts" after the words "subordinate judges' courts".

The Honourable the PRESIDENT: Have you given notice?

Mr. D. R. PATIL: I have got it here.

The Honourable the PRESIDENT: The resolution refers to subordinate judges' courts. The honourable member wants to add the words 'criminal courts'. In the words of Sir Narayan Chandavarkar, the honourable member is extending the scope and principle of the resolution. I do not think it can be allowed.

The Honourable Sir MAURICE HAYWARD: Mr. President, I am aware of the inconveniences which are caused to several villages by the present distribution of jurisdiction of the subordinate courts. I am also painfully aware that it is extremely difficult to please everybody in this matter. I have had a good deal of trouble in trying to do that in Sind as Judicial Commissioner; and also, later on, as touring judge of the High Court in the presidency proper. When I went on tour in 1919-20, this was one of the matters that attracted my special attention. I discussed it with various district judges in the various districts in which I toured,

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within the limited time allowed. As a result of the opinions collected, a certain number of alterations of the existing jurisdictions in order to remove certain inconveniences were made by Government on the recommendation of the High Court. I am also painfully aware that there is another difficulty in the way of making the necessary re-arrangements and that is the question of finance. It will be possible to make suitable arrangements if we increase the number of our courts. That of course means increasing the number of subordinate judges and their establishments; and it becomes a question whether the necessary funds would be available from the Finance Department and from this honourable House.

The administrative Judge of the High Court is proceeding on tour this year and informed me that he would be spending four months on tour and it will probably enable him to visit each district in the presidency proper. We are quite prepared to bring this matter particularly to his notice—if it has not already been brought to his notice—and ask him, during his tour, to make enquiries in each district he visits and see whether it would not be possible and desirable to make some re-arrangements to suit the better convenience of various villages under various subordinate courts. We shall also have to instruct him to remember that practical proposals must be limited by practical finance and the possibility of getting money from the Finance Department and this honourable House.

Therefore we have no particular objection to accept this resolution in the light of these remarks. I think, however, the word 'immediately' will have to be taken out as it would not be possible to immediately do anything more than refer the matter to the enquiry of the administrative Judge of the High Court. That much it is possible to do immediately. It is not necessary, I think, to say anything more on this matter.

The question proposed to be introduced by my honourable friend Mr. Patil is a different question altogether. It must be dealt with separately, as we are now dealing with civil and not criminal courts.

The Honourable the PRESIDENT: I should like to know whether the honourable mover of the resolution accepts the amendment proposed by the Honourable the Leader of the House. (Mr. R. D. Shinde nodded assent). The question put

"That the word 'immediately' in the second line of the resolution be omitted,"

and agreed to.

Mr. B. G. PAHALAJANI (Western Sind): I only rise to make a small request, Sir, on behalf of the province of Sind. When I do so, I am within the scope of the resolution before the House. I may bring to the notice of the Honourable Member in charge that the jurisdiction of the subordinate courts in Sind was fixed in 1886. From that time no change in the jurisdiction has been made. Correspondence over this matter has been going on for the last 10 years but it does not seem possible to accelerate the speed of the disposal of this proposal. I hope when the Honourable Member in charge has given an undertaking to the

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honourable mover of the resolution before the House, he will also extend his attention to the province of Sind.

The Honourable Sir MAURICE HAYWARD : We will be quite pleased to refer the matter to the Judicial Commissioner in Sind.

Mr. D. R. PATIL (East Khandesh District): Sir, I have not got much to say after the Honourable the Home Member has accepted the resolution. But I wish to suggest some proposals with regard to East Khandesh, so that they might serve as a help to the touring Judge who is to make the enquiry. Some places in Raver taluka find Yaval court very inconvenient. There is the obstacle of the river Tapti and villagers have to go by carts, and therefore Yaval court is a great disadvantage to them. Some villages in Raver taluka will find Bhusawal court to be a more convenient court. If an enquiry is made, the honourable member will be satisfied with what I say. Some places in Jamner taluka also will find Bhusawal civil court a convenient court. Of course these are some of the suggestions which I offer to the House. When enquiries are made every possible information will be available, but these are some of the facts which I would like to place before the Honourable the Leader of the House.

Mr. R. D. SHINDE : I do not wish to reply.

The Honourable Sir MAURICE HAYWARD : I have nothing more to say, except that East Khandesh is one of those districts which need not have been particularly brought to my notice at all.

Question put and carried.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I beg to move the resolution which stands in my name :

"This Council recommends to Government :

(a) that a committee consisting of 12 non-official and elected members be appointed to inquire into the whole administration and working of the Development Directorate, to suggest ways and means of effecting retrenchments and to report on the advisability or otherwise of continuing the schemes taken in hand;

(b) that the Development Directorate be requested to co-operate with the said committee and afford all facilities and help in conducting the said inquiry and in making the said report;

(c) that an independent officer or expert be appointed to help the said committee."

This resolution, Sir, which I have been able to bring on the ballot after twelve months' vigorous efforts, I hold, Sir, and the Council will agree with me, is one of the most important resolutions that will be considered by this House. I say most important, because looking at it from any point of view, financial or otherwise, it certainly is a department which this House should bestow more attention on and show more consideration to than it has done hitherto. There is no doubt that the Bombay Development Directorate is for the present rightly considered to be the most criticised as it is also the most advertised department of the local Government.

The first point I wish to urge before this House is not the financial aspect of the department nor the effect that it is going to have, but a constitutional point of some importance. It is not the first time that this

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constitutional point has been urged in this House: it was urged in the year 1921, when it was argued that this department in the ordinary circumstances should have been a transferred subject under the control and supervision of this House, at least as to the financial side of it, and there was a very interesting debate on that subject. I want the House to consider that point again. There is one important point in that consideration, and it is this. The Honourable the General Member, who now occupies the Government benches, on that occasion occupied the benches on this side of the House, and I want to lay great stress upon the opinion expressed by him on that occasion. That opinion is reported in the official reports, and it is that he agreed with the mover of the resolution that this department should be a transferred subject. I lay the greatest importance on that admission, because I should like to know how, with that agreement on record so recently made, he will venture to oppose a request which is much more modest and which asks for much less than that admission, namely, that the whole department should be a transferred subject. My resolution is only for the appointment of a committee to enquire into the administration to suggest retrenchments and not for the entire control over the financial affairs. It was argued on that occasion that all the activities of the Development Directorate should be brought under what is known as No. 6 of the Government department, that is the Public Works Department, which attends to road-making, buildings, buildings for industrial purposes and various other buildings, bridge-making, etc., all of which fall under transferred subjects. That was the argument urged on that occasion. The Honourable the General Member then supported that point of view. Unfortunately that debate was not taken to a conclusion, as the honourable mover of the resolution unfortunately succumbed to the temptation of a request from several parts of the House and withdrew the resolution. But the opinion of the Honourable the General Member expressed on that occasion is definitely on record. He has not withdrawn that opinion; at least there is no record of such a withdrawal. So, that opinion stands, and I must make use of it and ask the honourable House to consider that the Honourable the General Member as representing the city of Bombay then expressed one particular view. And now, I take it, Sir, having changed the seats probably he will change his mind. As far as I can see, he is not likely to accept the resolution but is going to oppose me. I am asked by some honourable gentlemen to ask for a reply from the Honourable the General Member on this point: I shall sit down silently and wait for a few minutes to have a reply from the Honourable the General Member. (*After a pause*). That was a resolution moved by Dewan Bahadur Godbole on the 18th March 1921:

"That the Council recommends that steps may be taken to make the Development Department a transferred department to be placed in charge of the Minister."

Here it is recorded: "Mr. Cowasji Jehangir...." I do not know why "The Honourable" is omitted—he was an ordinary member then, but all the same he was honourable. This is what he says:

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"My honourable friend has perhaps rightly pointed out that this is one of those departments that might well be a transferred department."

That is the remark unequivocally, unambiguously made; it cannot be mistaken; it leaves no loopholes for an explanation. If the Honourable the General Member wants to see it, he can see it. I do not want to keep it back from him: I want him to have it before him when he replies. I do not want to embarrass him by pointing out this inconsistency when he replies. I do not wish to create that situation for him. When he takes up the opposition, he might consider the views expressed by him very definitely on that occasion. I say, Sir, and I hope the Council will agree with me, that my present demand is much less than what the honourable member for Bombay on that occasion wanted. He wanted the whole department to be a transferred subject. I only want a committee of enquiry to make certain suggestions and to make retrenchments. Now, coming to the constitutional point again, I want the House to consider whether in view of the nature of the activities of the Development Department, under the ordinary rules of procedure laid down for this House that department does not come within the ordinary activities of the Public Works Department. If there were not a special department of Government making it a reserved subject, it certainly would have ordinarily come under the Public Works Department and as such would have come within the purview and the general control—at least the financial side of it—of the whole House. But on the very initiation it is interesting to read, Sir, from the very history of the Development Department given by the Director:—"In the year 1919 the Municipal Commissioner reported after making certain enquiries that the condition of housing in Bombay was so miserable that there was an urgent necessity of at least 50,000 more single-room tenements in the city and it was urgently pressed upon the Government that they should take steps immediately to relieve that first necessity of the city, namely, to provide for the 50,000 one-room tenements in the city". And apparently, the primary object of starting the Development Directorate, as far as we could see from the speeches made on its opening, the primary object of the Development Directorate, was to supply this primary necessity of 50,000 one-room tenements for the poor classes who were deprived of their natural amenities, namely, sufficient light and sufficient accommodation. Unfortunately, the original object was not adhered to, and if the original activities had been confined to providing only for the poor classes 50,000 one-room tenements, it certainly would have had the sympathies not only of this House but of all the members of the public, who really sympathise with any object or action taken to relieve the distresses of the poor. But the original object was forgotten and they drifted into what now appears to be the primary object, namely, to provide for the wealthy classes by reclaiming considerable land—about 1,100 acres—from the sea and to provide accommodation for the large commercial business firms in Bombay. I would also point out from the original speech that was delivered by His Excellency the then Governor, while he moved the first reading

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of this bill—the Improvement Trust and Municipal Bill—whereby this Development Directorate was constituted, that it shows, Sir, that the object of the Government was then to remove this department as far away as possible from the trammels of this House in order to expedite the work and in order that it may not be trammelled by this House. By that I suppose is meant the difficulty and the trouble of putting each item to the vote of this House. In order to remove that trammel, a special department was created and it was specially made a reserved subject. But I would point out from the latest report of the Development Directorate how far they have departed from the original object, namely, to provide 50,000 one-room tenements for the poorest citizens of the city. Have they adhered to the original object ? No. The object, the primary object, for which the department was supposed to have been created was considered to be a secondary issue. I would refer, Sir, to the Development Directorate Report for the year 1923 which will clearly show, Sir, that the tenements which have been erected by the Development Directorate at such enormous cost have unfortunately cost the Development Directorate such an enormous amount that it is not possible to let them to the poorest classes for whom they were intended. The economic rent comes to Rs. 15 per tenement, but in order to enable the poorer people to come in and occupy them it has been reduced to Rs. 10 and to provide for the loss which would be incurred on these tenements they have arranged for special taxation. On every cotton bale imported into Bombay one rupee tax has been provided for for meeting the loss. In spite of that, I would ask, Sir, the honourable members who are acquainted with the conditions of life of the poorest classes of Bombay whether they would agree that a Rs. 10 tenement is a tenement of which opportunity or advantage could be taken to occupy it by the poorest classes, the workers, in the Bombay city. We all know, Sir, that the rent that they could pay could not go beyond Rs.4, Rs.5 or Rs. 6, and the Development Directorate recognised all that, Sir, and they came to the conclusion that since they could not provide for the poorest classes because the expenditure in erecting the tenements has come to more than was anticipated and they were not cheap enough for the poorest classes to occupy they could solve the difficulty by saying that the Development chawls could be occupied by those who can afford to pay the rent, but the poor people would be benefited because the premises that would be vacated by those occupying the Development chawls could be occupied by the poorer people. This report on the working of Development Directorate for 1923 contains the following statement:

"It is not possible to construct, at present prices of land, materials and labour, modern sanitary buildings with large open spaces, such as those at Worli, at the same economic rent as the older types, and the additional accommodation now being provided will naturally be occupied by those who can best afford it, which will set free a number of the older, cheaper, rooms for the poorest classes."

I want this to be very carefully noted, Sir. The House that gave sanction to the original scheme was very much moved by their sympathies for the poorer classes, by the belief that the poorest inhabitants were greatly in need of one-room tenements and that the Directorate was

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started specially with a view to construct such buildings to provide residences for the poorest inhabitants of the city. Now we come in the year 1923 to an admission by the Director himself which goes to show on their own admission that the economic rents were so high, and that they could not fix them lower, that the loss to be incurred has to be made up by special taxation, and they say that those rooms should be occupied by those who can afford to pay the rent and the poorer people could occupy the remaining rooms which would be vacated by their going to the Development Directorate chawls. This is important because I am sure, in trying to oppose this resolution, the Honourable the General Member will say that it is the duty of the representatives of the various people to come to the rescue of the poorest classes who are in need of decent accommodation, and that that is not what the Development Directorate is going to supply.

Now, Sir, even if constitutionally my position is challenged and the Honourable the General Member is prepared to show to the House that it does not come within the purview of the Public Works Department and is a reserved subject, still I maintain, Sir, again on the authority of the answer given by the General Member himself, that we are entitled as representatives of the people to ask for this demand, and I think it will be very unwise, impolitic and unjustifiable to refuse this demand, which is merely a demand for enquiry into the administration and working of a department in regard to schemes in which crores of rupees of the public money are spent. The Honourable the General Member stated in reply to a question in Council that the department was worked on purely commercial lines. That reply will be found in our official debates, Vol. XII, Part III, page 248, when there was a question raised about a book published by St. Nihal Singh at the instance of the Development Directorate. The General Member defended that action by saying that the department is worked on commercial lines. Now, Sir, all those honourable members who know what is a commercial line will agree with me that whenever a department, or whenever a concern is run on commercial lines, that department, the directorate of that department, has got certain responsibilities and liabilities as well as certain privileges. We know, Sir, what are the responsibilities and privileges of commercial concerns in Bombay. They are provided for in an Act provided by Government. Under the Companies' Act every commercial firm or commercial concern is bound to place every year before the shareholders, investors or their representatives, the true state of affairs of the company, to take a vote of the general body of shareholders on the state of affairs, to show what the profit is and what the loss is, and to submit their own elections (directors') at particular periods to the shareholders and, if they are not elected, the directors walk out. It would be impossible for a Government Department to submit to all the commercial technicalities, but if they want to run or work this department on commercial lines, how can they deny the right of inspection to shareholders, or as I may call the honourable members of this House, the representatives of the shareholders who are the rate-payers of the city of Bombay or the presidency of Bombay, who have

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invested crores of rupees in this scheme, who have invested 25 to 30 crores of rupees of public money in this scheme, when such a right is given to shareholders of smaller concerns with a capital of 5 or 10 or 50 lakhs? Will the Honourable the General Member or the Government benches deny the right of investors or representatives of investors who have invested 30 crores of rupees to make enquiries about the working of the department or to suggest improvements for retrenchments or to find out if there are any ways whereby any savings could be effected, apart from the merits of the Development Department? Supposing the Honourable the General Member is prepared to satisfy the House that the Development Department is going to work at a considerable profit, is going to be a very profitable concern even commercially (of which I know several members on this side of the House entertain serious doubts), admitted that the whole scheme is going to be a profitable one, still how can they deny the right of enquiry, not the right of dictation, not the right of interference with the internal management and the right of even controlling the finances, but the mere right to enquire as to what is going on, if I may be permitted to say so, behind the screens, as to what is being done with 30 crores of public money which has been subscribed or which is to be subscribed? As I said, Sir, coming to the fact whether it is going to be profitable or not, this unfortunate department was started at a time when, I may be permitted to say, the whole presidency or the whole country was suffering under a sort of boom rage. It was a period, Sir, when everybody thought of profits, huge profits, and nobody thought that there might be a reaction, nobody thought of losses in the years 1920-1921 which were the most abnormal years that have ever come either in the city of Bombay or in the whole presidency, and it was then that this unfortunate, this ill-conceived scheme was thought of and undoubtedly and naturally, the framers of the scheme only thought of huge profits as every investor of those days thought of profits and profits alone. Nobody thought that he was investing thousands or lakhs of rupees which were going to dwindle down into nothing after two or three years; nobody thought that the reaction which was bound to set in would set in in the case of this boom as in the case of all booms, and therefore their calculations, their forecasts and all their predictions made on the supposition that 1920 and 1921 would be followed by further years of boom, have gradually come to be either false or inaccurate. The only way to judge now is from the land which is actually developed. It is impossible for us to say at this stage what is going to become, whether the Backbay reclamation is going to be a dead waste or whether it is going to be profitable, but we can judge of the future from our experiences of the present. I will point out in the course of this debate, if the Honourable the General Member will let me have the book, what Sir Chimanlal Setalvad trying to defend as the then General Member stated with regard to the Salsette Scheme. He said that that scheme was going to be a profitable proposition. He said so in 1921 (not several years ago). Now, look at the very gloomy, despondent and despairing report made about that scheme now. Government will not have the courage to say at once

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that particular schemes are serious losses, that they are going to result in a financial disaster for the city of Bombay or for the presidency of Bombay, but reading between the lines you can see, Sir, that page after page contains nothing but the most despondent, disappointing and despairing reports about the Salsette Suburban Development, only three years after the statement made by a responsible member in charge of the department who took it for granted that the boom of 1920-21 was going to continue for a number of years. What does the Department itself say now about this Salsette Suburban Development? The report made by the department states that there has been almost complete stagnation in the property market, the primary cause being the inevitable slump following the abnormal period of 1920—a very serious confession by the department itself. During the speculative period of 1920 all land, in a majority of cases, was bought by the speculators only to pass it on quickly and to make as much profit as possible from other equally ignorant speculators. In fact it was a huge gamble, which resulted in the inevitable disappointment of those participants. The boom did not live long and the purchasers of land began to sell it off at the best possible price and so the majority thus left with land bought at high prices are apparently holding out for better prices as the prices now obtaining are not half of those prevalent in the year 1919-20. Page after page makes nothing but a disappointing, despondent and miserable reading, most painful to be read either by investors or anybody else. In some cases the department has been able to sell one plot of land, in another case there has been an absolute stagnation, no sale at all, in some cases like that of the Suburban Scheme No. 2, we find that the capital expended is being met from the four lakhs per annum set apart from the cotton cess to cover losing schemes in the suburbs. I would ask honourable members to note the state of things in 1923, namely, that with the exception of one or two solitary instances we cannot lay our finger upon a single scheme which shows any prospects of profit being made or prospects of future development for the benefit of the people, particularly after the statement made by the then General Member who took it for granted that Salsette was going to be a paying concern. I do not think the Honourable the General Member can maintain that position today and he will be forced to admit that Salsette is not a paying concern so far. It will be very interesting to find out how many lakhs of rupees have been invested in this suburban development and how much has been realised. All the land that was lying waste has been . . . .

The Honourable the PRESIDENT: I should like to draw the honourable member's attention that he has only a couple of minutes more in which to conclude his speech.

Mr. K. F. NARIMAN: In that case, Sir, I will not refer to that matter, but I will draw the attention of the House to this report that is supposed to supply all the information which is usually supplied by commercial companies to their investors, and if you look at it we wonder whether this is a book supplied to investors or to their representatives in this

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House with a view to giving them information or instruction or with a view to entertain their children at home. This is a book, Sir, with eleven pages containing nine pictures. Nine pages are taken up by pictures, and in the remaining there is some entertaining information. But I am sorry to state that this book not only does not give the required information but gives absolutely misleading information. For instance, when it comes to cement contracts it says the affairs are very satisfactory, never stating what is the financial loss on these contracts. I think we are more interested in knowing how our financial concerns are managed, where a particular dredger is working, whether it is working or is not working and, if it is working, whether it is working satisfactorily. The whole book deals with the description of pictures of bungalows, dredgers, works, and fine roads and beautiful gardens. I do not suppose that it is going to throw any light upon the matter. But, Sir, the audit report of 1922-23 throws some real light upon the internal working of the Development Directorate. I will refer to pages 11 and 12.

The Honourable the PRESIDENT: The honourable member has only three minutes more.

Mr. K. F. NARIMAN: I wanted to touch the establishment.

The Honourable the PRESIDENT: Surely the honourable member knew that he had the time limit of 30 minutes and I am allowing him 34 minutes. If he wants one or two minutes more I will give him that indulgence.

Dr. M. B. VELKAR: On a point of information; if the House agrees to Mr. Nariman going on for some time, cannot he be allowed to go on?

The Honourable the PRESIDENT: It is not the function of the House. He has got 30 minutes. I will as a special case allow him up to 5 minutes past 4. That means ten minutes more. The time of the House is very important and I have got to see that it is very usefully occupied.

Mr. K. F. NARIMAN: Sir, I will only avail myself of this indulgence given to me; I am showing the extravagant manner in which this department is working and particularly the establishment. In reply to a question from one honourable member we have been told that there were 25 posts carrying more than Rs. 2,000, and out of them 19 were allotted to Europeans and the rest were distributed among Indians and amongst Europeans,one honourable member from the non-Brahmin party pointed out that one gentleman without any qualification at all was given Rs. 2,000. Now, Sir, when the whole country has been crying for Indianization and various efforts have been made all over the country to try to Indianize the services, it is deplorable to find that the department worked under a distinguished Indian gentleman should be worked in this manner and this important privilege of Indians should be entirely neglected. Does the Honourable the General Member mean to suggest that there were no Indians duly qualified even with English University degrees that were found fit to occupy the post of rupees two thousand and upwards which

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was given as a sort of patronage to a European gentleman without any qualification ? It was stated by way of explanation that that gentleman had some experience, but the most scandalous part of the whole affair which I wish the House to know is the agreement that is known as agreement of commission charged by the Consulting Engineers Messrs. Meik and Buchanan. I am constrained to call it as mere jobbery. I am constrained to say with a full sense of responsibility that it cannot be said to be anything but jobbery. This firm of engineers, if you will look at the budget, has been drawing nearly one lakh and fifty thousand rupees annually from the Development Directorate which comes to a salary of thirteen thousand rupees per month, a salary that the highest officer in the administration is not at present getting. One lakh and fifty thousand rupees every year is drawn by Messrs. Meik and Buchanan, under an agreement of doing work. Look at the conditions of the agreement with these gentlemen. They are supposed to come here every year particularly to supervise the work. If you read their report you will see that they as experts are hardly expected to interfere here. Twelve to thirteen thousand a month for a firm of engineers in England which comes to nearly 13 lakhs of rupees which are provided for the consultation. Even I should say from this document itself that it is a scandal of a nature which, apart from any other circumstances, is enough to call for a public enquiry because if you see, Sir, the nature of work done by them, what is more scandalous is this, these consulting engineers are supposed to be engineers who are to direct the purchases made by the Development Directorate in England. And on their own recommendation they are supposed to have their commission of two per cent. on the machinery purchased on their own recommendation and 1½ per cent. on the local purchases. Sir, this is the way the work is carried on. The stores and machinery purchased through them adds to their commission ; even on the dredger Kalu which has been transferred from one Government department to another, whether in good condition or not, they have been awarded their commission, which comes to several thousand rupees. Another scandal which has come to light is 9 lakhs of rupees which are debited to the Development Department by Government Surplus Stores. Public suspicion is that that could not be disposed of anywhere else, so they were dumped here and the dredger Kalu which has been bought for the value of 7 lakhs of rupees has not been working yet. And according to the report of 1921-22, large sums of money have been spent, in reconditioning this dredger.

Unfortunately the time at my disposal is too brief to narrate one after another the serious scandals which are publicly described as public scandals of the Development Department, and I am sure that on this side of the House there will not be one responsible honourable member who will deny the right to discuss and enquire into this matter. I am prepared to point out that the cement contract, of which a bungle has been made, ultimately is going to result in a loss of over a crore and 50 lakhs of rupees, and it appears that they have entered into a contract of rupees 65 to 80

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per ton whereas the present rate, I am prepared to prove, is from Rs. 30 to 55. So, we are paying Rs. 30 to Rs. 40 more per ton and are purchasing sixty thousand tons every year suffering a loss of nearly 12 lakhs of rupees. (The Honourable the General Member indicated dissent.) My honourable friend is shaking his head, but, if he gives an opportunity, I am prepared to accept the challenge. So far as the consumption is concerned, the consumption is forty to fifty thousand tons for which the additional cost would come to nearly fifteen lakhs a year, which will come to 1 crore and 50 lakhs in 10 years thrown away absolutely. I am throwing this challenge on behalf of the public. I want an enquiry. If you deny the enquiry, you compel us to suspect you and if you want the suspicion to be removed, it is to the interest of the department not to shirk this enquiry. My honourable friend the General Member tells us that he is prepared to give any information if we would go to him. I submit if he is prepared to give any information to us individually, where is the objection to give that information to a group of gentlemen asking for that information and making suggestions, and if he is not prepared to accept this suggestion, the inference drawn will be adverse to the department and it will confirm public suspicion.

Question proposed.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I am quite against such enormous projects being undertaken until the Government becomes really responsible to the people. Just now, this department is made a reserved subject, and every pie that it spends will have to be spent through the High Commissioner in England, and we have no control over the spending of money outside India. If they have to spend a single pie, they will have to spend it through the High Commissioner, and consequently, the result will be that heavy losses will be entailed by this indirect process of buying materials that are necessary. If we read the history of this development scheme, we find that from the beginning to the end lakhs and lakhs of rupees have been invested in the purchase of materials in England. Only the day before yesterday, there was the question of the steel pipes. Steel pipes of longer diameter than were required, a consignment worth Rs. 2,50,000, were bought and they are at present lying unused, and they cannot be disposed of without undergoing heavy losses on the transaction, and more money had to be spent in the purchase of steel pipes of the required diameter. If we examine each and every item of these purchases, we find that they are not under the control of Government. The taxpayers have to suffer very heavy losses on exchange charges. Even in the year 1922, on page 43 of the Appropriation Report, we read the colossal figure of Rs. 13,44,10,000 as loss on exchange. Similarly, in the budget placed before us during the last budget session, we find so many items showing the figures of expenditure in England and the loss on exchange. On pages 132 and 133 of the budget we have "English expenditure Rs. 1,02,500 and Rs. 50,450 for loss on exchange"; another item includes English expenditure of Rs. 10,460 and Rs 5,100 for loss on exchange; another item is Rs. 2,000 for

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English expenditure and Rs. 980 for loss on exchange; and it is stated that for the current year the expenditure in England would be about Rs. 13 lakhs and the loss on exchange in the current year also would come to about Rs. 7 lakhs. Now, the scheme is so paying that it does not pay even the charges for sinking fund, much less the other charges.

The Honourable Mr. COWASJI JEHANGIR: Which scheme?

Mr. J. C. SWAMINARAYAN: All these schemes. I find that Rs. 9,39,000 are provided to meet the sinking fund charges on the development loan itself. Page 7 of the Appropriation Report gives this figure, namely, for 1922-23 sinking fund out of development funds Rs. 9,38,933. Now, on the credit side, if we see what is realised by the sale of lands that will come into existence, we get only Rs. 6,37,000; that sum is not even sufficient to make up for the sinking fund charges, much less for the heavy interest charges which will have to be ultimately borne by the taxpayers of the Bombay presidency. I put special stress on this point. If such schemes become failures, and do not bring in the income that is expected from them, as in the case of the Back Bay reclamation scheme, the losses will not have to be borne by the commercial classes, because the taxes from the commercial classes go direct to the Government of India. Not a pie is received by the Bombay Government out of the income from income-tax and super-tax. Those incomes go direct to the Government of India; the income of the Bombay Government is being made up mainly by the land tax, and the losses from such schemes will ultimately have to be borne by the cultivators of the Bombay Presidency. Therefore, we, as the representatives of the cultivators, must be very wary in checking such unjust expenditure. In the last year also it was expected that Rs. 77 lakhs would be had from the sale of land, but actually we find that they could not sell land worth more than Rs. 27 lakhs. Taking it for granted that there are 20,000 tenements I wish to know whether all of them have been occupied.

The Honourable Mr. COWASJI JEHANGIR: They are not ready.

Mr. J. C. SWAMINARAYAN: At the time of the budget my impression was that there was no demand and at least 20,000 tenements would be brought into existence, and that further programme would be stopped if there was no demand for houses. Supposing 20,000 houses are brought into existence, as has been pointed out by my honourable friend from Bombay, there will be a loss of Rs. 5 on each tenement. That means that the loss on the 20,000 tenements per month will be one lakh and for one year it will come to twelve lakhs of rupees. The proceeds of the cotton cess that is being allotted to this department comes to about 19 lakhs. A major portion of that income will be consumed by the loss incurred in this department. Then you have to pay the interest and the sinking fund charges. How will all these expenditures be ultimately profitable? There is a proverb in Gujarati that the turban is bigger than the head. Here the turban is bigger than the head. The establishment charges come up to 33 lakhs. They cannot show on the income side on account of the sale of plots the same amount. This 33 lakhs of expenditure includes

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salaries and other items like commission to Messrs. Meik and Buchanan as pointed out by the honourable member for Bombay (Mr. Nariman). They have not got the return for the expenditure. They are now advertising the plots by engaging the services of expert journalists like St. Nihal Singh. Nice books have been prepared and they have been distributed in large numbers; still these plots that have been brought into existence are not being sold. The real cause for this is stated on page 8 of the Appropriation Report:

> The receipts on account of sale of land during 1922-23 fell considerably short of those expected during that year. Owing to the trade depression there was practically no demand for land and consequently the programme of further development has been greatly restricted.

We do not think those restrictions have been made. We have now got the establishment costing about 33 lakhs of rupees a year and further this expenditure is being pushed forward. The fact is that the Government entertained great hopes of selling the lands reclaimed in the Back Bay at a high price. They estimated the area at 1,200 acres. But I think they are mistaken in that idea, because if we now look at the properties adjacent to the new land, that is, the properties on the Ballard Pier, they do not give even 1 per cent. return on the investment. But the Honourable the General Member will turn round and say that they paid speculative prices and they were fools. What about Government? They are also pursuing the scheme at that high rate of expenditure and they are also equally fools. We are also fools who for the present co-operate with Government in this wasteful expenditure. The prices of land are falling down. Properties which were worth 10 lakhs do not even fetch 2 lakhs. Plots like Morarji Goculdas Market which were worth 50 and 60 lakhs will not fetch even one-fourth of that price and even if it is offered for sale at that price there is no demand for them, on account of trade depression. Why then paint this lurid picture about the reclamation scheme and get into the mire? To pursue it further irrespective of the fact whether it is profitable or not would end in a great disaster to the finances of this presidency. Therefore I suggest that this Development Department must cease to exist, so that the charges on the establishment will be a saving to the finances of the presidency.

If you want to continue this scheme, let it be in the hands of an Indian agency. Let it take more time. Why should it not be conducted by the Public Works Department? If it is conducted by the Public Works Department, we need not have this costly establishment, which is a hindrance to the development of this presidency. Yesterday there was a resolution for giving help to the people of Kanara. Extreme calamity has happened to the agriculturists on account of floods. Our cultivators will not ask for help unless they are faced by extraordinary calamity. At that time the Honourable the Finance Member grudged to give loans without interest for purchasing bullocks and seeds. Here we have a loss of interest, losses on account of exchange; so many losses are being incurred and these are being thrown to the winds. If a tenth of the expenditure incurred on the Development Department is spent on the

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people of this presidency there will be a greater return to the Government and a greater return to the country. Therefore, please let the money be invested in the development of the presidency instead of sinking large sums of money in a scheme which will not bring adequate return but will bring financial disaster to the presidency.

Sir LAWLESS HEPPER: Mr. President, the necessity or otherwise of appointing a committee to enquire into the whole administration and working of the Development Directorate is hardly a matter with which I, as head of the Directorate, can appropriately deal. I shall therefore confine myself to some remarks dealing with the terms of reference to the proposed committee, which terms indicate, I think, the main lines of criticism which has been brought forward against the work of the Development Department. I do so, not with any idea of baulking enquiry but in order to remove misapprehensions which inaccurate statements may have caused.

Before proceeding with this part of my speech, however, I should like to refer to one or two specific points which have been raised in the speeches that have already been made. I will refer first of all to the contract for the supply of cement. This contract was entered into in 1922 at a time when the price of cement, both Indian and imported, was very high. Government were anxious to utilise Indian cement if possible and, in order to ensure a continuous supply of uniform quality, it was decided to call for tenders for our requirements, up to a maximum annual limit for ten years, and tenderers were given the option of quoting a fixed rate or, in the alternative, a rate based on actual cost *plus* a percentage for profit. Owing to the uncertainty as to the course of prices of labour and fuel over a period of years, the tenderers were unable to quote a fixed rate, and the offers received by Government were all on an actual cost *plus* percentage basis. Government finally accepted a tender received from a group of four Indian cement companies at a rate equal to cost price *plus* 15 per cent., subject to very stringent conditions as to the inspection of the cement at the works prior to despatch, and to examination of the company's books by a Government accounts officer in order to verify the actual cost of cement in each year. In the first year the contract was favourable to Government, but during the last 12 months the price of Indian cement has been steadily going down, because, owing to trade depression, the demand for Indian cement has fallen considerably below the combined output of the Indian factories, and some concerns have been selling cement at, or even below, cost price, in order to keep their plants running. Under these circumstances, Sir, there is no doubt that if we were free at the present moment we could, taking advantage of the temporary difficulties of a struggling Indian industry, obtain cement at a substantially lower price than we are actually paying. But the present state of affairs cannot continue indefinitely, for no industry can go on selling practically the whole of its product without any profit, and some economic adjustment is bound to occur. Taking the ten years as a whole I see no reason to suppose that,

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in the long run, the contract will work unfavourably to Government. In any case the contract was a perfectly straightforward business proposition; and was approved by the Government of Bombay and by the Government of India, whose sanction was necessary to the cost price *plus* percentage arrangement. It was considered that on the whole, apart from temporary fluctuations during the period, the contract was likely to work to the mutual benefit of Government and of the Indian cement industry.

The question as regards the fees paid to Messrs. Meik and Buchanan has, I think, already been discussed threadbare in this Council. It is a legal liability which Government accepted before the Development Directorate was formed. But it is common knowledge that, in the case of large engineering works, it is the custom to employ consulting engineers and to pay them a percentage on the cost. As the cost of the Back Bay Reclamation is very considerable, it is natural that the payments which will be made to Messrs. Meik and Buchanan during ten years or so that the work is in progress will be high.

Then, Sir, in connection with the chawl scheme, the honourable mover has implied that Government started building the chawls for the poorest classes under the impression that they could obtain an economic rent, and that finding that they had made a mistake, they proceeded to tax cotton in order to cover the difference. I think, Sir, that that is not a correct appreciation of the position. It was recognised, from the very commencement, that it would be impossible for the tenements to be let at an economic rent. The chawls were not intended for the poorest classes; they were intended for the working classes, mainly for the mill hands; and they are actually occupied to the extent of 92 per cent. by the working classes, and over 62 per cent. of the tenants are mill hands. The Cotton Cess Bill was passed in August 1920, some six months before any chawl building was taken in hand, for the definite purpose of covering the loss which it was known must occur in letting the tenements at a rent which the working classes would be able to pay.

Then, Sir, we have the case of the dredger "Kalu". This dredger was one that was bought originally by the Port Trust for carrying out the Mazagaon-Sewri reclamation. It was afterwards sold in 1916 to the Government of India who sent it up to Basra and employed it on some work there. It was afterwards brought down to Bombay and was laid up in the harbour in charge of the Port Trust who undertook to maintain it on behalf of Government. At the time the dredger "Sir George Lloyd" was purchased for 40 lakhs of rupees, a new dredger of the size of the "Kalu" would have cost something over 30 lakhs of rupees. Government decided to purchase the "Kalu", which was a second-hand dredger, for 7½ lakhs, knowing that it would require to be reconditioned before it could be used. There was no intention of utilising the dredger at that time because it could not be brought into use until a sufficient amount of the sea-wall had been completed. That has now been done, the dredger has been reconditioned and it is now in perfectly good order,

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and it will be brought into use next month. I submit, Sir, that in purchasing this dredger at the price they did, the Government of Bombay did not make at all a bad bargain.

The question of steel bars had been referred to by my honourable friend from Ahmedabad; he said steel pipes, but I think he meant steel bars. This is a trifling mistake of which a great deal has been made. There was no loss to Government, because the use of a larger section of steel enabled the engineers to reduce the quantity of cement in the concrete used in making the piles, which fully compensated for the higher cost of steel. There is not likely to be any loss to Government on any steel bars that may be surplus because this English steel was imported free of duty, and the duty on English and continental steel, as members of this Council are aware, has been increased to 33 per cent.

I will now, Sir, return to the terms of reference to the proposed committee, and will deal first with the question of retrenchment, in which I take it, establishment charges are included, because it is a criticism frequently advanced, without any proof, that the establishment charges of the Directorate are excessive. The facts are as follows: On the whole of the operations of the Development Directorate, up to the 31st August 1924, the actual charges for establishment and tools and plant amounted to 9·86 per cent., in the case of the Reclamation Scheme the corresponding figure was 5·97 per cent. This does not include tools and plant charges, because the Reclamation Scheme has special plant which is charged to works; nor does it include the 2 per cent. commission which is paid to Messrs. Meik and Buchanan. Now, I do not see, Sir, that because Government have agreed to pay 2 per cent. to Messrs. Meik and Buchanan, it enables me, in any way, to reduce the staff that is employed in carrying out the actual work. But I am quite prepared to take on this 2 per cent. and raise my figure to 7·97, or say 8 per cent. (*An Honourable Member:* For machinery?). In the housing schemes the actual cost of establishment, tools and plant, up to the 31st August 1924 amounted to 6·77 per cent.; and in the case of the suburban scheme the percentage at that date was 21·90. The higher figure in the case of the suburban scheme requires explanation, and it is this. When the Development Directorate was formed it was decided to transfer to it, as a matter of administrative convenience, the whole of the Revenue establishment in the Suburban Division. The percentage in this case, therefore, includes not only the cost of establishment required for works, but also the salaries and allowances of the Collector, the deputy and assistant collectors and their establishments. This naturally results in a much higher figure for establishment charges than one calculated on works establishment only. I submit, Sir, without fear of contradiction by any one familiar with the usual percentages for establishment charges, that the figures I have quoted do not justify the charge of extravagance in the establishment of the Development Directorate.

Then, it is said that in view of the fact that the demand for land in the suburban area has not come up to expectations, drastic retrenchments,

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both in the establishments and works should be effected. I believe it can safely be claimed that this policy has already been followed by Government, and that they have not been blind to the changes in the industrial and financial position in Bombay between the inception of the various schemes and to-day. The policy of Government in this connection was fully explained by the Honourable Member in charge of the department at the session of this Council held in Bombay last March. It was also summarised in the opening paragraph of the report of the Development Directorate for the year ending 31st March 1923, where it was stated that the policy of Government in regard to suburban development, both for residential and industrial purposes, is to proceed cautiously, pending improvement in communications and trade conditions, and the resulting creation of a greater demand for land outside Bombay. During the last twelve months work in residential suburban schemes has been almost entirely closed down, and the staff has been very considerably reduced. Before the reductions were taken in hand, the establishment in the suburban area, including the Revenue establishment, amounted to Rs. 4,48,000 per annum. During the past year retrenchments totalling Rs. 2,40,000 per annum have been effected,—a reduction of over 50 per cent. It is hardly possible to cut down the establishment much further. For, besides the preparation of water and drainage schemes at the instance of local authorities, there is a certain amount of actual work in hand in connection with road-making in town-planning schemes, which is paid for by the owners in the schemes, and in connection with the supply of water to existing suburbs, expenditure which is covered by the sale of water. In addition to the savings which have been effected in the suburban area, the slowing down of the industrial housing programme has enabled a saving of Rs. 80,000 per annum to be made in the establishment of the housing division. In regard to the larger question of retrenchment,—I mean the cutting down of total expenditure—it is anticipated that the revised figures for the current year will show a reduction of about Rs. 60 lakhs on the budget grant, of which Rs. 10 lakhs is on account of establishment, contingencies, etc. The honourable member representing Ahmedabad referred to the budget figure for establishment and contingencies as being Rs. 33,60,000. The revised figure is expected to be Rs. 23,58,000.

Having dealt with the question of retrenchment, I will turn to the other part of the reference to the proposed committee, that is, the advisability or otherwise of continuing the schemes taken in hand. Reclamation, housing and suburban development may be taken to cover the whole work of the Development Directorate, and I will deal with each of these as briefly as I can. I believe it will be obvious and admitted that the Back Bay Reclamation can neither be curtailed nor eliminated from our programme. The lines and amount of reclamation are fixed and determined by the sea wall, and of the four miles which make up the total length of this structure some three miles are already completed. Does any one really imagine that it would be possible, or anything but ruinous and disastrous, to stop the work at this stage? So far the work

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has been mainly preparatory, and the actual reclamation, that is, the production of reclaimed land, has scarcely begun. But the whole of the preliminary work has been completed and all the expensive equipment has been purchased. Is all this work and plant, on which Rs. 4,37,00,000 (including interest) has been spent up to 31st August last, to be scrapped and thrown away, just at the stage when it is beginning to accomplish its purpose? It is not that the previous state of affairs in Back Bay could be reverted to if the work were stopped. You will have damaged Back Bay, without replacing it by the new and equally beautiful curve which the Reclamation Scheme gives it. The Marine Drive, the open spaces and playing grounds will never materialise; nor will the sites for residences, for offices and public buildings. To stop the reclamation now would mean to throw away all the money that has been spent; to abandon all possibility of profit, or of even recovering the expenditure incurred; and to deny to future generations the room for expansion, and the amenities, which this great scheme is designed to afford.

The facts regarding the industrial housing scheme are equally clear. The 17,000 tenements commenced are being completed, but Government have decided not to proceed further with the programme until these 17,000 tenements are actually ready for occupation, and it has been shown that there is a demand for them. The loss on the housing scheme is being met from the income derived from the cotton cess specially provided for the purpose, and there is therefore no element of speculation in connection with this scheme. The chawl is not an ideal solution of the problem of the housing of the working classes, but unfortunately, owing to financial limitations, no other practical alternative appears to be possible. I can hardly believe that it will be seriously proposed that the housing scheme should be permanently curtailed, if it is shown by experience that a further demand exists, and provided the loss on a more extensive programme can be financed.

I now come to suburban development. I am aware that opinions differ as to the relative importance of the several sections of the Development Scheme. But speaking for myself alone, I am of opinion that the development of the suburbs is likely, ultimately, to be productive of even greater benefits to the mass of the people of Bombay than either the reclamation or the housing schemes. It is, I believe, the natural form which the expansion of an overcrowded city should take, as it is in the suburbs alone that land is sufficiently cheap to make it possible for the middle classes to own homes of their own in healthy surroundings. Moreover, whilst the suburban development benefits the middle classes directly, it indirectly assists the lower and working classes, because the gradual migration of the middle classes to the suburbs will set free existing accommodation in the city which will gradually become available for those whose lack of means compels them to live near their work.

Honourable members may have been alarmed by the plans issued with the annual reports showing the layouts of extensive suburbs. It is

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however necessary to prepare these layouts so that development may proceed, when required, according to an ordered plan. But actually, only a few roads have been constructed in each scheme, and further expenditure will only be incurred when a demand arises for building plots in excess of those which have already been made available.

In addition to the cautious policy which is being followed in schemes already started, Government have decided in view of the changed conditions to which I have referred, to de-notify some 3,000 acres of land in the suburban area, which had been originally notified for acquisition, and orders are being issued accordingly.

Taking development as a whole, it is not a form of investment from which immediate returns can be expected at the best of times and when, as has happened, a slump succeeds the initation of the scheme, there are naturally those who have misgivings. But I would like to suggest to this Council that the successful investor is not the man who sells out his holdings immediately the market temporarily goes against him. In the interest of the city, and of the future generations, I personally should much regret if the policy of Government in regard to suburban development, cautious and limited as it is, should be further curtailed.

Mr. G. B. PRADHAN (Thana and Bombay Suburban Districts): Sir, I rise to support the resolution moved by my honourable friend from Bombay. I do not for a moment understand the opposition on the part of the official benches. I curse the day when this Development Directorate came into existence. As a matter of fact I wish to say a few words about the contract that was signed with Messrs. Meik & Buchanan. This contract was actually signed after the coming into existence of the reformed Council. The sanction of the Council was never taken to it. When it was pointed out that the sanction of this House was necessary to that contract, this matter was placed before the Finance Committee in the beginning of 1924 and they were told "you are simply to nod your assent" in spite of the fact that the contract was entered into after the reformed Council came into existence. The sanction of the Council ought to have been taken. Then we asked the members there "why do you want consulting engineers? Have you not got experts of your own on your staff to whom you are paying thousands of rupees? Are they not able to carry out these different schemes? If not, why are such heavy sums paid?" Then we were told that "the negotiations were perhaps made before the contract was actually signed and before the Council came into being and you cannot now back out of that". I asked, why are these lakhs of rupees being paid to these experts in spite of there being this staff of several experts as they call themselves drawing thousands of rupees as salaries? It has been admitted that there ought to be some retrenchment in the suburban scheme. May I ask the honourable member how many lakhs of rupees have been spent upon the Badlapur barrage? What is the recurring expenditure on these water-works, what is the return that will be possible and what is the return over expenditure, how many factories have been started at Ambernath, how many

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thousands of plots are lying idle there ? Half a dozen factories are there and lakhs of rupees are being poured out to supply water to these half a dozen factories and there is a recurring expenditure of how many thousands I do not know. When taking into consideration the return, there is the railway made between Andheri and Kurla. Nobody knows how many lakhs of rupees have been spent on that railway and what is the return which the Development Directorate expect to get out of that.

There are thousands of plots of the Bombay Improvement Trust lying idle, there are no purchasers for those plots and yet several plots have been built up at Chembur and Ghatkopar, Khar and Kurla ; there are no purchasers for these plots and interest upon this sum which is invested is running up. We are told that it is not good policy to sell these plots when there is a slump and that we ought to wait, but at the same time we ought to take into consideration the swelling interest charges. As a matter of fact those plots have been advertised largely and yet there are no purchasers coming forward to buy them although Government are prepared to pay part of the cost of the plot as well as part of the cost of building.

We have been told that 3,000 acres of land are being de-notified. As a matter of fact I see every day thousands of rupees are being poured out for litigation over lands which were acquired and which are lying idle and for which there are no purchasers whatever. Are these not gambling tendencies ? As I said in my budget speech, Government themselves gamble, they expected huge profits by buying other people's lands at a small price under their Land Acquisition Act and as a matter of fact they find that these plots are weighing heavy upon their hands and there are no purchasers.

What is this proposition that has now been brought forward by my honourable friend from Bombay ? He says that a committee consisting of 12 non-official and elected members of this House be appointed to enquire into the whole administration and working of the Development Directorate to suggest ways and means to effect retrenchments and to report on the advisability or otherwise of continuing the schemes taken in hand. It is admitted that retrenchments are necessary ; it is admitted that improvements in some directions are necessary. If that is so, then why should a committee not be appointed ? I hear that a committee was appointed of persons of Government choice. We do not want such a committee but we want a committee of representatives of the people, we want a committee elected by this Council to go into the working of this Development Directorate and if this committee considers retrenchment necessary, we want that retrenchment to be carried out by Government. There is no reason why in such circumstances Government are opposed to the appointment of such a committee. Paragraph (*b*) of the resolution says "that the Development Directorate be requested to co-operate with the said committee and afford all facilities and help in conducting the said inquiry and in making the said report," and paragraph (*c*) says "that an independent officer or expert be appointed to

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help the said committee". If as a matter of fact the work of this Development Directorate is being carried out on economical lines, if as a matter of fact it is a commercial undertaking and Government expect to make profits out of it, then there is absolutely no reason why Government should avoid the appointment of such a committee and thus pacify allay the suspicions in the minds of thousands of people like me—we may be wrong but we do want these suspicions to be set at rest and we want to know if the progress of the work has been going on on satisfactory lines and if as a matter of fact the department is being run at a profit. So, I submit that every member of this House, no matter to what party he belongs, ought to support such a resolution when crores of rupees are being spent on a particular department. The Council wants the power of the purse; according to the reformed Council we are given control—at least some control—over some part of the budget. If that is so, when crores are being spent upon a particular department, necessarily this Council ought to have a voice in controlling or supervising the expenditure being made on that department and I hope every member of this House, at least on this side, will heartily support the resolution.

The Honourable Mr. COWASJI JEHANGIR: Mr. President, I assure honourable members that I am in entire sympathy with their anxiety to see that the Development Department does its work satisfactorily and that any schemes it has undertaken will ultimately be a success. I entirely sympathise with their great anxiety, as the custodians of the public purse, to help our efforts to make the Development Department a success.

I do not, on the present occasion, mean to go into any great detail, or to reply to the very eloquent speech of my honourable friend who moved this proposition. I will tell this honourable House what Government propose to do and what Government have done.

You, Mr. President, are fully aware that a similar resolution was proposed to be moved by the honourable member representing the Indian Merchants' Chamber at the last session of this Council, but unfortunately he had not the opportunity of moving it as he drew a low place in the ballot. But, Mr. President, as soon as that resolution was brought to the notice of Government they entirely sympathised with the desire to associate in some way the public of Bombay, especially those interested in the development of our great city with the work which is at present going on and they therefore referred the resolution of my honourable friend Mr. Lalji Naranji to a representative committee for investigation and report. I am pleased to say that that committee is now sitting at frequent intervals considering the whole of the activities of the Development Directorate, and when that report is before Government it will be my privilege to lay it on the table of the House for the information of honourable members. Mr. President, before I can assure, before I can convince, my honourable friends that Government have taken the right step in referring the matter to this committee, honourable members would, I am sure, like to know the constitution of the committee. I claim, Mr. President, before I read out the names of the committee, I

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claim for it a most representative character. I will now read out the names of the committee. Two members of the Bombay Municipal Corporation, elected by the municipal corporation, Mr. Fazal Ibrahim Rahimtoola, the son of our worthy President, and Dr. N. H. E. Sukhia. I do not think there is a single honourable member who has not heard of Dr. Sukhia. Then, there is the Chairman of the City Improvement Trust; Mr. C. R. Reid, representative of the Bombay Chamber of Commerce; Mr. J. B. Petit, representative of the Bombay Millowners' Association; Mr. Munmohandas Ramjee, representative of the Indian Merchants' Chamber and at present its chairman; Mr. Scowen, representing the Bombay Presidency Trade Association; Mr. S. K. Bole, nominated by Government to represent labour and my honourable friend, Mr. Joseph Baptista, who has taken a keen interest in the development of the City of Bombay and has perhaps more experience than any other honourable member of this House.

Mr. M. R. JAYAKAR: Who represents this House?

The Honourable Mr. COWASJI JEHANGIR: Mr. Baptista and Mr. Bole are members of this House. Then Mr. Ignatius D'Monte represents and is elected by the Bandra Municipality, Mr. Rodrigues, the Kurla Municipality, Mr. P. J. Vakil, the Ghatkopar-Kirol Municipality and Mr. Janmijay Chhabildas, the notified area Committees.

I claim for this committee a most representative character and if my honourable friends had put their heads together and attempted to get a more representative committee, I doubt whether they would have succeeded.

Now, Sir, let me remind my honourable friends that this committee was not nominated by Government but that it was elected by representative bodies.....

Mr. M. R. JAYAKAR: Did this House elect its representatives?

The Honourable Mr. COWASJI JAHANGIR: No. I will remind honourable members that the resolution moved by my honourable friend does not ask that this House should elect the committee.

Mr. M. R. JAYAKAR: I thought the Honourable the General Member said each of these persons was the representative of the body from which he came.

The Honourable Mr. COWASJI JEHANGIR: Yes, certainly, Mr. Fazal Ibrahim and Dr. Sukhia have been elected by the Bombay Municipality. The Chairman of the Improvement Trust, I presume, was sent by the Improvement Trust and Mr. Reid was elected by the Bombay Chamber of Commerce, and Mr. Munmohandas Ramjee by the Indian Merchants' Chamber.

Mr. M. R. JAYAKAR: I will ask the Honourable the General Member whether this House should not have been given the right to elect its own representatives.

The Honourable Mr. COWASJI JEHANGIR: If my honourable friend sees the resolution which the honourable member for Bombay City (South) has moved, he has not stated in that resolution that the committee should be elected by this House. But that is not the answer to my honourable friend. This committee was in existence as an advisory body when the resolution of the honourable member Mr. Lalji Naranji was brought to the attention of Government and I felt on behalf of Government that Government could not do better than refer this most important question to this representative committee, and Mr. President, with due deference to my honourable friends opposite who represent every part of this presidency and who are undoubtedly authorities on those parts of the presidency from which they come, may I know whether they contend that it would have been a representative committee if some members not representing Bombay had been elected to the committee?

An HONOURABLE MEMBER: What are the terms of reference?

The Honourable Mr. COWASJI JEHANGIR: I am coming to them. Mr. President, I contend that the committee which has been appointed by Government is of a most representative character. When that committee reports I will place the report on the table of this House for the information of honourable members, and it will be open for any honourable member by way of resolution to criticise that report and to criticise Government or agree with the report and I am certain that Government will listen to the criticism of my honourable friends with great attention.

I was just asked what were the terms of reference to the committee. I adopt the exact language of my honourable friend Mr. Lalji Naranji:

"In view of the conclusions arrived at during the period of war-boom that the land available in Bombay was inadequate having proved erroneous, this Council recommends to Government that a committee, with a non-official majority, be forthwith appointed to enquire into the activities of the Development Department."

That is the reference to this committee. It is very comprehensive. The last two lines are left out because, Mr. President, I am in a position conclusively to prove that it will not be to the interest of this Council or of this presidency that this department should be transferred to the Public Works Department, and I can give very excellent reasons for the conclusion to which I have come and therefore I did not press that part of the resolution on the attention of the advisory committee.

Now, Sir, there is just one more point which I want to meet in the resolution moved by my honourable friend Mr. Nariman. I think he mentioned the question of an independent officer or expert. He says he wants this committee of 12 elected members to be appointed by Government and he further stated that an independent officer or expert be appointed to help the said committee. That is the one point which is not included in Mr. Lalji Naranji's resolution. I may say straightaway that if the advisory committee put forward a request for any expert advice, I should be very pleased indeed on behalf of Government to consider any such request most sympathetically provided the demand

[Mr. Cowasji Jehangir]

is not too extravagant and one which will not cost Government more than a thousand rupees or so. I will not continue now as I do not desire to take up more time of the House. Let me assure honourable members that I have paid due attention to the resolution of Mr. Lalji Naranji although it was not moved in this House. Government could not have done better had the resolution been carried.

Rao Saheb D. P. DESAI (Kaira District): Sir, I support the resolution. After all, it appears that the Development Department, from what my honourable friend opposite has just stated, is being stewed in its own juice. It was expected by this side of the House about two years back that this Development Department would be a source of loss to Government, but then the non-official advice from these benches was not listened to and Government went on headlong into the scheme (The honourable Mr. Cowasji Jehangir: Question), and the result is that they are now obliged to make retrenchment, they are obliged to stop their programmes, and all sorts of other things which they themselves have admitted. But I never thought, Sir, that a change of bench would lead to change of opinions. The Honourable the General Member just stated that he would not like that this department should be a transferred subject.

The Honourable Mr. COWASJI JEHANGIR: I never said that.

Rao Saheb D. P. DESAI: He said that he would not like it to be transferred to the Public Works Department, and the Public Works Department is a transferred subject. But, unfortunately, it happens in this hall, and I hope our Ministers are free from that crime, that a change of bench leads to some change of opinions, as we have found it to our cost in this matter. I hope, Sir, that the Honourable Member will carry out the opinion that he himself held three years back, and he will put into practice those views which he gave expression to in this very hall.

Personally, Sir, I have always held that this country is a country of slump; there is always a permanent, perpetual slump in this country. My honourable friend Sir Lawless Hepper brought forward the argument that a merchant, or wise pleader or business man, or, for that matter, the Government themselves if they undertake this business of reclaiming and selling land, should stick during times of slump to their original policy or to what they have undertaken. As a business proposition, I do agree that a trader who sells out during times of slump cannot succeed, but as I just told you, in a country which is not prosperous, where there is always a slump, on rare occasions when there is prosperity it is rather rash to undertake such a costly scheme. As proof of it I may say that in the heart of Bombay, in what are called the Ballard estates, any one can get a huge building for the asking of it, and yet we find that in that area about 1,100 acres are to be reclaimed at an immense cost. May I know from the Honourable the General Member whether he expects another war or bloodshed somewhere in the world to induce people to buy up these 1,100 acres that will be at the disposal of Government for

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sale ? If the country goes on at this rate, I am sure that that land will not be profitably sold. For the countryside which sends its produce to Bombay and which purchases from Bombay is not rich, and as long as it is not getting richer day by day, Bombay cannot expect to make such profits as to encourage huge building programmes in the Fort area. Of course, if Government desire to make a Greater Bombay, the only thing essential for Government to do is to develop the countryside first, and then have something to do for Bombay, in order to handle the increased quantities of goods that would be brought to Bombay. But so long as the gross output of the country is being diminished year by year—and the season and crop reports bear ample testimony to that—you cannot expect Bombay to be richer than what it is or to be more populous than it is unless, as I told the House, there is big bloodshed somewhere in the world. After all, Sir, I had a lingering hope, from the assurance given by the predecessor of the present Honourable General Member that the Back Bay reclamation which is going to cost crores of rupees would be a paying business. The countryside have mortgaged their whole property for the loans that are borrowed by Government, and if the countryside paid Rs. 20 lakhs to the Development Department by way of profit, I had always expected that that profit would be utilised in developing the country. So far that hope has lingered in my mind, though of course the actual result is the contrary, but still that distant hope lingers in my mind in the interest of the countryside, I am obliged to say, in order to make the Development Department pay something, and in order to help the countryside to develop itself, this committee should be appointed. I am rather sorry that my honourable friend from Bombay (Mr. Nariman) should have brought forward a resolution for appointing a committee. I thought he would bring in a resolution to make the Development Department a transferred subject. Unfortunately, he appears to be very moderate on this occasion. I do not know what it is the result of, but somehow or other, as he had a precedent in the last Council, he should have brought up a resolution of such a nature. However, I heartily support the appointment of the committee recommended in this resolution, and, at the same time, recommend future committees that the House may appoint to arrange things in such a way that the presidency as a whole may not have to incur huge expenditure after development in future, and whatever expenditure is incurred is returned to the presidency with profit. Unfortunately, what happens ? The Honourable Member is willing to give loans at a loss to persons who are willing to build on these development plots, and still nobody asks for the loans. Government have borrowed at the rate of 6½ to 7 per cent. and although they are prepared to lend to anybody who wants to build on the development plots in the suburban areas in Bombay, nobody comes forward to ask for the plots or the loans. This is the condition to which we have been brought by the scheme. With these remarks, I support the resolution.

Mr. M. R. JAYAKAR (Bombay University): Mr. President, I rise to support the resolution which has been moved by the honourable

[Mr. M. R. Jayakar]

member for Bombay, South (Mr. Nariman). The Honourable the General Member has taken a good deal of the wind out of the sails of the mover, by mentioning that a committee has already been appointed to inquire into this question. The names of the members of that committee he has already read out to this House. I submit, Sir, with great respect to the Honourable the General Member, that it is a most extraordinary procedure that he has adopted. What are the facts? As stated by him, the facts are that the honourable member Mr. Lalji Naranji sent in a resolution relating to this identical question which, in course of time, came to be handed over to the department, and came into the hands of my honourable friend the General Member. Promptly he appoints a committee though not of this House, and on that committee he puts persons who are the representatives of the several bodies from which they come, two members of the Bombay corporation elected by the members of the corporation, and many other members, each being elected as the representative of the body from which he comes. But it is remarkable that the only body to which he does not give this right of electing its representatives on his committee is this honourable House. He told us that Dr. Sukhia and Dr. Dadachanji were elected by the corporation.

Dr. K. E. DADACHANJI: No, no. I am not a member of the committee.

Mr. M. R. JAYAKAR: I beg the doctor's pardon, I mean Mr. Fazal Rahimtoola and Dr. Sukhia. If the municipal corporation deserved this courtesy of sending two elected representatives, why only was this House debarred from enjoying a similar courtesy from the Honourable Member's department? I tried to get a reply even by venturing to interrupt the Honourable Member while he was addressing the House, but I have not been able yet to get a satisfactory reply. I cannot say for how many years this question has been agitated, perhaps, for all the time since this unfortunate department came into existence. During all these years, this House has lost no chance of protesting against the extravagance of this department, at budget and other times, nearly at every session of this Council. But curiously enough, this one body which has been always agitated over this question, has been singled out for this disrespect and discourtesy by the Honourable the General Member. I do not want to say that those honourable members of this House whom he has selected to be on his committee will not be doing their duty, but it is but fair that our representatives on that committee should be elected by us. And to save time I want to make a suggestion to the Honourable Member and I hope he will accept it, that four members elected by this House should sit on that committee. They should be elected by open election in this House and work on that committee. One thing more. I do not think the Honourable Member ought to have much difficulty in accepting my proposal. The Honourable Member will find that a part of Mr. Lalji's resolution has been referred to his committee. The part that has been dropped relates to whether

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his department should not be amalgamated with the Public Works Department. A similar resolution stands in my name on page 16 of the agenda. I would have very much appreciated the courtesy if the department had at least written to me stating that a committee had already been appointed to consider the identical question. But let bygones be bygones. Now my suggestion is that four more members elected by this House should sit on the committee. I do not say that the honourable members Mr. Bole and Mr. Baptista who are already there should not be there. I do not want them to be disturbed. Let them live long on this committee. I want four more members. I will also make another suggestion, which the Honourable Member can agree to without much difficulty, and that is that he should accept, as terms of reference to his committee, the several points which the present resolution contains, *e.g.*, the help of an independent expert, etc. I think there is great wisdom behind this suggestion. In this connection, I will state a little experience of mine. During the budget session my honourable friend the General Member in a fit of friendliness invited some of us to go and meet him and the Director of his department at his residence to discuss matters relating to his department. When we sat down to work, we found that while on the side of my honourable friend was ranged all the expert knowledge and experience of several years, on our side we had only ordinary knowledge and a desire to be useful. We had no expert help on our side and we felt handicapped seriously. I suggested that in order that the discussion might be more fair and fruitful, we should be given the permission to get with us one or two engineers as experts to examine the statements of my honourable friend and the Director from our point of view. I thought that the Honourable Member would be inclined to accept my modest suggestion, but for some reasons he declined. Since that time, I have felt that if such a committee is really to do any work and in their ignorance not to say merely ditto to what the Honourable Member and his clever officials say, it is absolutely necessary that there should be provided some independent person who is an expert in these matters, to examine these questions from our point of view. I hope, therefore, that my honourable friend will agree to adopt in his reference to his committee all that the honourable mover wants in his resolution.

Mr. B. G. PAHALAJANI (Western Sind): Sir, the whole question before the House is not whether the Development Department is good or bad but the appointment of a committee to investigate into the affairs of that great source of expenditure estimated to cost 30 crores of rupees. The development schemes require investigation and very close investigation, too, not from the statement of any member on the non-official side of this House, nor from the statement of the Finance Member of the Government whose greatest activity is not allowed to peep into the affairs of the Development Department, but I will prove it from the statement of the Accountant General contained in his report that was placed last time before this Council. The Accountant General is not a subordinate

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either of this Government or of the Government of India, but he is subordinate to the Auditor General only. His remarks make out a case for investigation without the slightest difficulty, a report which even the official side must accept. Sir, on page 14 of the report he 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 being made to prepare a regular estimate in the absence of which no effective financial control is possible. In the matter of detailed working estimates for the Back Bay Scheme 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, since no explanation is offered by the Reclamation Branch of its failure to observe financial rules. In the meantime I have requested Government (Finance Department) to issue stringent orders to the Development Department that in future no work should be commenced before the estimate is approved and that if possible further expenditure on works in progress should be suspended until detailed estimates are sanctioned."

Then it goes on further. The House will be surprised to learn that the total amount held under objection by the Accountant General is Rs. 3,55,00,966. Now, the honourable members of this Council are not perhaps aware that the Honourable the Finance Member of this Government has no control over the finances of the Development Directorate. This was brought to the notice of the Public Accounts Committee and the whole of the Public Accounts Committee, including the Honourable the Revenue Member, insisted that the accounts and finances of the Development Department should be subjected to the scrutiny of the Honourable the Finance Member of this Government, who as was complained by the other departments scrutinises with an eagle eye every single item of their expenditure. The Honourable the Finance Member of this Government who scrutinises the necessity or want of necessity of the many schemes of other departments is not given an insight into similar necessities of the Development Department. He is not permitted to use his judgment as to the necessity or want of necessity of certain works which have been carried out. Now, Sir, these being the circumstances upon the statement of the Accountant General greater than whom there is no authority in this Government or in the Government of India, I think a sufficient case is made out for the purpose of appointing a committee, not only to go into the development activities of the department, as is required by my honourable friend Mr. Lalji Naranji but to go into the actual accounts, into the necessity of the works, into the question of retrenchment and curtailment. All those questions can only be done by one man and he should be an expert. Is India wanting in experts? Has not India or Bombay city at present an expert of the capability of Sir M. Visweswarayya, who can meet the expert on the other side and judge for the investors whether all these things which are being done are necessary, and whether retrenchment is or is not possible? Should not the people have an insight into the affairs of the great Development Department? Sir, the honourable the Director of Development, Sir Lawless Hepper, instead of opposing the necessity of the appointment of a committee, in the particular terms moved by the honourable member

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Mr. Nariman, began to eulogise the department and tried to convince this Council that it was a work which will finally be a source of revenue to the Government. He was prepared to admit that there was no chance of a profit to this presidency at present, but he said that in the long run, if we waited, things would improve and a huge profit would accrue to us. But that is not the question before this House. The question before this House is whether the affairs of the Development Department are in such a state as to require close examination, as to whether there is any necessity for the several schemes that are being carried out and as to whether the establishment and the expenditure incurred thereon require retrenchment. From his own figures that the honourable Director gave us I think there is still considerable room for retrenchment. Looking to the budget statement of the last year, we find that the total actual expenditure in 1922-23 for establishment was Rs. 19,87,000. That was at a time when the department was in full swing, when development, Back Bay reclamation, water works schemes, electrification schemes and railway schemes were all proceeding. Next year, 1923-24, when activities increased still more, it rose to 28 lakhs, and in the year 1924-25, when the Honourable Member in charge told us that except Back Bay reclamation, the completion of the roads partially finished, and the construction of single room tenements up to 17,000, no further works would be undertaken, it was 33 or 34 lakhs. And when in February 1924 this House moved for a reduction of 74 lakhs out of 2,74 lakhs the total budgetted amount, the Honourable Member in charge stoutly resisted the reduction only holding out a dole to this House of reduction of 30 lakhs if we agreed to give our consent. The amount of 74 lakhs was not agreed to then. We are now told by the honourable Director that there will be an effective reduction of 60 lakhs in establishment and otherwise. Now when the activities of the department are to be confined only to Back Bay reclamation, to completion of roads begun and completion of single room tenements, is there any reason why the establishment charges should be 33 or 34 lakhs, when in 1922-23 the estimates were only 19 lakhs 87 thousands? I say, therefore, there is a great necessity of looking into the entire working of the department and of looking into possible ways of retrenchment. There is a great necessity of examining critically through an expert and a committee into the necessity of retrenchment and into the system of administration which troubles the minds of the public.

After considering the remarks of the Accountant General, after considering that even the Honourable the Finance Member of this Government has no control over that department, it is absolutely necessary that the working of the department be scrutinised. Let Government consent to place that department under the control of the Honourable the Finance Member of the Government. Let him scrutinise the necessity of each item that is spent, let him sit upon that department, with the same strictness as he observes in the case of every one of the other departments: let him do that. I hope the House will be satisfied if he is satisfied with the working of the Development Department.

Mr. D. B. ADWANI (Karachi City): I would like to say, Sir, that the terms of reference contemplated by the resolution moved by the honourable member for Bombay are more comprehensive than those contemplated by the resolution of the honourable member Mr. Lalji Naranji, which says that a committee be appointed to enquire into the activities of the Development Department as to how far and in what directions such activities should be continued, and so on. The honourable member for Bombay is more comprehensive in his resolution. He says that a committee be appointed to enquire into the whole administration and working.....

The Honourable the PRESIDENT: Is it necessary for the honourable member to go into that?

Mr. D. B. ADWANI: I was just saying, Sir, that it would be in the interest of this House to make a complete enquiry as mentioned in the resolution of the honourable member for Bombay.

I think, Sir, that this department has been working under certain initial disadvantages which it would be very difficult for it to overcome. We are always told that the government of this Presidency is very advanced but in the case of this project it is my humble opinion that the preliminary calculations have not been made on a scientific basis. For example, it has not been taken into account at the time that the project was being brought into inception that there would be a reaction in the economic conditions. Then again, the other great initial disadvantage under which this department is working is that there has been over-buying of land for the housing and the suburban schemes. The total amount of land bought for the schemes, I think, comes to nearly 16,000 acres. Now, Sir, this seems to be a very large area of land to buy for the activities of the Development Department. It seems to me that this will suffice for nearly half a century, if not more. In my opinion this very large area of land is surely not required. This Government should not have committed the future governments of this presidency by buying such a large amount of land. The other point that I wish to make is that the Director himself has throughout in his speech been arguing in favour of the appointment of such a committee. He says that the establishment has been reduced. With regard to industrial housing the number of houses (tenements) has been reduced from 50,000 to 17,000; with regard to the suburban housing scheme, there it has been decided to denotify an area of 3,000 acres. It has become necessary for the department to proceed cautiously. That shows that Government have themselves found it necessary to take action in this connection. Now, Sir, all these are reasons why this House must have an enquiry made into all these matters by the representatives of the people. There are several additional reasons for an enquiry. There are reasons for coming to the conclusion that the work should come to a standstill at the present moment. The advantages from this procedure will be that we will be saved from the accumulation of interest which will go on, on account of the present economic conditions. That is an important point which I wish to emphasize. The economic conditions at

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present are such that there are not likely to be sales in the near future, and we would be working under a great disadvantage and therefore the interest on the capital that we will be paying will go on accumulating, with the result that the schemes will be highly unproductive and will entail a very great burden upon the taxpayer.

A point was made, Sir, with regard to the appointment of Messrs. Meik and Buchanan. It seems to me, Sir, when we have highly paid experts in the department, that it is too much to say that in addition to such experts we want experts from outside, who get commission on all the expenditure incurred in the reclamation Scheme. It would have been quite enough if we had simply consulted and asked these gentlemen to give us advice whenever we required it. For example, we could have consulted them in the initial stages and in the middle also whenever there was any complication in the work, and paid them fees for their advice. Coming again to the project, we find that there has been bad designing. For example, it is stated in the report that there is not sufficient pressure in the water mains and the levels of the sewers are not low enough. All this should have been subjected to a preliminary enquiry. The levels of the water mains should have been seen and the levels of the sewers should also have been examined in the first instance. It is surprising with such experts in this department to find that the work is handicapped and special pumps have had to be installed, and the water has had to be raised by pumps. All these matters should have been previously investigated and these disabilities should have been previously taken into account. This is an additional reason which is now being given for the slackening of the work.

Then again, Sir, there have also been cases of bad supervision. For example, if you turn to page 11 of the Audit Report for 1922-23, paragraph 28, you will find it contains the following:

"*Insufficient attention to financial interests.*—While submitting certain revised estimates for the sanction of Government, a Superintending Engineer reported that in one case the excess was due to the collapse of a structure already built."

In this case, we find that the building collapsed and it is stated that it collapsed because of improper supervision. We must remember the fact that we have got a very heavy establishment, we have got one Chief Engineer and other Engineers for reclamation, three Superintending Engineers, and a number of other engineers for the Housing schemes. Now with all this highly paid staff, the fact that one of the buildings collapsed and that the Government had to bear additional cost shows that there is something wrong somewhere and that the supervision was not effective.

On account of all these considerations, it is very clear that a thorough enquiry into the working of this department is necessary; not only should the duties of the different officers and establishment be gone into, but a thorough investigation should be made into the administration of the whole department and into the question how far further retrenchment is possible, and whether the work or part of it should be suspended.

The Honourable Mr. H. S. LAWRENCE: Mr. President, I think after the remarks of the honourable the Deputy President, who referred to the want of control and interest of the Finance Member in the Development Department, it is perhaps incumbent on me to say something regarding the position of the Finance Department in this matter. I may say at once, Sir, that I welcome most heartily the strenuous efforts of members of this House to make themselves acquainted with the operations of the Development Department and entirely sympathise with their anxiety in the cause of economy. In the Finance Department we have felt the same anxiety in the cause of economy for the last three and a half years. The House may perhaps be aware that we have an officer of the Finance Department whose special business it is to be in close touch with the operations of the Development Department and to report to the Finance Member, and through him to the Government, his views of the economy or extravagance of the Development Directorate. This officer is a part-time officer, in this sense that he represents the Government of India in Bombay in regard to currency matters and has the responsibility, in addition, of being financial adviser to the Government of Bombay in respect of the operations of the Development Directorate.

Now, Sir, the House may be aware that I have only come back a few months—two months—ago from England. But during that interval I have had this officer up from Bombay and consulted with him in regard to the operations that have gone on since I left India in February, and this officer has been making very complete investigations into the affairs of the Development Directorate and he informed me only last week that while having entered on this investigation with, I won't say merely an open mind but a mind almost as pessimistic as that of my honourable friend Rao Saheb Dadubhai Desai from Kaira, he was very greatly converted in the course of his investigations and he has now a favourable opinion of the ultimate result of the whole of these operations. I do not ask this House to receive an opinion of that kind as conclusive but it may be of some relief to the anxiety which I know is felt by some members of this House.

Further, in regard to this criticism, I listened with much interest to the opening speech of the honourable mover of this resolution. A good deal of it dealt with quite ancient history going back to the opening of the operations in 1920 and I think that this House has discussed the matter fully before and I believe that a large number of the honourable members have been satisfied that at the time when it was necessary to start these operations it was necessary to proceed with the most complete expedition and dispatch, and in that respect it must be admitted that this Government have come under the severe animadversions of the Accountant General and the Auditor General. Now, Sir, those officers, for whom the Finance Department of this Government have the utmost veneration, are concerned primarily with technical rules and in their mind it is almost as great a crime to start a work without complete sanction as it is to do bad work, but I doubt if that will be the criterion of praise or blame that will be imposed by this House. If the work of the directorate has proved to be good, I take it that this House will in the exceptional circumstances of the necessity of beginning this work and

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pushing it on with extreme dispatch will condone the breach of a technical rule provided the work has been good.

Then, Sir, I will not go over those points which the honourable member, Sir Lawless Hepper, has replied to in regard to the contracts that were made in 1920 and 1921. I think that on the whole the Government, as advised by several very acute and shrewd critics, are satisfied that the result has been good. The work has progressed with the most remarkable expedition, the sea-wall is going forward steadily: the quarrying of the hill in the far backwoods that many of us have gone to see, has been most efficient; the train-loads going down and dumping those enormous masses of stone into the sea are a wonderful spectacle; the whole operations are harmoniously co-ordinated; and there has been no set-back or disaster. For three years this work has been going on and I think you may be satisfied that it has been good.

There are many points on which the assistance and criticism of non-official members is most welcome to the Finance Department and in particular the assistance and criticism of gentlemen who live in the suburbs of Bombay and who can further from their personal observation point out to us where they consider that there is an extravagance or unnecessary complication of design or work. That committee, of which the Honourable the General Member has read out the names to you, is a committee of men with local interests and stakes in the country, who are in a position to give us skilled advice and if there are honourable members of this House who are willing to give us their further advice, we shall at all times be most glad to receive their criticism. I hope that honourable members, if they require any information, will find that they will receive the most sympathetic greeting if they apply to the Finance Department. This expert financial adviser of ours, I am quite sure, will always be ready to give his advice if any honourable member has any special point on which he requires enlightenment. I hope that the House as a whole will be satisfied that the operations of this great department are proceeding satisfactorily.

Mr. R. D. SHINDE (Nasik District): Sir, after the very candid announcement made by the Honourable the General Member, I should have expected that the honourable mover of the resolution would have withdrawn the resolution. The Honourable the General Member has already told the House that he had accepted an almost identical resolution on the lines moved by the honourable member standing in the name of Mr. Lalji Naranji and had, after accepting it, taken action on it. He has announced, Sir, the composition, the personnel, of the committee and I challenge whether any committee would not be proud of having a member like my Kunbi friend Mr. Joseph Baptista than whom I do not think, whether by election or by any other means, we could send in a better representative. I am very glad that the honourable member representing the Bombay University, who is the spokesman of the party of which the mover is a most energetic member, has not challenged the composition of that committee but has made a further suggestion that the House should also be represented on that committee. The question then

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comes to this, whether the honourable leader of the Swaraj party is really desirous of assisting the deliberations of the committee which has already been established. I am sure that he does not wish that the work that has already been commenced should be interrupted. The honourable leader of the Swaraj party, it must be remembered, has made a suggestion as the spokesman of a party, and the suggestion is that four members of this House should be elected. I just want to put it to him whether the four members whom he wants to be elected will represent all the sections of the House or the Swaraj party alone which is individually the biggest party in the House. I should like to put it to him whether he is not agreeable that other sections of the House, namely, the non-Brahmin party, the Mahomedan party and other independent friends like my honourable friend Mr. Dev should not find a place on the committee along with a representative of the Swaraj party, as all sections are as jealous of public finance as the members of the Swaraj party. I should like to put this suggestion to the honourable leader of the Swaraj party.

Mr. HOOSEINBHOY A. LALLJEE (Bombay City): Mr. President, after the discussion that has taken place I do not wish to go into details at present but I do wish to point out to the Government benches that this House is responsible to its constituencies for the working of the Government. Sir, this department is being managed by Government and it is essential that a committee composed of the members of the House should go into the matter. The Honourable the General Member has said that the committee that he had appointed is composed of very well-known persons and I do not, Sir, deny that, but it seems to me and I wish to point out that all those associations whom he has mentioned are represented in this Council and they have got their members here who are responsible to those associations and bodies for the conduct of Government business. The gentlemen whom he has mentioned are no doubt very deserving gentlemen but they are not responsible to this House nor to the public. Sir, the Honourable the General Member has said that we have got the representative of the Millowners' Association and I find here a representative of the Millowners' Association specially elected to look after the Government business. I ask the Honourable the General Member, is not the gentleman sent to this House equally fit to be able to act on the committee with the gentleman with he has selected or the Millowners' Association has selected? In like manner we have got on the committee gentlemen who are Government officials. For instance, the Chairman of the Improvement Trust, and such persons are surely not responsible to the public for the work of this Government. Sir, it is a wellknown fact that in Bombay everyone who has got some stake does feel that the operations of the Development Department are not carefully carried out. Not only that, but there is a big class of persons who think that Government ought not to have taken up this work and ought not to take such work. Sir, I think it is the duty of the municipality to do such work. When the Government had formed the Improvement Trust, people thought that there was some justice for that body to exist for a time when plague was raging in the city. Government often promised that they

[Mr. Hooseinbhoy A. Lalljee]

would not encroach upon the rights of the public bodies, but this is a clear instance which shows that the Government are not content with the work they have got, but they now wish to form themselves into a commercial body. Sir, we do not want business to be done by Government and try to earn more revenue. We do not want that they should take any risk and that risk too at the cost of the persons who contribute their mite for the welfare of the people and certainly, we should not take up such work on speculative basis. Sir, we are told that the report that was published by the Development Department was prepared by St. Nihal Singh and that it was published with the object of selling land at favourable prices. Now, what is the meaning of that? Is it not for the purpose of making business and to induce the people of Bombay to pay more than its value? I ask in all earnestness whether Government think that it is their duty to do such business. Sir, it was said that this Development Directorate was created for supplying the wants of the poor people, but what has the Development Directorate done in that respect? They have built certain chawls no doubt at Worli and we have heard that they do not give sufficient return and we have got in this very report clear indications to show that the chawls were not built exactly in the way they were required by the people. Sir, I do not wish to go into these details, but I will point out that in this very book it has been said that the Improvement Trust is going to acquire certain lands at Dharavi and at Vadala for building chawls. I do not know why that has been put in this book. Is it in order to lead people to believe that the Improvement Trust is doing this work at the instance of the Development Directorate, or is it to point out that the Development Department is unable to do it as it was bound to do and that therefore Government look to the Improvement Trust to do it in order to save their reclamation scheme? It is clearly shown, Sir, that it was the first duty of this department to build chawls and not to take up the reclamation scheme for the present. This reclamation scheme was taken up with a view to accommodate business people. But it is a wellknown fact that Ballard Estate has proved a failure. There are a number of buildings which are lying vacant, because trade does not want them, and it will take years before those buildings are occupied. It is a wellknown fact that a scheme was thrust upon the corporation and a special department was at the instance of certain people created in the corporation for this purpose and that department was called upon to take up the scheme and road-making and buildings on Hornby Road. May I ask Government benches whether that was not sufficient for them to find that even the municipality who were bound to do such works were unable to do it although they were forced to do it and they have now to drop that scheme at least for a number of years? If this is the condition of the requirements of trade, then where is the necessity of reclamation? The real thing that is necessary at present is chawls for the poor people, in localities where poor people reside. Besides, if you can save money, spend it for the residence of the poor. The chief thing is that Government ought to direct the municipality to do it. Also Government ought to insist upon the Improvement Trust to do it. Sir, I will only say a few words with regard to the suburban scheme. I

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am sorry, Sir, that suburban scheme has been given up. I do really hope that Government will not give it up, because I believe that this scheme would really help the people to go out into the suburbs. If at all the city of Bombay does require any help it is in the relief of congestion. It is the suburbs that ought to be developed so that the congestion of the city would be removed and the health of the city would be improved; if communication is well restored in the suburbs, it will enable the millhands to move to the suburbs. Therefore instead of spending money at present on reclamation it is better if Government spend that money on the development of the suburbs. Areas which are at present considered to be healthy areas in the suburbs ought to be developed. With the development of suburbs the health of the city would improve. At the present moment our requirements are that we should spend as little as possible and get in return as much as we can to improve the health and congestion of the city. I think, Sir, the Colaba reclamation scheme could well be kept back, or else the work carried on a little more slowly. I do hope that honourable members of this House who have been sent here by the different constituencies to be responsible for what takes place here will be considered the right persons who should look into this matter. I am sure the Honourable the General Member would very much like to appoint the whole non-official Legislative Council and thereby bring on the committee some of the more eminent members than those we have on our side. Of course I am sorry he cannot do that. After all, I maintain that it is the representatives of the public in this honourable House who are the right persons to look into this matter, and not any other gentlemen howsoever able they may be. With these remarks I support the resolution.

Mr. ABDUL LATIF HAJI HAJRAT KHAN: Sir, I move for a closure.

The Honourable the PRESIDENT: I accept the closure. I call upon the honourable mover to reply.

Mr. K. F. NARIMAN: Sir, I am very glad that the principle that is underlying my resolution, namely, the necessity for an investigation, has been generally accepted, and there has not been serious opposition to it from the Government benches. But I really cannot agree that the requirements of my resolution could be satisfactorily satisfied by the committee which has already been appointed. The one serious objection which I have towards the committee which is at present working is the denomination by which this committee is called. In the report of the Development Directorate this committee is called an advisory committee. Now, in this House as well as everywhere else we have had some experience of the functions, the capacities, the powers and the potentialities of advisory committees. I know, Sir, that we have given advice to Government on several occasions, but it is really questionable whether out of a hundred items of advice five are followed by them. I should not like this committee to be called an advisory committee, because my resolution calls for an investigation into the administration of the Development Department, and, as soon as you make a particular committee

[Mr. K. F. Nariman]

an advisory body, I am sure the Honourable the General Member or the Director of Development will object to that advisory body going into the administration of the department, and say that that is not the function of the committee. If Government accept the very laudable suggestion made by the leader of the Swaraj party that four or five members of this House should be appointed on the committee, and if the terms of my resolution are referred to that new committee, I think it would be an arrangement which would be satisfactory to both sides of the House. I do not think there should be any very serious objection to this reasonable suggestion. I am very anxious that the terms of my resolution should remain, because, if you compare the two resolutions, the resolution of Mr. Lalji Naranji and my resolution, you will find that the resolution of my friend Mr. Lalji Naranji confines itself only to one point, namely, to see whether the activities of the Development Department should continue or not, whereas my resolution goes much further. I want a committee to go into the whole administration of the Development Department, such as the several public scandals that have been existing about the contracts, the establishment, the tenders, the purchase of stores, etc.; I desire that all these matters should be enquired into by the representatives of this House. I really cannot understand what objection there could be to incorporating four or five respectable, desirable and reasonable honourable members of this House with that committee, to make the terms of reference the same as are contained in my resolution, and to change the denomination of that committee. If that reasonable suggestion is accepted, I think a good deal of the time of this House will be saved and the object of the proposition will be served, and, what is most important, the appearance of shirking a public enquiry into the working of the department will be removed. I hope, Sir, reasonableness will prevail and the suggestion will be accepted.

The Honourable Mr. COWASJI JEHANGIR: Mr. President, I have already informed this honourable House of the action taken by Government, and when I was last on my feet, I did not deliberately reply to the criticisms of my honourable friends. I may be allowed to do so on the present occasion. I do not think I will exceed 20 minutes, I may take even less than that.

The Honourable the PRESIDENT: The Honourable Member is entitled to 15 minutes, but if he takes a little more time, I won't stand in his way.

The Honourable Mr. COWASJI JEHANGIR: Mr. President, my honourable friend from Ahmedabad talked about the losses on exchange, and he seemed to me to be labouring under some misunderstanding, for he tried to give this honourable House the impression, that the Development Department was incurring the huge loss of Rs. 13 lakhs on account of some speculation in exchange. That is what, I am certain, any honourable member would have gathered from what he told us. As a matter of fact, of which my honourable friend ought to be well aware, the pound sterling is calculated at Rs. 10, and the difference between

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that Rs. 10 and the actual Rs. 14 or Rs. 15 is called loss on exchange, and put under another head. That is how it is worked out not only for this presidency, and not only for the Development Department, but for every other Government in India. Therefore, to bring out as a special point the question of loss on exchange is not quite correctly placing the facts before this House. Government are acting under the rulings of the Auditor-General. In the accounts the pound sterling is not entered at actually what it costs Government but it is put at Rs. 10, and the difference between that and the actual cost is put under the head of loss on exchange. (An Honourable Member: It is mere jugglery.) It may be jugglery, but it is honesty on the part of the Development Department.

The next point that I would like to mention is the question of the cotton cess. My honourable friend from Ahmedabad (Mr. Swaminarayan) again referred to the huge loss the department was incurring by letting these one-room tenements at Rs. 10, and he said that this loss would be Rs. 12 lakhs per annum if we built 20,000 one-room tenements. Sir, as the Director of Development has informed this House, the cotton cess was brought into existence to enable Government to pay for the loss on the housing scheme, and you are well aware, Mr. President, of the discussions that took place, most probably in this very hall, when the Cotton Cess Bill was before the Council. You will also remember, Sir, the discussions when the idea of building one-room tenements for the labouring classes of Bombay was first considered, and when Government wanted to tap the employers of labour in Bombay and wanted them to pay for the loss on these houses. My honourable friend representing the Millowners' Association is well aware of all these facts. Government looked about for ways and means whereby they could make the mill industry of Bombay pay, to some extent at least, for the loss that Government would have to sustain if they constructed these one-room tenements and therefore they put a cess of one rupee on every bale of cotton, with the clear intention of getting that money out of the pockets of the owners of mills in Bombay. It was always anticipated that there would be a very big loss if Government attempted to build one-room tenements and let them at a rent at which they could get tenants. Therefore, Sir, it is no use now coming and telling this House about the loss that Government are suffering. Government are intentionally suffering this loss. They went into the scheme with their eyes open, and with the full intention that they would suffer a loss, and they provided for that loss by legislating for the imposition of a cotton cess.

An Honourable MEMBER: That is paid by the producers of cotton.

The Honourable Mr. COWASJI JEHANGIR: That is aquestion which I am not prepared to go into, and if we try to discuss as to who is really going to pay the cess, whether it is the producer or the millowners or the consumer, we shall be arguing till tomorrow morning without coming to any conclusion, and there is no one who knows it better than you, Sir, as to how far that argument can be taken. It has not been decided even by the world's most eminent economists. Some may

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contend that it comes from the producers of cotton, others may contend that it comes from the users of cotton. This has all been discussed when the cotton cess was imposed. The cotton industrialists said that it comes from their pockets, the cotton growers said that it comes from theirs; it is a story as old as the hills and it will remain so for ever. At least, Government intended and hoped that it would come out of the pockets of the owners of mills in Bombay. It is for the benefit of the millhands. The very fact that there is a huge loss shows that we are putting so many lakhs of rupees into the pockets of the labouring classes, intentionally, because if we do not provide these tenements on these lower rates of rent, private landlords cannot certainly afford to do so.

My honourable friend the leader of the Swaraj party taunted me and told me that I was disrespectful to this honourable House, because I did not give an opportunity to this honourable House of electing certain representatives of this House to sit on the committee. But I frankly informed the honourable member of the circumstances under which the reference was made by Government to that committee. My honourable friend Mr. Lalji sent in a notice of his resolution at the last sessions but it was crowded out. There was a representative committee already in existence and the reference was made to it. No honourable member of this House has challenged the representative character of the committee. Mr. President, without a vote of this House Government immediately referred the whole question to this committee. Where is the insult to this House?

Mr. M. R. JAYAKAR: Did this committee exist before?

The Honourable Mr. COWASJI JEHANGIR: Of course it did. It was an elected committee for advising the Directorate but this reference was a special reference made to that committee. The Director was asked to place at the disposal of the committee all information including facts and figures that may be required by the committee. The committee is at present considering the question.

Mr. S. S. DEV: We were misled if.....

The Honourable the PRESIDENT: No interruption can be permitted unless the speaker resumes his seat.

The Honourable Mr. COWASJI JEHANGIR: I shall answer that question.

Mr. S. S. DEV: We were led to believe that the committee was appointed after Mr. Lalji's resolution was tabled. The Honourable Member in his first speech conveyed that after the honourable member Mr. Lalji's resolution was received a committee was appointed. Also what explanation has the Honourable the General Member to give that Mr. Lalji, from whose resolution he got the inspiration to appoint a committee, should not have been on the committee?

The Honourable Mr. COWASJI JEHANGIR: The facts are as I stated before. The advisory committee has been in existence for the last three years. It has been elected for the purpose of giving advice

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to the Development Directorate. When Mr. Lalji's resolution was received I requested the committee to go into the question referred to in Mr. Lalji's resolution and make a special report to Government. It was a clear-cut reference made by Government to the advisory committee. No such work is ordinarily sent to the advisory committee; but Government have specially requested that committee to investigate the question, viz., whether they agree with the policy that is being pursued by Government, whether they want any activities of the Development Department to be curtailed or not. Practically the whole question was referred to this committee. After the report of that committee is received, I shall place all the information before the House. If any resolution is tabled based on that report, it will receive careful consideration at the hands of Government. After the report of that representative committee is received, this honourable House will be given full opportunity to deal with it.

One honourable member stated that there was great trade depression in Bombay. Nobody denies that fact. In view of the change in the circumstances we have curtailed our activities in the direction of suburban development. It is proved by the facts and figures placed before the House by the Director. The establishment charges on the suburban development scheme were Rs. 4,48,000. On account of the curtailment of our suburban development activities we have curtailed the establishment charges by Rs. 2,40,000. Is it not a clear proof of the fact that we have been curtailing our activities? One honourable member at the last session asked us to do this. We stated we would curtail our activities. Here is the clear proof that Government have kept their promise.

There is just one point more I wish to refer to. There has been a great trade depression and we have not been able to sell our developed plots as we hoped to do in 1921-22. But the figures are not too bad. Let me inform this House what sales have been effected in the suburban areas. From the 1st August 1923 to 31st July 1924, 19 plots were sold. From 1st August to 14th October 1924, that is, in two and a half months, we sold 32 plots. As regards the plots in Khar we sold 4 plots in the year but 26 plots during last 2½ months.

An Honourable MEMBER: What is the price?

The Honourable Mr. COWASJI JEHANGIR: The prices have been those put down from the beginning, and no reduction has been made. The prices have been calculated on a certain principle and it would take too much of the time of the Council if I begin to explain that. Therefore there are some signs of strength in the market. I do not want to be too hopeful. I do not want from this to draw the conclusion that we are going to get booming times. Because there has been a great trade depression and because there have been only a few sales of plots, we have stopped our activity in the direction of suburban development. My honourable friend Mr. Hooseinbhoy Lalljee asserted that we should not do so. In such matters there is bound to be difference of opinion.

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I am firmly of opinion that the curtailing of our activities is entirely in the best interests of this presidency. But if there is any great demand for land in the future, there is nothing to stop us from developing other areas. If honourable members think that our restrictions are going too far I can assure them that at any time we can put on a spurt and go faster. But the present arrangement is not to spend any money on the development of suburbs until there is an actual demand for the land.

Sir, the policy as to Back Bay has been explained to this House on a number of occasions and I do not wish to weary this House by again going into the details and showing to this House why the Back Bay operations should not be stopped. It is to our interest to push on the works of the reclamation of the Back Bay; it is to our interest to save the overhead charges; it is to our interest to bring this land into the market as quickly as possible, because the quicker we bring it on the market, the cheaper it will be to Government. Therefore, I cannot agree with any one of my honourable friends who contend that there should be any slackening in the work of the reclamation of Back Bay.

Now, Sir, I think my honourable friends opposite will give me credit for one thing, and that is my desire to meet my honourable friends opposite. There has never been one occasion when I have not gone out of my way to meet my honourable friends if I found that there was a unanimous desire for anything. When my honourable friends at the time of the budget expressed a unanimous desire that I should curtail the budget estimates, I made the best offer I could. Since then, as the Director has told you, we have more than made good our promise; we have retrenched to a larger extent than we promised. On every occasion I have met my honourable friends. If that is not enough, when the suggestion was made that Government should appoint four members of this Council to this committee to which reference has been made, I was only too pleased to meet my honourable friends provided there was any unanimity about the suggestion. But I have ascertained the views of honourable members opposite, and I find that there is no unanimity. I therefore regret that I cannot possibly agree to it. But if at any time there is any suggestion, representing the unanimous judgment of honourable members opposite, I am most anxious, and I think it will be my privilege, to fall in with the suggestion. But as there is no unanimous desire from the opposite benches to enable me to make a concession of this sort, I really much regret that I cannot do so. But my honourable friends will forgive me if I say that if there is any such unanimous request made to Government, Government will be in a much stronger position to accept it; but if it cannot be made unanimously then Government's hands are weakened. Under the circumstances, Mr. President, I very much regret that I am not in a position to be able to accept this suggestion, and it would have given me the greatest pleasure to have accepted any suggestion made with the unanimous approval of the opposite benches.

Question put: House divided:

The Honourable the PRESIDENT: Order, order. A peculiar point has arisen in connection with this division. After the tellers had signed their report one honourable member went in and wanted to vote. The result, when the division report was signed, showed a majority of one in one direction—I am not going to tell you what that direction was—when one honourable member went up and claimed to vote in favour of that view which had one less vote, so that if that vote is accepted, it becomes a tie. If it is not accepted, one view has a majority of one. It is a very ticklish question and, under these circumstances, I would hesitate either to announce the majority in favour of the view which had originally one vote more or to give my casting vote, and I have the alternative, under the rules, to call for a fresh division. I am taking the honourable members into my confidence without telling them what the result of this division is, but before I order another division I understand that the Honourable the General Member wishes to make a statement, and I will ask him now to do so.

The Honourable Mr. COWASJI JEHANGIR: Mr. President, I have been requested now by the other side to appoint four gentlemen.....

Mr. M. R. JAYAKAR: If the honourable member means me, I have not made any such request.

The Honourable Mr. COWASJI JEHANGIR: But I am informed, Sir, that the opposite benches unanimously have come to an understanding that members representing all parties should be appointed to the committee. At first I thought it was a question of nomination *versus* election. That was where there was a difference of opinion, I thought. The difference of opinion was between election and appointment. Then a suggestion was made to me that four members of this House should be appointed by Government on this advisory committee for this particular reference. I did not know when I said that there was difference of opinion that that request came unanimously from the opposite benches and therefore I am very pleased to be able to say that Government will consider that request most sympathetically. And let me clear this misunderstanding. I thought that there was a difference of opinion.....

Mr. NOOR MAHOMED: Is it a recommendation that has been made from this House to the Honourable the General Member, to the Government, or is it a request made to him by the other side?

The Honourable the PRESIDENT: I understand that it is merely a suggestion from the Honourable the General Member. He simply puts it forward as a suggestion from him.

The Honourable Mr. COWASJI JEHANGIR: There has been a suggestion that four members should be nominated by Government, that is what I thought was pressed for at the end and I did not know then that it came unanimously from the other side. But if it is the unanimous suggestion made by all parties, then I say that Government will most sympathetically consider it.

Mr. M. R. JAYAKAR (Bombay University): Mr. President, as I am concerned in this matter, I should like with your permission to state to

[Mr. M. R. Jayakar]

the House what happened. I handed over to the Honourable the General Member a chit containing a list of five names before the division took place. His objection was to the election of four members by this House and he asked me to consult the non-Brahmin party in this House as to whether they would be agreeable to certain names. I consented to that being done, because I thought that the claims of that party should be considered and to make this list more representative, I consulted a non-Brahmin honourable member of this House sitting near me and he agreed to a non-Brahmin gentleman being added to the list as representing the non-Brahmin party, but beyond this sense, my list was not unanimous. It was not unanimous as I understand the word "unanimous", which means that everybody agrees. I only consulted one non-Brahmin honourable member on behalf of his party and with his consent I put that name in my list. I handed over the list to my honourable friend opposite and I thought that he would consider the matter as it met with all his conditions, but subsequently he did not even refer to it in his speech and said that "my offer was rejected".....

The Honourable the PRESIDENT: We are trying to meet each other and find a solution which may be accepted practically unanimously. I would never use the word "unanimous" without qualifications because that would mean that in a big House like this a single dissentient could make it "not unanimous" and therefore, so far as I am concerned, I would use the words "practical unanimity". If there is practical unanimity in favour of four or five additional names and if Government are prepared to accept such names and the only difference is between election and nomination, then I may make a suggestion. These names can be proposed and seconded and they may be chosen without a contest.

The Honourable Mr. COWASJI JEHANGIR: We will postpone it and take it up first thing to-morrow morning.

The Honourable the PRESIDENT: No, no. How can I postpone it, because the House has proceeded to a division and the result compels me to call for a fresh division? I cannot put off the division till to-morrow because those members who are absent now would then be entitled to vote. Election can be secured by nominating these five names and accepting them.

The Honourable Mr. COWASJI JEHANGIR: I will do my very best to meet my honourable friends opposite, whatever way this division goes, one way or the other; I am going to meet my honourable friends in the same spirit in which they came to meet me. I am going to do my very best, whatever happens just now, to meet the wishes of this Council. I cannot, however, commit Government to the principle of election without consulting my honourable colleagues, but I will do my best to meet the honourable members' wishes, whatever happens to the division.

The Honourable the PRESIDENT: If that is the position of Government, a fresh division must take place and I appoint Mr. G. B. Pradhan and Mr. H. D. Saheba as tellers for the Ayes and Mr. R. D. Shinde and Mr. J. P. Bunter as tellers for the Noes.

Question put. House divided. Ayes 39: Noes 35. Motion carried.

*Division No. 19.*

**Ayes.**

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| Abdulpurkar, Mr. N. A. | Mukadam, Mr. W. S. |
| Adwani, Mr. D. B. | Narielvala, Mr. H. H. |
| Angadi, Mr. S. N. | Nariman, Mr. K. F. |
| Bhopatkar, Mr. L. B. | Panalajani, Mr. B. G. |
| Cooper, Khan Bahadur D. B. | Patel, Mr. A. E. |
| Dadachanji, Dr. K. E. | Patel, Mr. D. N. |
| Dalvi, Mr. B. K. | Patil, Mr. D. R. |
| Desai, Rao Saheb D. P. | Powar, Mr. M. B. |
| Dev, Mr. S. S. | Pradhan, Mr. G. B. |
| Dixit, Dr. M. K. | Rahimtoola, Mr. Hoosenally M. |
| Gunjal, Mr. N. R. | Saheba, Mr. H. D. |
| Haji Abdullah Haroon | Saptarshi, Mr. C. M. |
| Jayakar, Mr. M. R. | Shivdasani, Mr. H. B. |
| Jog, Mr. V. N. | Soman, Mr. R. G. |
| Joshi, Mr. P. G. | Surve, Mr. A. N. |
| Karki, Mr. M. D. | Surve, Mr. V. A. |
| Kothari, Mr. V. R. | Swaminarayan, Mr. J. C. |
| Lalljee, Mr. Hooseinbhoy A. | Thakersi, Mr. Punjabhai |
| Mavalankar, Mr. G. K. | Velkar, Dr. M. B. |
| Mehta, Dr. M. M. | |

*Tellers for the Ayes:* Mr. G. B. Pradhan and Mr. H. D. Saheba.

**Noes.**

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|---|---|
| Abdul Latif Haji Hajrat Khan, Mr. | Hepper, Sir Lawless |
| Ahmad, Moulvi Rafiuddin | Jadhav, the Honourable Mr. B. V. |
| Baptista, Mr. J. | Jehangir, the Honourable Mr. Cowasji |
| Bedrekar, Khan Bahadur I. M. | Kambli, Mr. S. T. |
| Bole, Mr. S. K. | Kanga, Mr. J. B. |
| Bunter, Mr. J. P. | Lawrence, the Honourable Mr. H. S. |
| Chatfield, Mr. G. E. | Mehta, the Honourable Mr. C. V. |
| Dehlavi, the Honourable Mr. A. M. K. | Montgomerie, Mr. A. |
| Fernandez, Dr. Cosmas | Noor Mahomed, Mr. |
| Framji, Mr. K. S. | Owen, Mr. A. C. |
| Ghosal, Mr. J. | Pratt, Mr. F. G. |
| Ghulam Hussain, the Honourable Khan Bahadur Shaikh | Sardesai, Mr. S. A. |
| | Shinde, Mr. R. D. |
| Gibson, Mr. R. E. | Thakor of Kerwada, the |
| Grantham, Mr. V. A. | Thomas, Mr. G. A. |
| Griffiths, Mr. V. M. | Wadia, Mr. N. J. |
| Hatch, Mr. G. W. | Wiles, Mr. G. |
| Hayward, the Honourable Sir Maurice. | Woods, Mr. E. E. |

*Tellers for the Noes:* Mr. R. D. Shinde and Mr. J. P. Bunter.

The Honourable the PRESIDENT: The House is now adjourned till 11 o'clock to-morrow, Saturday, the 25th October, 1924.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

*Saturday, the 25th October 1924.*

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The Council re-assembled in the Council Hall, Poona, at 11 a.m. on Saturday, the 25th October 1924, the Honourable the President, Sir IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E., presiding.

*Present:*

ABDUL LATIF HAJI HAJRAT KHAN, Mr.
ABDULPURKAR, Mr. N. A.
ADWANI, Mr. D. B.
AHMAD, MOULVI RAFIUDDIN
ANGADI, Mr. S. N.
BAPTISTA, Mr. J.
BEDREKAR, Khan Bahadur I. M.
BHOPATKAR, Mr. L. B.
BIJARANI, Khan Saheb SHER MAHOMED KHAN
BOLE, Mr. S. K.
BUNTER, Mr. J. P.
CHATFIELD, Mr. G. E.
CHAUDHARI, Mr. L. S.
DADACHANJI, Dr. K. E.
DALVI, Mr. B. K.
DEHLAVI, the Honourable Mr. A. M. K.
DESAI, Rao Saheb D. P.
DEV, Mr. S. S.
DIXIT, Dr. M. K.
FERNANDEZ, Dr. COSMAS
FRAMJI, Mr. K. S.
GHOSAL, Mr. J.
GHULAM HUSSAIN, the Honourable Khan Bahadur SHAIKH
GIBSON, Mr. R. E.
GRANTHAM, Mr. V. A.
GRIFFITHS, Mr. V. M.
GUNJAL, Mr. N. R.
HATCH, Mr. G. W.
HAYWARD, the Honourable Sir MAURICE
HEPPER, Sir LAWLESS
JADHAV, the Honourable Mr. B. V.
JAYAKAR, Mr. M. R.
JEHANGIR, the Honourable Mr. COWASJI
JOG, Mr. V. N.
JOSHI, Mr. P. G.
KALBHOR, Mr. G. M.
KAMBLI, Mr. S. T.
KANGA, Mr. J. B.
KARKI, Mr. M. D.

Kazi, Inaitullakhan
Kothari, Mr. V. R.
Lalji Naranji, Mr.
Lalljee, Mr. Hooseinbhoy A.
Lawrence, the Honourable Mr. H. S.
Mavalankar, Mr. G. K.
Mehta, the Honourable Mr. C. V.
Mehta, Dr. M. M.
Montgomerie, Mr. A.
Mujumdar, Sardar G. N.
Mukadam, Mr. W. S.
Nanal, Mr. B. R.
Nabielvala, Mr. H. H.
Nariman, Mr. K. F.
Navle, Mr. N. E.
Nekaljay, Mr. R. S.
Noor Mahomed, Mr.
Owen, Mr. A. C.
Pahalajani, Mr. B. G.
Painter, Mr. H. L.
Patel, Mr. A. E.
Patel, Mr. D. N.
Patil, Mr. D. R.
Pir Rasulbaksh Shah
Powar, Mr. M. B.
Pradhan, Mr. G. B.
Pradhan, Mr. R. G.
Pratt, Mr. F. G.
Rahimtoola, Mr. Hoosenally M.
Saheba, Mr. H. D.
Saptarshi, Mr. C. M.
Sardesai, Mr. S. A.
Sedgwick, Mr. L. J.
Shankarrao Jayaramrao Zunzarrao, Mr.
Shinde, Mr. R. D.
Shivdasani, Mr. H. B.
Soman, Mr. R. G.
Surve, Mr. A. N.
Surve, Mr. V. A.
Swaminarayan, Mr. J. C.
Thakersi, Mr. Punjabhai
Thakor of Kerwada, th
Thomas, Mr. G. A.
Velkar, Dr. M. B.
Wadia, Mr. N. J.
Wiles, Mr. G.
Woods, Mr. E. E.

The Honourable the PRESIDENT: Order, order. Questions.

CAMP COURTS OF MUKHTIARKARS.

Mr. D. B. ADWANI (Karachi City): (*a*) Will Government be pleased to state whether they are aware that owing to the fact that Mukhtiarkars cannot try all their criminal cases at the headquarters and that owing to their multifarious duties it is not possible for them to fix their camps beforehand when they go out on tour, parties and witnesses in criminal cases are often unable to attend their courts and that consequently the hearing of such cases is often unnecessarily prolonged ?

(*b*) Are they further aware that in addition to the inconvenience experienced by witnesses in such cases they do not get the daily and travelling expenses to which they are entitled when attending the camps of Mukhtiarkars ?

The Honourable Sir MAURICE HAYWARD : Information is being obtained.

MURDERS, DACOITIES, ETC., IN LARKANA DISTRICT.

Mr. D. B. ADWANI (Karachi City): Will Government be pleased to state the number of murders, dacoities, robberies and thefts that have occurred in the Larkana district during the year 1922 and 1923 and in the current year up to 30th June 1924 and to state the number of the above offences that were detected and how many of them ended in conviction ?

The Honourable Sir MAURICE HAYWARD : Information has been called for.

RISE IN CRIME IN LARKANA DISTRICT.

Mr. D. B. ADWANI (Karachi City): Will Government be pleased to state whether their attention has been drawn to the enormous rise in crime in the Larkana district and to the articles in the local papers, namely, the "Larkana Gazette", dated the 6th, 9th, 20th and 30th June 1924, and "Alhakikat", dated the 21st and 28th June 1924, on the subject, and on the state of panic which exists in the district and town of Larkana owing to the danger to property and person to which the inhabitants are exposed ?

(*b*) If so, what steps do Government propose to take to remove the feeling of insecurity which prevails ?

(*c*) What steps were taken by the District Superintendent of Police, Larkana, to check the growth of crime ?

The Honourable Sir MAURICE HAYWARD : Information has been called for.

MURDER OF MUNSHI RUPCHAND.

Mr. D. B. ADWANI (Karachi City): (*a*) Will Government be pleased to state whether they are aware that three murders have taken place successively within a few months at an early hour of the night and on much frequented roads in the town of Larkana, Munshi Rupchand's murder being the latest tragedy ?

(*b*) Will Government be pleased to state whether it is a fact that the deceased Rupchand had made applications to the District Superintendent of Police, Larkana, alleging the enmity of some men, and expressing the fear that he would be murdered and requesting that action be taken for his protection, and, if so, whether the District Superintendent of Police took any steps for his protection ?

(*c*) Are Government aware that an allegation of enmity was made by the deceased against town sub-inspector Mr. Allabux ? Is it true that the same sub-inspector has been taking part in the investigation of the deceased Rupchand's murder ?

(*d*) Has the attention of Government been drawn to certain questions appearing in the "Larkana Gazette", dated 9th July 1924, regarding the investigation of Rupchand's murder ?

The Honourable Sir MAURICE HAYWARD : Information has been called for.

### Local Allowance in Karachi.

Mr. D. B. ADWANI (Karachi City) : Will Government be pleased to state—

(*a*) whether it is a fact that the subordinate and clerical services of Government in Karachi are getting a local allowance, the rates of which are lower than those of the compensatory allowance granted to provincial and imperial officers ?

(*b*) If so, what are the reasons for this difference ?

The Honourable Mr. H. S. LAWRENCE : The honourable member is referred to the answer given to Haji Abdullah Haroon on the same subject.

### Court of the Sub-Judge, Tando Mahamadkhan.

Mr. D. B. ADWANI (Karachi City) : (*a*) Will Government be pleased to state whether they are aware that though the Subordinate Judge at Tando Mahamadkhan is empowered to try criminal cases, yet on account of the congestion of civil work, both civil and criminal work in his court suffers a good deal ?

(*b*) Is it a fact that Mr. Percival, a former District Judge of Hyderabad (Sind), strongly recommended to his superior officers that the Subordinate Judge at Tando Mahamadkhan should be relieved of the criminal work on this ground ?

The Honourable Sir MAURICE HAYWARD : Inquiries are being made.

### Land for Mahomedan Schools in Poona City.

MOULVI RAFIUDDIN AHMAD (Central Division) : Will Government be pleased to furnish the following information :—

(*a*) Was any scheme submitted to Government by Mr. Lory, Director of Public Instruction, for the purchase of a piece of land in the City of Poona for construction thereon of a number of educational institutions for the benefit of the Mahomedan community ?

(*b*) Did Government give notice of the acquisition of the land to its proprietor through the Collector of Poona, and was the notification published in the *Bombay Government Gazette* ?

(*c*) Was the notice subsequently cancelled and, if so, for what reason ?

(*d*) Will Government kindly place on the Council table all the papers of the case ?

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

(*b*) Yes.

(*c*) Government withdrew from the acquisition as, owing to extreme financial stringency, they were not in a position to proceed with it.

(*d*) Government are not prepared as a matter of policy to publish copies of reports of their officers or correspondence with them.

MOULVI RAFIUDDIN AHMAD : Will the Honourable Minister be pleased to show the correspondence to me privately ?

The Honourable Mr. B. V. JADHAV : That will amount to publication.

### Process and other fees in Courts of Law.

* Mr. L. B. BHOPATKAR (Poona City) : (*a*) Will Government be pleased to furnish a tabular account of the proceeds of the process and other fees in courts of law for the year next previous to the High Court Circular enhancing such fees, and for the years subsequent thereto :

(*b*) Will Government be pleased to state the rates of such fees in other provinces of India ?

The Honourable Sir MAURICE HAYWARD : (*a*) Receipts from process and other fees :—

| 1922-23. | 1923-24. |
|---|---|
| Rs. | Rs. |
| 5,08,835 | 7,13,218 |

(*b*) A tabular statement† giving the information desired is placed on the table.

### Extension to Veterinary Department Officers.

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

(*a*) (*i*) whether any of the following officers, namely, the Deputy Superintendent, Civil Veterinary Department, the First Professor, Bombay Veterinary College, and the Deputy Superintendent, City and Harbour Veterinary Department, Bombay, have become superannuated ;

(*ii*) whether any of them have been given extensions of service ;

(*b*) if so, what are the reasons therefor ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (*a*) (*i*) and (*ii*) Mr. P. D. Maniar, Acting Deputy Superintendent, Civil

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

†Kept in the Secretary's Office.

Veterinary Department, Bombay Presidency, Khan Saheb N. D. Dhakmarwala, First Professor, Bombay Veterinary College, and Khan Saheb D. F. Dubash, Deputy Superintendent, Bombay City and Harbour Veterinary Department, have become superannuated. Mr. Maniar and Khan Saheb Dubash have been given extensions of service up to 31st March 1925 and Khan Saheb Dhakmarwala up to 31st March 1926. Government do not propose to grant further extensions to these officers.

(*b*) As Mr. Maniar had twice acted as Deputy Superintendent and obtained the necessary experience required for the post he was considered to be the most suitable officer to be appointed as Deputy Superintendent which post became vacant during the current year. He was therefore granted extension of service up to 31st March 1925 in the interests of public service. Khan Saheb Dubash was granted extension as the services of a thoroughly experienced officer were necessary for the working of the Rules under the Live Stock Importation Act which were lately brought into force. Khan Saheb Dhakmarwala's services could not be dispensed with as no trained teacher was available to take his place. Steps are being taken to get a successor to him suitably trained.

### CLERKS BELONGING TO HINDU BACKWARD CLASSES IN THE DEVELOPMENT DEPARTMENT.

Mr. S. K. BOLE: Will Government be pleased to state the total number of clerks in each section of the Bombay Development Department and the number of clerks belonging to the Hindu backward classes in each section?

The Honourable Mr. COWASJI JEHANGIR: The information has been called for.

### AHMEDABAD LAW CLASS.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state whether they intend to make any arrangements for opening at Ahmedabad a law class for first and second year law students?

The Honourable Mr. B. V. JADHAV: Government are not at present prepared to open a law class of their own at Ahmedabad.

Rao Saheb D. P. DESAI: Do they intend to give any grant if any private gentleman starts law classes?

The Honourable Mr. B. V. JADHAV: My dear Sir, it will be self-supporting, and no grant is required.

Mr. NOOR MAHOMED: Is "my dear Sir" the parliamentary way to reply?

The Honourable the PRESIDENT: No serious notice need be taken of it.

Rao Saheb D. P. DESAI: Do they intend to give a grant if any private person starts a law class?

The Honourable Mr. B. V. JADHAV: The grant will not be necessary, because such a class will be self-supporting.

Rao Saheb D. P. DESAI: What is the reason for not giving a grant?

The Honourable Mr. B. V. JADHAV: In the case of Poona certain private individuals formed themselves into a society and opened a law school of their own. They did not require any grant and never asked for it.

Mr. J. C. SWAMINARAYAN: Are they not making a grant to the Poona Law Society?

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

Mr. H. B. SHIVDASANI: If any private person in Ahmedabad finds that a private institution of the kind will not be self-supporting, will Government have any objection to giving a grant to him?

The Honourable Mr. B. V. JADHAV: When application is made, the matter will be considered.

### Revenue derived from Foreign Liquor manufactured in Bombay Presidency.

Rao Saheb D. P. DESAI (Kaira District): Will Government be pleased to state whether the excise revenue derived from "foreign liquors" manufactured in this presidency goes to this Government or to the Central Government?

The Honourable Mr. A. M. K. DEHLAVI: The revenue in question is credited to this Government.

### Reduction of Court Fees in Small Causes Court in Bombay.

Rao Saheb D. P. DESAI (Kaira District): (*a*) Will Government be pleased to state whether they have received a representation from the Vakils' Association, Bombay City, requesting them to reduce the court fees in the small causes court in the city of Bombay to the level at which they were up to the year 1921?

(*b*) If so, will they be pleased to state whether they have taken any action in the matter, and if so, what action has been taken?

The Honourable Sir MAURICE HAYWARD: (*a*) Yes.

(*b*) The representation is under consideration.

### East India Cotton Association.

Rao Saheb D. P. DESAI (Kaira District): (*a*) Will Government be pleased to state whether there are any representatives of agriculturists on the executive body of the East India Cotton Association or in the list of surveyors appointed by that body?

(*b*) Will Government be pleased to state whether there is any officer of the Agricultural Department on the Board of Directors of the East India Cotton Association?

The Honourable Mr. C. V. MEHTA: (*a*) The Honourable Member is referred to the Articles of Association of the East India Cotton Association, Limited.

(*b*) No.

Rao Saheb D. P. DESAI: May I know what is the reason for not putting any officer of the Agricultural Department on the Cotton Association?

The Honourable Mr. C. V. MEHTA: Because he is not a member of the Association.

### Riot at Nandurbar.

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

(*a*) whether they are aware that a riot took place at Nandurbar on the 27th March 1924?

(*b*) If so, how many Hindus and how many Mahomedans have been found to have received injuries in that riot?

(*c*) Whether it is true that in connection with the inquiry regarding the riot a constable was removed from Nandurbar by the District Superintendent of Police, on his arrival at that place? If so, why was he so removed?

(*d*) Did the mamlatdar of Nandurbar arrive at the scene of the riot before or after it subsided? Did he take any steps to quell it? If so, what steps did he take?

The Honourable Sir MAURICE HAYWARD: (*a*) There was a fracas. (*b*), (*c*) and (*d*) It would be inappropriate for me to give any replies at this stage as the whole matter is under judicial enquiry before the sub-divisional magistrate.

### Sale of Rosha Grass in West Khandesh.

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

(*a*) Whether it is a fact that rosha (spice) grass in West Khandesh used to be sold every year by public auction?

(*b*) Whether it is a fact that it used to be purchased up till now by Mr. Abdul Hussain Mulla Badruddin of Sindkheda taluka, he being the highest bidder at every auction?

(*c*) Whether it is a fact that this year it was sold to a foreign company for a period of five years, without its being put up to sale by auction as usual?

(*d*) Whether it is a fact that Mr. Abdul Hussain had once applied that the grass be sold by auction for a longer period than one year, but that his application had been rejected?

(*e*) If the reply to (*a*) to (*d*) be in the affirmative, why the old practice of annually putting up the grass to sale by auction for the period of one year has been departed from this year?

The Honourable Mr. A. M. K. DEHLAVI: Enquiry is being made.

### Prosecution of the Proprietors of the "Samachar" for running a Prize Scheme.

Dr. M. K. DIXIT (Surat District): (*a*) Will Government be pleased to state whether they are aware that the *Samachar*, a newspaper

published at Surat, published a scheme entitled "Extraordinary Prize Competition" (अपूर्व इनामी हरिफाई) on the 7th August 1923; and that the proprietors of the paper were prosecuted and punished under Section 294A, Indian Penal Code, for doing so?

(*b*) Are Government aware of the fact that the *Times of India* Prize Scheme was being published at the very time when the *Samachar* was being so prosecuted?

(*c*) Was any warning given to the proprietors of the *Samachar* before launching a prosecution against them?

(*d*) Will Government state the amount of the fees paid to the Government Pleader, Surat, for conducting the prosecution in the several lottery cases during the years 1923 and 1924 (up to August) at Surat and how much fine has been realised in these cases?

The Honourable Sir MAURICE HAYWARD: Information is being obtained.

### Khed Village Panchayat Election.

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): (*a*) Will Government be pleased to state whether their attention has been drawn to an article published in the *Kesari*, dated 2nd September 1924, on the election of the members of the Khed village panchayat?

(*b*) Did the Collector of Poona receive any memorials from any inhabitants of Khed, taluka Khed, district Poona, complaining against irregularities in the said election and praying for a fresh election?

(*c*) If so, what action has been taken or is intended to be taken thereon?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*a*) No. (*b*) and (*c*) Enquiries are being made.

### Survey Settlement in Inam Villages.

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): (*a*) Will Government be pleased to furnish the names of those inam villages of the Khed taluka of the Poona district in which no original survey settlement has yet been introduced?

(*b*) Have Government taken any steps to persuade the inamdars of such inam villages to get the survey settlement introduced into their villages?

(*c*) If so, what are the difficulties put forth by such inamdars regarding the introduction of survey settlement into their villages and what steps have Government taken to remove their difficulties?

The Honourable Mr. C. V. MEHTA: Information has been called for.

### Encouragement of Vernacular Text-Books Authors.

HAJI ABDULLAH HAROON (Karachi City): (*a*) With reference to paragraph 12 of Government Resolution in the Educational Department, no. P.—36, dated 6th December 1923, regarding the Quinquennial Report of the Director of Public Instruction, will Government

be pleased to furnish details of the special scheme inaugurated for the encouragement of authors of text-books in the vernaculars ?

(*b*) When was that scheme inaugurated, in what manner, where, and for which vernaculars ?

(*c*) What results have so far been achieved from the same ?

The Honourable Mr. B. V. JADHAV: (*a*), (*b*) and (*c*) Attention is invited to the reply given at the last session to a question on the subject put by the honourable member for Nasik district (Non-Mahomedan Rural Constituency). The matter is still under consideration by Government.

COMPENSATORY ALLOWANCE IN KARACHI.

HAJI ABDULLAH HAROON (Karachi City): (*a*) With reference to their reply to part (*e*) of Mr. B. G. Pahalajani's question regarding the grant of compensatory allowances at Karachi (page 1105, Council Debates, Vol. XI) will Government be pleased to state whether they have finished re-examination of the question of the existing local allowances in the places to which the Government Resolution, Finance Department, No. 2837, dated 5th December 1923 refers ; if so, with what result ; if not, when is the re-examination likely to be completed ?

(*b*) Will Government be pleased to state whether they have taken into consideration the question of giving retrospective effect to their orders ?

(*c*) If so, from what date do they intend to give their orders ?

The Honourable Mr. H. S. LAWRENCE: (*a*), (*b*) and (*c*) The examination is not yet complete.

APPLICATION OF WAKF PROPERTY ACT TO BOMBAY.

HAJI ABDULLAH HAROON (Karachi City): Will Government be pleased to state whether they intend to make the Act No. XLII of 1923 (an Act to make provision for the better management of Wakf properties) applicable to the Bombay presidency in accordance with the resolution on the subject which was passed by this Council in March 1924 ? If so, when ?

The Honourable Mr. B. V. JADHAV: The attention of the honourable member is invited to the reply given to question put by the honourable member for Hyderabad district, Mr. Noor Mahomed, at the session held in August 1924 and printed on page 833 of Volume XII, Part XI, of the Official Report of the Bombay Legislative Council Debates.

PAY OF PRIMARY SCHOOL TEACHERS IN KARACHI.

HAJI ABDULLAH HAROON (Karachi City): Will Government be pleased to state what action has been taken on the representation of the Karachi municipality sent to the Commissioner in Sind proposing a higher scale of pay for its primary schools teachers than the one already sanctioned by Government ?

The Honourable Mr. B. V. JADHAV: The Director of Public Instruction has been asked to place the Karachi municipality's scheme before

the Committee appointed by Government, to consider certain issues in connection with the revision of pay of primary school teachers, in pursuance of an amendment to a resolution on the subject passed by the Legislative Council in March last.

TAGAI.

HAJI ABDULLAH HAROON (Karachi City): Will Government be pleased to furnish in a tabular form the amount allotted to each of the divisional Commissioners during the years 1922-23, 1923-24 and 1924-25 respectively for the purpose of giving tagai grants in the shape of land improvement loans, agriculturists' loans and co-operative societies' agricultural loans respectively and the amounts actually spent in each Division for the above purposes during the aforesaid years?

The Honourable Mr. H. S. LAWRENCE: The allotments made to the divisional Commissioners for loans under Class I of the Provincial Advance and Loan Account during the last three years are as follows:—

| Division. | 1922-23. | 1923-24. | 1924-25. |
|---|---|---|---|
| | Rs. | Rs. | Rs. |
| Commissioner, N. D. .. .. | 8,20,500 | 3,00,000 | 2,26,000 |
| Commissioner, C. D. .. .. | 10,74,000 | 3,00,000 | 5,26,000 |
| Commissioner, S. D. .. .. | 4,30,800 | 2,00,000 | 3,38,000 |
| Commissioner in Sind .. .. | 10,00,000 | 3,00,000 | 3,00,000 |
| Co-operative Societies under Land Improvement Loans Act through the Central Co-operative Bank .. .. | 3,00,000 | 3,50,000 | 3,50,000 |

The following amounts were actually spent in each division during the years 1922-23 and 1923-24:—

| Division. | 1922-23. | 1923-24. |
|---|---|---|
| | Rs. | Rs. |
| Commissioner, Northern Division .. .. | 31,500 | 64,658 |
| Commissioner, Southern Division .. .. | 1,63,295 | 1,26,844 |
| Commissioner, Central Division .. .. | 78,764 | 1,55,905 |
| Commissioner in Sind .. .. | 9,94,171 | 3,52,474 |
| Co-operative Societies under Land Improvement Loans Act through the Central Co-operative Bank. | 1,02,471 | 1,10,700 |

FIGURES OF REVENUE AND EXPENDITURE.

HAJI ABDULLAH HAROON (Karachi City): (*a*) Will Government be pleased to furnish in a tabular form the figures of all heads and their main sub-heads of revenue and expenditure concerning Sind and the rest of the presidency of Bombay respectively, for any one of the last five years for which actual figures may be available exclusive of the Central Government account?

(*b*) Will they be pleased to furnish similar figures as regards the Central Government account also, if possible?

The Honourable Mr. H. S. LAWRENCE: (*a*) Attention is invited to the replies given in February 1921 and July 1922 and printed at pages 39 and 224 of the Legislative Council Debates to a somewhat similar question asked by Khan Saheb Shah Nawaz Bhutto. The extraction and compilation of information of this character involves very considerable labour in the Accountant General's office, and Government are not therefore prepared to collect the information anew in the slightly different form required by the honourable member.

(*b*) Government are not in a position to give the required information which concerns the accounts of the Government of India.

### Honorary Magistrates in Poona.

Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District): Will Government be pleased to state—

(*a*) How many honorary magistrates are there in Poona and how many of them know English?

(*b*) How many of them are Brahmins or belong to the advanced Hindu castes? How many are Mahomedans and how many are Marathas?

(*c*) Are there any of them who have been absent from their benches or courts for a number of years and who have still been kept on the list?

(*d*) Are there any persons not belonging to the Brahmin or any other advanced Hindu caste, who have expressed their willingness to serve as honorary magistrates at Poona?

(*e*) Will Government be pleased to state the total amount recovered by way of fines during the last official year under orders of the honorary magistrates in Poona?

The Honourable Sir MAURICE HAYWARD: Inquiries are being made.

### Mamlatdar of Haveli, Poona District.

Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District): Will Government be pleased to state—

(*a*) whether it is a fact that Government have given some land at Bhamburda to the Mamlatdar of Haveli Taluka as a reward for his good services?

(*b*) Are there any other Government servants who have received such rewards for their good services? If so, what are their names and designations?

The Honourable Mr. C. V. MEHTA: (*a*) No.

(*b*) Yes. A list* of Government servants in the Central Division to whom grants of land were made for good service during the last five years is appended. No such grants have been made in the other divisions of the Presidency, excluding Sind.

* Kept in Secretary's Office.

PAYMENT FOR SUPERINTENDING BOARDINGS OF KOLI STUDENTS.

*Mr. S. K. BOLE on behalf of Mr. G. M. KALBHOR (Poona District): Will Government be pleased to state what are the orders of the Government regarding allowances paid to school teachers for superintending boardings of Koli students?

The Honourable Mr. B. V. JADHAV: Under the orders of Government five allowances in all are granted to school teachers for superintending boardings of Koli students as under:—

| | | |
|---|---|---|
| Ghoda | .. | .. 1 at Rs. 20 and 1 at Rs. 15 |
| Ambegaon | .. | .. 1 at Rs. 20 |
| Akola | .. | .. 1 at Rs. 20 and 1 at Rs. 15. |

DECREASE IN POPULATION OF MALLAD VILLAGES IN DHARWAR DISTRICT.

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

(*a*) the total population of the Mallad villages in the Dharwar district in 1911;

(*b*) the total population in the said villages in 1921?

The Honourable Mr. COWASJI JEHANGIR: (*a*) 184,749.
(*b*) 176,424.

DAMAGE BY RAIN IN DHARWAR AND KARWAR IN 1923.

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

(*a*) whether any damage has been caused by floods
(i) in the Dharwar district and
(ii) in the Karwar district,
By the rains in these regions from June to the 11th September 1923;

(*b*) if so, what villages have been affected thereby;

(*c*) what is the nature and extent of such damage;

(*d*) whether any steps are being taken to give relief to the affected areas and, if so, what steps are being taken for such purposes?

The Honourable Mr. C. V. MEHTA: Information has been called for.

TAXATION COMMITTEE.

Mr. LALJI NARANJI (Indian Merchants' Chamber): (*a*) Will Government be pleased to state whether they were consulted by the Central Government on the question of the scope and the terms of reference of the Taxation Committee? If so, were any terms of reference recommended by this Government; if so, what were they?

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

(*b*) Will Government be pleased to state whether they are aware whether any members from the provincial Governments are going to be co-opted to the Taxation Committee when they make an enquiry about the Bombay presidency ?

The Honourable Mr. H. S. LAWRENCE : (*a*) Government regret that consultations between the Central Government and local Governments cannot be disclosed.

(*b*) Government have no information to give.

### Sherkotda Police Lines.

Mr. HOOSENALLY M. RAHIMTOOLA on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : (*a*) Will Government be pleased to state whether any proposals have been made to change the site of Sherkotda police lines from Railwaypura to outside Serangpur Gate ?

(*b*) Will Government be pleased to state the estimated cost of the land acquisition involved and the estimated cost of constructing the quarters ?

(*c*) What will be the estimated rent on each tenement, and what amount is now being paid as house rent to every constable ?

(*d*) Are Government aware that the original site for the Sherkotda police lines, near the Telia mill, belongs to Government ?

(*e*) Are Government aware that there are other sites available in the vicinity of the proposed site near Kadga Pith and opposite the Purshottam Mill, and that such sites belong to Government, although they temporarily vest in the municipality ?

The Honourable Sir MAURICE HAYWARD : Enquiries are being made.

### Malav Talao, Dholka.

Mr. HOOSENALLY M. RAHIMTOOLA on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state in which year the Malav Talao at Dholka was declared to be a protected monument ?

(*b*) What amount has since been spent by the Archæological Department on its repairs ?

(*c*) Are Government aware that the attention of the Superintendent, Archæological Survey, has been drawn by the municipality of Dholka to the necessity for immediate repairs to some important portions of the Malav Talao ?

(*d*) Will Government be pleased to state what action has been taken in the matter ?

The Honourable Mr. COWASJI JEHANGIR : Information is being obtained.

### Mukhtiyarkars and Resident Magistrates in Sind.

Mr. HOOSENALLY M. RAHIMTOOLA on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(*a*) In what year was the principle of direct recruitment of mukhtyarkars and resident magistrates introduced in Sind ?

(*b*) How many probationers have been appointed to these posts since then ?

(*c*) How many have been confirmed as such after being appointed as probationers ?

(*d*) How many such probationers have not yet been confirmed ; and how long has each of them been a probationer ?

(*e*) Are the orders for the direct appointment to the posts of mukhtyarkars and resident magistrates still in force ?

(*f*) When was the last appointment made under these orders and what is the name of the person so appointed ?

(*g*) Is it a fact that there are some probationers appointed in 1916 who have not yet been confirmed ? If so, what are the reasons therefor ?

The Honourable Sir MAURICE HAYWARD : Information as regards resident magistrates is being obtained.

Reference is requested to the Honourable Member for Revenue Department for the portion of the question which pertains to mukhtyarkars.

RULES UNDER WAKF ACT.

Mr. HOOSENALLY M. RAHIMTOOLA on behalf of Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state whether they intend to make any rules to apply the Mussalman Wakf Act, 1923, to this presidency, in accordance with the resolution passed by this Council in February ? If so, when do they intend to do so ?

The Honourable Mr. B. V. JADHAV: The attention of the honourable member is invited to the reply given to question put by the honourable member for Hyderabad district Mr. Noor Mahomed, at the session held in August 1924 and printed at page 833 of Volume XII, Part XI, of the Official Report of the Bombay Legislative Council Debates.

RECEIPTS FROM LIQUOR SHOPS IN AHMEDABAD DISTRICT.

Mr. G. K. MAVALANKAR (Ahmedabad City) : (*a*) What were the amounts of receipts realized from the auctions of country liquor shops in the Ahmedabad district for the years 1918—24, respectively ?

(*b*) What amounts out of such receipts, if any, were allotted to primary education and sanitary improvements in accordance with paragraph 12 of Government press note No. 15080 dated 13th December 1917 ?

The Honourable Mr. A. M. K. DEHLAVI : (*a*) The receipts from the auction of country liquor shops in the Ahmedabad district for the years 1918-19 to 1924-25 are shown below :—

| | Rs. |
|---|---|
| 1918-19 .. .. .. | 3,81,136 |
| 1919-20 .. .. .. | 3,60,140 |
| 1920-21 .. .. .. | 3,67,151 |
| 1921-22 .. .. .. | 3,19,545 |
| 1922 (1st April to 31st December) .. .. | 3,63,645 |
| 1923-24 1st (January 1923 to 31st March 1924) .. | 4,08,560 |
| 1924-25 .. .. .. | 7,56,465 |

(*b*) The committee appointed by Government for the purpose of considering what was the most effective method of distributing the excess revenue derived by the change of system in the disposal of the right of retail vend of country spirit were opposed to the distribution of the amounts on a territorial basis and this view was approved by Government. A *pro forma** account of the surplus excise revenue up to the end of 1920-21 is placed on the Council table. The earmarking of these revenues for specific purposes was discontinued with effect from the year 1921-22.

### Education of Indian Christians of Gujarat.

†Dr. M. M. MEHTA (Surat City): (*a*) Will Government be pleased to state whether they are aware that the Indian Christians of Gujarat receive very little higher education in proportion to their population for want of funds?

(*b*) If so, do Government intend to do anything in the matter?

The Honourable Mr. B. V. JADHAV: (*a*) and (*b*) A statement‡ showing the percentage of Indian Christians, Brahmins, non-Brahmins, etc., in the various grades of educational institutions to their respective total populations in Gujarat is placed on the table. It will be seen therefrom that so far as arts colleges and secondary schools are concerned, the percentage for Indian Christians stands next below those for Parsis and Brahmins, and above those for Mahomedans and non-Brahmins, while in technical, industrial and training institutions they rank above all other communities. The question of taking special action in the matter does not therefore arise.

### Assistance Suits by Inamdars.

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

(*a*) how many assistance suits were filed by inamdars in 1922-23,

(*b*) the total amount of arrears of revenue for which such suits were instituted,

(*c*) the total amount levied as process fees in such suits,

(*d*) the amount of penalty under section 148 of the Land Revenue Code levied in such cases?

The Honourable Mr. C. V. MEHTA: The requisite information is contained in the appended statement.

### Latrines on the Ballard Pier.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to state whether under any of the bye-laws

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* *Vide* Appendix No. 54.

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

‡ *Vide* Appendix No. 57

or regulations of the Bombay Port Trust the latrines on the Ballard Pier, Bombay, have been reserved for Europeans? If so, on what grounds have they been so reserved? Are Government aware that Indian gentlemen wishing to use them are told by the man in charge that they are so reserved? Do they intend to take any action in this connection?

The Honourable Mr. COWASJI JEHANGIR: There are no such bye-laws or regulations as mentioned by the honourable member. The honourable member evidently refers to the latrines in the concourse of the Ballard Pier Station. The latrines are not reserved exclusively for Europeans. They are frequently used by Indians. They are intended primarily for the use of passengers. The attendant sweeper has orders not to allow subordinate clerks, coolies or labourers to use these latrines as there are suitable latrines outside the station for subordinates.

## List of Sardars and Inamdars.

*Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to supply a list of sardars and inamdars with the names of their inam villages:—

(*a*) Who have been given powers under section 88 of the Land Revenue Code from 1918 to 1924?

(*b*) Who have been empowered under section 84 of the Watan Act to hold the proceedings as regards watan registers and to make appointments of patels and kulkarnis in their inam villages, stating under what circumstances they have been so empowered?

(*c*) Who have surrendered portions of lands in their inam villages to Government in lieu of the settlement judi payable every year?

* * * * *

(*i*) Who contributed money, lands or recruits during the war?

The Honourable Mr. C. V. MEHTA: (*a*) Information has been called for.

(*b*) Information has been called for, but Government do not think it necessary to enquire under what circumstances the inamdars have been so empowered, as the labour involved in such enquiry is disproportionate to the value of the information.

(*c*) and (*i*) The information cannot be furnished as the labour involved is disproportionate to the value of the information.

## Sardars and Inamdars.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to supply a list of sardars and inamdars with the names of their inam villages?

(*h*) On whom Government have, in recognition of their services, public or State, conferred titles of honour, or who have been granted lands or villages as inam for such services from 1850 to 1923?

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

The Honourable Sir MAURICE HAYWARD: Government are not prepared to supply the information as the expenditure of time and labour in collecting it would be out of all proportion to any purpose it appears likely to serve.

CASH-ALLOWANCE HOLDERS IN NIZAM'S DOMINIONS.

*Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Will Government be pleased to furnish a list of all saliandars (annual cash allowance holders) who are paid cash allowances in the Nizam's Dominions by the Government of Bombay with their respective stations of disbursement?

The Honourable Sir MAURICE HAYWARD: No such list is maintained.

SALE OF CARTS PREPARED IN THE DANGS.

Mr. W. S. MUKADAM (Panch Mahals District): (*a*) Will Government be pleased to state whether the Divisional Forest Officer, Surat, ordered carts to be prepared for sale in the Dangs?

(*b*) (*i*) If so, how many carts were prepared during the last two years and how many of these have been sold?

(*ii*) Will Government be pleased to state the names and addresses of the purchasers of these carts, the prices paid by them to the Government and the dates of sale and payment of price in each case?

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

ILL-TREATMENT OF BHILS BY EXCISE DEPARTMENT AT DOHAD.

Mr. W. S. MUKADAM (Panch Mahals District): (*a*) Will Government be pleased to state whether it is a fact that in December 1923 a Bhil named Kalia Galia and his witness Shena Bharta of village Abhalod, taluka Dohad, district Panch Mahals, made affidavits before the nazir of the subordinate judge's court at Dohad regarding the conduct of an assistant excise inspector towards him and his wife?

(*b*) Did the Excise Superintendent of Panch Mahals hold an inquiry in March 1924 into the conduct of the assistant excise inspector?

(*c*) If so, what facts have been ascertained by that inquiry, and will Government be pleased to lay the papers regarding the inquiry on the table?

(*d*) Has the assistant excise inspector been punished in any way after the enquiry?

(*e*) If so, what is the nature of the punishment, and why was it inflicted on him?

(*f*) Do Government intend to take any further action in the matter?

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

(*b*) Yes.

(*c*) The Assistant Excise Inspector, Dohad, detected some cases of illicit distillation in Abhalod village in Dohad taluka and in the course of his inquiry searched the house of Bhil Kalia Galia whom he suspected of possessing implements for distillation. As nothing incriminating was

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

found from the house the Assistant Inspector asked Kalia to show him the place where he had concealed the implements. From the evidence recorded by the Superintendent it appears that Kalia was roughly handled by the Assistant Inspector but the other allegations against the latter appear to be greatly exaggerated at the instigation of some of the villagers who bore him ill-will on account of the numerous cases of illicit distillation which he had detected in the village.

Government do not think that any public purpose will be served by placing the papers of the inquiry on the Council table.

(*d*) and (*e*) As a result of the inquiry the Assistant Inspector was warned and transferred from Dohad.

(*f*) No.

Mr. W. S. MUKADAM: Is it a fact that the excise assistant inspector was promoted after his transfer?

The Honourable Mr. A. M. K. DEHLAVI: I should like to ask for notice of the question.

BOMBAY NATIONAL MEDICAL COLLEGE.

Mr. W. S. MUKADAM (Panch Mahals District): (*a*) Will Government be pleased to state whether any circular has been issued by the Bombay Medical Council to certain registered medical practitioners regarding the Bombay National Medical College and hospitals attached to it?

(*b*) If so, will they be pleased to place the circular on the Council table?

The Honourable Mr. COWASJI JEHANGIR: The attention of the member for Panch Mahals district is invited to the reply given to question put by the honourable member for Bombay City, South, Dr. M. B. Velkar.

MATERIALS FOR GRASS SHEDS AT PALGHAR.

*Mr. W. S. MUKADAM (Panch Mahals District): (*a*) Will Government be pleased to state whether it is a fact that the Divisional Forest Officer, North Thana, has given orders for the purchase of materials required for the Government grass sheds which are being erected at Palghar to a European firm of Calcutta?

(*b*) If so, (*i*) Will Government be pleased to supply information as under in the accompanying tabular form?

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|
| Name of the firm. | Date of purchase. | Name of materials purchased. | Quantity purchased. | At what rate. | Total sum paid or to be paid. |
| | | | | | |

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

(*ii*) Whether the prices shown were nett or subject to any discount or commission ?

(*iii*) If the prices were subject to any discount or commission, what was the total amount of such discount or commission credited to Government ?

(*iv*) Will Government be pleased to state why the materials have been or are being purchased from Calcutta though the Bombay market is so near ?

The Honourable Mr. C. V. MEHTA : (*a*) Yes.

(*b*) (*i*) Statements * are appended.

(*ii*) The prices were nett.

(*iv*) The quotations from the Calcutta firm were lower than those of the Bombay firms.

INCREASED ASSESSMENT IN NAWABSHAH DISTRICT.

† Mr. D. B. ADWANI on behalf of MUKHI JETHANAND PRITAMDAS (Eastern Sind) : Will Government be pleased to state—

(*a*) whether their attention has been drawn to the widespread discontent prevailing among the zamindars of the Sinjhoro taluka, Nawabshah district, in consequence of excessive land assessment fixed under the recent revised settlement of lands irrigated by the Sind canals, Sinjhoro taluka ;

(*b*) whether it is a fact that there is inadequate flow of water in the said canals by reason of want of a correct level and other circumstances ;

(*c*) whether it is a fact that the zamindars of Sinjhoro taluka have from time to time made representations to the officers of the Engineering Department urging the necessity of a full clearance of these canals, but that no action has so far been taken in the matter ;

(*d*) If the reply to (*a*) and (*b*) be in the affirmative, do Government intend to take any action in the matter ?

The Honourable Mr. COWASJI JEHANGIR : (*a*) and (*d*) The honourable member is referred to the reply given by the honourable member in charge of the Revenue Department on the 1st August 1924.

(*b*) The deficiency at the tails of Sind canals in Sinjhoro taluka is not due to any fault in the design but it is due to excessive draw-off for rice cultivation in Shahowah in the upper reaches.

(*c*) Petitions have been received and clearance to the extent shown in the accompanying statement* has been done in the various canals. There is great scarcity of labour in that tract and the co-operation of zamindars would greatly facilitate the work of clearance.

DIRECTOR OF DEVELOPMENT.

Mr. K. F. NARIMAN (Bombay City, South) : Will Government be pleased to state—

(*a*) whether the Director of Development was immediately before his appointment a Controller of Munitions and Stores ;

* Kept in the Secretary's Office.

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

(*b*) when the latter post was abolished ;

(*c*) when the Director of Development was appointed ?

The Honourable Mr. COWASJI JEHANGIR : (*a*) and (*c*) No. The Director of Development acted as Controller of Munitions, Bombay Circle, from May 1917 to August 1918, in addition to his own duties as Agent, G. I. P. Railway. He was appointed as Director of Development in November 1920.

(*b*) The appointment of Controller of Munitions, Bombay Circle, was abolished from 1st April 1921.

Mr. K. F. NARIMAN : What was the pay of the Controller of Munitions ?

The Honourable Mr. COWASJI JEHANGIR : Honorary ; no pay.

Mr. K. F. NARIMAN : What was the pay of the Agent of the G. I. P. Railway ?

The Honourable Mr. COWASJI JEHANGIR : Rs. 4,000.

Mr. K. F. NARIMAN : Were any stores purchased for the Development Directorate during the time when the Director was the Agent of the G. I. P. Railway as well as Controller of Munitions ?

The Honourable Mr. COWASJI JEHANGIR : There was no directorate in existence when the Director was the Agent of the G. I. P. Railway.

Mr. K. F. NARIMAN : In the answer it is stated that he was appointed Director of Development in 1920 and that the appointment of the Controller of Munitions was abolished from 1st April 1921. It is evident that during this interval he was Controller of Munitions.

The Honourable Mr. COWASJI JEHANGIR : Somebody else was acting after he took his post of Director of Development.

Mr. K. F. NARIMAN : How long after he was appointed Director of Development did the Government purchase stores for the Development Department ?

The Honourable Mr. COWASJI JEHANGIR : Two years.

### Assistant Deputy Educational Inspectors in Sind.

Mr. NOOR MAHOMED (Hyderabad District) : (*a*) Will Government be pleased to furnish the number of the permanent assistant deputy educational inspectors in each of the districts of Sind at present ? How many of them in each grade are Hindus and Mussalmans respectively ?

(*b*) How many headmasters of the vernacular primary schools have been given temporary, acting or permanent appointments of the assistant deputy educational inspectors during the last five years in the various districts of Sind ? How many of them were Hindus and how many Mussalmans ? For how long did each of them hold the appointment ?

The Honourable Mr. B. V. JADHAV : Information has been called for.

HEAD MASTERS AND ASSISTANT MASTERS IN SIND.

Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased to furnish the number of the headmasters and assistant masters of the primary schools in the various districts of Sind who have been taken on the selection grade during the last three years? How many of them were Hindus and how many Mussalmans?

The Honourable Mr. B. V. JADHAV: Information has been called for.

TEACHERS IN SIND.

Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased to state—

(*a*) the number of trained, untrained and qualified primary school teachers respectively in the primary local board schools in each of the districts and municipal towns of Sind;

(*b*) the number of taluka masters in each district of Sind and how many of them are Hindus and how many Mussalmans;

(*c*) the number of teachers in each district who draw postal allowance and how many of them are Muslims and how many Hindus?

The Honourable Mr. B. V. JADHAV: Information has been called for.

CLASSIFICATION OF NON-OFFICIALS IN SIND.

Mr. NOOR MAHOMED (Hyderabad District): (*a*) Will Government be pleased to state whether it is a fact that Circular No. 3552 of the 8th December 1917 issued by the Commissioner in Sind laying down the form of address to be employed by officials in their vernacular correspondence among themselves is being applied to non-officials by the officials in Sind?

(*b*) Is it a fact that non-officials are being classified in the official correspondence as officials of the non-gazetted grade?

(*c*) Are Government further aware that respectable zamindars paying very large amounts of land revenue are addressed by officials in their correspondence as inferior persons belonging to the non-gazetted grade and that this form of address is being resented by the zamindars?

(*d*) Are Government aware that the acting mukhtiarkar of Badin insisted on addressing the non-official chairman of the Badin Sanitary Board, a big zamindar, as merely "Manwaro" and that when the latter protested the mukhtiarkar quoted the Commissioner's Circular and obtained the approval of the Assistant Collector, Tando, to his being classified as a third grade non-gazetted official?

(*e*) Do Government intend to take any action in connection with such practice?

The Honourable Mr. C. V. MEHTA: Information is being called for.

LOANS UNDER LAND IMPROVEMENT LOANS ACT.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state the amount of money allotted to each district of the Northern

Division for the improvement of land under Act XIX of 1883 (Land Improvement Loans Act) in the year ending on 31st March 1924 ?

The Honourable Mr. H. S. LAWRENCE: A sum of Rs. 3,00,000 was placed at the disposal of the Commissioner, Northern Division, for giving takavi loans in the Northern Division under the Land Improvement Loans Act, XIX of 1883, and Agriculturists' Loans Act. Out of this, the amounts allotted by him to the several districts in the Northern Division were as follows:—

| | Rs. |
|---|---|
| Ahmedabad .. .. .. .. | 60,000 |
| Broach .. .. .. .. | 20,000 |
| Kaira .. .. .. .. | 50,000 |
| Panch Mahals .. .. .. .. | 12,000 |
| Surat .. .. .. .. | 4,000 |
| Thana .. .. .. .. | 4,000 |
| Balance of grant with the Commissioner .. | 1,50,000 |
| | 3,00,000 |

No separate allotment for the improvement of land under the Land Improvement Loans Act only is made.

### Report on Tobacco in Kaira District.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state whether Mr. V. M. Mujumdar, who has been deputed to study the local types of tobacco in the Kaira district, has submitted his report thereon; if so, what is the substance of that report ?

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

### Well Boring.

Mr. D. N. PATEL (Kaira District): Will Government be pleased to state whether they are aware that the charges made by the Agricultural Department for boring private wells are regarded as almost prohibitive by the public; if so, do they intend to take any action ?

The Honourable Mr. A. M. K. DEHLAVI: The charges are reported to be high specially for Gujarat. The question of revising the rates so as to encourage boring operations is under the consideration of Government.

### Pensioners and Anti-Government Propaganda.

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state the circumstances that have led them to issue the recent circular regarding pensioners taking part in anti-Government propaganda ?

How many pensioners have been found to have taken part in such propaganda ?

The Honourable Mr. H. S. LAWRENCE: The circular in question has been withdrawn.

MINISTERS' MEMORANDUM ON REFORMS.

Mr. R. G. PRADHAN (Nasik District) : (*a*) Will the Honou the Senior Minister be pleased to state whether the Ministers have mitted any memorandum or memoranda to the Reforms En Committee ?

(*b*) If so, whether they have submitted the memorandum or m randa jointly or individually, and what proposals they have ma the Committee ? Have they urged the transfer of all provincial sul to popular control ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN The Ministers have sent a joint memorandum.

(*b*) The memoranda sent by provincial Governments or indiv members of such Governments are confidential until published b Government of India.

Mr. R. G. PRADHAN : Is the memorandum submitted by Ministers different from the one sent by the Executive Co Members ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSA It is confidential.

Mr. R. G. PRADHAN : Are they different ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSA I cannot say.

An Honourable MEMBER : How can the opinion of the ele Ministers on the policy of the State be confidential ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAI It will be published and the honourable member will come to know whole thing.

Mr. R. G. PRADHAN : Were the elected members of this Ho consulted before the memorandum was framed ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAI A meeting was called but nobody afterwards turned up.

Rao Saheb D. P. DESAI : Did the Honourable Minister cons his constituency ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAI I did not consult.

Mr. R. G. PRADHAN : When was the meeting called ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAI We all met here and there was a proposal to meet.

Mr. R. G. PRADHAN : Was that meeting called by the Minister

(No reply).

Mr. R. G. PRADHAN : Was any invitation sent again to elec members ?

(No reply).

BUILDINGS FOR FOREST DEPARTMENT AT NASIK.

*Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

(*a*) whether it is true that in 1919 a scheme was sanctioned for constructing buildings for the offices of the Forest Department at Nasik, near the judicial buildings;

(*b*) if so, whether it is true that the scheme has been abandoned, and that the premises of the Christian Home School, Nasik, have been purchased for the purpose;

(*c*) whether they are aware that the premises of the Home School are about two miles from the town and that the location of the forest offices in those premises will cause great inconvenience to the subordinate staff employed in those offices;

(*d*) if so, why the original scheme was abandoned and the purchase of the Home School decided upon;

(*e*) what were the estimated cost of the new buildings to be constructed for the offices and the price paid or agreed to be paid for the premises of the Home School, respectively?

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

(*b*) The scheme has been abandoned. The League of Mercy Home School has not yet been purchased.

(*c*) The building in question is situated at a distance of 1½ miles from the town. It is not a fact that the removal of the forest offices to this building, if purchased, will cause great inconvenience to the subordinate staff employed in those offices. At present these buildings are rented for the offices of the Divisional Forest Officers, North Thana and West Nasik, and the Forest Engineer, Northern Circle. They are actually half a mile nearer the town of Nasik than the building in which these divisional offices were formerly situated.

(*d*) The original scheme was abandoned owing to financial stringency.

(*e*) As no detailed plans and estimates were prepared in 1919 the cost was not estimated. The present cost, taking a low scale of accommodation for clerks, is estimated at not less than Rs. 90,000. It is proposed to purchase the Home School for Rs. 61,000.

Mr. R. G. PRADHAN: With regard to (*b*) why was the scheme abandoned?

The Honourable Mr. A. M. K. DEHLAVI: On account of financial stringency.

INDIAN TERRITORIAL FORCE.

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to lay on the table a statement giving the names of the members of every district branch committee of the Indian Territorial Force, and

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

mentioning the steps taken by each branch to promote and popularize recruitment to the force ?

The Honourable Sir MAURICE HAYWARD : Information is being obtained.

### RAISING QUOTA OF INDIAN TERRITORIAL FORCE FOR NASIK DISTRICT.

Mr. R. G. PRADHAN (Nasik District) : With reference to my question asked in the last sessions regarding the branch committee of the Indian Territorial Force for the district of Nasik, and the reply given thereto, will Government be pleased to state what suitable measures the Administrative Commandant and Adjutant of the Territorial Battalion have decided to adopt to raise the quota for the district of Nasik ?

The Honourable Sir MAURICE HAYWARD : Information is being called for.

### APPLICATION OF PUBLIC CONVEYANCES ACT TO CHANDAWAD.

Mr. R. G. PRADHAN (Nasik District) : (*a*) Will Government be pleased to state whether they are aware that considerable dissatisfaction has been caused among the people of Chandawad in the Nasik district by the application of the Public Conveyances Act to the Chandawad-Lasalgaon road ?

(*b*) Have Government received from the people any petition urging that the application of the Act to the road should be withdrawn, and, if so, what action have they taken thereon ?

The Honourable Sir MAURICE HAYWARD : Information is being called for.

### RENT-FREE QUARTERS TO MENIALS.

*Mr. B. G. PAHALAJANI (Western Sind) : Will Government be pleased to state—

(*a*) whether it is a fact that in Bombay quarters for menials have been granted rent-free in accordance with their recommendation to the Government of India in March 1918 ?

(*b*) will Government be pleased to state whether any menials in Karachi and, if so, of what Government offices, have been provided with rent-free quarters ?

(*c*) will Government be pleased to state whether they have recently issued orders that rent for the quarters occupied by the peons in Karachi as mentioned in my question together with any subsidiary rent therefor, be recovered at the rate of 10 per cent. of the pay of the menials from the date of their occupation ?

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

(*d*) Have Government received any representation from such menials in Karachi regarding such deductions?

(*e*) Will Government be pleased to state the reasons for making a distinction between the case of menials attached to these offices and those of others who are provided with free quarters in Karachi or Bombay?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: (*a*) No.

(*b*) A list* showing the existing quarters for peons occupied rent-free in the compounds of Government offices at Karachi is attached.

(*c*) Yes, in the case of the new quarters for peons and bailiffs attached to the new revenue offices.

(*d*) Yes.

(*e*) The new revenue offices being specifically built for menials of the class of peons, bailiffs, etc., the levy of the usual rent, at 10 per cent. of the salary and allowances of the occupant, has been considered necessary, though a concession has been granted in not charging for the subsidiary rent due. The matter is, however, being reconsidered.

## Slaughter House, Bandra.

Dr. M. M. Mehta on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state whether they have received any representations about the location of the slaughter house at Bandra on its present site near the railway station, and if so, whether Government intend to take any action?

The Honourable Mr. COWASJI JEHANGIR: No representations have been received by Government, but the question of the removal of the existing slaughter house at Bandra is under the consideration of the Bombay municipality. A site in Trombay for a new slaughter house has been provisionally selected.

## Co-operative Societies.

Dr. M. M. Mehta on behalf of Mr. G. I. PATEL (Ahmedabad Millowners' Association): Will Government be pleased to state—

(1) the number of co-operative societies in Gujarat showing how many of them belong to each class and the number of societies in the districts of Ahmedabad and Kaira;

(2) the total number of co-operative societies and the number of co-operative housing societies, co-operative industrial societies and co-operative stores in the cities of Bombay and Ahmedabad respectively?

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* Kept in the Secretary's office.

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

(1)—

| — | Number of Societies in Gujarat. | Number of Societies in Ahmedabad. | Number of Societies in Kaira. |
|---|---|---|---|
| Unions .. .. | 8 | 1 | 1 |
| Central Banks .. .. | 3 | .... | 1 |
| Agricultural credit .. .. | 519 | 55 | 99 |
| Agricultural non-credit— | | | |
| Cattle Insurance .. .. | 7 | 3 | 1 |
| Seed and Implement Pump .. | 4 | .... | 3 |
| Cotton sale and seed supply .. | 14 | .... | 1 |
| Urban credit .. .. | 36 | 6 | 8 |
| Stores societies .. .. | 8 | 2 | 1 |
| Weavers' societies .. .. | 3 | 1 | 1 |
| Housing societies .. .. | 1 | .... | .... |
| Leather works— | | | |
| Producers' Societies .. .. | 1 | .... | 1 |
| Printing Press .. .. | 1 | .... | .... |
| Total .. | 605 | 68 | 118 |

(2)—

| — | Bombay City. | Ahmedabad City |
|---|---|---|
| Total number of Societies .. .. | 220 | 5 |
| Housing .. .. .. | 18 | .... |
| Industrial .. .. .. | 6 | .... |
| Stores .. .. .. | 16 | 1 |

## Expenditure on Suburban Development.

*Mr. PUNJABHAI THAKERSI (Bombay City, North): Will Government be pleased to state—

(*a*) What has been the total expenditure up to 31st March 1924 on the suburban development schemes?

(*b*) What is the acreage of land developed for industrial and residential purposes in the suburban district and how much of it has been sold for these purposes?

(*c*) What acreage has been notified for acquisition, what acreage has been actually acquired, and what acreage is likely to be released, and when?

The Honourable Mr. COWASJI JEHANGIR: (*a*) Rs. 2,10,94,986 approximately.

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

(*b*) Lands for industrial purposes are to be developed as and when a demand arises. So far 43·18 acres of land, including 16·63 acres for the residences of superior staff and workmen employed in factories, have been sold. 325·5 acres of land have so far been developed for residential purposes, out of which 68·25 acres have been disposed of.

(*c*) Out of a total area of 16,021 acres notified for acquisition, 4,421¼ acres of land have so far actually been acquired. The question as to what areas should be released from acquisition is at present under consideration.

### Government Offices at Bandra.

Mr. PUNJABHAI THAKERSI (Bombay City, North): Will Government be pleased to state—

(*a*) What Government offices are situated on the sea-side at Bandra ?

(*b*) How far is each of them from the railway station ?

(*c*) What is the office time in those offices and when do the officers concerned generally attend their offices ?

(*d*) What are the scheduled fares for carriages and taxis to these offices ?

(*e*) Are Government aware of the inconvenience caused to the people outside Bandra in reaching these offices ? If so, do Government intend to take any action in the matter ?

The Honourable Mr. C. V. MEHTA: (*a*) The offices of the Mamlatdar, South Salsette, District Deputy Collector, Prant South Salsette and Assistant Development Officer, Bandra, Assistant Development Officer, Kurla, Collector and District Magistrate, Bombay Suburban District (three days a week), Executive Engineer, Andheri and Sanitary District, D. D., and District Superintendent of Police, Bombay Suburban District.

(*b*) About one mile in each case.

(*c*) 11 a.m. to 5-30 p.m.

Certain officers more particularly the Mamlatdar, District Deputy Collector and Executive Engineer and occasionally the Collector attend office later than 11 a.m. but usually by 12 noon. They have out-door inspection work. They make up for this amply after 5-30 p.m.

(*d*) 12 annas to Rs. 1-4-0.

(*e*) Government are aware that much inconvenience is caused to the public by want of offices close to a railway station. Provision of offices has been continually postponed for want of funds and uncertainty as to the final headquarters of the district. A decision in the matter is likely to be reached soon.

### Dacoities in Bombay Suburbs.

Mr. PUNJABHAI THAKERSI (Bombay City, North): Will Government be pleased to state —

(*a*) How many dacoities, robberies, and thefts have taken place in the Suburbs of Bombay during the last quinquennium ?

(*b*) Whether any particular communities are principally implicated in those crimes ; if so, what are they ?

What has been the average number of policemen stationed at different places in the Suburban and Thana Districts during the last quinquennium?

(*c*) Whether Government have adopted any measures towards securing the co-operation of the people of those districts in detecting or putting down such crimes; if so, what are those measures?

(*d*) Whether Government are aware of any Congress committees having organized volunteers for the prevention of such crimes; if so, which Congress committees are co-operating with the police in this connection?

The Honourable Sir MAURICE HAYWARD: (*a*) The Suburban District was separated only in 1921 from the Thana District. The figures therefore are given below for the years 1921, 1922 and 1923.

| | Dacoities. | Robberies. | Thefts. |
|---|---|---|---|
| 1921 .. .. | 6 | 5 | 289 |
| 1922 .. .. | 5 | 2 | 286 |
| 1923 .. .. | 4 | 11 | 286 |

(*b*) No particular communities were implicated.

The following statement shows the average number of policemen for the years 1921, 1922 and 1923:—

| Name of Police Station. | Name of Outpost. | Average number of Policemen. |
|---|---|---|
| Andheri .. .. | .... .. | 18 |
| .... .. .. | Malad .. | 5 |
| Bandra .. .. | .... .. | 125 |
| Borivli .. .. | .... .. | 15 |
| Ghatkoper .. .. | .... .. | 16 |
| .... .. .. | Chembur .. | 4 |
| Kurla .. .. | .... .. | 29 |
| .... .. .. | Ambernath .. | 3 |
| Villa Parla .. .. | .... .. | 35 |
| .... .. .. | Santa-Cruz .. | 4 |
| .... .. .. | Santa-Cruz Cantonment .. | 5 |

(*c*) and (*d*) In 1922 the Ghatkoper public engaged five pathans (February to June) to assist the police in performing night rounds. In 1923 the Santa-Cruz Village Congress Committee engaged patrol parties from the middle of September till the end of October. They did not however co-operate with the police. The public were requested in 1924 to assist the police in patrolling at night but there was no response. Those who assist the police in the detection and prevention of crime are rewarded.

### KHAR SCHEME, DEVELOPMENT DEPARTMENT.

Mr. PUNJABHAI THAKERSI (Bombay City, North): Will Government be pleased to state—

(*a*) the number of plots sold by them in the Khar Scheme, Development Department, since January 1924;

(*b*) the price realised for such plots.

The Honourable Mr. COWASJI JEHANGIR: (*a*) Thirty.

(*b*) Eight plots at Rs. 5-8-0 per square yard; fifteen at Rs. 6 per square yard; four at Rs. 6-8-0 per square yard; two at Rs. 7 per square yard; and one at Rs. 10 per square yard.

### Development Plots in Bombay.

Mr. PUNJABHAI THAKERSI (Bombay City, North): Will Government be pleased to state—

(1) how many plots are being advertised for sale in the Bombay City by the Development Department?

(2) For how long are they being so advertised?

(3) What are the highest offers obtained for each?

(4) At what prices do Government intend to sell them?

(5) What is the actual cost incurred on each?

The Honourable Mr. COWASJI JEHANGIR: The information is being obtained.

### Resolutions of the Legislative Council.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(*a*) to which of the resolutions passed by the Council at the February-March session effect has been given;

(*b*) to which effect is proposed to be given and when; and

(*c*) to which it is not intended to give effect and the reasons therefor?

The Honourable Sir MAURICE HAYWARD: (*a*), (*b*) and (*c*) A reference is requested to the reply given at the last session to the honourable member for West Khandesh. The further steps taken are indicated in the further statement* laid on the Table.

### Vacancies of Assistant Deputy Educational Inspectors.

Mr. H. D. SAHEBA (Ahmedabad District): (*a*) Will Government be pleased to state how many posts of assistant deputy inspectors have been kept vacant in each division?

(*b*) Will Government be pleased to state whether they intend to fill up the present vacancies, and if so, when?

The Honourable Mr. B. V. JADHAV: (*a*) The number of posts kept vacant in each division is as under:—

| Name of Division. | Number of vacant posts. |
|---|---|
| Bombay Division .. .. .. | 8 |
| Central do. .. .. .. | 11 |
| Northern do. .. .. .. | 5 |
| Southern do. .. .. .. | 5 |
| Sind do. .. .. .. | 1 |

The vacancies have been filled up by *acting* men.

* *Vide* Appendix 56.

(*b*) In view of the imminent transfer of the control of primary education to local authorities, the departmental inspecting staff will shortly have to be reduced very largely (when it will consist of graduates only) and no *permanent* appointments of Assistant Deputy Educational Inspectors are, therefore, being made at present.

SECRETARY TO THE KURLA MUNICIPALITY.

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): Will Government be pleased to state whether it is a fact that at a meeting of the Kurla municipality held on the 20th June 1924 to consider the conduct of the present Secretary, Kurla municipality, the President of the local Khilafat Committee came with a number of men and that those men eventually took possession of the hall, which the councillors left without being able to transact business?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: The information is being obtained.

POLICE OUTPOST AT NIHADI.

Mr. S. K. BOLE on behalf of Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts): (*a*) Will Government be pleased to state whether it is a fact that the police outpost at Nihadi in the Murbad taluka of the Thana district was abolished about a year ago?

(*b*) If so, has the Government building used for this outpost been disposed of or demolished?

(*c*) Will Government be pleased to state the reasons that led to the abolition of this outpost?

(*d*) Is it a fact that the Umbardara, Sadaldara, Gayadara and Bhurandara passes of the western ghauts, and the frontiers of Ahmednagar and Poona districts are within 3 to 8 miles from this village and that the Malsirghat is about 14 miles from this village?

(*e*) Is it a fact that owing to the abolition of the outpost of Nihadi the nearest existing police outpost at either Shirosi or Vaishakhare is more than 15 miles distant from these passes and frontiers?

(*f*) Is it a fact that the areas and hilly forest tracts round about Nihadi and on the frontiers to the north, south and east of this village are inhabited mostly by the Kolis, Thakurs and similar people?

The Honourable Sir MAURICE HAYWARD: Information has been called for.

TRAINING COLLEGE FOR MEN, POONA.

*Mr. R. D. SHINDE (Nasik District): Will Government be pleased to state—

(*a*) What was the strength of the staff in the Training College for Men in Poona before the third year class was abolished;

(*b*) What was the monthly cost of maintaining that staff at that time;

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

(*c*) What is the strength of the staff at present;

(*d*) What is the monthly cost of maintaining the staff at present;

(*e*) What is the total number of students in the college at present?

The Honourable Mr. B. V. JADHAV: (*a*) Seventeen (out of this, two posts of ordinary teachers were kept vacant as a measure of retrenchment).

(*b*) Rs. 2,470.

(*c*) Sixteen (one post of a special teacher has been retrenched with effect from 28th July 1924, and two posts of ordinary teachers are kept vacant as a measure of retrenchment).

(*d*) Rs. 2,660. (The increase is mainly due to increments in pay.)

(*e*) 178.

### DAMAGE TO CROPS BY PIGS IN NASIK TALUKA.

*Mr. R. D. SHINDE (Nasik District): Will Government be pleased to state—

(*a*) Whether they are aware that at present considerable damage to crops is done by pigs in the Nasik taluka?

(*b*) What steps are being taken to destroy pigs?

(*c*) What has been the total income from fees for permission to shoot wild animals in reserved forests in the Nasik taluka in 1923-24?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) Government are not aware that considerable damage is caused by pigs in this particular area.

(*b*) The villagers concerned have been informed that crop protection licenses would be freely issued on condition that each license-holder kills five pigs at least during the period of the license.

(*c*) Separate information for Nasik taluka is not available. Rs. 1,125 were collected as license fees in the Northern Circle during the year 1923.

### PRIVATE MEDICAL SCHOOLS AND COLLEGES.

Mr. R. G. SOMAN (Satara District): (*a*) Will Government be pleased to state the number of private medical schools or colleges in the several districts of the Bombay Presidency imparting instruction in Ayurveda or Allopathy or both?

(*b*) Will Government be pleased to state whether such schools get any grants from the local bodies of the districts?

(*c*) Do Government give any grants to such schools?

The Honourable Mr. B. V. JADHAV: (*a*) and (*b*) The information asked for is not available on the records of Government.

(*c*) No.

### DISPENSARIES MAINTAINED BY BOMBAY MEDICAL SERVICE AND SUBORDINATE MEDICAL SERVICE MEMBERS.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state whether members of the Bombay Medical Service and subordinate

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

medical service are allowed private practice including the right to keep private dispensaries of their own ?

The Honourable Mr. B. V. JADHAV : The attention of the honourable member for the Satara district is invited to the reply given to question* put by the honourable member Sardar V. N. Mutalik at the Council meeting of August 1923.

SLAUGHTER HOUSES.

Mr. R. G. SOMAN (Satara District) : (*a*) Will Government be pleased to state the number of slaughter houses conducted either under the Municipal Act or otherwise licensed in each district of the Bombay presidency and the number of cattle slaughtered every year in those houses during the last three years ?

(*b*) Is there any officer of Government concerned with the purchase of cattle intended for slaughter ?

(*c*) Are Government aware that in certain villages in the Satara district cattle markets are held every week; if so, in how many villages are they held ?

(*d*) Is it a fact that the same persons supply cattle every week to certain slaughter houses ?

(*e*) Do any of such persons act as contractors for Government in this respect ? If so, have Government entered into any contracts with the persons ; and if so, will they be pleased to place those contract agreements on the Council table ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : The information is being obtained.

STUDENTS OF THE DEPRESSED CLASSES.

Mr. R. G. SOMAN (Satara District) : Will Government be pleased to state the number of depressed class students undergoing training in each of the districts of the presidency of Bombay in the years 1903, 1913 and 1923, in Government or aided institutions, for primary, secondary and higher education ?

The Honourable Mr. B. V. JADHAV : Information has been called for.

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*The following question and answer were sent to the honourable member concerned by letter as the Legislative Council was dissolved:—

Private Dispensaries by Members of Bombay Medical Service.

Sardar V. N. MUTALIK (Deccan Sardars and Inamdars) : Will Government be pleased to state whether members of the Bombay Medical Service and subordinate medical service are allowed to keep private dispensaries for dispensing their own prescriptions and the prescriptions of other registered medical practitioners ?

The Honourable Dr. R. P. PARANJPYE : No. Rule No. 34 (6) of the Dispensary Rules debars medical officers in charge of dispensaries from keeping private dispensaries.

### Grant of Government Land for Mahomedan Community in Ratnagiri District.

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state—

(1) Whether it is a fact that they have not granted any plot of land for the benefit of the Mahomedan community?

(2) (*a*) Whether it is a fact that Government have refused to grant a piece of land out of the camping ground in the village of Rajapur, district Ratnagiri, for the purpose of a hostel for the Mahomedan students in the Ratnagiri district?

(*b*) Whether it is a fact that the same plot of ground was granted to the high school committee of that village?

(*c*) Whether it is a fact that the temples belonging to the communities of Bhandaries, Parits and the Marathas situated on the above plot of ground have been demolished by Mr. Kulkarni, Head Master of the high school, with the help of Mahomedan coolies?

The Honourable Mr. C. V. MEHTA: Inquiries are being made.

### Payment of Primary School Teachers by Malwan Municipality.

*Mr. A. N. SURVE (Bombay City, North): (*a*) Will Government be pleased to state whether any provisions exist for enforcing the regular payment of salaries to municipal primary school teachers?

(*b*) Will Government be pleased to state on what dates the municipality of Malwan, Ratnagiri district, paid the salaries of the primary school teachers for the months of:—

(i) June, July, August of 1921;

(ii) July, August, September, October of 1922;

(iii) July, August, September, October of 1923?

The Honourable Mr. B. V. JADHAV: (*a*) Municipalities are required to pay their teachers at certain rates under the rules published in Government Notification, Educational Department, No. 2033, dated the 18th April 1921, and it must be assumed that this implies regular payment. When necessary, educational officers draw the attention of municipalities to the need of prompt payment, and in cases of continued recalcitrancy the educational inspector pays the teachers and deducts the amount from the provincial grant due to the municipality.

(*b*)

| | | |
|---|---|---|
| (i) | June 1921<br>July 1921<br>August 1921 | 3rd October 1921. |
| (ii) | July 1922<br>August 1922<br>September 1922 | 9th November 1922. |
| | October 1922. | 18th November 1922. |

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

(iii) July 1923. 2nd November 1923.
August 1923 } 5th December 1923.
September 1923 }
October 1923. 19th December 1923.

DEVELOPMENT PLOTS AT CHEMBUR.

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state—

(*a*) The number of persons who took advantage of the arrangements made by the Development Department for conveying persons desirous of inspecting the plots at Chembur Garden City suburb to those sites ?

(*b*) How many of such persons made inquiries with a view to taking plots of land there ?

(*c*) How many plots have been actually taken up by people who went to see them ?

The Honourable Mr. COWASJI JEHANGIR:

(*a*) About 300.

(*b*) About 30.

(*c*) 4.

KONKAN CO-OPERATIVE ENQUIRY COMMITTEE.

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state what action they have taken on the report of the Konkan Co-operative Enquiry Committee ?

The Honourable Mr. A. M. K. DEHLAVI: The Committee referred to by the honourable member for Bombay city was not appointed by Government but by the Bombay Central Co-operative Institute. Government have however noticed the report of the Committee. Some of the recommendations made therein are for the Institute and the district local boards of Kolaba and Ratnagiri to consider. Government have directed the Registrar of Co-operative Societies to take into consideration recommendation No. 4 of the Ratnagiri report and Nos. 5 and 6 of the Kolaba report. Recommendation No. 5 of the Ratnagiri report raises an important question which is receiving the attention of Government. Recommendation No. 6 of that report and the question of utilizing the tail water of the Tata Works at Khopoli are also under the consideration of Government.

NOTICE IN CASE OF REDUCTION OF KARIA HEADS.

*Mr. NOOR MAHOMED on behalf of SAYED GHULAM NABI SHAH (Thar and Parkar District): Will Government be pleased to state whether there are any orders directing the executive engineers to give three months' notice through the Collector of the district to the zamindars concerned of the intended reduction in karia heads or

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

introduction of new modules or construction of profiles or any other improvements and laying down that the zamindars may thereupon through their associations or otherwise address the executive engineer in the matter and that in the event of the executive engineer not agreeing with them they might appeal to the Collector ?

The Honourable Mr. COWASJI JEHANGIR : Three months' notice regarding the proposed reduction of any karia head, introduction of modules or construction of profiles is served on khatedars concerned in all the districts except the Northern and Southern Jamrao Canal districts. Objections by khatedars are considered by the executive engineers *in consultation* with the Collectors. The question of appeals to the Collectors does not therefore arise.

Mr. NOOR MAHOMED : Are Government certain that the notices are actually served ?

The Honourable Mr. C. V. MEHTA : The answer is as printed : I have nothing further to add.

Mr. NOOR MAHOMED : Why are not notices served in the Northern and Southern Jamrao Canal districts ?

The Honourable Mr. C. V. MEHTA : I think they have been specially excluded.

Mr. NOOR MAHOMED : For what reasons, Sir ?

The Honourable Mr. C. V. MEHTA : I will require notice of that question.

### Village Ayurvedic Dispensaries.

Dr. M. B. VELKAR (Bombay City, South) : (*a*) Will Government be pleased to furnish the names of the villages, with their talukas, and districts, at which various district local boards and municipalities in the presidency have opened Ayurvedic dispensaries since October 1921, with the dates of opening in each case ?

(*b*) Will they also be pleased to furnish the names of those villages at which such dispensaries are intended to be opened this year (1924-25) ?

The Honourable Mr. B. V. JADHAV : Information is being obtained.

### Land Assessment at Igatpuri.

Dr. M. B. VELKAR (Bombay City, South) : Will Government be pleased to state—

(*a*) whether they are aware that a public meeting of the landholders and house-owners of Igatpuri was held on 2nd February 1924 to protest against the increase on land assessment at Igatpuri under the new city survey ;

(*b*) whether they have received any copies of the resolutions passed at the meeting ;

(*c*) whether it is a fact, as was stated at the meeting, that the assessment has been raised in a case even by over 1,000 per cent. and that the people were not consulted before the assessment was increased ;

(*d*) if so, whether Government have made any enquiries, and, if not, what action they intend to take in the matter ?

The Honourable Mr. C. V. MEHTA: (*a*) Yes.

(*b*) Yes.

(*c*) and (*d*) Yes. The matter is under consideration.

Rao Saheb D. P. DESAI: Was it done under any rules by the settlement officer?

The Honourable Mr. C. V. MEHTA: Yes.

Rao Saheb D. P. DESAI: Do the rules allow an increase of 1,000 per cent.?

The Honourable Mr. C. V. MEHTA: I do not understand what rules the honourable member refers to. The settlement officer knows the rules.

Mr. H. D. SAHEBA: Does any rule provide for enhancement of assessment up to 1,000 per cent.?

The Honourable Mr. C. V. MEHTA: There is no rule against it.

## G. I. P. Railway Third Class Race Special.

Dr. M. B. VELKAR (Bombay City, South): Will Government be pleased to state—

(*a*) whether their attention has been drawn to the introduction on the G. I. P. Railway of a third class race special during the Poona racing season;

(*b*) whether they are aware that this action has been adversely criticised in the press and elsewhere as being a direct incentive to gambling among the less well-to-do classes in Bombay;

(*c*) if so, do Government intend to take any action in this connection?

The Honourable Mr. C. V. MEHTA: (*a*) Yes.

(*b*) Yes.

(*c*) Government propose to address the Railway Board.

## National Medical College, Bombay.

Dr. M. B. VELKAR (Bombay City, South): (*a*) Will Government be pleased to lay on the Council table a copy of the circular issued by the Bombay Medical Council to the registered medical practitioners in Bombay in connexion with the National Medical College, Bombay?

(*b*) Will they also be pleased to state whether the said circular was issued with Government's approval?

The Honourable Mr. COWASJI JEHANGIR: (*a*) A copy of the circular* is placed on the table.

(*b*) Government's approval was not obtained as it was not necessary for the Medical Council to do so.

Dr. M. B. VELKAR: With regard to this circular I want to know from the Honourable the General Member whether there are any rules of the Bombay Medical Council which prevent registered medical practitioners from associating with such national institutions as the National Medical College, Bombay?

* Kept in the Secretary's Office.

The Honourable Mr. COWASJI JEHANGIR: I am afraid I do not know the rules myself.

Dr. M. B. VELKAR: There are no such rules. That is why I asked the question.

The Honourable Mr. COWASJI JEHANGIR: Then the gentlemen who are members of the Medical Council have a remedy.

### Altered Assessment in East Khandesh.

Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state—

(*a*) the existing rates of altered land revenue assessment in the East Khandesh district; and

(*b*) whether any separate rates of altered assessment exist for working quarries in East Khandesh and, if so, what are those rates?

The Honourable Mr. C. V. MEHTA: Information has been called for.

### Proposal to revise altered Assessment.

Mr. P. G. JOSHI (East Khandesh District): Will Government be pleased to state—

(*a*) whether there are any proposals before Government to revise and increase the rates of altered assessment in the East Khandesh district in general and in Jalgaon in particular and, if so, what are those proposals?

(*b*) whether all proposals to increase an existing rate of altered assessment are published for general information and for inviting objections before they are finally sanctioned?

The Honourable Mr. C. V. MEHTA: (*a*) There are no such proposals before Government. Certain proposals in respect of Jalgaon were under the consideration of the Collector and the Commissioner and on a reference from the Commissioner, Government have recently directed that the proposals for revision of standard rates at Jalgaon should be prepared by the Consulting Surveyor in consultation with the Collector and submitted to Government through the Commissioner.

(*b*) Proposals for the revision of the altered assessment are submitted for the sanction of Government. The Collector is asked to make the sanctioned rates widely known in the localities concerned. The proposals are not published for the purpose of inviting objections.

### Relinquished Holdings and their Disposal.

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

(*a*) the survey numbers, area and assessment of holdings relinquished by kabjedars in each of the last five years in the Kanara district and the names of villages where they are situated?

(*b*) the survey numbers, area and assessment of holdings disposed of by sale or otherwise to private individuals in each of those years out of such relinquished holdings?

(*c*) the survey numbers, area and assessment of holdings afforested, if any, out of such holdings together with the names of villages where they are situated and the reasons which led to such action being taken ?

(*d*) the survey numbers, area and assessment of holdings remaining now as Government waste land out of such holdings, together with the names of villages where they are situated ?

The Honourable Mr. C. V. MEHTA : Information has been called for.

### Forfeited Holdings and their Disposal.

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

(*a*) the survey numbers, area and assessment of holdings of kabjedars forfeited for non-payment of assessment in each of the last five years in Kanara and the names of villages where they are situated;

(*b*) the survey numbers, area and assessment of holdings disposed of by sale or otherwise to private individuals in each of those years out of such holdings;

(*c*) the survey numbers, area and assessment of holdings afforested, if any, out of such holdings together with the names of villages where they are situated and the reasons for such action being taken;

(*d*) the survey numbers, area and assessment of holdings remaining now as Government waste lands out of such holdings together with the names of villages where they are situated ?

The Honourable Mr. C. V. MEHTA : Information has been called for.

### Havigs in various Branches of Administration.

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

(*a*) the number of persons belonging to the Havyak or Havik caste who hold the posts of subordinate judges, deputy collectors and mamlatdars in the Presidency;

(*b*) The number of Havyaks in Government service in all grades;

(*c*) The proportion of Havyak element in Government service in Kanara to their total population ?

The Honourable Mr. H. S. LAWRENCE : The information is being collected.

### Land Revenue Defaulters in Kanara in 1922-23.

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

(*a*) the total number of kabjedars who were defaulters in respect of land revenue in the district of Kanara in the year 1922-23, and whether it is a fact that notices of demand were not issued in all the cases of 3,116 defaulting kabjedars (*vide* Revenue Administration Report for 1922-23, page 94) on whom the one-fourth fine was inflicted, but were issued only in 699 cases ? If so, what are the reasons therefor ?

(*b*) Are there any special orders issued by Government or by the Divisional Commissioner to the district administration in Kanara to the effect that arrears of land revenue recoverable in any year should be fully recovered with the help of coercive processes, if necessary, before the close of that year, so as to leave no arrears for the next year ?

(*c*) Have Government ascertained why so many cases of default occurred in that year in Kanara ? If so, what has been the result of the inquiry ?

The Honourable Mr. C. V. MEHTA : Inquiries are being made.

### Forfeiture Cases in Kanara in 1922-23.

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state whether it is a fact that in 1922-23, 28 cases of forfeiture occurred in connection with the realisation of the land revenue in Kanara ; if so, how many of these cases occurred in each of the talukas or pethas and what was the area forfeited in each case ?

The Honourable Mr. C. V. MEHTA : Inquiry is being made.

### Officers inflicting Chauthai Fine in Kanara.

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

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

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

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

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

The Honourable Mr. C. V. MEHTA : Inquiries are being made.

### "The Kanara News" and Agricultural Department Leaflet.

Mr. M. D. KARKI (Kanara District): (*a*) Will Government be pleased to state whether their attention has been drawn to the editorial note published in the "Kanara News" in its issue dated 29th May 1924 commenting on the leaflet No. 6 of 1923 issued by the Agricultural Department ?

(*b*) Have they tried any experiments in their Agricultural Department farms on the lines suggested therein ?

(*c*) If so, will they state the results in detail of such experiments ?

The Honourable Mr. A. M. K. DEHLAVI : Information has been called for.

WOOD DISTILLATION WORKS.

Mr. M. D. KARKI (Kanara District): (*a*) Will Government be pleased to state whether there are any Government or private factories for wood distillation in the Presidency ?

(*b*) If so, where are they situated ?

(*c*) If not, are there any proposals before Government for starting either by themselves or by private enterprise such factories in forest districts like Kanara ?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) There are no Government factories. Government are not aware of any private factories for wood distillation in the Presidency.

(*b*) Does not arise.

(*c*) No.

Mr. M. D. KARKI: Will Government establish a factory ?

The Honourable the PRESIDENT: How can the honourable member suggest the establishment of a factory ?

Mr. D. B. ADWANI: Do Government contemplate starting such factories ?

The Honourable Mr. A. M. K. DEHLAVI: No.

NETT CROPPED AREA IN KANARA.

Mr. M. D. KARKI (Kanara District): (*a*) Will Government be pleased to state what was the extent of the nett cropped area at the time of the original settlement in Kanara and what was then the amount of land revenue in respect of that area ?

(*b*) What was the area under that heading in each of the succeeding years up to the year 1890-1891 ?

(*c*) Is it a fact, as stated at page 9 of the report of the committee appointed to consider and adopt measures for the protection of crops from wild animals and stray cattle, that there has been a decrease of 42,000 acres under that heading in the 4 above-ghat talukas during the period from 1894-95 to 1921-22 ?

(*d*) Has there been any decrease in the average under that heading in the 4 below-ghat talukas during the same period, and if so, what has been the decrease ?

(*e*) What was the amount of land revenue of the whole district in 1890 and in the year in which the last revisional settlement took place, respectively ?

(*f*) What are the reasons for the inclusion of "grass" or "fodder crop" area under the heading "nett cropped" area from the year 1915-16 ?

(*g*) Did the Director of Agriculture approve of this method when it was introduced ?

(*h*) Has this practice been adopted in other districts also ?

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

### Rice Lands and Bone Meal Manure.

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state what is the total area of rice lands in South Konkan referred to in leaflet No. 6 of 1923 issued by the Agricultural Department?

The Honourable Mr. A. M. K. DEHLAVI: No regular survey has been made of the different kinds of soils referred to in the leaflet. The area may however be taken to be not less than two-thirds of the total area (about 421,600 acres) under rice in the coastal talukas of the Kanara district and all the talukas of the Ratnagiri district.

### Lapo and Cher in Sind.

Mr. D. B. ADWANI (Karachi City): (*a*) Will Government be pleased to state what action has up till now been taken to carry out the recommendations of the committee appointed by Government to enquire into the question of *lapo* and *cher* in Sind?

(*b*) What steps have been taken to give effect to the Government Resolution in the Revenue Department, No. E.—96 dated the 3rd December 1921 in connection with this question?

The Honourable Mr. C. V. MEHTA: (*a*) and (*b*) The honourable member is referred to the reply given to the question put by Mukhi Jethanand Pritamdas at the present session.

### Grant-in-aid to Sind National College.

Mr. D. B. ADWANI (Karachi City): Will Government be pleased to state—

(*a*) Whether they are aware that the second grade arts college at Hyderabad (Sind), called the Sind National College which was established in June 1922 and is affiliated to the Bombay University, has not been receiving any grant-in-aid from Government?

(*b*) Is it a fact that the college authorities applied to Government for a grant-in-aid this year and were refused the grant?

(*c*) If so, why was the grant refused in view of the assurance given by them in Government Resolution, Educational Department, No. 2971 of 18th August 1919, that Government "will be glad to extend financial assistance to the proposed college at Hyderabad (Sind), by giving the usual grant-in-aid?"

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

(*c*) The grant was not given on account of financial stringency.

Mr. D. B. ADWANI: Will Government give any grant in the ensuing year?

The Honourable Mr. B. V. JADHAV: A request will be considered.

REGISTRATION OF BOMBAY PRESIDENCY PRIMARY TEACHERS' UNION.

Mr. S. N. ANGADI (Belgaum District): Will Government be pleased to state whether it is a fact that they have refused to register the Presidency Primary Teachers' Union?

If so, will they be pleased to state the grounds for such refusal?

The Honourable Mr. H. S. LAWRENCE: Attention of the honourable member is invited to the reply given to question put by the honourable member for Nasik district, Mr. R. G. Pradhan, on 14th October 1924.

NATIONAL MEDICAL COLLEGE.

Mr. L. B. BHOPATKAR (Poona City): (*a*) Will Government be pleased to lay on the Council table a copy of the circular issued by the Bombay Medical Council to the registered medical practitioners in Bombay connected with the National Medical College, Bombay?

(*b*) Will they be pleased to state whether the said circular was issued with the approval of Government?

The Honourable Mr. COWASJI JEHANGIR: The attention of the member for Poona City is invited to the reply given to the question put by the honourable member for Bombay City, South, Dr. M. B. Velkar.

ANNEWARI AT RAJURI.

Mr. L. B. BHOPATKAR (Poona City): Will Government be pleased to furnish the annewari of crops at Rajuri from the year 1920-21 to 1923-24?

The Honourable Mr. C. V. MEHTA: The annewari for both the kharif and rabi crops at Rajuri is given below:—

| Village. | Year. | Annewari valuation. |
|---|---|---|
| | | Rs. a. p. |
| Rajuri .. .. .. .. | 1920-21 .. | 0 2 0 |
| | 1921-22 .. | 0 6 0 |
| | 1922-23 .. | 0 5 0 |
| | 1923-24 .. | 0 11 0 |

LOCAL BOARD PRIMARY SCHOOLS IN THE DISTRICTS OF NORTHERN DIVISION.

Rao Saheb D. P. DESAI (Kaira District): (*a*) Will Government be pleased to state how many local board primary schools are there in each of the districts in the Northern Division, and how many of them are housed in local board buildings?

(*b*) What grant by Government has been given for current repairs to these buildings during each of the last three years and during the current year ?

(*c*) How many new buildings have been constructed in these districts during the last three years for primary schools ? and

(*d*) What amount has been allotted in each of these districts for library during the last three years and the current year and how much of this amount has been spent on books, magazines, periodicals and maps respectively ?

The Honourable Mr. B. V. JADHAV : Information has been called for.

### Annual Crop Annewari in Kaira District.

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

(*a*) the normal outturn per acre of the chief crops of the Kaira district which are taken into consideration for the purposes of annual crop annewari ;

(*b*) the normal outturn for each taluka of the Kaira district ?

The Honourable Mr. C. V. MEHTA : (*a*) and (*b*) The taluka figures of normal outturn which were prepared in 1884 are furnished in the accompanying statement*. Anna valuations are not based on these figures.

Rao Saheb D. P. DESAI : Are not these figures being revised ?

The Honourable Mr. C. V. MEHTA : No : I do not think so.

Rao Saheb D. P. DESAI : On what are the anna valuations based ?

The Honourable Mr. C. V. MEHTA : They are not based on these figures.

Rao Saheb D. P. DESAI : On what are they based then ?

The Honourable Mr. C. V. MEHTA : They are based on the opinion of officers on an examination of the crops.

### Irrigation in the Nandurbar Taluka.

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

(*a*) whether it is true that two or three years ago they entertained the idea of erecting a dam in the hills near Bhalar in the Nandurbar taluka for the purpose of irrigation ?

(*b*) If so, what progress has been made in carrying out the scheme ?

The Honourable Mr. COWASJI JEHANGIR : Information has been called for.

### Shahada Gomai Canal in West Khandesh.

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

(1) whether they are aware that the Shahada Gomai canal irrigates eight villages ?

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* Kept in Secretary's office.

(2) whether it is true that in 1923-24 the people of six out of these eight villages applied for the canal water and that their applications were granted ?

(3) whether it is true that shortly after it rained and the people of those six villages did not require the canal water and did not actually use it ?

(4) If so, whether it is true that nevertheless water charges were recovered from the people ?

(5) If so, what amount was thus recovered ?

(6) whether it is true that the Irrigators' Association, Shahada, recommended that the amount should be refunded ?

(7) If so, has any action been taken on such recommendation ?

The Honourable Mr. COWASJI JEHANGIR : Information has been called for.

PRIMARY SCHOOLS IN VILLAGES WITH A POPULATION OF 500 AND OVER IN WEST KHANDESH.

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

(1) whether there are any villages in West Khandesh with a population of 500 or over which have yet got no schools ?

(2) If so, will they be pleased to furnish names ?

The Honourable Mr. B. V. JADHAV : Enquiries are being made.

TOURS OF DISTRICT OFFICERS.

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state whether they are aware of the inconvenience and hardships to which persons who have to attend the offices and courts of touring officers, especially officers exercising magisterial powers, are put when such officers do not publish their tour programme beforehand ?

(*b*) If so, do they intend to take any action in this connexion ?

The Honourable Sir MAURICE HAYWARD: I should like to ask the honourable member not to send in duplicates of his questions. It seems that this question has been replied to on 20th October 1924.

CONFINEMENT OF REVENUE DEFAULTERS AT RAJURI.

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): Will Government be pleased to state—

(*a*) whether it is a fact that certain defaulters of land revenue arrears of Rajuri, taluka Junnar, in the Poona district were imprisoned in the civil jail under section 157 of the Land Revenue Code within the last few months ?

(*b*) what is the anna valuation of the crops at Rajuri and surrounding villages with respect to the payment of assessment regarding which such action was taken and how was such valuation arrived at ?

The Honourable Mr. C. V. MEHTA : Inquiries are beingmade.

### Revenue Defaulters in Rajuri Village.

Sardar G. N. MUJUMDAR on behalf of Mr. N. R. GUNJAL (Poona District): (*a*) Will Government be pleased to state whether it is a fact that three persons at Rajuri, taluka Junnar, district Poona, who were imprisoned this year at Junnar under section 157 of the Land Revenue Code were kept in police custody in a locked room where criminal offenders are usually kept ?

(*b*) Is it a fact that one of them, Mr. Anaji Tukaram Hadavle, was taken for about 5 hours by the mamlatdar of Junnar to his house where he had his meal and was again sent back to the jail ?

(*c*) Is it a fact that the notices of forfeiture issued to defaulters in the Rajuri village on the above occasion were written in pencil and that in most of such notices the amount to be recovered was incorrectly entered ?

(*d*) Were any *panchnamas* of the attached properties made in the presence of the owners on the said occasion ?

(*e*) Were any utensils belonging to any of the defaulters attached on the same occasion ? If so, in the case of how many defaulters was this done ?

(*f*) How many forfeiture notices were issued ; in how many cases had distraints to be made to realise the arrears of 1920-21 ; how many khatedars paid their arrears willingly ?

The Honourable Mr. C. V. MEHTA : Inquiries are being made.

### Shah-Bunder.

HAJI ABDULLAH HAROON (Karachi City) : (*a*) Will Government be pleased to state whether their attention has been drawn to the letter of Mr. Wadhumal Lilaram, Zamindar of Shah-Bunder, appearing at page 4 of the " New Times " of Karachi dated the 27th August 1924 ?

(*b*) If so, do Government intend to take any steps to avert the possible danger of the town of Shah-Bunder and the surrounding lands being submerged under the sea, and if so, what steps do they intend to take ?

(*c*) Have Government ever considered the practicability and the utility of making Shah-Bunder a sea port ? If so, with what result ?

The Honourable Mr. C. V. MEHTA : (*a*) Yes.

(*b*) Government are not aware. But the Commissioner in Sind will be requested to inquire.

(*c*) No.

### Local Board Schools in Haveli and Junnar Talukas in Poona District.

*Mr. G. M. KALBHOR (Poona District) : Will Government be pleased to state—

(*a*) How many local board schools in Haveli and Junnar talukas in the Poona district have fifth, sixth and seventh standard classes in the vernacular ?

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

(*b*) What percentage of the total number of students in each of those standards passed the last annual examination ?

The Honourable Mr. B. V. JADHAV : (*a*) 17 in Haveli taluka and 18 in Junnar taluka.

(*b*) Standard V, 56·9 ; Standard VI, 51·2 ; and Standard VII, 62·5.

## Lemon Juice Industry.

Mr. M. D. KARKI (Kanara District) : (*a*) Will Government be pleased to state whether they are aware that lemons are grown in above ghat talukas of Kanara but that there are no facilities of marketing them to the best advantage of the growers ?

(*b*) If so, will they state (*i*) whether the Agricultural Department has ever suggested means and measures for preserving and marketing lemon juice or investigated the possibility of improving and developing the cultivation of lemons in those talukas ;

(*ii*) whether the department has ever investigated the properties or economic possibilities of the juice of lemons grown in those talukas, and if so, what have been the results of such investigation ?

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

(*b*) (*i*) The Horticulturist to Government started investigations regarding preservation of lemon juice in the year 1921. The results of these investigations have been published in the reports of the Department of Agriculture for the years 1921-22 and 1922-23. The Horticulturist brought this fact to the notice of public in his speeches delivered at Ratnagiri, Vengurla, Kumpta and Sirsi during his tour in February 1924. Every effort has been made to give expert advice in connection with this industry to those who have asked for it. Certain investigations have also been made for the improvement of lemon cultivation.

(*ii*) Yes.

It has been worked out that the quality of the Kagdi lemon juice is as good as the juice of foreign lemon and can be economically bottled and put on the market on a commercial scale.

## Commutation of Cash Allowances.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : (*a*) Have Government issued notices to village hakdars (hereditary village officers useful to Government and the community) and amaldars (hereditary recipients of shares in the revenues of villages, like *mokasa, babti, sahotra*, etc.) to commute their cash allowances ? If so, what are the reasons ?

(*b*) Have similar notices been issued to watandar kulkarnis who in commutation of their watans have agreed to receive hereditarily one-third of their remunerations ? If so, what are the reasons ?

The Honourable Mr. C. V. MEHTA : The attention of the honourable member is invited to the reply given to the question* put by the honourable member Dr. M. B. Velkar.

* *Vide* Volume XI, pages 1112, 1113.

### Recommendations of Cattle Breeding and Wild Animals Committees.

Mr. W. S. MUKADAM (Panch Mahals District): (*a*) Will Government be pleased to state whether they have taken any action on the recommendations of the Cattle Breeding and Wild Animals Committees?

(*b*) If so, what action has been taken?

(*c*) If not, do they intend to take any action?

The Honourable Mr. A. M. K. DEHLAVI: Attention is invited to the reply given to the question put by the honourable member Mr. N. R. Gunjal on 24th October 1924.

### Officers of the Sukkur Barrage Scheme.

Mr. W. S. MUKADAM (Panch Mahals District): Will Government be pleased to give the following information regarding officers engaged in the Sukkur Barrage Scheme—

(1) Name of the officer whose pay is Rs. 1,000 or above per month.
(2) Monthly pay.
(3) Nationality.
(4) Designation.
(5) Qualification.
(6) Date of appointment.
(7) On what pay he was appointed.
(8) By whom appointed.
(9) What pay he used to draw in the service or department in which he was last engaged?

The Honourable Mr. COWASJI JEHANGIR: Information is being collected.

### Rasai-offerings and Parties to Government Servants.

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

The Honourable Mr. C. V. MEHTA: The matter is under investigation.

### Rasai, Lapo and Cher in Sind.

*Mr. D. B. ADWANI on behalf of MUKHI JETHANAND PRITAMDAS (Eastern Sind): (*a*) Will Government be pleased to state briefly to what extent and in what districts, particularly the orders of

* This question was asked at the meeting held in February-March 1924 when an *ad interim* reply was given.

Government issued a few years ago on the report of the committee appointed to enquire into the evils of Rasai, Lapo and Cher in Sind have been carried out with success ?

(*b*) Will Government be pleased to give the designations of the officers on the Imperial list who have been paying, since the issue of Government orders referred to above, for the cher required in connection with pitching and unpitching of tents and loading and unloading of Government and private kit of those officers while on tour and to give the figure of amounts budgetted for and actually spent under this head in 1922-23 and also in 1923-24 to date, so far as Government kit is concerned ?

The Honourable Mr. C. V. MEHTA (*a*) The accompanying statement* shows the extent to which the orders in question have been carried out. It refers to the whole of Sind.

(*b*) Separate provision is not made in the budget for expenditure of this nature, which is debited when incurred to petty supplies under the contract grant of the respective officers. It is therefore not possible to give the information asked for. It may, however, be pointed out that in all districts except the Upper Sind Frontier temporary khalasis are engaged by the Collectors for this purpose during the touring season.

### Postings of Heads of Departments.

Mr. H. H. NARIELVALA (Broach District): (*a*) Will Government be pleased to state whether there is any standing order of the Government stating that no head of any department should be kept at the same place for more than a particular period ?

(*b*) If so, will Government be pleased to place that standing order on the Council table ?

The Honourable Sir MAURICE HAYWARD: There are no such standing orders.

Mr. D. R. PATIL: Are there any regulations or orders for regulating the transfers of officers or heads of departments ?

The Honourable Sir MAURICE HAYWARD: Administrative convenience is the guide for making transfers; there are no general orders.

Mr. D. R. PATIL: What sort of convenience ?

The Honourable Sir MAURICE HAYWARD: Administrative convenience.

### Reforms Enquiry Committee Evidence.

Mr. K. F. NARIMAN (Bombay City, South): Will Government be pleased to state—

(*a*) whether Government defrayed any part of the travelling and other expenses of the honourable member Mr. A. N. Surve in connexion with his journey to Simla to give evidence before the Reforms Inquiry Committee; if so, what portion of such expenses was defrayed by Government;

(*b*) whether it is a fact that he was provided with a European private secretary at the expense of Government;

* Kept in the Secretary's office.

(*c*) whether Government gave him any assistance in the preparation of the memorandum submitted by him to the Committee; if so, what kind of assistance; and whether any parts of the said memorandum had been read or suggested by any Member of Government before its submission to the Committee?

(*d*) If the reply to (*b*) and (*c*) be in the affirmative, whether similar assistance and facilities including a European private secretary were supplied to Mr. R. G. Pradhan, another member of this Council who also went to Simla on a similar mission?

The Honourable Sir MAURICE HAYWARD: Government had nothing whatsoever to do with the honourable member Mr. Surve's journey to Simla.

MENIAL ESTABLISHMENT BELONGING TO DEPRESSED CLASSES.

Mr. R. S. NEKALJAY: Will Government be pleased to state—

(*a*) Whether it is a fact that persons belonging to the depressed classes, specially Mahars, are not given posts of havildars, naiks, and sepoys or patavalas in Government offices?

(*b*) If so, what are the reasons therefor?

The Honourable Mr. H. S. LAWRENCE: There are no restrictions against the selection of persons belonging to the backward classes to the posts mentioned.

TRANSFERS OF PROVINCIAL SERVICE OFFICERS.

Mr. NOOR MAHOMED (Hyderabad District): (*a*) Will Government be pleased to state whether they have considered the question of transferring provincial service officers from Sind to the presidency proper and *vice versa*, as a regular procedure, as is done at present in the case of the Imperial services?

(*b*) Are Government aware that the public opinion in Sind favours such transfers as helping to bring in line the Sind administration with that of the rest of the presidency?

The Honourable Sir MAURICE HAYWARD: Officers of the provincial services are liable to transfers between the presidency proper and Sind. Such transfers, however, are not popular and are only made when the exigencies of the service require them.

SPECIAL POWERS OF THE COMMISSIONER IN SIND.

Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased to state what special powers of the Commissioner in Sind have been taken away after the Transferred Departments, in charge of the Ministers, came into existence under the Reforms?

The Honourable Mr. C. V. MEHTA: The special powers formerly conferred on the Commissioner in Sind by section 73 of the Bombay Local Boards Act, No. I of 1884.

Mr. NOOR MAHOMED: My question is whether any powers of the Commissioner in Sind have been taken away after the introduction of dyarchy.

The Honourable Mr. C. V. MEHTA: That is the answer.

Mr. NOOR MAHOMED: Is the Commissioner in Sind now in any way responsible to or under the Ministers of the Bombay Government?

The Honourable Mr. C. V. MEHTA: That surely, Sir, does not arise out of this. The question is what special powers have been taken away and the answer has been given.

Mr. NOOR MAHOMED: No; my question is: Will Government be pleased to say whether the special powers given to the Commissioner in Sind have been taken away after the transferred departments were created, when the Ministers came to take charge of certain departments, under the Reforms Scheme?

The Honourable the PRESIDENT: The honourable member has not followed the reply. The reply simply says that those powers are the only powers that have been taken away. If there are any other powers which were given to the Commissioner in Sind, they have not been taken away. The special powers which were formerly conferred on the Commissioner in Sind by section 73 of the Bombay Local Boards Act have been taken away, and no others.

Mr. NOOR MAHOMED: Is it not a fact that even after the taking away of these powers the Commissioner in Sind does not forward letters from the presidents of the district local boards to the Honourable Minister in charge of the department?

The Honourable Mr. C. V. MEHTA: I would ask the honourable member to refer that point to the Honourable Minister in charge of local self-government.

Mr. NOOR MAHOMED: Yes; I would ask the Honourable Minister in charge of local self-government to answer that question.

The Honourable KHAN BAHADUR SHAIKH GHULAM HUSSAIN: I will require notice of the question to enable me to answer it.

Mr. D. B. ADWANI: Is it under contemplation to deprive the Commissioner in Sind of all the special powers which may have been formerly given to him, so as to bring him into line with the spirit of the Reforms?

The Honourable Mr. C. V. MEHTA: There is nothing under contemplation at present.

### NEW LIQUOR SHOP IN HYDERABAD.

Mr. NOOR MAHOMED (Hyderabad District): (*a*) Will Government be pleased to state whether it is a fact that a liquor shop has been permitted to be opened near the Jugnoor Cinema and theatre at Hyderabad? If so, was any demand made by any section of the public for the opening of this shop in its present locality? If not, will Government be pleased to state the reasons for permitting the license in this case?

(*b*) Was the advisory committee consulted in licensing this shop?

(*c*) What are the hours during which this shop is kept open?

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

### Excise Income from Hyderabad.

Mr. NOOR MAHOMED (Hyderabad District): Will Government be pleased to state the income derived from the different excise auctions as regards the shops situated in the town of Hyderabad and in the various talukas of the Hyderabad district respectively during each of the last five years ?

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

### Typing Fund in Civil Courts.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state the total amount of typing fund lying with the several civil courts in the Satara district at the end of each year since the introduction of the system of supplying typed copies ?

The Honourable Sir MAURICE HAYWARD: The information is being collected.

### Allowances to Cadastral Surveyors.

Mr. R. G. SOMAN (Satara District): Will Government be pleased to state whether it is a fact that no travelling or local allowance is paid to cadastral surveyors even when they are asked to work temporarily in talukas other than those that are assigned to them for their general duty ?

The Honourable Mr. C. V. MEHTA: Cadastral surveyors are given a permanent travelling allowance of Rs. 15 per month and are expected to work wherever they are ordered to work. The assignment of a particular taluka or talukas to each surveyor is a convenient and economical arrangement and therefore usually made. If, however, a call for his services arises elsewhere and he has to work outside this charge, he still receives the same permanent travelling allowance.

### New City Survey at Igatpuri.

Mr. A. N. SURVE (Bombay City, North): Will Government be pleased to state—

(*a*) the amount realised from the people to cover the charges in connection with the new city survey operations at Igatpuri in the Nasik district;

(*b*) the amount of expenses incurred for the city survey;

(*c*) if there be any excess of the amount realised over the amount spent, what Government intend to do with it;

(*d*) when were the city survey operations completed ?

The Honourable Mr. C. V. MEHTA: (*a*) Rs. 3,000-8-0.

(*b*) Rs. 2,847-14-8.

(*c*) The small excess of Rs. 152-9-4 over the expenditure will be credited to Government.

(*d*) Survey work was completed on 31st August 1910. Enquiry was started on 25th April 1911 and completed on 24th June 1911.

SCHOOL HOUSES, RATNAGIRI.

*Mr. A. N. SURVE (Bombay City, North): (*a*) Will Government be pleased to state in how many cases during the last 15 years they have promised the construction of school houses in the villages in the Ratnagiri district provided the villagers contributed their share of the cost ?

(*b*) In how many of such cases have the school houses been constructed ?

(*c*) In how many cases have they not been built although the villagers have contributed their share of the cost ?

(*d*) Will Government be pleased to state the amount which the residents of Mithabav, taluka Devgad, district Ratnagiri, have deposited with them in the name of Mr. Laxman Janardan Soman as a part of their contribution to the Marathi school building at that place and the date on which the amount was so deposited ?

(*e*) What amount had Government promised to contribute for the said school building ?

(*f*) Do Government intend to fulfil that promise ?

The Honourable Mr. B. V. JADHAV: (*a*) During the last 15 years contributions towards the construction of school houses were raised in the case of 16 villages of the Ratnagiri district. In none of these cases, however, was any promise, such as that referred to in this part of the question, given or authorised to be given by Government.

(*b*) 7.

(*c*) 9.

(*d*) Rs. 1,025 deposited in the Savings Bank on 2nd August 1915.

(*e*) and (*f*) Government had not promised to contribute anything for the school building.

SCHEMES FOR PROTECTIVE IRRIGATION WORK.

Mr. R. D. SHINDE on behalf of Khan Bahadur D. B. COOPER (Satara District): Will Government be pleased to state which schemes for protective irrigation works in the Satara district have been completed so as to be taken in hand in times of famine, and what are their estimated costs ?

The Honourable Mr. COWASJI JEHANGIR: The information has been called for.

ANNEWARI OF CROPS IN SATARA DISTRICT.

Mr. R. D. SHINDE on behalf of Khan Bahadur D. B. COOPER (Satara District): Will Government be pleased to state the annewari of the crops in the Khatav, Man, Khanapur and Tasgaon talukas of the Satara district during the last ten years ending 31st July 1924 ?

(*b*) What measures have Government taken during the last ten years to prevent or mitigate famine conditions in these talukas ?

The Honourable Mr. C. V. MEHTA: Inquiry is being made.

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

### Satara District Cattle.

Mr. R. D. SHINDE on behalf of Khan Bahadur D. B. COOPER (Satara District): Will Government be pleased to state—

(*a*) The total number of bullocks and cows in the Satara district according to the cattle census for the year 1923 ?

(*b*) Are they in a position to state what is the approximate number of cattle (bullocks and cows) sent out from the Satara district every year towards Poona during the last five years 1920 to 1924 ?

(*c*) Are they aware that all such cattle sent out of the district are meant for the slaughter-houses at Poona or at Bombay ?

The Honourable Mr. A. M. K. DEHLAVI: (*a*) There was no cattle census in 1923. The next quinquennial enumeration will take place in January 1925.

(*b*) and (*c*) Government regret they have no information on these points.

### Excise Administration Report.

Mr. R. D. SHINDE on behalf of Khan Bahadur D. B. COOPER (Satara District): Will Government be pleased to place on the Council table copies of administration reports of the Excise Department for the years 1878, 1888, 1898, 1905 and 1915 ?

The Honourable Mr. A. M. K. DEHLAVI: Reports* on the Administration of the Abkari Department in the Bombay Presidency, Sind and Aden for the years 1887-88, 1888-89, 1897-98, 1898-99, 1904-05, 1905-06, 1914-15 and 1915-16 are placed on the table.

There is no report for the year 1878. The first Abkari report was published for the year 1879-80.

### Protective Irrigation Works, Satara.

Mr. R. D. SHINDE on behalf of Khan Bahadur D. B. COOPER (Satara District): Will Government be pleased to furnish a list of schemes for Protective Irrigation Works in the Satara district which are intended to be taken in hand in time of famine with the estimated cost of each ?

The Honourable Mr. COWASJI JEHANGIR: The information has been called for.

### Remission and Suspension of Assessment in Mundargi Petha, Dharwar District.

Mr. V. N. JOG (Dharwar District): (*a*) Will Government be pleased to state the number of villages in the Mundargi petha which were granted (i) remission, (ii) full suspension, and (iii) half suspension of the assessment for the years 1922-23 and 1923-24 ?

(*b*) Will Government be pleased to state on what basis the anna valuations of the Mundargi petha for these years were prepared ?

The Honourable Mr. C. V. MEHTA: Information has been called for.

*Kept in the Secretary's office.

REMOVAL OF PRICKLY-PEAR IN MUNDARGI PETHA, DHARWAR DISTRICT.

Mr. V. N. JOG (Dharwar District): (*a*) Will Government be pleased to state the total area of Government waste land in the Mundargi petha which is covered by prickly-pear ?

(*b*) Are they aware that these clusters of prickly-pear give shelter to wild pigs which damage the crop of ryots every year ? If so, do they intend to take any action in this connexion ?

(*c*) Will Government be pleased to state whether it is a fact that wild pig campaign committees have been started in the Mundargi petha for eradicating these homes of wild pigs and that owners of private lands have taken the initiative in this matter and have removed the prickly-pear and other bushes in and near their lands ?

The Honourable Mr. A. M. K. DEHLAVI: Information has been called for.

GRANT OF LAND TO A RETIRED POLICE INSPECTOR.

Mr. V. N. JOG (Dharwar District): (i) Will Government be pleased to state whether it is a fact that about 68 acres of pasture land situate at Kerimattihalli in the Karajgi taluka, Dharwar district, set apart for cattle has been granted to the retired police inspector, Haveri circle, very recently ?

(ii) If so, will Government be pleased to state whether the rayats of the said village of Kerimattihalli were consulted before the grant was made as to whether there was land sufficient for grazing cattle; and if so, whether they were in favour of the grant being made ?

(iii) Will Government be pleased to state (*a*) what is the total quantity of pasture land in Kerimattihalli after this grant, (*b*) what is the number of cattle in the village, and (*c*) what are the total acreages of cultivated and cultivable land in the village ?

(iv) Will Government be pleased to state what useful service the said inspector of police rendered to Government or to the public to deserve the said grant of land ?

The Honourable Sir MAURICE HAYWARD: Information has been called for.

PROGRAMME OF FOREST ENGINEER'S WORK.

Mr. V. N. JOG (Dharwar District): Will Government be pleased to lay on the table the report from the forest engineer on deputation from the Public Works Department (now Superintending Engineer) on the work he has so far done in that capacity and his future programme of work ?

The Honourable Mr. A. M. K. DEHLAVI: No such report is submitted to Government.

RATE OF INTEREST IN SANGOLA TALUKA.

*Mr. V. R. KOTHARI (Sholapur District): Will Government be pleased to state what is the average rate of interest charged by *sowcars* from their peasant debtors in Sangola Taluka?

The Honourable Mr. A. M. K. DEHLAVI: Two per cent. per mensem generally.

THEFTS AND DACOITIES IN BOMBAY SUBURBS.

Mr. G. B. PRADHAN (Thana and Bombay Suburban District): (*a*) Will Government be pleased to furnish the number of thefts and dacoities committed in the Bombay Suburban District from the 1st of January 1923 to the end of June 1924, and will Government be pleased to state as to how many of them have been detected and how many remain undetected?

(*b*) Will Government be pleased to state how many applications for licenses for firearms were made during the above period (*viz.*, 1st January 1923 to the end of June 1924) by the residents of the suburban area and how many of them were granted and how many refused?

(*c*) Will Government be pleased to state if they are aware of the resolutions adopted at a public meeting of the suburban residents on the 13th April 1924?

(*d*) If so, will Government be pleased to state whether they have taken any action in the matter?

The Honourable Sir MAURICE HAYWARD: (*a*) Number of thefts 643; number undetected 459; number detected 142; number pending investigation 42; number of dacoities 9; number undetected 3; number detected 6.

(*b*) Applications for firearms 464; licenses granted 292; licenses refused 162; pending 10.

(*c*) Yes.

(*d*) Additional police has been entertained for the Bombay Suburban District.

REVISION OF PAY OF SUB-REGISTRARS.

Mr. G. B. PRADHAN (Thana and Bombay Suburban District): Will Government be pleased to state—

(*a*) Whether the reason for the revision of pay in all departments in 1920 and thereafter was the increase in the cost of living after the war?

(*b*) If so, whether the increase given on the pre-war scale as regards the minimum pay was uniform in all the departments?

(*c*) Whether it is a fact that only a 25 per cent. increase over the pre-war minimum pay was granted to the sub-registrars whereas in other departments an increase of 75 per cent. was allowed?

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

(*d*) Why sub-registrars were granted such a low increase on the pre-war scale of pay ? If any special orders were issued on the matter, will Government be pleased to place a copy of such order on the Council table ?

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

(*b*) By minimum pay it is understood that the honourable member means the starting pay in the grade after revision. If so, the reply is in the affirmative.

(*c*) and (*d*) The honourable member's attention is invited to the answers to question * asked by Mr. Halkatti at the Council meeting held in July 1921 and to question † asked by the late Mr. V. R. Gupte in June 1923.

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Mr. D. B. ADWANI (Karachi City) : Mr. President, I request your permission to draw the attention of the House to the serious damage and consequent distress caused in several parts of Sind by the recent floods there. Some honourable members had given notice of a resolution on this subject, but they could not move it as that resolution was not reached as it did not secure a sufficiently high place in the ballot.

The Honourable the PRESIDENT : If the distress is acute, the honourable member will be allowed to make a brief statement.

Mr. D. B. ADWANI : Sir, honourable members are aware that recently floods have occurred in Sind, at several places, and that the damage and distress caused thereby to agriculturists is immense, and I am simply drawing the attention of the House to this fact because the distress is very acute and the need for necessary measures urgent, as it will not be possible for us to do anything later, since the next meeting of the Council is to be held after some months. The damage caused is so considerable that

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* *Vide* Vol. IV, page 25.

†The following question and answer were printed in the Second List of Questions of July 1923 Session :—

"Mr. V. R. GUPTE (Poona City) : (*a*) Will Government please state whether the circumstances and conditions due to war that have called for an increase in the pay of all departments in 1920 and therefore apply to the Registration Department or not ? If they apply, why has Government given an increase of 25 per cent. only over pre-war minimum of sub-registrars instead of 75 per cent. as in all departments under their circular No. 438 of 25th June 1920 ? What are the special reasons for singling out this department only for such markedly differential treatment in spite of the fact that the department was, in the opinion of Government, in a bad need of revision long before 1917 ?

(*b*) Are Government aware that the minimum pay of a sub-registrar and his future prospects in other provinces of India are far greater than in this Presidency ? If so, what are the exceptional circumstances of this Presidency which is more costly than others for keeping the minimum at 50 (which was thought proper in 1907 by the then Inspector General) ?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN : (*a*) The attention of the Honourable Member is invited to the answer to question No. 22 by Rao Saheb Halkatti at the meeting held in July 1921. The sub-registrars were given starting pay according to Appendix A of Government Circular No. 438 dated 25th June 1920, with the exception of those in the grade of Rs. 50—3—80, whose service did not exceed three years on 1st March 1920.

(*b*) Government is not aware of the rates of pay prevailing in other provinces of India. The Inspector General of Registration has reported that there is no difficulty in recruiting men of the calibre he wants on the existing rates of pay."

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it will require five lakhs of rupees according to a rough official estimate to merely repair the damaged bunds which Government has constructed in recent years along the river in different places for the protection of the country. I do not desire to take up the valuable time of this honourable House, particularly at this late hour, and I will therefore content myself with saying that the distress caused is acute and wide-spread, in order to enable the Honourable the Finance Member to make a general statement as to what has already been done and what is proposed to be done in order to relieve the distress. There is no doubt that a great amount of relief by way of free grants, remission and takavi advances is needed, and it may be hoped that adequate measures are being and will, as the need arises, be taken in these directions.

The Honourable Mr. H. S. LAWRENCE: Mr. President, the matter has come before this House at very short notice. The ordinary channels for the distribution of tagavi are at work in Sind. The Commissioner in Sind has already moved in the matter. He is to start on a tour of inspection through the flooded areas. I understand the principal damage which the honourable member refers to is in Nawabshah district ....

An Honourable MEMBER (from Sind): Karachi.

The Honourable Mr. H. S. LAWRENCE: There seems to be a difference of opinion, but in any case all that the Government can say at the present moment is that the Commissioner in Sind telegraphed a week or two ago and asked for some further funds to be placed at his disposal. The sums which he asked for were sent to him at once, so that, so far as we know, the Commissioner in Sind is in possession of full allotments of tagavi funds for distribution. Should the Commissioner in Sind apply for more funds, it will be necessary for us to come to this Council and ask for a further grant as a supplementary estimate. As the next meeting of this Council will probably not take place until February next, it may be necessary for us to take emergent action in anticipation of the sanction of this Council and for this purpose I welcome the motion of my honourable friend since it enables us to obtain the sense of this House in this matter, namely, that we should take emergent action in anticipation of sanction if such action should prove to be necessary before the next meeting of this Council.

The Honourable Mr. B. V. JADHAV: Mr. President, I desire on behalf of the transferred departments also to make a statement. The over-flooded Indus has created several stagnant pools of water and malaria is likely to spread. The attention of Government has been drawn to this matter and a large number of sub-assistant surgeons have been detailed for malaria duty and free distribution of quinine and other remedies have been taken in hand.

(*Discussion of matters of general public interest resumed.*)

The Honourable the PRESIDENT: Resolutions. Mr. Punjabhai Thakersi.

Mr. PUNJABHAI THAKERSI (Bombay City, North): Mr. President, I move my resolution as follows:—

"This Council recommends to the Governor in Council that a committee with a non-official majority be appointed to enquire into the grievances of agriculturists in the presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practice."

Sir, the resolution is a very simple one and the facts therein stated are well known to all the honourable members, and so I shall take as little time of the House as possible by making a very brief speech.

The evils of forced labour are seldom seen in cities, but as we go into the districts we become aware of the grievances of the victims of forced labour. When officers of Government move about in the districts, it is their practice to impress carts of poor agriculturists against their wishes for carrying their kit and stores from one place to another. And you may be surprised, but it is a fact, that they force the agriculturists to look to their wants and work for them when on tour. I need hardly mention that such practices not only hamper the work of the agriculturists but are a source of annoyance and sometimes of disgrace to them. Apart from the question of making them inadequate payment, or in some cases no payment at all, for their labour, the whole matter, if viewed from the moral standpoint, appears to me to be very objectionable indeed. It almost appears to me to be a sort of slavery and hence I gave notice of this resolution. In spite of the boast of the English that they abolished slavery, I can say it exists in India in a disguised form.

In these days of improved communications, an officer can visit even remote places in a district without much trouble and without carrying much kit. Many officers generally keep motor cars and the few that cannot keep automobiles can on horseback approach conveniently any place and transact their business in the shortest possible time without the necessity of having all their staff, peons, etc. They are given sufficient allowances for conveying their goods and their office kit also. I cannot understand, therefore, why they cannot make other arrangements instead of giving trouble to poor agriculturists. I learn that even in that part of the year in which the agriculturists are very, very busy with their own work, they are forced to spare time for the convenience of the Government officers. I would consider this as a great scandal. The result of this system is that agriculture suffers and the number of carts has, I learn, greatly diminished. Many self-respecting agriculturists on account of this sort of annoyance prefer to do without a cart rather than suffer the harassment due to this bad system. From the amendment sent in by my honourable friends Mr. Khuhro and Mr. Noor Mahomed, it will appear that Sind also suffers, and suffers more by this system than the presidency proper. *Rasai* and *lapo* have been often subjects of criticism in previous years in this Council and I am surprised why Government do not move in the matter and remedy the evils from which Sind and other districts in the presidency suffer so much. The sooner such a system, wherever it exists, is done away with the better. However much I would wish that these evils are stopped at once, I refrain from

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recommending to the Council to put a stop to these practices immediately. In all fairness to the opposite side, in order that they may put their case also, I have recommended in my resolution the appointment of a committee to inquire into these grievances and suggest measures by which they can be put right.

Question proposed.

The Honourable the PRESIDENT: There are several amendments proposed. The honourable member, Mr. Narielvala, wishes to add the word" workmen" after the word "agriculturists" in order to remove any doubt as regards what the word" agriculturists" as used in the resolution actually means.

Mr. H. H. NARIELVALA(Broach District): I move that the word "workmen" be added after the word "agriculturists" in the resolution.

Mr. PUNJABHAI THAKERSI: I beg leave to accept that amendment.

Question put and leave granted. Resolution amended accordingly.

The Honourable Sir MAURICE HAYWARD: I would suggest that the words" and labourers" be substituted for the word " workmen" just now put into the resolution.

Mr. PUNJABHAI THAKERSI: I beg leave to accept that amendment.

Question put and leave granted. Resolution amended accordingly.

The Honourable the PRESIDENT: The resolution, as amended, will read as follows:

" This Council recommends to the Governor in Council that a committee with a non-official majority be appointed to enquire into the grievances of agriculturists and labourers in the presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practice. "

The resolution is now in this form before the House.

The next amendment after this is disposed of, is from the honourable member, Mr. Dev.

Mr. S. S. DEV (West Khandesh District): Mr. President, I move an amendment to this resolution to the effect

" That the words 'that a committee with a non-official majority be appointed' be deleted. "

Sir, I move this amendment as I hold that a committee is absolutely unnecessary. As far as I know, the grievances referred to in this resolu ion are not new. They are, I believe, as old as the British Government.

GOVERNMENT MEMBERS: They are older than that.

Mr. S. S. DEV: All right, at any rate the British Government could not remove them and these grievances will probably continue to harass the people till the Government itself is transferred to the people. No committee is required to prove a thing which the honourable members on both the sides of the House know full well. The grievances of forced labour are an open secret, known to all. To give one or two instances which may refresh the memory of honourable members of this House, I may say

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that when any officer of Government wants any cart, for instance, he has simply to send his peon to bring a cart for him to go from one village to another and it may be within your knowledge, Sir, that these peons do not prefer to talk with their tongues, as men do, but they talk with the sticks in their hands. When a peon sees a cart which he wishes to impress, the first thing that he does—perhaps some of the honourable members on the other side may be surprised to hear these things, but they are of daily occurrence in villages and towns—when the peon of an officer sees a cart coming, the first thing that he does is to talk not to the cartman but to the bullocks by striking them on their noses. The cartman immediately understands what the peon with a belt round his neck wants. He first tries to entreat the peon, but finding it impossible to escape, the poor cartman goes after the peon wherever he takes him. This is the commonest form of forced labour that happens in our villages. Without any exaggeration I say that this *zulum* is very often practised everywhere. I shall give you, Sir, an instance which took place about 20 years back and which I remember in this connection. Within a furlong of a Prant officer's camp I saw a peon of the revenue department whipping a cartman not in the fashion which the Honourable the Home Member described the other day as with a cane, but actually with a whip, because the cartman had the audacity to refuse his cart being impressed. He actually took the whip which the cartman had from his hands and whipped him. I had the misfortune to witness it and I could not prevent it. I confess I could do nothing but shed tears Such things may have become rare now, but the other form of forced labour I shortly before referred to is a thing of daily occurrence. I may be allowed to give you one more instance which occurred in my own district last month. It was reported in papers. An officer of Government was on his way from one village to another and he wanted a cart. He ordered the Mahars to get a cart. They took some time. The delay enraged the Saheb. He had no patience. Although a cart was to be had, the delay in having it upset him and in order to teach the Mahars how to be quick he made them run in front of his cart all the way, entrusting his stick to one, his holy hat to another, his chair to the third and a lantern to the fourth. It is reported he beat them also. A hundred and one such cases may be quoted. This is the treatment that these officers are meting out to the *kamgar* Mahars in the villages. This is nothing else but forced labour. This is nothing less than, as the honourable mover has described, slavery. Our poor people cannot get redress and therefore in the most solemn voice that I can command I bring these instances to the notice of this House. These things are of daily occurrence and as they are all known to Government benches as much as they are known to us, it is no use trying to have a committee. I would rather say that instead of recommending to Government to appoint a committee, it would be better if this Council recommends to the representatives of the people in this House to make such acts of *zulum* impossible by agitating and creating an awakening of political consciousness in the minds of the people. This is the recommendation that I make. It is no use

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having a committee, for no new methods of forced labour can be brought to light. All these methods are known to Government, and therefore a thing which is common knowledge needs no inquiry. Let us educate the masses and create in them a sense of dignity. Let us change the angle of vision, as they say, of these officers. So long as the officers believe that it is, as it were, their birthright to exact labour from the people and so long as people believe that it is their duty meekly to submit to the forced labour, these things will continue. It rests more with this side of the House than with the other side to change this angle of vision altogether. I don't want a committee for that. But if the honourable mover would not realize my view-point and would not forgo the pleasure of having a committee I shall not press my amendment.

The Honourable the PRESIDENT: Amendment proposed is:

"That the words 'that a committee with a non-official majority be appointed' be deleted."

The motion as proposed to be amended will read:

"This Council recommends to the Governor in Council to enquire into the grievances of agriculturists in the Presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practice.'

The next amendment is from the honourable member Mr. Noor Mahomed. Will the honourable member allow me to explain to the House his amendment? The honourable member wishes to add the words "including Sind" after the word "presidency" in line 3 of the resolution. I do not personally understand the object of that amendment, because Sind is not outside the Presidency. Sind is a part of the Presidency and, therefore, when the word "presidency" is used, Sind is included. I should like the honourable member to explain why he desires to introduce the word "Sind" when the word "presidency" is already there, and Sind is a part of the Presidency.

Mr. NOOR MAHOMED (Hyderabad District): Thank you, Sir, very much for making that point clear because I have seen that the boundaries of this Presidency sometimes are very elastic and include Sind, and sometimes they are so very narrow that they exclude Sind. Only the other day there was a committee regarding forest grievances appointed by the Honourable Minister for Forest and according to his definition of the Presidency and according to the customary definition of this Presidency, Sind did not come within the boundaries of this Presidency, and it was therefore that I put in this amendment. Otherwise I do not see that these committees do good in any way.

The Honourable the PRESIDENT: Does the honourable member wish to press his amendment?

Mr. NOOR MAHOMED: I withdraw it, Sir.

The Honourable the PRESIDENT: The honourable member need not move it.

Mr. NOOR MAHOMED: Very well, Sir. I do not move it.

The Honourable the PRESIDENT: Then there would be no occasion for withdrawing the amendment. I may, however, inform the honourable member in view of his remarks that the distinction, whenever it is made, is made specifically in the following manner: where the rest of the presidency is intended to be indicated, the words used are 'presidency proper': 'presidency proper' excludes Sind, but 'presidency' includes Sind.

Notice has been received of the same amendment from the honourable member Mr. Khuhro, but he is not present, and it will not be moved.

Dr. M. B. VELKAR (Bombay City, South): Sir, I shall be satisfied if this House accepts the original proposition of the honourable member Mr. Punjabhai, because, to my mind, this system of forced labour, to use the words of the honourable mover, is a form of slavery, I would say a civilised form of slavery, because it is being carried on in these days of boasted civilisation under the benign British Government. After all, what is forced labour? It is labour forced on a person against his will; that is the definition of forced labour. If it is labour forced on a person against his will, it is slavery and nothing but that. I would like to submit one point for the consideration of this House, and that is that this forced labour exists not in the larger towns, but in the districts. When touring officers want carts, these carts are impressed in the manner described by the honourable member Mr. Dev. The officer orders the mamlatdar to secure carts for him, and the mamlatdar, in his turn, orders the village officer to do so. The village officer seizes any cart that he may find on the streets. The cart may be occupied by travellers, or it may be loaded, or, perhaps the cartman may be returning home after a hard day's labour. If the cart is occupied by travellers, they will be detained; if the cart is loaded, it is unloaded; if the cartman is returning home after a day's hard labour, he is forced to take the cart to the required destination; this is the plight to which the cartmen are reduced in the districts. Now, it happens that the cartman has to go without food for himself and fodder for his oxen, and the cartman and the oxen thereby suffer. What I want to point out is this, that these officers get travelling allowances; they have their motor cars, as pointed out by the honourable mover, and also other paraphernalia; therefore, I cannot understand why they should carry so much kit about with them from place to place. They can have different centres, and carry on their work of inspection in the surrounding villages from those centres, and return to those centres.

I also want to bring to the notice of the House that this system of forced labour is not applicable to carts only; it also includes persons who sell fuel, the milk sellers and others. In making the *bundobast* for the officers, they have to be provided with fuel, milk and grass, at whatever rates the touring officers fix. From all these points of view, I hope the House will give due consideration to the resolution.

Mr. H. D. SAHEBA (Ahmedabad District): Sir, this is a question as regards forced labour only, but I would also like to say that forced

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food should come in this resolution. Food also is foreed from the villagers into the bellies of thes touring officers, and the two questions are so intimately connected with each other that it is impossible to discuss the one without the other. You will perhaps be told, Sir, that there is a section in the Penal Code which makes it a penal offence to exact forced labour. I do not think that if that section were properly enforced, many of the members on the opposite benches would have been here to listen to my speech to-day. They are all sailing in the same boat, and they have at one time or another done the same thing themselves, not personally, probably, but they have sent orders to do so, and they are abetters of the first degree in this respect. Then, one thing is certain. There is something like the law of self-defence, but the poor villager is not in a position to retaliate. If he is beaten, he will not retaliate, and if he retaliates, then charges are trumped up against him to the effect that he obstructed Government servants in the proper discharge of their duties, and the man is tried on these and such other charges by another man who is also guilty of the offence of exacting forced labour. The man is tried by a mamlatdar or magistrate, and he gets no relief. You will find, Sir, that one case of this sort has gone to the High Court, and the High Court said, "You cannot do it like that; it is forced labour" and the man was acquitted. The officers have a certain handbook called Nairn's Handbook, in which all these rules are discussed and laid down how the carts are to be impressed, turn by turn, and so on, and the officers take refuge in that book and the regulations it contains. I think those regulations should be withdrawn. But, Sir, I do not like the method of attempting to rouse the political consciousness of the people and waiting till then as suggested by the honourable member Mr. Dev. I think the better remedy would be in self-defence for the villagers to take the law into their own hands, and submit the offending officer to a good thrashing. That is the only way to deal with tyrants; otherwise, how are the poor people to have their grievances remedied? If they go to a court of law, the person trying the case will be a kindred officer who also would be enacting forced labour. That being the case, where is he to get redress from?

Then, for petty things like this, Government revenue also suffers. I shall put it to Government in this way: when any officer of Government goes on tour, generally he is paid travelling allowances sumptuously, and yet he will ask some person to make *bundobast* for him; in return for that when any Government property is sold, that man is given the chance of purchasing it at a very low rate, and thereby Government revenue suffers, because the man is not supposed to treat the officers for nothing, and in order to oblige that man this thing has to be done.

Then, even the petty police officer on his beat expects free food and free labour and everything else. When the sub-inspector comes, he is supposed to protect the villagers, but instead of protecting the villagers, he orders that 10 or 12 people should wait upon him at night, so that he might be properly protected. This is a sort of forced labour, and when

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ever there is a big touring officer, the greater is the trouble. The Collector who is generally at the headquarters orders that proper *bundobast* should be made; that order is made to the mamlatdar, and the mamlatdar passes it on to the mukhi, and the mukhi impresses the carts. Really one or two carts may be required, but in his over-zeal the mukhi will impress 15 or 20 carts, and they will all be made to wait for 3, or 4, or 5 hours, awaiting the pleasure of the Collector to start, and they will be paid nothing for the waiting charges. Of course, Government will say that they have laid down a scale according to which the cartmen are to be paid, but it is not so in practice. With these words, I commend the resolution for the acceptance of the House.

Mr. W. S. MUKADAM (Panch Mahals District): Sir, I support the resolution which has been so ably moved by my honourable friend from Bombay. Fortunately or unfortunately this subject has become the talk of the day in villages, in huts and cottages, and it does not need considerable support. Very long speeches are not required at all to support this resolution as the horrors of *begar* are still standing like monuments before the eyes of those who move in villages, mix with the villagers, study their situation, know their difficulties and sympathise with them in their grievances. I support this resolution knowing full well my duty towards the agriculturist class in this presidency and the responsibility to the constituency to which I have the honour to belong. Sir, this resolution is one of the most important resolutions and I think the importance of this resolution is only next to the resolutions regarding home rule, self-government, or Swaraj. I believe that the strict abolition of this system will be the opening of a happy home for the villagers, for the agriculturists and for the workmen of this country. It is a matter of great regret and shame that, after 150 years of the so-called civilised rule of British people in this country, there should have been the necessity of tabling a resolution regarding forced labour for the first time in the Legislative Council—I shall come to the other resolution on the subject presently—of the most advanced presidency of this unlucky land. I under-stand and I have read the reports that a resolution was moved once by the late lamented Mr. Bhurgri in order to make enquiries with regard to *rasai*, *lapo* and *cher* in 1919 in the Sind province only. On enquiry I have come to know that committees of this sort have been appointed by the Legislative Councils of other provinces. The United Provinces Legislative Council has appointed a committee to make enquiries regarding forced labour. The Central Provinces and the Punjab have appointed similar committees. It is a misfortune of the people of this presidency that we have not appointed any committee to make any enquiries in the whole of the presidency. Before I speak anything about forced labour I must declare before this honourable House that forced labour is not one of the evils imported by British Government. It is older than that. For the sake of justice I would not give the credit to them for originating this system, but I give them credit for having tried their best to nourish this system to their heart's content.

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Whenever there is a question of forced labour, in ordinary discussions, in public meetings or anywhere else, Government servants get the opportunity of speaking and they put forth the pitiable plea of low payment and the question of convenience. The question of payment is not the chief question, so far as this point is concerned. The most important question on this subject is the individual right of refusal. A man must have the right of refusal. The question of payment is a secondary question and the exact definition of forced labour is as clear as day; to compel a man or woman to do a particular thing against his or her wish with or without payment is called forced labour. My definition is a correct definition and in order to prove the correctness of my definition I have got two authoritative instances of the rulings of the High Court.

In 1885 one forest officer,—then it was not a transferred department—in the Sholapur district wanted 15 carts. As usual he began to impress carts. At that time agitators were not in the village, but one agriculturist, Rakhmaji by name, refused to supply carts against the wishes of the officers. Then there was a hot discussion and hot words, and finally it ended in *maramari*. As my honourable friend Mr. Saheba narrated, the man was taken to the court; but Rakhmaji thrashed the man who came for the impressment of carts. He was taken before the first class magistrate and he was sentenced to 21 days' rigorous imprisonment for obstructing a Government servant in the performance of his duty. While passing the sentence the District Magistrate remarked that Rakhmaji was in duty bound to supply carts to the officials for official work. Instead of helping the officials in the discharge of their duty, he remarked, this man has obstructed the officials and therefore he must undergo imprisonment for 21 days. His relations or friends took the matter to the High Court, and there he was ordered to be released. I remember that it was Mr. Justice Nanabhai Haridas who disposed of this case; and in the course of his judgment he stated that according to section 374 of the Indian Penal Code no one has got a right of exacting any work from anybody against his wish. It was not a question of payment; and the man was released. This ruling of the High Court was given in 1885.

The next ruling of the High Court was in 1896. That was from Khandesh, the constituency of my honourable friend Mr. Dev.

Mr. D. R. PATIL: Is it East Khandesh or West Khandesh?

Mr. W. S. MUKADAM: I do not know whether it is from East Khandesh or West Khandesh. Divide it between yourselves.

An excise officer wanted a pair of bullocks for the use of an official in his official capacity. So he took a pair of bullocks from one man named Budda. Budda filed a suit against the talati who took away the bullocks in the subordinate judge's court for damages. The pleader of the talati contended that the sub-court had no jurisdiction; but the sub-judge passed a decree in favour of Budda. Then the case was taken to the District Judge; and there of course the decree was set aside. Budda went to the High Court. Justice Ranade and Justice Jardine decided the appeal in favour of Budda quoting the ruling of Nanabhai Haridas in 1885.

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These two instances are sufficient for the honourable House as a proof of my contention that payment is a secondary question. If a man—may be even the highest official of Government– under any circumstances asks any man or woman to work or to supply anything with or without payment against his or her wish, that is forced labour. That is the definition which I say is correct.

Sir, it was in the month of November 1917 that a strong protest against this system was made by the province of Gujarat in its provincial conference under the presidency of Mahatma Gandhi. And after the passing of this resolution the working committee began their work in real earnest and the national workers went into the villages to make enquiries regarding the question. Then we people knew what wrong and what harm this pernicious and cruel system of forced labour had done in the villages. The honourable members of this House will be surprised to know that some educated members of the party knew that to exact work from any man against his wish was a crime, and they pulled do n the curtain on this section 374 of the Indian Penal Code, and section 374 of the Indian Penal Code was made clear to every agriculturist.

Sir, I had a talk on this question with several officials in my district, and also here with some honourable members of the official benches, and whenever I get a chance of talking on this question with the official benches and with non-official citizens they know only of one thing, and that is the impressment of carts. The citizens and officials never think of other forms of forced labour which is to-day being exacted in the villages ; they only make a reference to impres ment of carts, which is only one of the items of forced labour. But, Sir, we villagers are very, very unhappy in our vill ges owing to this pernicious system of forced labour. The villagers from morning to evening have to pass their time by turns looking to the convenience, leisure and pleasures of the guests of the *sarkaris* or the *chaura*. And it is the feature of the British system of administration that the *chaura* will never be vacated. To-day it is a man of the police department who comes ; to-morrow of the forest department ; and the third day of the revenue. So, Sir, one *sarkari* or other is bound to be in the *chaura* and the villagers have to look to his pleasure. No sooner he gets up in the morning fresh *tarkaris*(vegetables) are to be supplied to him ; then fuel is to be supplied free of charge against the villager's wish. Then there is the question of fetching water free of charge. And, while on this, I would with great regret bring one fact to the notice of the officials and it is this. If at night time Government officials come to stay at the *chaura*, suppose the potter gets sick or is out, his wife has to go out and fetch water for them. That is a regrettable thing for the administration. Then, Sir, there is the cleaning of utensils and the washing of clothes. All these works are exacted by the officials free of charge. Nobody looks at these things : every member of the non-official benches gets up and talks only of carts. That is not the only thing we have to stand on in this resolution. There are so many other items. The cleaning of utensils is the chief thing

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(The Honourable Mr. H. S. LAWRENCE: Pots.) Yes, pots. Now that the matter has come to be discussed, I would bring the pitiable state of the potter to the eyes of the honourable members. The potter's life is the most miserable life in the villages. He has to supply pots free of charge to any one who comes and puts up in the *chaura*. And I am speaking now knowing full well my responsibility. I am prepared to prove, even by producing affidavits and men when the time comes, every single syllable of the words I utter. This potter's life is a life of misery. If we put before our eyes the life of the pitiable potter, if there is a human heart in us, we are bound to feel for his humiliation.

Then, Sir, what about the Forest Department?

(An Honourable MEMBER: Go on with the potter.) Well, the Government benches want me to dilate further on the miseries of the potter.....

The Honourable the PRESIDENT: The honourable member has had his full 15 minutes, but I will allow him two or three minutes more.

Mr. W. S. MUKADAM: The honourable gentlemen opposite wanted me to go into details. I will now come to the Forest Department. The agriculturists are very poor in their own fields. These Forest Department men come—the *sarkaris* as they style themselves—and though forest is now a transferred department, they come and catch them by force. And for what? For plantation business; for seed collecting (of course this is not in the monsoon); for burning the demarcation lines; and for what not. And when I went to Nabobi in the Khandesh district for enquiring into forced labour there, the villagers narrated the story with tears in their eyes. They said that during summer, when there is want of water, the nurseries have to be kept as green as in the monsoon, and they are forced to get water from any corner. They are told "You go and do anything, but bring water for this nursery". This is the thing that is going on in the Forest Department. But we non-official members speak only of impressment of carts, which is only one item and which I do not mind much.

(An Honourable MEMBER: Are you an agriculturist?)

Yes, I am an agriculturist.

Now, as regards chowkidar work, the guest as a representative of the Government goes and enjoys at the *chaura*—be he the mamlatdar or any official of another department—there he enjoys at the hands of these villagers and at night he wants not less than four chowkidars to protect him free of charge. The honourable member Mr. Dev just now said that 20 years ago he saw that sight which he described, but I am prepared to say that today those things are in existence, and if the committee is appointed for an enquiry, I am perfectly sure that many other heart-rending and shocking things from the corners would see the light of day. I tried my level best in my district to stop this system of chowkidars free of charge, but it has not stopped still. The villagers have to do duty by turns, of course, not all at a time. Suppose the wife is ill and the man is the only male member of the family, there is no compassion or pity shown

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for him. The officer wants four chowkidars. The *mukhi* or the *bundobastwala* will go to a man and say "Come, it is your turn today". Sir, we are all men with wives and children, and we can imagine what would be the feeling of the man who has to go to the *chaura* leaving his sick wife and children at night! If he is a little bit late, say for a minute or two, he has to receive as his remuneration kicks and abuses. In the morning he gets up and slowly goes away to his house without receiving a farthing from the pocket of that "*chaura*".

And the less said of the shikar, the better. When the big, big *chauras* and sahebs go to shikar, hundreds of poor men are forced to come for the purpose of beating the shikar, and only one instance I will give you now, namely, when the highest of the officers went last time to Nawapur I have heard of the story that in the name of *bundobast* police patels and other officers were creating havoc in those days for such shikar, and if a committee is appointed, Sir, all these things will come to light. And only in order that these things may remain behind the curtain official benches may oppose the appointment of such a committee; otherwise I see no objection to such a committee being appointed.

Mr. G. W. HATCH: Mr. President, I must admit that I was considerably impressed when I saw no less than eleven resolutions on this subject tabled and I wondered what we were going to hear. But with what we have heard so far I confess I am disappointed. One honourable member supported the proposition by referring to unsubstantiated instances of forced labour which he said amounted almost to slavery. But he did not give us details.....

Mr. W. S. MUKADAM: The time was limited.

Mr. G. W. HATCH: He did not give us details of the things that he says occur. The honourable member from West Khandesh on the other hand has described certain things he has seen. I presume he does not suggest that they are typical of what occurs elsewhere. After an experience extending over 31 years in this country, I can assert that that is not the case. Instances such as the honourable member from West Khandesh (Mr. Dev) stated he saw, and I quite believe he saw them himself, may have occurred in West Khandesh. But West Khandesh is not a civilised area, if I may say so, and it is possible that subordinates take advantage of that fact. I submit, Sir, that if you put any obstacles in the way of superior officers of Government touring freely in the district, you give every chance to subordinates to exercise petty tyranny of the kind the honourable member Mr. Dev witnessed in West Khandesh.

Now, Sir, with regard to this question of forced labour, I will take that first, as that has been dealt with at length by the speaker who just sat down and I will try to give to this Council a very brief account of the kind of forced labour—or I prefer to say the kind of requisitioned labour rather than forced labour—the kind of requisitioned labour which in my experience is taken by touring officers in this part of the presidency. In the first place, there are certain places where there are no roads—such as the ghauts, and the Akrani in West Khandesh—where travelling is

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difficult owing to the absence of roads. Touring officers have to take kit with them; the people who carry that kit have very little concern with agriculture, and my experience is that they flock in numbers where an officer is camping on the chance of being allowed to carry his kit. The difficulty is to select the men to be taken and send the others empty-handed away. There is certainly no forced labour in this case. Men come because they wish to earn a day's wage. The second case is the ordinary case of the village mahar or ramoshi, who when an officer's camp is moving carries the typewriter or lantern to the next camp, and when the officer's camp arrives, assists in pitching tents for him. These mahars and ramoshis are inferior servants of the village and they receive from Government an inam either in cash or land; the small labour the touring officers take from them is, I consider, a legitimate part of their duty. It has always been so regarded. Moreover, officers, in my experience, always reward such people with a few rupees when leaving camp. I certainly have never heard of any unwillingness to perform such labour. The speaker who just sat down referred to the guests of the "chaura" meaning the inferior servants of Government, circle inspectors and so on. I have been told that it is a fact that these men take advantage of the village balutedars to get their clothes washed, their utensils and pots cleansed, and to get shaved and so on. Whether they do this or not I cannot say, but I can say that there are not many districts in this presidency where it is possible to do this without payment. Then, shikar was also mentioned. Of course, it is well known that when camps are formed for shikar, the occasion arises for the employment of a large number of men to act as beaters for big game. In my experience—and I think it is the experience of all officers on this side of the House—there is never any difficulty in getting the men; services are willingly rendered, and they are amply rewarded. No particular reference has been made to the legalised forced labour which in this presidency can be exacted. Of course, it is well known that inhabitants of forest villages can be called out to extinguish forest fires. In the same way, under the Irrigation Act, men can be called out to repair broken bunds. I take it that such requisitioning of labour would have the approval of every sensible person.

Those, Sir, are in my knowledge all the kinds of labour that are requisitioned by touring officers or other Government officers in this part of the presidency. This system of *begar*, as has been mentioned, has been inherited by us from the "Golden Age", as it is sometimes called. The only difference, so far as I know, between the practice then and the practice now is that whereas our predecessors took this labour without payment, we pay for it. I find a Government resolution of 1883 in which the rates and conditions under which labour might be taken are carefully laid down. That is a matter now of over forty years ago, and since that time the practice of forced labour has in this part of the presidency died a natural death. I fancy it is due to the spread of education as the honourable member for West Khandesh noted, and to the realisation by people of the liberty they enjoy that it is impossible in these

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days for Government officers to take labour as they may have undoubtedly done in the past. The result is that a few years ago one of my predecessors was able to report to Government that the conditions mentioned in the orders of 1883 are nowhere in practical operation in this division and no attempt should or need be made to revise them in any form. So much for the system of *begar*.

I now come to the question of carts, which is the one real point of contact between the agriculturist and the touring officer. This system again is of considerable antiquity. The Commissioners in their joint report to Government in 1921 referred to entries in Peshwa's Diaries of 180 years ago in which references will be found to the obligation of villagers to supply carts and labour for the carriage of Government kit—apparently without payment as was the custom in those days. Some 45 years ago Government laid down detailed orders as to the conditions under which carts may be impressed. I will just give you a very brief idea of what those conditions were :—

1. No cart to be taken beyond 20 miles of its village.
2. List of carts to be kept by the patel.
3. Requisitions to be executed in rotation.
4. No man's cart to be taken in a village other than his own.
5. No cart in use on a public road to be taken.
6. Minimum rate of one rupee to be paid for hiring a cart and bhatta to be paid for detention.

These orders are still in force, the only change being that, of course, we have raised the rates. We fix our rates now every year at the beginning of the touring season on reports of the prevailing local rates for cart hire. We fix our rates a little higher than the local rates and the actual rate in force in the Central Division at the present time is three to four annas per mile, varying according to the taluka. In one taluka it goes as high as six annas. The result is that we find that cartmen come forward willingly. I have verified this during the last few days, since this resolution was published, by a reference to my own Collectors and they are unanimous on the subject. The Collector of Ahmednagar writes "There is no case for the institution of any enquiry as carts are readily obtained at Government rates which are liberal". The Collector of Poona says "No complaints received. No difficulty experienced in securing carts." West Khandesh writes "No complaints received". Sholapur writes "No complaint ever received". I suppose he did not recollect the case of the year 1874 which was referred to by the honourable member for Panch Mahals.....

Mr. N. E. NAVLE : May I know on what date the Collector of Nagar wrote that ?

Mr. G. W. HATCH : Within the last week. "There is no object in the appointment of a committee to enquire into grievances which do not exist". The Collectors of Nasik and Satara also report "No complaints received, no difficulty experienced". The Collector of East Khandesh alone referred me to one instance of a complaint received by him and he said that enquiry had been made and that that enquiry showed that it was a false complaint, that the signatories repudiated their signatures and that the petition sent

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in had been got up by a gentleman who was opposed to the present system of Government.

That there should ever be any need for impressing carts at all is a matter which has been of constant concern to Government. This Council itself has discussed the question more than once. As a result of the discussion that was held in 1921 Government called for detailed reports from their officers with the intention either of getting rid of the system altogether or at any rate of minimising its inconveniences. The Divisional Commissioners submitted a detailed report and made a number of suggestions, one of which has been adopted by Government. That suggestion was that we should offer loans free of interest to individuals who were willing to accept them for the purchase of bullocks and carts, on the clear agreement that they would be obliged, whenever called upon, to convey Government kit for distances of 40 miles from their villages, of course on the usual terms of payment. That was only last year and Rs. 10,000 were put at the disposal of each Divisional Commissioner. In my division we succeeded in spending nearly Rs. 8,000—which was distributed among 40 to 50 cartmen who have undertaken that obligation in certain districts. It remains to be seen how far this relieves the situation.

I would like to add that the difficulty has been considerably minimised in recent years by the extended use of motor cars by the superior touring officers. Prant officers have their cars as well as Collectors. Then there is also an increased number of furnished bungalows and it is no longer necessary for an officer to carry around with him a lot of furniture as used to be the case in the old days; therefore the number of carts required has been reduced. I can remember very well the time when I was appointed to Khandesh 31 years ago. The people told me of a Collector whom they called 'Rajah' Propert who always travelled about with 100 carts. We can easily realize that the agriculturists used to look upon his progress with a certain amount of apprehension. In my days a Collector travelled with not more than twenty carts; nowadays I doubt whether he takes more than half a dozen.

Therefore I submit that the grievance, if indeed there is any grievance, is a small and a diminishing one, and there is no occasion whatever for this Council to appoint a committee to enquire into it.

Mr. H. L. PAINTER: Mr. President, there is one thing I should like to know before I make a few remarks, mostly in connection with my own personal experiences, and that is, whether the committees which one of the honourable members who spoke in favour of the resolution stated were appointed in most of the other provinces except Bombay, have produced any good. We have heard nothing as to the results of those committees which he says have been appointed and I think it would have helped us perhaps to form an opinion regarding the probable utility of the proposed committee, if we had been told that any good results have emanated from the labours of the several committees appointed elsewhere. Perhaps in his final speech on the resolution the honourable mover will enlighten us on that point.

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I should like to let the House know some of my own personal experiences in the matter of this forced labour question, as it is called, in all the three divisions of the presidency, because it is a question which I have always from the time I was Assistant Collector upwards paid considerable attention to and I must admit that I can to a very large extent sympathise with a great deal of the resentment felt on the other side of this House and which is felt I think also in villages and elsewhere against the system, although as has been fairly admitted the system is not one which came with the British Government.

It horrified me, Mr. President, when I first came to this country to see that I was expected as a junior touring officer to take a great deal of kit for my own personal use and for the use of my servants and my clerks and peons with either no payment at all or with very inadequate payment as I considered it. It came rather as a revelation to me and I always took an interest in the matter because I think, if I had not done so, I should probably have laid myself open to the charge of falling too readily into line with the system which did not strike me at the beginning as a British one. I always also made a point from the beginning of my service and I always make it a point even now to try and see that the inconvenience (not the hardship) which the progress of a touring officer must necessarily inflict in some places is as far as possible compensated for. Inconvenience under the present system is sometimes inevitable, because we have to tour with our subordinates in some of the districts where means of communication and accommodation are very scarce. And I do not see in such cases how it can be avoided. But I have always been at one with honourable members that we should try to minimize the trouble as much as possible. My experience really has been that so far as officers themselves are concerned they try to avoid as much as possible this inconvenience to the people, but I am afraid hardship to the people more often results from inconsiderate action on the part of subordinates.

Finally, Sir, Government have fully realised these grievances and they have been receiving attention during the last year or two everywhere. The House should think carefully whether they will be able to improve matters and get what they want by the appointment of this committee. Government officers everywhere are trying to allay the inconveniences involved, and I do not see how a committee would be able to improve matters. It has not been shown that the committees appointed in other presidencies have secured good results and I do not see how any committee in this presidency can do so.

The Honourable the PRESIDENT: I should like to inform the House that looking to the large number of honourable members desiring to speak, that we have to adjourn at two o'clock and that sufficient time must be left for the two replies, one on the part of the mover and the other on the part of Government, it will not be possible unless closure is applied to go to vote. If the House desires to decide the question by vote, it is necessary that each speaker should be very brief.

Mr. N. E. NAVLE (Ahmednagar District): Sir, I will be very brief in my remarks. There is no doubt that I fully associate myself with the sentiments expressed in the resolution. Our poor agriculturists are labouring under these grievances and very bitterly. There is no doubt they are feeling this wrong very keenly. But I would make one or two suggestions to Government. Let Government undertake to issue forthwith strict orders to their officers not to entertain forced labour. The second suggestion that I would like to make to Government would be that their rates of payment to these cartmen and labourers should be so liberal as to induce them to offer their own carts to Government officers voluntarily. These rates should be more liberal than the bazar rates. When a touring officer comes and stays in a village and wants to move, let these poor people think it as a boon and let them not take the arrival of the officer as a curse. Let them themselves go and seek through the pattavalas or clerks to get their carts engaged by the officers. So what I want to put before the Government benches is this. Let their rates of payment be more liberal, so that the people will be more willing to offer their own carts willingly. There is no necessity of a committee. If Government undertakes to do these two things, namely, if Government is willing to issue strict orders immediately to its officers not to engage forced labour and if Government revises its scales of payment and makes them more liberal, if these two suggestions are adopted, I think there is no necessity of a committee or anything of the sort. With these words I conclude my remarks.

Mr. F. G. PRATT: Mr. President, the speeches in this debate which have most interested me have been those of the honourable member from West Khandesh and the honourable member from Ahmedabad, Mr. Saheba. The honourable member Mr. Dev told us that being an eye-witness of cruel ill-treatment of a cartman by a peon he could do nothing but shed tears. He will perhaps be surprised when I tell him that I look upon him and people like him as being to a great extent personally responsible for such oppression as is still carried on by subordinate officials. Most of us I hope would think of some more vigorous and effective action in such a case than standing by and shedding tears. Now, if I had to choose between the attitude of the honourable member Mr. Dev and of the honourable member Mr. Saheba, I should certainly prefer the latter. I certainly regard the man who stands up against an oppressor and gives blow for blow instead of shedding tears as the better of the two.

Now, Sir, a word or two about the speech of the honourable member for the Panch Mahals district, who is the whip of the Swaraj party. I must say that I listened with much pleasure to the temperate, moderate and reasonable speech delivered by the honourable member Mr. Waman Mukadam. I assure the House that it is in no spirit of sarcasm or irony that I say that his speech was temperate and moderate. I use these epithets with complete sincerity, for when I use them I am thinking of the kind of orations that he is accustomed to deliver to his own constituents. Now, Sir, the honourable member Mr. Saheba raised a laugh in this House by saying that all of us Government officials

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are criminals and robbers and dacoits. It is his privilege to say anything in this House, and, he is speaking to an assembly which will not give to his semi-serious remarks more weight than they deserve. But it is a very different matter when a large and ignorant Bhil population is informed by the officials of the Swaraj party that the Collector of the district is a criminal who deserves punishment under specified sections of the Indian Penal Code, and that is what the whip of the Swaraj party said at a meeting not long ago in the Panch Mahals. Mr. Tudor-Owen, the Collector, wrote to him and asked him what he meant by it, and the honourable Mr. Waman Mukadam replied that he was speaking not of Mr. Tudor-Owen in particular but of Collectors in general. Of course, the honourable member's statement had to be accepted. But there cannot be the smallest doubt that the impression left on all those ignorant villagers who attended that meeting was that the Collector of the district had been publicly vilified as a criminal deserving of punishment. I yield to nobody in my appreciation of the benevolent zeal which prompts the supporters of this resolution in bringing it before the House, to protect the poor cultivators from oppression, but this zeal should be tempered with discretion. I submit, Sir, that the tale which I have just told the House about the proceedings of the whip of the Swaraj party is a case of zeal entirely untempered by discretion. It is an excellent thing, Sir, to protect a cultivator from exploitation, but quite another thing to encourage and foster the spirit of contempt for legitimate authority.

Mr. C. M. SAPTARSHI: Is the honourable member speaking on the resolution or about something which happened in the Panch Mahals? I submit, Sir, he is not in order in speaking about the chief whip of the Swaraj party.

The Honourable the PRESIDENT: I am inclined to think it is irrelevant.

Mr. F. G PRATT: Sir, I have done with the whip of the Swaraj party, and I shall address myself to the general considerations. I repeat, Sir, that it is an excellent thing to protect the cultivators from exploitation, but it is not so good a thing to encourage the villagers to acquire the habit of contempt and disobedience to legitimate authority.

Mr. C. M. SAPTARSHI: He is repeating it, Sir.

Mr. F. G. PRATT: That is a general remark, Sir. There have been not a few occasions in the Northern Division where instigation or encouragement of that kind has driven the people.....

Mr. HOOSEINBHOY A. LALLJEE: I rise to a point of order, Sir.

The Honourable the PRESIDENT: I thought the honourable member recognised that he was not in order and he was not going to pursue the subject, which hardly arises out of this motion.

Mr. F. G. PRATT: If my remarks are not relevant, I shall say nothing about it.

The Honourable the PRESIDENT: The honourable member need not pursue the subject any further.

Mr. F. G. PRATT: It was a general remark, Sir.

The Honourable the PRESIDENT: The subject under discussion is the question of forced labour.

Mr. F. G. PRATT: I will not deal with it any further, Sir. I have nothing more to say. I have already drawn the attention of the House to the necessity of tempering zeal with discretion even in so good a cause as this.

Mr. M. D. KARKI (Kanara District): Sir, I support the resolution, and in doing so I would be very brief. The impressment of carts and forced labour have become matters of general complaint in this presidency. Some of the members of this House must be aware of an unhappy and unfortunate incident which took place some years ago in Kanara; that incident goes by the name of "Cadell incident". It owed its origin to the nasty practice of forced labour. Mr. Cadell, the then Commissioner of the Southern Division, came on tour to Sirsi, and there a cart belonging to an agriculturist was impressed for him by the taluka peons, and the bullocks were taken possession of by them. A person interested in the cartman approached the Commissioner in the evening, with a request to have the cart and bullocks released. But I regret to say that that man was assaulted by Mr. Cadell. This unfortunate incident roused the spirits of the Kanaraites and they came to a resolution that wherever Mr. Cadell went in Kanara *hartals* should be observed, and they really observed a *hartal* wherever he went in token of their strong disapproval of his conduct.

Before concluding my remarks, I would draw the attention of the House to one matter, and that is that the practice of impressment of carts and forced labour is more rampant in forest areas than anywhere else, as has been rightly pointed out by the honourable member Mr. Mukadam. Government wanted to give this practice in the forest areas an executive sanction; this is evidenced by the fact that they converted so many villages into forest *mahals* in Kanara and Belgaum districts and brought them under forest administration but that experiment, as stated in the report of the Forest Department, has become a failure, and I hope that the said *mahal* system will be soon abolished. With these remarks I give my hearty support to the resolution.

Honourable MEMBERS: Closure.

The Honourable the PRESIDENT: Let it go on a little longer.

The Honourable Sir MAURICE HAYWARD: Sir, I am sorry that personal incidents should have been introduced into a discussion of this nature. I submit that they are of no use whatever in helping us to decide this very difficult question. (Honourable Members: Hear, hear.) As Mr. Cadell's name has been drawn into this discussion, I feel it only right that I should correct the statement of my honourable friend from Kanara (Mr. Karki). The occurrence resulted from the person referred to trespassing at night into the bungalow occupied by

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Mr. Cadell and his family. I should like to make a few general remarks on the subject, because I learnt a good deal about this subject as chairman of a committee which sat to enquire into this and other subjects in the year 1918 in Sind. My honourable friend the Minister for Local Self-Government was also a member. We know a good deal about this. In Sind, *chher* is the name given to forced labour and the committee in the opening of their report stated briefly what it was:

"The administration is confronted with a difficult problem. The systems of 'rasai,' 'lapo' and 'chher' lie deep-rooted in the Province of Sind. They grew up long before the establishment of the British Government."

But here we are dealing with *chher*. Then they went on to say:

"There was no casual labour and the cultivators upon whom the burden fell were bound to obey the orders of the Zamindars."

Then it referred to the efforts to suppress unlawful *chher* and to the orders which were printed in Nairn's Revenue handbook of 1872 with regard to the similar subject in Deccan. This shows that efforts were made to suppress this practice as soon as it was realised by the British Government. The committee later on in the report proceeded to make specific recommendations which were very largely accepted by Government. Specific orders were passed in a Government resolution of 1921 with reference to this particular subject of forced labour. I refer briefly to extracts from the orders:

"Casual labour should be employed wherever obtainable and rules for full payment should be strictly enforced. Requisitions of excessive numbers should be stopped."

Then the order goes on to provide for the publication of market rates of labour and proceeded:

"The requisitioning of labour for repair of roads should be prohibited."

Taluka local boards were never very successful in keeping their roads in proper condition and they used to supplement their own efforts by requisitioning the labour of the *haris* of zamindars. Then it goes on:

"Requisitioned labourers should receive proper payments when employed on Emergency works under the Irrigation Act."

These requisitions are made with a view to prevent the devastating result from floods owing to breaches in embankments. The local authority has power to call upon zamindars to supply labour to fill up those breaches. This is provided for by statute under the Irrigation Act. This provision has been made in order to get all the people together on an emergency to save the surrounding country from floods. It had been brought to notice that when people were so called together they did not always get full payment for the work. The fact was that they were given food by the zamindars and zamindars being great people did not like their own *haris* to be paid anything more. There was considerable difficulty therefore in paying these men for this work done on behalf of the public; but it was laid down that wherever possible full rates should be paid by the Irrigation Department. I think that is sufficient to show that considerable effort has been taken to suppress *chher* in Sind, and to provide that full payment shall be made wherever possible for labour employed for either private officers on tour or for public departments of Government.

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I am told a good deal of good has resulted not only from the orders passed but from the general publicity which was given to the subject by the discussion of the matter before the Rasai Committee appointed in Sind.

I will not delay the House with further remarks about forced labour in the presidency proper. I could give my own experience but I merely say that forced labour in the presidency proper is nothing like so serious a problem as in Sind. Practically it does not exist. There may be impressment of carts; but the labour required in camps for touring officers is generally provided by mahars and watandar servants who get definite remuneration in the shape of watan lands in consideration of which they are bound to provide labour.

Mr. R. G. SOMAN (Satara District): I rise to support, Sir, the original resolution moved by my honourable friend from Bombay as amended by the honourable member Mr. Narielvala. I need not make a long speech but I wish to relate to this House an incident that happened very recently in my district, Satara, which I hope my honourable friend the Commissioner for Central Division will not characterise as so uncivilised as Khandesh. The incident happened very recently in the month of August or September last. In a village in the Tasgaon taluka certain mahars were harassed by the village headman and the taluka mamlatdar, and the mahars have laid a complaint before the superior officers and they have printed copies of their petition. I received a copy of it only last week after my arrival here. 10 or 15 mahars have laid this complaint. Their complaint is that the mamlatdar of the taluka made a certain mahar to run before his *tonga* at night for nearly 4 or 5 miles in consequence of which the poor mahar, as he was exhausted by the labour which was forced on him succumbed at once as soon as he arrived on the spot. After he died a *panchnama* was prepared by the village headman that the mahar died of snake-bite. I do not myself know how far it is true, but it is stated in the printed copy I received. I hope it will be carefully enquired into whether the mahar died of snake-bite. The complaint is now with the revenue authorities of the district of Satara. The Honourable the Revenue Member might have received a copy similar to the one I have received, as I understand they have sent copies of the complaint to all the officers concerned. If after due enquiry in this case it turns out that the mamlatdar of the taluka or the village headman forced labour from the poor mahar, a member of the depressed community for which we all express our sympathies and for which the Government officers boast of having more sympathy than this side of the House, I submit that the question of forced labour will be at once apparent to this House. The honourable the Commissioner for the Central Division has stated that since the passing of certain rules the system has died a natural death. But here we find that this poor mahar did not die a natural death, but he has died a death brought about by forced labour exacted from him by a certain official of that taluka. I submit, if this incident is taken into account by honourable members of this House, the necessity for an enquiry into the question and the issuing of stricter orders to the officials concerned will be quite apparent. Any honourable member who has knowledge of

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the villagers will have sympathy with the members of the depressed classes who have to serve generally in the village *chavdi* and from whom any sort of officer, whether he be a forest guard or the highest officer of the taluka, the mamlatdar, thinks he has a right to exact forced services. Whether this is the ordinary routine spoken of by the honourable Commissioner of the Central Division or whether this is part of the service that the mahar has to render for the land he gets, I do not know. I leave it to the Commissioner for the Central Division to determine. But I think so far as the mahars and the ramoshis of our villages are concerned, they are most cruelly treated by the lowest officials and even by the higher officials such as the mamlatdars of taluka and the sub-inspectors. What I submit to this House is that they will find out, from the incident that I have quoted, the necessity of instituting an enquiry into this matter at once by appointing a non-official committee as recommended by this resolution.

Mr. NOOR MAHOMED (Hyderabad District): Sir, the honourable member wants a committee to enquire into this matter. But this is a matter which everyone knows about. Every honourable member of this House knows that there is forced labour. Then, where is the necessity for an enquiry? The more we discuss this matter, the worse it will become and the more grievances will come to light. The honourable gentleman, the whip of the Swaraj party, said that we want all these grievances to come on record. But what is the result? Nothing will be gained. We have the instance of the Rasai and Lapo Committee. I am deliberately quoting that committee, because nothing came out of it. I may be contradicted by the Honourable the Leader of the House, but nothing came out of it. Things are all as they were before. And I am sure that, if the Honourable the Leader of the House today enquires of the Collector of Sukkur, he will tell him very honestly that these things are going on. I do not see what good this committee will do. This is not a question of the coloured man and the uncoloured man, as the Commissioner for the Southern Division said. There is no question of colour or race. Perhaps our own countrymen are doing the worst in this. Therefore, I do appeal to the honourable gentlemen opposite to do everything in their power to stop it, and if they do so, it will be stopped. If you appoint a committee, it will be mere waste of public money.

An Honourable MEMBER: I move the closure.

The Honourable the PRESIDENT: I accept the closure.

Mr. PUNJABHAI THAKERSI (Bombay City, North): Sir, I have very little to reply. Especially after the speeches of my honourable friends Messrs. Dev and Mukadam, it will have become sufficiently clear to the House that the hardship of forced labour has become a scandal. My object in having a committee is simply that the committee might hear the Government point of view, record the evidence of the complaints, a few of which have been narrated by my honourable friends Mr. Mukadam and Mr. Soman, and make suggestions as to how the needs of the touring officers could be met. An exhaustive enquiry is necessary

[Mr. Punjabhai Thakersi]

as Government have not admitted the existence of grievances, and so I would request my honourable friend Mr. Dev to withdraw his amendment.

In the interest of the agriculturists and labourers I hope the House will vote for the resolution which concerns the honour and self-respect of the villagers.

The Honourable Mr. H. S. LAWRENCE: May I ask your ruling, Sir, as to which resolution we are to vote on first, Mr. Dev's or Mr. Thakersi's ?

The Honourable the PRESIDENT: The original resolution is Mr. Thakersi's. We will first vote on the amendment as against the original motion. If it is rejected, then we will vote on the original motion. If it is carried, then we will deal with it as the substantive motion.

Mr. S. S. Dev: May I say, Sir.....

The Honourable the PRESIDENT: You have no right to make a speech, unless you wish to withdraw your amendment and make a statement.

Mr. S. S. Dev: Sir, as the honourable members on the Government benches did not accept the existence of the grievances, and as so many incidents have come to light, I beg permission of the House to withdraw my amendment.

Question put and leave refused.

The Honourable Mr. H. S. LAWRENCE: Mr. President, I think it is clear from the course of this debate that we might well have spent some further hours before we had exhausted the contribution of members of this House. Some of these contributions would certainly have been of great interest in explaining to official members exactly where honourable members have considered the shoe pinches. There seems to have been a considerable amount of divergence of opinion as to the matters of primary importance. The majority of speakers have pressed the matter of the impressment of carts, but the honourable gentleman from Panch Mahals appeared to regard that as a matter of minor importance, compared to the woes and tears of the potter to whom he referred. Mr. President, the point that has certainly taken the largest part of the attention of Government has been in regard to the impressment of carts. I say that the matter which has received the attention of Government most has been the matter of the impressment of carts. On that matter there have been many orders passed at different times, orders as early as the early seventies and eighties, and orders again repeated only two years ago. My honourable friend opposite, I think, appealed to Government to publish once more their insistence on the treatment of villagers with consideration in the matter of the impressment of carts, and Government are perfectly willing to give every assurance of their sympathy in this matter and their desire that the obtaining of carts should be carried out with the utmost consideration to the grievances of the villagers. The orders are perhaps not fully known to this House, though they have been published at various intervals, and with your permission, Mr. President, I will state them. The

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order that was first published in 1881 and republished only two years ago—1922—laid the duty of the selection of carts from any village on the patel who should keep a list of carts and send carts by rotation. That is the main point by which any tyranny by the peons, that kind of tyranny which my honourable friend from West Khandesh was so much distressed in his early days to see, can be stopped. These orders declared that the rates of cart hire should be fixed by the Commissioner per mile; that there should be a minimum charge for carts hired for part of the day and carts hired for the whole day, and no cart was to be carried beyond 20 miles or thereabouts; that a list of carts available in a village for hire be kept by the patel and that a list of approved carts be kept by the taluka mamlatdar.....

An Honourable MEMBER: No such lists are kept by the patel or the mamlatdar.

The Honourable Mr. H. S. LAWRENCE: Well, that is exactly the point that I am trying to impress upon honourable members. These are the orders of the Government. If they are not carried out at any time or at any place, if the honourable member concerned will draw the attention of the Collector or the Assistant Collector or the mamlatdar, then those orders will be brought into use and in that way honourable members can be of the greatest assistance to their humble fellow citizens.

Fourthly, that requisitions of carts required by public officers will be made by the patels and will be made in direct rotation of the individual villagers; that no man's cart can be taken to a village other than his own, unless he offers it for hire of his own free will; that no cart in use at any public place or on a public road be taken for public officers travelling on tour.

Those are the orders which have been repeated over and over again, and if those orders can be brought into force and steps can be taken to see that they are never departed from, a very great deal of this trouble and complaint will be avoided.

Now, Sir, these words are addressed to those honourable members who are anxious to see that avoidable trouble and tyranny be stopped. But perhaps, Sir, there are others who do not wish to see the system of touring carried on at all. Well, Sir, I do not know whether it is necessary that I should attempt to defend the system of touring. I take it all members are satisfied that the object of Government in sending their officers to tour is to suppress tyranny and oppression and to foster the well-being of the people. It is for that purpose Government maintains a vast army of officials throughout the country. For those officials who go on tour we, Members of this Government, are quite rightly held responsible and for their good work we no doubt receive the unanimous support of this House. But the problem of their touring is one of a very momentous character. Perhaps there are in this army of officials a vast number of men whom we do employ and whom we have heard described as *Chauras—Sarkari Chauras*. Well, now, that phrase represents

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many thousands of men. Our total official ranks are somewhat in the neighbourhood of 100,000 men, 27,000 of whom are policemen and many thousands are employed in the Revenue, Irrigation and Public Works Departments. Now, when one hears of cases of tyranny hauled up for discussion in this House of forty years ago and another case from personal memory of twenty years ago, when we remember that there are a hundred thousand men paying frequent visits in thousands of villages every day, surely, Sir, there must be some proportion in the judgment of men between the number of good deeds that are done by these lakhs of visitors and the number of evil deeds done of which complaint is made. I suppose every member of this House will recognise that every Government official, howsoever a noble and excellent being he may be in his own person, may be still more so to the State if he travels to the place where his actual work calls him. A policeman is surely more useful to the cultivator and the labourer in distress if he is on the scene of crime rather than if he stays at his *thana*. So also irrigation officers, where breaches occur, collect men and repair the breaches and forest officers collect men and stop forest fires and travel where those fires are taking place. All these matters require the constant movement of masses of men all the year round. Then, if it is agreed that it is one of the primary functions of Government to secure the presence of their officials at the necessary point for the performance of their duty, it logically follows that Government must be invested with the power to perform this primary function. Now, the extent to which it is right for Government to interfere with the liberty of the subject is a well-worn matter of debate amongst all publicists, and the extent to which every one of us is subject in regard to his movements, in one form or another, to some form of compulsion exercised by the State is a feature of ordinary civilisation to which we seldom give a thought. No one hears of a tonga-walla or a taxi-walla being tyrannised if he is lazy or hungry and refuses to come for hire. Is he not then subject to forced labour, as he is liable to be hauled up before a magistrate and even imprisoned? That is the power of the State which is exercised on behalf of every one of us, however humble, in order to enable us to discharge our daily functions. Have we not similar analogy in the case of the tramways or the railways? They all have to take their cars for the general purposes of the civilised State, and they have to submit to a general curtailment of individual liberty. Now, if we consider the matter a little further from the financial point of view, members who have studied our budget—I suppose every member has done so—are no doubt aware the salary bill of our establishments is somewhere in the neighbourhood of six crores and .....
(Mr. B. G. Pahalajani, Deputy President, indicated dissent)—I see that that is challenged—and the expense of travelling is in the neighbourhood of 50 lakhs according to the calculations of the Deputy President himself which have never been challenged. In the course of discussion that we have had on the subject of the means of conveyance for our officials, we have investigated alternative suggestions for their movement by transport owned by Government, that is to say, by the purchase of motor cars,

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motor lorries, bullock carts, bullocks and so forth, and the use of camels has also been suggested. Experiments have also been made and it has been ascertained that the cost of substituting Government transport for such transport as is available in the villages would be enormous and it would mean also that our villagers would be deprived of a source of employment in their leisure days and when they are not following the pursuit of agriculture. There are far too many empty days when the cultivator is only too glad to obtain employment for his bullocks and his cart. We would be depriving the cultivators of that employment which at the slack time of the year is of tremendous importance for their livelihood, and it has been estimated that the cost to Government would be four or five or even more times the present cost. That means a matter running into some crores of rupees. It is not a small matter to take any step that will add to our budget an item running into crores of rupees.

If we consider these various arguments for and against, we are persuaded that the grievances which arise are on the whole not very serious. I do not refer to the case which is under enquiry, of a mamlatdar making a Mahar to run. That is already under enquiry in a criminal court and it is not a matter for a committee of this House to discuss. If we consider the grievances of the patils and ramoshis who are kept awake at night, those are really matters which do not go to the root of the question and are not vital matters, and if by comparison with the number of officials who are constantly on the move the number of cases of oppression are remarkably rare, if we believe that the movements of officials in their respective jurisdictions are actually effective in protecting the poor against oppression, then it would follow that we must be very slow in adopting any steps towards a radical change. We may improve the present system, we all look forward to the time when the humbler sections of society will adopt the non-violent attitude preached by the honourable gentleman from Ahmedabad and teach a tyrant by means of a good thrashing to refrain from tyranny—those doctrines of non-violence preached by the honourable member from Ahmedabad will, I have no doubt, in course of time spread far and wide. It is by raising the spirit of the poor that we can put a stop to this kind of petty tyranny, and that is the hope we all entertain.

As regards the matter of a committee, a question was answered, I think, in this House a few days ago stating that the cost of the committees appointed by this House during the last year was one lakh of rupees. If this committee is going to do really good work, it is a different matter. But are we likely to get anything approaching the cost of the committee in good value from their report? An honourable gentleman from Sind seems to think otherwise. The machinery for the investigation of complaints is already there. We have heard from responsible officers of Government that such complaints have been investigated and remedies applied and I doubt really.....

The Honourable the PRESIDENT: There are only a few minutes left for the Honourable the Finance Member in which to conclude his speech.

The Honourable Mr. H. S. LAWRENCE: I shall conclude by expressing to this House my own view that the cost of establishing this committee will not be likely to be repaid by the result of their labours. Many honourable members have stated facts which are well known, individual cases of tyranny and oppression can be investigated by existing machinery, and I submit that there is no cause for a special enquiry and that the main point will be the repetition and the re-publication of the existing orders of Government and the assistance of members of this House in seeing that those orders are brought and kept into daily effect.

The Honourable the PRESIDENT: The resolution before the House is as follows:—

"This Council recommends to the Governor in Council that a committee with a non-official majority be appointed to enquire into the grievances of agriculturists and labourers in the presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practice."

To this there is an amendment from the honourable member Mr. Dev, who desires to delete the words "that a committee with a non-official majority be appointed". The resolution, as amended, will read as follows:—

"This Council recommends to the Governor in Council to enquire into the grievances of agriculturists and labourers in the presidency regarding forced labour being exacted by touring officers and other Government servants and to suggest measures for the prevention of such practice."

Amendment put and carried.

Amendment put as a substantive proposition and carried.

MOULVI RAFIUDDIN AHMAD (Central Division): I beg leave to move the resolution which stands in my name. The resolution reads as under:—

"This Council recommends to Government that all ancient mosques and mausoleums in the Ahmednagar city and district which are being utilised by Government or by non-Mahomedan bodies by permission of Government for secular purposes be vacated and handed over to the Mahomedan community on condition that they are to be used for the religious purposes for which they were originally erected by their founders and donors."

Sir, there is no time left for me to make any speech in support of the resolution. I would only say that there are a number of ancient and historical mosques and tombs in Ahmednagar city and district which are now being used as offices of Government and other bodies. For instance, there is a mosque in the compound of the Collector's office. It has been used as a stable for his horses. Lately it has been used for his motor cars and for stores. There is another mosque of considerable historical value which is being used for huzur deputy collector's office. There is a third mosque at Imampura which is being used now as a dak bungalow. There are others also which are being used for other purposes. My demand is that Government should at once hand over these mosques to the Mahomedan community. They may erect buildings for their offices, or hire houses for their location. I understand that my honourable

[Moulvi Rafiuddin Ahmad]

friend, the Minister for Local Self-government, is willing to accept this resolution and I therefore will reserve my remarks until he speaks and if there be anything requiring a reply, I shall be happy to reply.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Sir, I am in sympathy with the resolution as a Mussulman quite as much as the honourable mover or any other honourable member of this House. I feel that the sacred places of Mussulmans should be used for no other purpose than for the purpose for which they were designed. For this purpose I paid a visit to Ahmednagar and the honourable mover was aware of it. I am only sorry he did not inform me what other places there were when I visited the places with one of the elected representatives of the Mahomedans in that district. The first place which the honourable mover referred to is a mosque in the compound of the Collector's bungalow. I went and saw this personally and I found it was not used as a motor car shed or horse-stable, but that it is a mosque and I undertake on behalf of Government to partition it from the Collector's bungalow and to make a separate entrance so that Mahomedans may have access to it. But I would like to have an undertaking from the honourable mover. It is not a case of one mosque only. There are a few others also and the Mahomedans of Ahmednagar or their Anjuman should undertake, when Government hand over these places to them, to keep them in proper repair. Otherwise, the very object of the resolution will be frustrated.

Now, as regards another mosque which the honourable member says is used by the Collector for his office, it is not a fact that it is the Collector's office. It is the city magistrate's court, and Government will try, as soon as funds are available and sanctioned by this Council, to hand over this mosque to the Anjuman if it will undertake to keep it in good repair. As regards the Imampura mosque.....

Mr. M. R. JAYAKAR: On a point of information, is not there a circular by the Archæological Department issued that all such ancient public buildings should be kept for public purposes?

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: Not all. There are already under the Protection of Ancient Monuments Act 11 places of Mahomedans in Ahmednagar, and there are other places which are in the possession of private individuals. The following places are used by Government which they undertake to restore. Thus, Sir, there is the office of the sub-inspector in a mosque and that mosque is situated within the police lines. I visited that place and I saw there were a large number of armed police who were Mahomedans and since we are constructing a new building for the sub-inspector's office that mosque may be used by the Mahomedan police officers there, because if we allow everybody from the town, there will be interference with the armed police officers whose families are residing there. Then, there is another mosque which is used by the Ahmednagar municipality as a store-house,

[Khan Bahadur Shaikh Ghulam Hussain]

and Government have asked the municipality to erect another store-house and to hand over the mosque to the Mahomedans.

Then, Sir, the Ahmednagar Sunat Masjid, which is at present being used for the sub-assistant surgeon's quarters, will be handed over to the Anjuman as soon as new quarters are built.

Then, there is a mosque known as "The Newasa Dispensary Mosque". It was a mosque used by the district local board as a dispensary, and Government has ordered them to build a new hospital and they have built it, and the mosque will now be handed over to the Mahomedans.

Then, we come to the question of the Imampura bungalow. When I visited the place Mr. Kazi—I am sorry the Mahomedan honourable member from Ahmednagar is not here—never told me anything about it. It is 14 miles from Ahmednagar and 3 miles from the nearest village. I have not seen whether it is a mosque or not. I specially went there and, if the honourable mover had told me, I would have investigated into the matter myself, and I do not know that it is required by the Mahomedans.

Then, Sir, there is another mosque which is used as the record office of the District Court. As soon as funds are available and this Council gives us the grant, we will build a new record room and hand over the mosque to the Mahomedans.

These are places which are occupied by Government and two which I mentioned before are in the possession of the local board and the municipality.

There is a library which is said to be in a mosque. But I do not find from the records that Government has permitted anybody in charge of the library to use that mosque for the library. That is a question between the Mahomedans and those who are using it as a library. With these remarks, subject to what I have stated, I accept the resolution.

MOULVI RAFIUDDIN AHMAD (Central Division): Sir, my resolution is that all ancient and sacred places that are in the hands of Government should be returned to the Mahomedan community and should be rescued from vandalism. I do not want to know whether the Honourable Minister personally inspects them or not. My resolution relates to all such places and I request him to find out all places which are being used by Government and to hand them over as soon as possible to the Mahomedan community. There are some which are under the protection of the Ancient Monuments Act. They will be preserved by that Act. The Honourable Minister says he has no money even now for building houses for offices. What I would like to submit is that when Government wishes they can have money to purchase bungalows for their officers and to oblige missionary societies, but when there is a standing grievance of one hundred years old of the Mahomedan community they plead want of money as their excuse. Since the year 1817 this vandalism is going on, and the Mahomedan community have been patient too long. They have come forward to say that no time should be lost by Government in removing these grievances.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: This is the first time that the honourable member has moved this resolution in this Council and Government is trying to meet the Mahomedan community.

MOULVI RAFIUDDIN AHMAD: Many years ago I had asked a question in this Council on this matter in pre-reform days and the community has been making representations.

The Honourable the PRESIDENT: The Honourable Minister should state his position as briefly as possible.

The Honourable Khan Bahadur SHAIKH GHULAM HUSSAIN: I have stated the position of Government as regards the places which are in charge of Government. As regards the Imampura mosque it was never mentioned and I will investigate the matter.

The Honourable the PRESIDENT: I understand the Honourable Minister's position is that he accepts the resolution subject to the remarks he has made, and I hope the honourable mover is satified with that.

MOULVI RAFIUDDIN AHMAD: Yes, Sir, for the present.

Resolution put and carried.

The Honourable the PRESIDENT: I have now to intimate to the House that 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 of His Excellency I declare this Council prorogued until the date of which due notice shall be given. This Council is now prorogued.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

## APPENDIX No. 1.

| No. | Taluka. | Number of villages with a population of 1,000 and over. | Number of these villages having no school building. | Number of villages having no schools at all. |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| 1 | Dhulia .. .. | 29 | 19 | 1 |
| 2 | Sakri .. .. | 15 | 7 | 3 |
| 3 | Sindkheda .. .. | 26 | 13 | 3 |
| 4 | Nandurbar .. .. | 10 | 5 | 1 |
| 5 | Taloda .. .. | 3 | 2 | *Nil.* |
| 6 | Shirpur .. .. | 7 | 6 | *Nil.* |
| 7 | Shahada .. .. | 12 | 6 | 1 |
| 8 | Nawapur .. .. | 12 | 1 | 10 |
| | | 114 | 59 | 19 |

## APPENDIX No. 2.

*A statement showing the amounts of travelling allowance received by the authorities of District and Taluka Local Boards during the last three years.*

| Designation of authorities. | 1921-1922. | 1922-1923. | 1923-1924. |
|---|---|---|---|
| | Rs. a. p. | Rs. a. p. | Rs. a. p. |
| President, D. L. B., Poona .. | 1,130 10 0 | 1,173 11 0 | 1,197 2 0 |
| Vice-President, D. L. B., Poona .. | .... | 147 14 0 | 89 8 0 |
| President, T. L. B., Junnar .. | .... | 554 10 0 | 300 0 0 |
| Do. Indapur .. | .... | .... | .... |
| Do. Khed .. | 142 8 0 | 247 14 0 | 258 10 0 |
| Do. Sirur .. | .... | .... | .... |
| Do. Purandhar .. | 272 8 0 | 327 0 0 | 258 0 0 |
| Do. Bhimthadi .. | 90 12 0 | 61 7 0 | 18 10 0 |
| Do. Haveli .. | 255 6 0 | 182 13 6 | 209 13 0 |
| Do. Maval .. | .... | .... | .... |
| Vice-President, Junnar .. .. | 122 4 0 | .... | .... |
| Chairman, W. C., Junnar .. | .... | 178 14 0 | 228 6 0 |
| Vice-President, Indapur .. .. | 9 0 0 | .... | .... |
| Chairman, W. C., Indapur .. | 2 0 0 | 4 2 0 | 12 0 0 |
| Vice-President, Khed .. .. | 12 0 0 | .... | .... |
| Chairman, W. C., Khed .. .. | 35 10 0 | 39 4 0 | 6 0 0 |
| Vice-President, Sirur .. .. | 6 0 0 | .... | .... |
| Do. Purandhar .. | .... | .... | .... |
| Chairman, W. C., Purandhar .. | .... | .... | .... |
| Vice-President, Bhimthadi .. | 139 8 0 | .... | 48 0 0 |
| Chairman, W. C., Bhimthadi .. | .... | 139 14 0 | 56 8 0 |
| Vice-President, Haveli .. .. | .... | 48 11 0 | 21 12 0 |
| Chairman, W. C., Haveli .. .. | 127 4 0 | 229 2 0 | 31 8 0 |
| Vice-President, Maval .. .. | .... | .... | .... |
| Chairman, W. C., Maval .. .. | .... | .... | .... |

## APPENDIX No. 3.

*Statement showing the number of graduates serving as Inspectors in the Excise Department and their total length of service.*

| | Name of Inspector. | Qualifications. | Total length of service. | |
|---|---|---|---|---|
| | *Bombay Presidency proper.* | | Y. | M. |
| 1. | Mr. P. B. Fernandez Velloz .. .. .. | L.C.E. .. | 22 | 1 |
| 2. | „ P. V. Ghate .. .. .. .. | B.A. .. | 23 | 6 |
| 3. | „ L. J. Kamat .. .. .. .. | B.A. .. | 16 | 8 |
| 4. | „ S. D. Wagle .. .. .. .. | B.A. .. | 16 | 8 |
| 5. | „ B. Y. Tipnis .. .. .. .. | B.A. .. | 23 | 10 |
| 6. | „ N. B. Desai .. .. .. .. | B.A. .. | 16 | 8 |
| 7. | „ K. N. Wadia .. .. .. .. | M.A., B.Sc. | 10 | 2 |
| 8. | „ H. E. Cooper .. .. .. | B.A., LL.B. | 16 | 8 |
| 9. | „ Shaik Abdul Kadar Shaik Rajesaheb .. | B.A. .. | 13 | 0 |
| 10. | „ B. A. Nanavati .. .. .. | B.A. .. | 16 | 8 |
| 11. | „ P. A. Reporter .. .. .. | M.A. .. | 10 | 11 |
| 12. | „ K. K. Desai .. .. .. .. | B.A. .. | 8 | 3 |
| 13. | „ M. S. Navalkar .. .. .. | M.A. .. | 8 | 5 |
| 14. | „ K. S. L. Iyengar .. .. .. | B.Sc. .. | 8 | 3 |
| 15. | „ B. C. Thakor .. .. .. | B.A. .. | 8 | 2 |
| | *Sind.* | | | |
| 16. | Mr. J. T. Kirpalani .. .. .. | B.A. .. | 6 | 6 |
| 17. | „ Abdul Aziz Kandhari .. .. .. | B.A. .. | 3 | 6 |
| 18. | „ T. J. Harisingani .. .. .. | B.A. .. | 1 | 9 |

## APPENDIX No. 4.

*Statement showing Landing and Wharfage Fees levied on passengers at the ports from (1) Bombay to Goa, (2) Bombay to Dharamtar, (3) Bombay to Ulwa, since the establishment of the Fund.*

| Name of the year. | Landing and Wharfage Fees. | | | | | | | | | Total. | | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Bombay-Goa line. | | | Bombay-Dharamtar line. | | | Bombay Ulwa line. | | | | | | |
| | Rs. | a. | p. | Rs. | a. | p. | Rs. | a. | p. | Rs. | a. | p. | |
| 1917-18 .. | 57,244 | 7 | 6 | 10,447 | 12 | 6 | 6,970 | 10 | 6 | 74,662 | 14 | 6 | |
| 1918-19 .. | 70,327 | 0 | 3 | 11,732 | 14 | 6 | 7,127 | 8 | 6 | 89,187 | 6 | 9 | |
| 1919-20 .. | 71,676 | 9 | 9 | 12,757 | 5 | 9 | 7,514 | 0 | 0 | 91,947 | 15 | 6 | |
| 1920-21 .. | 67,859 | 4 | 6 | 10,900 | 6 | 9 | 6,039 | 0 | 3 | 84,798 | 11 | 6 | |
| 1921-22 .. | 76,473 | 14 | 4 | 11,861 | 4 | 9 | 6,593 | 8 | 6 | 94,928 | 11 | 7 | |
| 1922-23 .. | 77,865 | 14 | 3 | 12,929 | 11 | 9 | 7,627 | 6 | 9 | 98,423 | 0 | 9 | |
| 1923-24 .. | | | | Not available. | | | | | | 1,05,239 | 3 | 0 | |
| Total .. | 4,21,447 | 2 | 7 | 70,629 | 7 | 6 | 41,872 | 2 | 6 | 6,39,187 | 15 | 7 | |

## APPENDIX No. 5.

*List of villages in Satara Taluka from which petitions of objections were received.*

1. Asangaon.
2. Padali.
3. Ambavde Khurd.
4. Wavdare.
5. Bhondavade.
6. Gajavadi, tarf Parali.
7. Ashte, tarf Parali.
8. Ambavade Budruk.
9. Kelvan.
10. Rohat.
11. Dahiwadi, tarf Parali.
12. Saspade.
13. Kusbudruk.
14. Parali.
15. Koparde.
16. Revali.
17. Mandve.
18. Punavdi, tarf Parali.
19. Atit.
20. Degaon.
21. Akale.
22. Raighar, tarf Parali.
23. Kudegar, tarf Parali.
24. Nigudmal.
25. Vagdgaon, tarf Parali.
26. Pateghar.
27. Karandi.
28. Kashil.
29. Khodad.
30. Kotavdi Budruk.
31. Banghar.
32. Khadgaon.
33. Pangare.
34. Sayali.
35. Kodoli (Khindwadi).
36. Songaon.
37. Kasani.
38. Kurul Baji.
39. Kurut Tijai.
40. Palasvade, tarf Parali.
41. Venekhot, tarf Parali.
42. Kaloshi.
43. Angapur, tarf Vandan.
44. Borkhal.
45. Patkhal.
46. Rajapuri.
47. Karanje, tarf Parali.
48. Godoli.
49. Shahapur.
50. Dhavadshi.
51. Venegaon.
52. Varne.

## APPENDIX No. 6.

*Grant-in-aid.—*

Bombay Municipality; for primary education.

Conditions to be fulfilled before payment of —.

GOVERNMENT OF BOMBAY.

EDUCATIONAL DEPARTMENT.

Resolution no. 1623.

Bombay Castle, 28th May 1924.

Read again Government Resolution no. 1623, dated the 30th August 1922.

Government letter to the President, Bombay Municipal Corporation, no. 1623-F., dated the 4th October 1922 :—

"I am directed to refer to paragraph 3 of this Department letter no. 3150, dated the 29th November 1918, in which it was indicated that the payment of the grant to be made to the Corporation in connection with the scheme for the rapid extension and improvement of primary education in Bombay City would be subject to the same conditions as had been laid down in the case of City Municipalities. I am to state that the Director of Public Instruction has recently reported to Government that the inspection of the Schools Committee's accounts of the actual expenditure for the years 1918-1919 to 1920-1921 on which the grants paid to the Corporation for the years 1919-1920 to 1921-1922 for primary education were based shows that the conditions referred to above have not been fulfilled in the presentation of claims for grants on behalf of the Municipality. I am accordingly to state for the information of the Corporation and of the Schools Committee the following conditions which should be fulfilled, and to request that steps may be taken to ensure full compliance with them in future :—

(*a*) Expenditure incurred on objects which cannot be regarded as connected with primary education, such as expenditure on (1) Anglo-Vernacular Schools, (2) religious instruction like Koran teaching, and (3) English teachers for girls' schools, etc., should be excluded from the expenditure on which the Government grant for primary education is to be based. There is no objection, of course, to the Schools Committee submitting a separate claim to the Director of Public Instruction, based on expenditure on Anglo-Vernacular Schools, etc., for such grant as may be otherwise admissible under the terms of the Grant-in-aid Code.

(*b*) The rates of salaries and allowances of primary school teachers should not be changed without the previous approval of Government.

(*c*) If any other measures, involving extra expenditure on primary education are to be introduced they should receive the previous sanction of Government.

(*d*) Only persons holding certificates of qualifying examinations recognised or specially approved by the Government Educational Department should be employed.

(*e*) Only books sanctioned by the Government Educational Department should be used, and the Secretary, Schools Committee, should issue a certificate at the time of inspection of the accounts that all books the expenditure on which is included in the accounts preferred for the purposes of grant-in-aid are sanctioned books."

Letter from the President, Bombay Municipal Corporation, no. 8704, dated the 4th January 1923 :—

"With reference to your letter no. 1623-F., dated the 4th October 1922, regarding the conditions to be fulfilled by the Municipality in presenting their claims to Government for grants for primary education, I have the honour, by desire of the Municipal Corporation of Bombay, to forward to you herewith a copy of a letter* from the Schools Committee no. 5348, dated the 4th December 1922, containing the Committee's report on the subject, and to state that the Corporation agree with the Committee in their remarks."

Government memorandum no. 1623-F., dated the 15th January 1923— Forwarding the above to the Director of Public Instruction, for remarks, with reference to Government Resolution no. 1623, dated the 30th August 1922.

Letter from the Director of Public Instruction no. S.—67(*d*)-D., dated the 3rd April 1924 :—

"With reference to Government memorandum, Educational Department, no. 1623-F. of 15th January 1923, I have the honour to return the accompaniments, and to state that the question of the teaching of English and Koran is of comparatively little importance from the financial point of view.

"In view, however, of the fact that Government have ruled that English classes attached to primary schools maintained by District Local Boards or Municipalities shall be classed as secondary I think that the Municipality should be asked to exclude in future the cost of the teaching of English in all schools (both for boys and girls) above standard IV. Government have allowed the cost of Koran teaching to be debited to the primary education funds of the Hyderabad Municipality. The general feeling appears to be that expenditure on religious instruction should not be incurred by local bodies. An exception was made in Sind and it is for Government to decide whether it should be extended to Bombay. It is, however, definitely laid down in Government Resolution, Education Department, no. 2054 of 23rd December 1922, that no grant is to be awarded to local bodies for expenditure on religious instruction.

* Printed as an accompaniment to this Resolution.

"2. What matters is that Government agreed to give grants on certain terms when a definite proposal of progressive expansion was before them. The Municipality without reference to Government very largely increased the pay of teachers on which their estimated expenditure was based: when Government very naturally object to paying increased grants on expenditure which they have not even had an opportunity of criticising, the Municipality talk about infringing the rights and powers vested in the Corporation.

"The Municipality refer to the settlement of 1909-10 and complain of a change in the policy of Government. It should be sufficient to remark that under the Police Charges Act the Municipality undertook the whole cost of primary education. Now that Government are contributing towards the cost of the upkeep of the Municipality it seems only reasonable that they should have some say in the manner in which their grants are spent.

"3. It seems to me that the simplest solution of the difficulty is to agree to give grants based on the scheme put forward, with a maximum of 9 lakhs at the end of the 10 years' programme, provided Municipality carry out the programme.

"4. According to paragraph 12 of the scheme there are 50,000 pupils to be provided for ultimately over and above the 39,500 in Municipal and aided schools in 1916-17. The maximum increased expenditure was 18 lakhs, of which Government agreed to give one half or 9 lakhs. This works out at Rs. 17-12-0 per pupil, say Rs. 17-8-0.

"If Government paid a grant of Rs. 17-8-0 for each pupil in excess of the number in the schools in 1916-17, taking the average monthly number on the rolls as the basis, and making the grant subject to a maximum of 9 lakhs, I think they would be carrying out the terms of their promises. A further condition might be made that the grant should not in any year exceed one-half of the expenditure of the Municipality in excess of the budget allotment for 1916-17. Interference would be reduced to a minimum, and it would probably be unnecessary to scrutinise the accounts in detail."

Government letter to the President, Bombay Municipal Corporation, no. 1623-F., dated the 27th May 1924:—

"I am directed to refer to your letter no. 8704, dated the 4th January 1923 on the above subject and to convey the following decisions of Government on the points dealt with in Mr. Ker's letter no. 1623-F., dated 4th October 1922, and commented upon in the letter from the Secretary, Schools Committee, to the Corporation, no. 5348, dated the 4th December 1922, which formed an accompaniment to your letter under reply.

"2. *Exclusion of expenditure on Anglo-Vernacular Schools.*—I am to invite your attention to Government Resolution no. 2362, dated the 9th December 1895 and no. 958, dated the 13th June 1901, in which the question of opening Anglo-Vernacular classes was considered and the Joint Schools Committee then accepted the conditions laid down therein and agreed to open such classes only in places where they would supply

a real want, where they would be *self-supporting* and where they would help rather than hamper the progress of the Vernacular Department (*vide* paragraph 2 of their letter no 219, dated the 10th May 1901, printed at page 3 of Government Resolution, Educational Department, no 958, dated the 13th June 1901). Moreover, Government have recently ruled that English classes attached to primary schools maintained by District Local Boards or Municipalities shall be classed as secondary. In these circumstances Government regret that they are unable to modify their decision in this matter conveyed in Mr. Ker's letter no. 1623-F., dated the 4th October 1922, as it would be tantamount to a preferential treatment of the Bombay Municipality as compared with the district municipalities.

"3. *Exclusion of expenditure on religious instruction such as Koran teaching.*—The policy of Government in this matter is not to object to religious instruction being given to pupils in municipal primary schools provided satisfactory arrangements are made in accordance with the principles mentioned in Press Note no. 3601, dated the 5th July 1921 (copy enclosed),* but they have hitherto refused to contribute towards expenditure on this object. I am to remark that although the expenditure incurred on this object and that mentioned in paragraph 2 above is very small, Government cannot depart from the policy and principles laid down by them.

"4. *English teaching in girls' schools.*—In view of the Government orders of 1901 quoted by the Schools Committee Government have no objection to expenditure on this object up to Vernacular Standard IV, whether in girls' or boys' schools, being included in the expenditure on primary education.

"5. *Previous approval of Government to be obtained to any contemplated change in the rates of salaries and allowances of primary school teachers and to any other measures involving extra expenditure.*—I am to invite your attention to paragraph 9 of Government letter no. 628-F., dated the 21st February 1921, in which the position resulting from the arrangements arrived at between Government and the Corporation and embodied in Government Order No. 499, dated the 10th February 1919, is clearly explained. I am also to invite attention to paragraph 2 of Government letter no. 236-F., dated the 16th May 1922, and to repeat the request made therein that you will be good enough to take steps to alter the bye-laws relating to the Schools Committee, where necessary, so as to meet the requirements of the new situation.

"6. *Employment of qualified teachers and use of sanctioned books.*—From paragraphs 8 and 9 of the letter from the Secretary, Schools Committee, no 5348, dated the 4th December 1922, it appears that these conditions are *generally* observed by them but in view of the Committee's further remarks I am to request that steps may be taken, as far as possible, to increase the supply of *qualified* Urdu teachers and that library and prize books may also be invariably selected from the Departmental list of sanctioned books."

*Not printed.

RESOLUTION.—Copies of the foregoing correspondence should be forwarded to the Officers and Departments concerned.

By order of the Government of Bombay
(Transferred Departments),

E. J. UNVALA,
Acting Deputy Secretary to Government.

G. R. no. 1623, E. D., dated the 28th May 1924.

To

The Director of Public Instruction,
The Municipal Commissioner for the City of Bombay,
The Accountant General,
The Finance Department,
The General Department

No. of 1924.

Copy forwarded for information and guidance to

*Accompaniment to Government Resolution, Educational Department, no. 1623, dated the 28th May 1924.*

Letter from the Secretary, Schools Committee, no. 5348, dated the 4th December 1922 :—

*Subject.*—Government Grant towards the Corporation's Expenditure on Primary Education in Bombay City under Government Resolution no. 499 of 10th February 1919.

I have the honour by direction of the Schools Committee to request you to place this letter before the Corporation.

The Schools Committee begs to attach hereto a copy of Government Resolution no. 1623 of 30th August 1922 on the subject mentioned above, a copy whereof was sent to this Office. Letter no. 1623-F., Educational Department, of 4th October 1922 from the Secretary to Government, has also been sent to the President of the Corporation embodying the conditions laid down in paragraph 3 of the Government Resolution no. 1623 of 30th August 1922 referred to above, and forms item 93 of the Agenda for the Corporation's November Meeting. The Schools Committee beg to set forth below their views and remarks on the Government Resolution and letter under reference, and to request the Corporation to address Government on the lines thereof.

2. It may be remarked at the outset that it is a matter for regret that Government have issued final orders in this matter merely on letters to them from the Director of Public Instruction and to him from the Educational Inspectors, and without affording the Corporation or the Schools Committee an opportunity to make any observations on their representations. As it is, there has occurred on their part a misunderstanding on some points, and on others there has been want of accurate information on points of vital importance. It may be presumed that this has adversely influenced the decision of Government, as communicated.

3. Government state in their letter "that it was indicated that the payment of the grant to be made to the Corporation..... ....would be subject to the same conditions as has been laid down in the case of City Municipalities". It is also said later on that "the conditions referred to above have not been fulfilled in the presentations of claims for grants on behalf of the Municipality". It has to be pointed out that the stipulation as stated above is set forth too widely. The exact words of the governing Government Order no. 499 of 10th February 1919 in this behalf are "the payment of the grant.....will be subject to the same conditions regarding supervision, inspection, etc., as have been laid down in the case of District Municipalities". It is respectfully submitted that these words do not justify the application in too fine and rigid a manner, to the expenditure on Bombay Municipal Schools, of those tests which are applied in the mofussil in deciding whether a particular item comes under the technical limits of educational expenditure recognizable for the purposes of Grants-in-Aid. The origin of the Government contribution lay in the presentation by the Corporation of a costly scheme for gradual improvement as well as expansion of Primary Education in the City and in the recognition of its special claims on Government. And in view of the fact that all the Bombay Municipal expenditure on Primary Education is entrusted to a separate statutory body, with separate accounts working under defined Law, and Bye-laws, it is submitted that too subtle limitations on the expenditure, for the purpose of determining the Government share would not be in harmony with the generosity with which Government promised their contribution.

4. Government set forth three examples of "objects which cannot be regarded as connected with Primary Education". The first of these is "Anglo-Vernacular Schools". In this regard it may be stated that there are only 5 schools of the kind and they are not Anglo-Vernacular Schools but Primary Schools with Anglo-Vernacular Classes, not higher than the 3rd Standard, attached to them. Four of them, namely, the Dongri, the Khetwadi, the Kamathipura and the Bhuleshwar Anglo-Vernacular Schools are inheritances come down to the Bombay Schools Committee from Government themselves. They were founded in 1865 and were maintained by Government and handed over by them as Primary Schools to the Joint Schools Committee in 1890-91, and the Committee gave them over to the Corporation's Schools Committee on its constitution in 1909-10. The 5th School, the Durgadevi School is an old Aided School handed over to the Schools Committee and is maintained as it was. There is no desire to extend the number of such Schools and an undertaking to that effect may be given.

(ii) The second example is "religious instruction like Koran Teaching". It may be mentioned that in the Urdu Schools this teaching is a part of the School curriculum and means naught but mere mechanical reading of the Koran. It is imparted by the ordinary lay teachers without any special remuneration. There are two Gujerati Schools where a large number of Moslem children, with Gujerati as their mother-tongue, attend and a Koran

teacher is appointed for them as an exceptional case. The amount of their salaries is too small to take account of.

5. The third example given is that of "English teachers for Girls' Schools" and it is suggested that this is an extra subject. The fact, however, is that these English teachers are appointed to teach only that much English as is included in the syllabus of studies sanctioned by Government themselves, *vide* their Order no. 958, Eduational Department, dated 13th June 1901. The syllabus for Standard IV is laid down thus :—

> *Second Head.*—Reading with understanding of the part read ; fourth Balbodh Book and either third Modi Book or English Infant Reader for Marathi Schools, 5th Gujerati Book and English Infant Reader for Gujerati Schools and 4th Urdu Book and either 4th Gujerati Book or English Infant Reader for Urdu Schools.

It is further very important to observe that the said Government Order no. 958 of 13th June 1901 specifically states :—

"Nor does His Excellency the Governor in Council object to the opening of the proposed Anglo-Vernacular Classes in localities where the Committee is satisfied that there is a *bona-fide* need of them and where they would be *self-supporting.*"

6. Government are gracious to offer to contribute to the expenditure on Anglo-Vernacular Schools "Grant as may be otherwise admissible under the Grant-in-Aid Code". Under the Code one-third of the expenditure is payable. The difference between this and the Government share per their agreement under Order 499 of 10th February 1919 is so small and the Schools concerned are so few that it is hoped Government will not insist upon this expenditure being treated separately from the other expenditure.

7. Government later on direct that the salaries of teachers should not be changed without the previous approval of Government and further that "any other measures involving extra expenditure on Primary Education should receive the previous sanction of Government". It has to be pointed out that these directions, couched as they are in too wide terms, seriously infringe the rights and powers vested in the Corporation and the Schools Committee under the Law and under Bye-laws deliberately sanctioned by Government themselves. The conditions now set forth are entirely new, and if literally interpreted, may be tantamount to taking away all initiation from the Corporation and the Schools Committee. These are not to be found in the original Government Order no. 499 of 10th February 1919. The policy of Government has been, till now, one of trust and confidence in the Corporation and the Schools Committee and of leaving to them as wide and unfettered a discretion as possible. It was in conformity with this policy that on the constitution of the Schools Committee in 1909-10, the old Bye-law of the Joint Schools Committee's time, making compulsory in Bombay Municipal Schools strict conformity with not only the principles and system of School management but also the rate of salaries as laid down

by Government, was repealed and in its stead the following Bye-law deliberately omitting any reference to Teachers' salaries was made :—

"In the administration of the City of Bombay Municipal Primary Schools, the principles and system of School management and the course of instruction to be followed shall generally be those adopted by Government."

There is no other restrictive Bye-law whatsoever. It is to be hoped that Government will allow a free exercise of the powers thus bestowed—and bestowed proportionately to the heavy responsibility undertaken by the Corporation.

8. In regard to the stipulation of Government that "only persons holding certificates of Qualifying Examinations recognized or specially approved of by the Government, should be employed", it may be stated that this Rule is strictly observed in the Marathi and the Gujerati Schools. In Urdu Schools unqualified teachers had to be employed and to a certain extent have yet to be employed for want of technically qualified persons in sufficient numbers. The policy however is to choose as few persons of this type as possible.

9. In regard to the last stipulation that only "sanctioned book" should be used, it may be stated that as a matter of fact no unsanctioned book is used as a Text Book in the Schools wherever sanctioned Text Book exists. No condemned Book is used or patronised for any purpose. Discretion however is used in regard to the purchase of Prize Books or Books for the Central Library of the Municipal Schools. But great care and discrimination is used in choosing the books for this purpose. The Corporation would however have no objection to purchase for Prizes only "sanctioned books" should Government so insist.

## APPENDIX

*Statement giving information about*

| District. | Number of Khoti villages. | Total assessment of such villages. | | |
|---|---|---|---|---|
| | | 1920-21. | 1921-22. | 1922-23. |
| 1 | 2 | 3 | 4 | 5 |
| | | Rs. | Rs. | Rs. |
| Ratnagiri .. | 1,024 | 5,76,075 | 5,77,037 | 5,78,464 |

*Note.*—1. The amounts in columns 9, 10 and 11 represent the cost of recoveries in

2. There is no *direct* cost of recoveries in unattached villages. There is how-cost of superior establishment; and the khots have special rights over which would otherwise go to Government but are conceded to the khots

No. 7.

*Khoti villages in the Ratnagiri District.*

| Amounts actually realised out of the assessment. | | | Actual cost incurred by Government in making such recoveries. | | |
|---|---|---|---|---|---|
| 1920-21. | 1921-22. | 1922-23. | 1920-21. | 1921-22. | 1922-23. |
| 6 | 7 | 8 | 9 | 10 | 11 |
| Rs. | Rs. | Rs. | Rs. | Rs. a. p. | Rs. a. p. |
| 5,75,645 | 5,76,227 | 5,77,505 | 16,050 14 7 | 14,605 3 1 | 16,362 5 2 |

spita
attached villa[illegible] only.

ever in both attached and unattached villages, indirect cost of recoveries, *e.g.*, share of waste land (*e.g.*, right to occupancy price and rights over lapsed or forfeited holdings) as remuneration for their work in making collections for Government.

## APPENDIX No. 8.

*Statement showing the amount of fine imposed for unauthorised cultivation during the 3 years ending 1922-23 in each taluka of the Hyderabad District.*

| Serial No. | Taluka. | Amount of fine imposed. | | |
|---|---|---|---|---|
| | | 1920-21. | 1921-22. | 1922-23 |
| 1 | 2 | 3 | 4 | 5 |
| | | Rs. a. p. | Rs. a. p. | Rs. a. p. |
| 1 | Hyderabad .. | 2,990 2 0 | 4,902 13 0 | 4,601 11 0 |
| 2 | Tandō Allāhyār .. | 7,650 1 0 | 8,792 9 0 | 10,118 3 0 |
| 3 | Hala .. | 1,813 11 0 | 4,406 6 0 | 6,274 1 0 |
| 4 | Guni .. | 10,511 1 0 | 9,955 1 0 | 11,526 1 0 |
| 5 | Dero Mohabat .. | 7,965 13 0 | 13,566 3 0 | 19,360 5 0 |
| 6 | Badin .. | 14,229 14 0 | 10,334 10 0 | 4,162 1 0 |
| 7 | Tando Bago .. | 4,996 5 0 | 6,353 10 0 | 13,946 12 0 |
| | Total .. | 50,156 15 0 | 58,311 4 0 | 70,989 2 0 |

## APPENDIX No. 9.

*Statement showing the total amounts of fees, etc., for Anti-rabic treatment in each centre in the Presidency from the 1st January 1921 to 30th June 1924.*

| Name of Institution. | Total amounts received as fees since 1st January 1921, to 30th June 1924. | Individual cases in which Rs. 140 was charged. | Individual cases in which Rs. 140 was charged. | Remarks. |
|---|---|---|---|---|
| | Rs. a. p. | | | |
| Bombay Bacteriological Laboratory. | 13,500 0 0 | 9 | 1 | Centre commenced working in April 1922. |
| Sassoon Hospitals, Poona. | 1,669 0 0 | 2 | *Nil* | Centre commenced working from December 23rd, 1922. |
| Civil Hospital, Ahmedabad. | 4,933 14 0 | *2 | *Nil* | Centre commenced working from September 1922. *In one case Rs. 140 and in another case Rs. 378 were charged. Mr. Randle, General Manager, Baroda Bank, was charged Rs. 378, *i.e.*, at the rate of Rs. 210—420—42 as he had bought three anti-rabic treatments for himself and wife from Laboratory, Parel. |
| Civil Hospital, Belgaum. | 1,501 0 | 1 | *Nil* | Centre commenced working from 1st October 1922. |
| Civil Hospital, Ahmednagar. | 140 0 0 | *Nil* | *Nil* | |
| Civil Hospital, Karwar | *Nil* | *Nil* | *Nil* | |
| Civil Hospital, Karachi. | 623 0 0 | *Nil* | *Nil* | Centre commenced working from 1st October 1922. |

## APPENDIX No. 10.

*Statement showing the cost of boundary marks recovered at the time of survey of agricultural holdings in certain inam villages of the Satara District.*

| Name of Taluka. | Name of village. | Total cost of boundary marks. | Total amount recovered. |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| | | Rs. a. p. | Rs. a. p. |
| Satara .. | Mahuli .. .. .. | 1,143 0 0 | 1,143 0 0 |
| | Jaitapur .. .. .. | 512 4 0 | 512 4 0 |
| | Sonapur .. .. .. | 67 12 0 | 67 12 0 |
| | Boposhi .. .. .. | 1,182 0 0 | 723 0 0 |
| | Jambha .. .. .. | 472 8 0 | 213 0 0 |
| | | 3,377 8 0 | 2,659 0 0 |
| Karad .. | Kolewadi .. .. .. | 131 4 0 | 131 4 0 |
| | Belwada .. .. .. | 40 0 0 | 40 0 0 |
| | Warunji .. .. .. | 45 0 0 | 45 0 0 |
| | Wadgaon Haveli .. .. | 612 12 0 | 612 12 0 |
| | | 829 0 0 | 829 0 0 |

## APPENDIX 11.

### A

*Statement of probationery teachers in Secondary Schools for males.*

| Division. | Number of probationery teachers. | Service in full years on 1st August 1924. |
|---|---|---|
| 1 | 2 | 3 |
| Bombay Division .. .. .. | 1 | 5 |
| | 1 | 4 |
| Total .. | 2 | .... |
| Central Division .. .. .. | 3 | 5 |
| | 1 | 4 |
| Total .. | 4 | .... |
| Northern Division .. .. .. | 2 | 5 |
| | 6 | 4 |
| | 1 | 3 |
| Total .. | 9 | .... |
| Southern Division .. .. .. | *Nil.* | *Nil.* |
| Sind .. .. .. | 1 | 4 |
| | 1 | 3 |
| Total .. | 2 | .... |
| Grand Total .. | 17 | .... |

## APPENDIX No. 11—*contd.*

### B

*Statement of Acting teachers in Secondary Schools for Males.*

| Division. | Number of Acting teachers. | Service in full on 1st August 1924. |
|---|---|---|
| Bombay Division .. .. .. | 1 | 5 |
| | 2 | 4 |
| | 2 | 3 |
| | 1 | 2 |
| | 3 | New. |
| Total .. | 9 | .... |
| Central Division .. .. .. | 2 | 4 |
| | 1 | New. |
| Total .. | 3 | .... |
| Northern Division .. .. .. | 3 | 3 |
| | 2 | 2 |
| | 2 | 1 |
| | 6 | New. |
| Total .. | 13 | .... |
| Southern Division .. .. .. | 2 | 5 |
| | 2 | 4 |
| | 1 | 2 |
| | 5 | New. |
| Total .. | 10 | .... |
| Sind .. .. .. | 3 | 3 |
| | 7 | 2 |
| | 5 | New. |
| Total .. | 15 | .... |
| Grand Total .. | 50 | .... |

## APPENDIX No. 11—*contd.*

### C

*Statement of Probationers under training at the S. T. College on 1st July 1924.*

| Division. | Number of probationers. | Service in full years on 1st June 1924. | Remarks. |
|---|---|---|---|
| Bombay Division .. .. | 1 | 7 | |
| | 2 | 3 | |
| | 1 | 1 | A Maratha graduate from the Inspecting Branch. |
| Total .. | 4 | .... | |
| Central Division .. .. | 2 | 3 | |
| | 1 | 1 | |
| | 1 | New. | |
| Total .. | 4 | .... | |
| Northern Division .. .. | 5 | 4 | |
| | 1 | 3 | |
| | 2 | 2 | |
| Total .. | 8 | .... | |
| Southern Division .. .. | 1 | 4 | |
| | 2 | 3 | |
| | 1 | 2 | |
| Total .. | 4 | .... | |
| Sind .. .. .. | 2 | 3 | |
| | 2 | 2 | |
| | 1 | New. | |
| Total .. | 5 | .... | |
| Grand Total .. | 25 | .... | |

## APPENDIX No. 12.

*Statement.*

| | Name. | Caste. | Qualifications. | Percentage of V. F. results. | Years of service put in at the time of appointment to Inspecting line. | |
|---|---|---|---|---|---|---|
| | | | | | Y. | M. |
| 1 | Vasudeo Bhau Gore. | Brahmin | III 1882 | Out of three sent up none passed in 1915. | 32 | 9 |
| 2 | Waman Kashinath Tulpule. | „ .. | III 1887 | 60 per cent. .. | 28 | 10 |
| 3 | Sakharam Narayan Ghogale. | Maratha .. | III 1906 | He was 1st Assistant in Desai School, Malwan, when he was promoted. | 22 | 8 |
| 4 | Hari Ballal Khare. | Brahmin .. | III 1891 | He was doing general supervision, which was marked excellent. | 32 | 11 |

## APPENDIX No. 13.

*List of villages in Kaira and Broach districts of which one part belongs to Government and the other to Talukdars.*

| District. | Taluka. | Names of villages of which one part belongs to Government and the other to Talukdars. | | Remarks. |
|---|---|---|---|---|
| | | Villages where separate Police Patels are appointed for each block. | Villages where only one Police Patel is appointed for the whole village. | |
| 1 | 2 | 3 | 4 | 5 |
| Kaira .. | Borsad .. | Bhetashi Talpad.<br>Bhetashi Wanto.<br>Bhetashi Baria Bhag. | | Each of these five blocks has a separate Police Patel. |
| Kaira .. | Anand .. | Napad Talpa.<br>Napad Wanto. | | |
| Broach .. | Jambusar .. | Sarod .. | | Separate Police Patels are appointed for the two blocks of Sarod. |
| Broach .. | Amod .. | | Amod .. | |
| Broach .. | Amod .. | | Kerwada .. | |
| Broach .. | Amod .. | | Matar .. | |
| Broach .. | Amod .. | | Tanchha .. | |
| Broach .. | Vagra .. | | Ochhan .. | |
| Broach .. | Vagra .. | | Dehaj .. | |

## APPENDIX No. 14.

No. S-99 (14).

Office of the Surgeon General with the Government of Bombay,

Poona, 10th July 1924.

MEMORANDUM.

In continuation of this office Memo. No. S-99 (14), dated 20th May 1924, the Panchayat of Dadu are informed that the Surgeon General has inquired into the matter and finds no reason to transfer Mr. Mulchand Dunichand, S.M.S., at present.

(Signed) JELAL M. SHAH, Captain, I.M.S.,

*for* Surgeon General with the Government of Bombay.

## APPENDIX No. 15.

*Statement.*

| | | Average monthly number during the year 1923-24. | Expenditure on Higher education, i.e., Collegiate education. | | Total cost per pupil. |
|---|---|---|---|---|---|
| | | | Total. | Provincial Revenues included in the preceding column. | |
| | | | Rs. | Rs. | Rs. |
| Bombay Division. | Arts Colleges .. | 2,250 | 7,70,092 | 3,67,579 | 342 |
| | Professional Colleges. | 2,187 | 5,76,826 | 2,15,132 | 264 |
| | Total .. | 4,437 | 13,46,918 | 5,82,711 | 304 |
| Central Division . | Arts Colleges .. | 1,777 | 3,58,088 | 1,43,852 | 202 |
| | Professional Colleges. | 373 | 3,03,794 | 2,74,891 | 814 |
| | Total .. | 2,150 | 6,61,882 | 4,18,743 | 308 |
| Northern Division.. | Arts Colleges. .. | 773 | 2,11,716 | 85,572 | 274 |
| Southern Division.. | Arts Colleges .. | 443 | 75,321 | 14,783 | 170 |
| Sind .. | Arts Colleges .. | 538 | 1,55,621 | 23,196 | 289 |
| | Professional Colleges. | 95 | 50,738 | 10,877 | 534 |
| | Total .. | 633 | 2,06,359 | 34,073 | 326 |

*N.B.*—The Professional colleges in Bombay Division and Central Division, *viz.*, Law School, Grant Medical College, Sydenham College of Commerce and Economics, Secondary Training College, College of Engineering and Agricultural College serve the purpose of all the Divisions in the Presidency.

## APPENDIX No. 16.

| Date. | Mill visited. | Halts. | Duties performed and instructions given. |
|---|---|---|---|
| | | Days. | |
| 24th Nov. 1921.. | Dandeli .. | 28 | Testing speed of saw benches. Made arrangements for sharpening shop and saw horses. Instructing mill Forman and filers in saw sharpening. Took particulars of brasses required for benches. Fixed small pulley on main shaft engine drive. Proceeded to Phondakundi and removed engine that had gone through bridge while being removed from Sambrani mill. |
| 4th Jan. 1922 .. | Waghai .. | 2 | Inspected contractor's mill. Changed pulley on main engine drive. Instructing in saw sharpening. |
| 7th Jan. 1922 .. | Karanjara.. | 2 | Instructing foreman on sharpening and made arrangements for benches to be made. |
| 18th Jan. 1922 .. | Dandeli .. | 9 | Instructing foreman and fitter in saw sharpening and setting and gulleting of circular saws. |
| 28th Jan. 1922 .. | Kirwatti .. | 5 | Inspected bearings of saw benches and shafting. Instructing foreman in saw sharpening. Arranged for sharpening benches, to be made. |
| 6th Feb. 1922 .. | Tambepar | 5 | Instructing foreman in sharpening and made bench for sharpening circular saws. |
| 14th Feb. 1922 .. | Dandeli .. | 12 | Saw sharpening and regulated old saws. |
| 27th Feb. 1922 .. | Kirwatti .. | 2 | Repairing broken main shafting. |
| 1st Mar. 1922 .. | Dandeli .. | 4 | Saw sharpening. |
| 12th Mar. 1922 .. | Waghai .. | 10 | Instructing saw sharpening and refitting bench brasses. |
| 23rd Mar. 1922 .. | Karanjara.. | 4 | Inspected and refitted saw bench brasses and instructed foreman in saw filing. |
| 3rd Apr. 1922 .. | Dandeli .. | 17 | Saw sharpening, recutting teeth of vertical saws. |
| 25th Apr. 1922 .. | Kirwatti .. | 4 | Instructing foreman in sharpening and refitted and scraped brasses of 42" bench. |
| 29th Apr. 1922 .. | Dandeli .. | 5 | Saw sharpening, etc. |
| 9th May 1922 .. | Waghai .. | 7 | Saw sharpening and unpacked engine parts of new engine for Chikalda mill. |
| 16th May 1922 .. | Chikalda .. | 2 | Unpacked saw benches and removed engine over river to new site. |

APPENDIX No. 16—*contd.*

| Date. | Mill visited. | Halts. | Duties performed and instructions given. |
|---|---|---|---|
| | | Days. | |
| 24th May 1922 .. | Dandeli .. | 21 | Saw sharpening, gulleting, setting, etc. Fixing up saw bench. Making bench for repairing brasses. Refiling teeth to old circular saws. |
| 26th June 1922 .. | Sambrani .. | 2 | Instructed sharpening saws and adjusted bench fences. |
| 17th July 1922 .. | Do. .. | 1 | Fixing saw horse and instructing saw gulleting. |
| 2nd Aug. 1922 .. | Do. .. | 1 | Refitted saw bench brasses 36″ and saw sharpening. |
| 12th Aug. 1922 .. | Sambrani .. | 1 | Sorting out old saws for repairs. |
| 24th Aug. 1922 .. | Dandeli .. | 1 | Removed saw bench for Badgi mill, Northern Circle. |
| 3rd Sept. 1922 .. | Kirwatti .. | 3 | Inspected saws and instructed for filing, etc. Sorted out old saws from stock for repair. |
| 14th Sept. 1922 .. | Dandeli .. | 1 | Inspected mill with Divisional Forest Officer, Northern Division, Kanara. |
| 4th Oct. 1922 .. | Do. .. | 1 | Packed saw bench for Badgi mill. |
| 21st Oct. 1922 .. | Do. .. | 1 | Instructing filing and gulleting and fitting brasses. |
| 2nd No. 1922 .. | Do. .. | 28 | Instructing saw sharpening, gulleting, setting of vertical and circular saws. Packing bench for despatch to Nasik. Fitted up new saw bench and erected same. Fixed and erected Pole cross-cut bench and sharpened saws of same for testing. Repairing saw sharpening machine. Fixing up Pole cross-cut with Petter engine for test. Repairing vertical frame saw. Arranging for tools for the erection of the Chikalda mill, Northern Circle. |
| 21st Dec. 1922 .. | Chikalda .. | 69 | Erecting mill shed. Excavating of main-shaft pits and shoring same. Fixing 3″ shafting and pulleys. Erecting engine. Erecting American Log Mill; 48″ saw bench; 36″ saw bench; 30″ cross cut saw. Auto saw sharpener. Fixing up all belts and testing same. Guarding all belt drives. Fixing water tank and pump for water supply. |
| 8th Mar. 1923 .. | Kirwatti .. | 9 | Instructing saw sharpening. Covered all belt drives and main shaft pits. Repaired belt joints and refitted main shaft bearings. Inspected and reported on same of the Gunjawati contractor's mill to the Conservator of Forests, Southern Circle. |

## APPENDIX No. 16—*contd.*

| Date. | Mill visited. | Halts. | Duties performed and instructions given. |
|---|---|---|---|
| | | Days. | |
| 28th Mar. 1923 .. | Chikalda .. | 7 | Instructing foreman the working of the Auto-sharpening machine and the setting of saws. Testing American Log Mill. Fixing Pendulum cross-cut and dead roller way. |
| 9th Apr. 1923 .. | Badgi .. | 35 | Erection of Badgi saw-mill. Mill shed, etc. Excavating main shaft pit and covering same. Erection and repairing engine, 42 inches bench, 36 inches, 36 inches and 24 inches benches. Saw sharpening machine, water tank and pump for water supply. Store shed. Fixing belting. Running engine and testing shafting. Fixing main shafting and pulleys. |
| 19th May 1923 .. | Chikalda .. | 4 | Instructing foreman how to work Auto-sharpening machine. Testing all bearings and speeds of saws. |
| 1st June 1923 .. | Kirwatti .. | 5 | Refitted foundations of engine. Examined all bearings. Instructed saw sharpening. Refitted new loose pulley bush on 36 inches bench and new collar. |
| 8th June 1923 .. | Dandeli .. | 5 | Adjusted feed of vertical frame saw. Made wooden slide table for cutting paving locks. Instructed foreman in saw sharpening. |
| 22nd June 1923.. | Do. .. | 3 | Recut teeth of cross-cut saw for fuel cross-cut bench. Regulleted saws and instructed saw sharpening. |
| 5th July 1923 .. | Do. .. | 26 | Saw sharpening, gulleting, etc. Extending saw sharpening shop and tensioning for saws. Fitted up key cutting machine. Arranging and giving foreman instructions how to make wooden bench for testing buckled and dished saws. Inspecting saw bench bearings. Fixing up anvil for tensioning of saws. Saw sharpening and setting. Rejointing old belts for use in mill. Removing belts from machines and removing water from main shaft pits. General mill supervision. |
| 20th Aug. 1923 .. | Do. .. | 8 | Fixing up bench 24 inches for despatch to Chikalda. Arranging for wooden pulleys to be made for saw testing bench. Took stock of new saws in stores and arranged stores. Fixing wooden pulleys on saw testing machine. Fixed pulley on main shaft for testing bench. Unpacked Simplex saw sharpening machine. Erected Simplex machine over-head shaft for same. Saw sharpening gulleting and setting of saws. |

APPENDIX No. 16—*contd.*

| Date. | Mill visited. | Halts. | Duties performed and instructions given. |
|---|---|---|---|
| | | Days. | |
| 12th Sept. 1923.. | Dandeli .. | 16 | Running and testing Simplex sharpening machine. Despatched key cutting machine to Bombay. Unpacking Robinson's Auto-sharpening machine. Recutting teeth of saws for Pole cross-cut outfit. Getting foundations ready for Auto-machine. Erecting of Auto-sharpening machine and testing same. Instructing sharpening on Auto-machine. Instructing sharpening by hand. Tensioning of old saws. |
| 4th Oct. 1923 .. | Chikalda .. | 32 | Supervision of Chikalda saw-mill. Instructing foreman and fitter on the Auto-sharpener. Recut all teeth of circular saws. Fixed up pump for water-supply to engine. Removed Band saw to make room for the 24 inches bench. Drilling saw holes for American Log mill. Erecting 24 inches bench set from Dandeli. Instructing belt jointing with crescent rivet fasteners. Inspected all bearings of benches, shafting and engine. Adjusted American Log Mill for test, etc. |
| 11th Nov. 1923 .. | Badgi .. | 7 | Instructed in belt jointing with crescent fasteners. Removed 36 inches Marshall bench to get better position. Removed 24 inches wooden bench for cross cutting. Instructed for saw sharpening and setting and gulleting. Shortened American hand cross cut saws. Covered in all belt drives and main shafting pits. |
| 26th Nov. 1923 .. | Dandeli .. | 81 | Instructing and working Auto-sharpening machine. Recutting teeth in all saws to suit cam of Auto-sharpening machine. Fixing larger pulley on main shaft to increase speed of Auto-machine. Instructing, setting and gulleting of saws on hand gulleting machine and saw setting bench. Inspected bearings of benches and shafting. Adjusted all fences of benches. Examined all belt joints and repaired same. Instructed on belt jointing with crescent rivet fasteners and Jackson's plate fasteners. Tensioned old saws and saws out of tension for use in mill. Refiled centre holes of saws to be changed for 42 inches to 36 inches benches. Unpacked American Log mill. Took down 42 inches bench, removed old bearings returned saw mondrel and refitted same with new bearings. Erected 44 inches bench new in place of 42 inches that was sent to Badgi. Sorted and checked parts of American Log mill for testing with Fordson tractor. Testing of American Log Mill. |

APPENDIX No. 16—*contd.*

| Date. | Mill visited. | Halts. | Duties performed and instructions given. |
|---|---|---|---|
| | | Days. | |
| 28th Feb. 1924 .. | Chikalda .. | 21 | Fixed extra shafting overhead to extend crosscut saw. Removed cross cut saw to give more room for timber when coming from the 48 inches bench. Repaired dead roller way. Guarded up back of cross cut saw. Adjusted cone bearings of auto sharpening machine. Removed 18 inches bench back to give longer belt drive. Adjusted wood work of American log mill and realigned mandrel to give correct level for cutting sizes correct. Refitting brasses on 2 inches overhead and turning same of main shaft bearings. Made racks to take circular saws. Instructed on saw sharpening, gulleting, etc. Repaired all belt joints and instructed how they should be done. Made arrangements for wooden pattern to be made for main shafting and overhead shafting. Sorted and arranged stores and gave instructions to foreman how stores to be kept. |
| 24th Mar. 1924 .. | Karanjara.. | 4 | Instructed saw sharpening, setting of circular saws, also hand American crosscuts. Inspected bench and shaft bearings. Adjusted main shaft bearings. Removed main crank brass from engine and refitted new. Packed up mandrel and brasses of 36 inches bench for repair at Dandeli. Inspected steam valve and connecting rod bearings of engine. |
| 4th Apr. 1924 .. | Dandeli .. | 4 | Checked stores. Inspected saws and bearings of machines. Getting timbers for new way for vertical long mill. Retensioned saws. |
| 9th Apr. 1924 .. | Sambrani .. | 1 | Checked stores and inspected mill, saws and bench. |
| 10th Apr. 1924 .. | Bomanhalli. | 1 | Pegged out new site for mill from Sambrani. |
| 11th Apr. 1924 .. | Dandeli .. | 5 | Saw sharpening, tensioning, fetting new timber for vertical log mill. |
| 25th Apr. 1924 .. | Chikalda .. | 42 | General mill supervision. Foreman on leave. Taking up main shafting, removing all pulleys and taking out old brasses. Fixing new supports for shafting bearing. Fixing new ring oil bearings and moving shafting 9 inches to give new bearing to shaft. Realigning shaft and pulley. Recutting teeth on Auto sharpener. Taking out old bearing of auto machine and fitted new ones. Repairing back guide to same |

APPENDIX No. 16—*concld.*

| Date. | Mill visited. | Halts | Duties performed and instructions given. |
|---|---|---|---|
| | | Days. | |
| | | | and fitting steel slides. Moved main water tank from river to mill. Fitted new cam on auto sharpener. Making new spindle for hand gulleting machine. Checked stores and labelled all stores for Ranger's and Foreman's guidance. Repairing all belt joints. Clearing of Depôt. Arranging for a stacking shed. Supervising building of a bungalow on mill site. Cutting and sorting seasoned timber for new way of the Amerian Log Mill. Adjusting Log Mill. Sharpening and setting of American hand cross cut for depôt and fellings. Sorting all circular saws and recutting and putting all in running order. |
| 13th June 1924 .. | Badgi .. | 4 | Inspected mill, bearings, loose pulleys and belts, etc. Instructed saw sharpening of circular and American hand cross cut saws. Checked stores. |
| 23rd June 1924 .. | Dandeli .. | 4 | Tensioning old saws. Saw sharpening. Testing, cutting of vertical log mill. checked stores, and arranged same. |

## APPENDIX No. 17.

*List of ancient monuments declared to be protected in the Kanara District.*

| S. No. | Taluka. | Locality. | Name of monument. | Class. | Remarks. |
|---|---|---|---|---|---|
| 1 | Karwar | Chitakule | European graves about 6 miles from Karwar across the Kalinadi. | II (*a*). | |
| 2 | Sirsi | Banvasi | Madhukeshwar temple | II (*b*) | Withdrawn first and redeclared. |
| 3 | Do. | Do. | Inscriptions in temple | Do. | |
| 4 | Do. | Do. | Carved bedstead of stone existing in a small chamber in the south side of the compound of the Madhukeshwar temple. | I *b*). | |
| 5 | Do. | Somasagar | Temple of Siva | II (*a*). | |
| 6 | Do. | Sonda | The King's seat | II (*a*): | |
| 7 | Do. | Do. | Jain monastery | II (*b*) | Withdrawn. |
| 8 | Do. | Do. | The shrine of Honehalli math. | Do. | Do. |
| 9 | Do. | Do. | Temple close to and to the south of, the King's seat at Sonda. | II (*a*): | |
| 10 | Kumta | Gokarn | Inscriptions in the Mahableshwar temple. | I (*b*) | Withdrawn |
| 11 | Do. | Mirjan | Fort | II (*a*). | |
| 12 | Do. | Do. | Two inscriptions in the Mirjan bungalow compound and the figure of a tiger. | Do. | |
| 13 | Do. | Kumta | The figure of a tiger opposite the English school. | Do. | |
| 14 | Do. | Do. | Tombs on the right side of the Manki-Kumta Road. | Do. | |
| 15 | Siddapur | Bilgi | The Jain Basti of Parshwanath. | Do. | Withdrawn. |
| 16 | Do. | Do. | Virupaksha temple | II (*b*) | Classification changed II (*a*) to II (*b*). |
| 17 | Do. | Do. | Inscriptions | II (*a*). | |

## APPENDIX No. 17—*contd.*

| S. No. | Taluka. | Locality. | Name of monument. | Class. | Remarks. |
|---|---|---|---|---|---|
| 18 | Siddapur. | Bilgi .. | A small deserted temple dedicated to Siva, on the east of the river. | II (*a*) | |
| 19 | Do. .. | Bedkani .. | Stones (Viragals) .. | III .. | Classification changed from II (*a*) to III. |
| 20 | Do. .. | Hosur .. | Carved stones near the temple of the Gram Deva. | III .. | Classification changed from II (*b*) to III. |
| 21 | Honawar. | Bailur .. | Inscriptions in the Markandeshwar temple. | I (*b*). | |
| 22 | Do. .. | Nagarbastikeri or Gersapppa. | Chaturmukha Basti .. | II (*a*). | |
| 23 | Do. .. | Do. .. | Vardhaman Swami temple . | II (*a*). | |
| 24 | Do. .. | Do. .. | Virbhadra temple .. | I (*a*). | |
| 25 | Do. .. | Do. .. | Inscriptions .. | Do. | |
| 26 | Bhatkal.. | Bhatkal .. | Ketpai Narayan Devasthan | I (*b*). | |
| 27 | Do. .. | Do. .. | Santappa Naik Tirumal Devasthan. | II (*b*). | |
| 28 | Do. .. | Do. .. | Narsinha Devasthan .. | Do. | |
| 29 | Do. .. | Do. .. | Joshi Shankar Narayan Devasthan. | Do. | |
| 30 | Do. .. | Do. .. | Raghunath Devasthan .. | Do. | |
| 31 | Do. .. | Do. .. | Lakaes Kamati Narayan Devasthan. | Do. | |
| 32 | Do. .. | Do. .. | Adke Narayan Devasthan and 2 others (1) Virupakshа Devasthan (2) Venkatraman Devasthan. | Do. .. | (2) With drawn. |
| 33 | Do. .. | Do. .. | Jattappa Naikan Chandra Natheshwar Basti. | I (*a*). | |
| 34 | Do. .. | Do. .. | Paraswanatheshwar Basti .. | II (*b*). | |
| 35 | Do. .. | Do. .. | Santeshwar Basti .. | Do. | |
| 36 | Do. .. | Do. .. | Three European graves .. | I (*a*). | |
| 37 | Do. .. | Do. .. | Inscriptions .. | II (*b*). | |
| 38 | Do. .. | Hadvalli .. | Chandranath Deva Basti .. | Do. | |

## APPENDIX No. 18.

*Statement showing the names of the places where the Marathi schools in the Kanara District are situated.*

| No. | Place where Marathi boys' schools are situated. | No. | Place where Marathi girls' schools are situated. |
|---|---|---|---|
| | *BOYS'.* | | *GIRLS'.* |
| | *Karwar Taluka.* | | *Karwar Taluka.* |
| 1 | Karwar (Municipal School). | 1 | Karwar (Municipal School). |
| 2 | Gabitwada (Local Board). | 2 | Kadawad (Local Board). |
| 3 | Sadashivgad (Local Board). | 3 | Sunakeri (Local Board). |
| | | 4 | Sadashivgad (Local Board). |
| | | 5 | Majali (Local Board). |
| | *Ankola Taluka.* | | *Ankola Taluka.* |
| 4 | Keni (Local Board). | 6 | Ankola (Local Board). |
| | *Kumta Taluka.* | | *Kumta Taluka.* |
| 5 | Bhavikodla (Local Board). | 7 | Kumta (Municipal School). |
| | *Supa Patha.* | | *Yellapur Taluka.* |
| 6 | Castle Rock (Local Board). | 8 | Yellapur (Local Board). |
| 7 | Evoli (Local Board). | | *Halyal Taluka.* |
| 8 | Tinai (Local Board). | 9 | Halyal (Municipal School). |

## APPENDIX No. 19.

**A.**—*Statement showing the number of subordinate officials of the permanent as well as temporary establishments with their designations who have been dismissed or discharged or whose services have been dispensed with in the Kanara District during the time of the present Executive Engineer of that District.*

| Designation. | Number of subordinates dismissed. | | Number of subordinates discharged. | | Number of subordinates whose services were dispensed with. | |
|---|---|---|---|---|---|---|
| | Permanent. | Temporary including work-charged. | Permanent. | Temporary including work-charged. | Permanent. | Temporary including work-charged. |
| Upper Subordinates. | .. | .. | .. | 1 | .. | 3 |
| Lower Subordinates. | .. | .. | .. | .. | 2 | .. |
| Draftsman .. | .. | .. | .. | .. | .. | .. |
| Sub-Divisional clerks. | .. | 1 | .. | 1 | .. | .. |
| Mustering karkuns | .. | .. 4 | | 2 | | 1 |
| Maistries .. | .. | .. | .. | 1 | .. | .. |
| Peons .. | .. | .. | .. | 2 | .. | .. |
| Chowkidar .. | .. | 1 | .. | .. | .. | .. |
| Total .. | .. | 6 | .. | 7 | 2 | 4=19 |

**B.**—*Statement showing the number of subordinates who took leave over one month during the time of the present Executive Engineer of the Kanara District, viz., from June 1920 to May 1924.*

*Establishment.*

| | | | | | |
|---|---|---|---|---|---|
| Permanent | .. | .. | .. | .. | 25 |
| Temporary | .. | .. | .. | .. | 14 |
| Work-charged | .. | .. | .. | .. | 22 |

## APPENDIX No. 20.

*Statement showing information regarding prosecutions under Abkari Act in the West Khandesh District for the year 1923.'*

| Serial No. | Name of Taluka. | Total number of prosecutions. | Number of prosecutions which ended in convictions. | Number of cases in which accused were sentenced to suffer imprisonment. Fine only. | | Remarks. |
|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1 | Dhulia .. | 36 | 30 | 24 | 6 | |
| 2 | Sindkheda .. | 56 | 42 | 17 | 25 | |
| 3 | Shirpur .. | 27 | 26 | 21 | 5 | |
| 4 | Shahada .. | 39 | 37 | 19 | 18 | |
| 5 | Taloda .. | 188 | 186 | 54 | 132 | |
| 6 | Nandurbar .. | 139 | 132 | 38 | 94 | |
| 7 | Nawapur .. | 518 | 518 | 19 | 499 | |
| 8 | Sakri .. | 38 | 35 | 26 | 9 | |
| | Total .. | 1,041 | 1,006 | 218 | 788 | |

## APPENDIX No. 21.

*Annual Report (1923-24).*

I held the charge of the office of the Agricultural Engineer to Bombay Government during the year under report.

The activities of the Department were not solely devoted to advisory and research work as anticipated last year as there was a considerable increase in the executive work which took up most of the time of the staff and consequently the research work in connection with the modification of implements and Agricultural Machinery, the survey of pumping sites on rivers for famine purposes and periodical inspection of Agricultural Machinery belonging to the Department has suffered. In the circumstances I was unable to visit Sind during the year and continue my investigations of last year.

The work actually done is summarised in brief as under :—

*Modifications of Machines.*—A locally made Winnower from the Jalgaon Farm sent by the Deputy Director of Agriculture for various improvements, has been taken in hand in order to reduce the driving power required, replace the tooth wheel gearing with a better and more efficient substitute, re-arrange the shaking of the riddles and reduce the terrible noise now produced to a minimum. The tooth gear has been entirely done away with and a roller chain gearing having $\frac{3}{4}$" pitch with necessary sprockets, bearing and a new shaft have been substituted to reduce the friction and the power to a minimum. The fan spindle bearing have been replaced with temporary roller bearings made at the shops and the spindle machined wherever necessary together with the bearings of main driving shaft.

The riddle arrangement is in progress and it is expected to be completed for a final test within a couple of months time. There has been also a great necessity of a suitable seed drill box for sowing Jwar. A box suitable for the purpose have been newly made and is under test for further modifications.

*Resource in case of Breakdown.*—The crusher at Manjri broke down during the crushing season which took up much time to put it in working order. While it was under repairs a combined cane crushing plant consisting of a B. H. P. Blackstone Crude Oil Engine and a No. 92 Chattanooga cane crusher had to be temporarily removed to Manjri, fixed and run there until the farm crusher was repaired.

Mr. S. V. Supnekar who has had a pumping installation set up on the river Koyna at Supna, District Satara, through this department approached us for help at the eleventh hour to put his engine right and save his crops. On inspection it was found that the engine required considerable repairs which were not possible in so short a time. A suitable engine had to be therefore sent to him on hire and fixed at his site to save the situation.

Mr. M. B. Mohite of Satara also came with the same difficulty when the cylinder of his engine cracked rendering the engine useless for work until it was replaced. A Noria had to be sent to him on hire to save his crops until the engine was put right.

Mr. Kuber of Dahivadi also fell in the same plight when his engine broke down which had to be substituted with one of the famine sets in order to save his crops until his engine was thoroughly repaired and erected on a new foundation.

Owing to the failure of rains the number of enquiries for pumping crushing and other Agricultural Machines has fallen considerably. Out of 107 enquiries 12 were for power pumping, 49 for boring, 2 for cane crushing, 10 for motor plugging, 62 for admission in the oil engine class and 12 for general work. Of the pumping enquiries 2 were of a very complicated nature requiring heavy initial outlay and consequently Messrs. Walchand and Co. of Bombay, promoter of one of them, had to give up the idea for the present as it was not a feasible proposition. Mr. Narottam Morarji, promoter of the second, is likely to go in for a plant but nothing has yet been heard from him definitely. One of the inquiry from Sind from the Court of Wards has recently matured and I have at present in hand working drawing for the installation in question.

The Chharodi Government Farm was for a long time badly in need of a power plant for supplying water to the cattle as there was much scarcity and difficulty of good drinking water in the whole area during a hot weather. A couple of bores were specially taken in the well close to the office and bungalow for a copious supply of fresh water and the well near the office was found to be more convenient and possessing several facilities for a power plant. Accordingly plans for a suitable power plant capable of delivering water to the several byres through an elevated tank were made, the plant purchased and erected.

There are also some machines such as Ensilage Cutter, Grinding Mill Engine, Countershaft, etc., to be fixed on the Bankapur Farm and this work has been taken in hand with the help of the Mechanical Assistant from the Southern Division.

Two combined self-contained cane crushing plants, one consisting of 6·5 B. H. P. Blackstone oil engine and No. 44 Chhattanooga Crusher, and another of a 15 B. H. P. Blackstone Crude Oil Engine and No. 92 Chhattanooga cane crusher complete with Juice Pump, megasee carrier, etc., mounted on special girder frame requiring no foundation have been worked for the South Central Division during the crushing season as per Government G. R. E. D. No. 5122 of 30th November 1922 issued on the recommendations of the sugarcane committee. The plants, however, are found to be too small in size as they do not deal with 1 ton of cane individually per hour. Bigger units have therefore to be recommended and if their purpose is sanctioned we shall be able to obtain more valuable data regarding crushing of cane.

The trials of the 15-27 Case Tractor in Khandesh were continued this working season and the tackle has ploughed about 144 acres and 16 gunthas of cultivator's lands to the end of May last at Rs. 10 per acre realising about 1,444-0-0 although the charges are not yet recovered.

These machines require continued and exhaustive trials in order to enable us to say something definite about their efficiency and use when compared with bullock powers.

There is again the trouble of getting trained men to handle these machines as it is entirely new to this country and the men will have to be trained along with the continued trials until their advantage over bullock power is well established and widely spread and several people go in for them under normal conditions. The machines under trial met with numerous breakage during the trials on account of unsuitable conditions and raw men. There is not a very big demand for such machines at the moment and consequently the spare part service is very poor compelling us to stop the operation with a slight breakage until the broken part is replaced either by making it at one of the big engineering shops or importing it from the makers through the agents.

Continued exhaustive tests are the only solutions to solve the above difficulties and enable us to form a definite opinion about the utility of these machines for the cultivators in general and with this view in mind Government have recently been pleased to sanction another tractor for trials in South Gujarat and when this is set in action along with the Fordson now at Chharodi in North Gujarat and the 15-27 Case again in Khandesh we shall be able to obtain valuable data about their performance.

The Steam Plough at Savnur was not working during the last fair season as Sardar Mahaboobalikhan withdrew his offer to take it on hire owing to failure of rain and scarcity of water.

Funds were again available for the completion of the Fodder Baling and Bruising Plant at Karajgi during the year under report and accordingly the two hydraulic presses the Bruiser with elevator, Keith fan, platform, etc., the countershaft, the Fourthrow Hydraulic Pump, the engine, etc., were erected on their respective positions, the fencing for the whole yard completed with gates and an overbridge at the main entrance, the tram line laid all over the yard, for transport purposes, the frame work of the two sheds painted and the flooring of the big storage shed and the machinery shed finished in lime concrete.

The plant will be tried within a couple of months time and it is anticipated that regular work of pressing bruised Kirbi wil be started from the middle of November next if the rains are favourable.

During the year under report there were only three pumping plants on hire to cultivators for irrigation purposes out of which two will be shortly returned and brought back to Poona owing to the parties failure to pay the hire charges. Rs. 2,265-2-6 have been realised in the way of hire ncluding Rs. 1,073-8-0 as old recoveries.

Along with the inquiries for the pumping plants on hire for irrigation purposes there are good many demands from agriculturists for emptying wells with power plants for sinking or deepening purposes. They are required generally for a very short duration and the expenses due to foundation and reaction are useless to the party after the work is completed. We have a very inadequate number of plants for this purpose and it is a matter for consideration whether such applications should be entertained for all and sundry.

The pumping plant at Nangaon on the river Bhima in Poona District irrigated about 79-31 acres or Perrenial crops 91-2 acres of kharif and

164·14 of Rabi realising a total revenue of Rs. 4,272-10-0 during the year under report. This amount does not cover the actual expenditure incurred as the water is given to the cultivators on special concession rates. A scheme is under consideration of increasing the water charges so as to cover the total running charges and handing over the distribution of water to a co-operative society and we shall be able to know something definite about its feasibility during the next year.

In addition to scrutiny and purchase of all stores and other equipments for the territorial officers and genera advice in boring matters including purchase of new machines, removal of accidents, etc., to the divisions, individual inquiries and Local Boards, the department has converted one hand power Musto Patent Boring Machine into a power unit for the South Central Division and inspected the boring machines in the Southern Division, and North Central Division. Three bore holes in a well at Wakora in Thana District were torpedoed with five charges with a view to open up the fishers underneath and tap more quantity of water. The result was not so very disappointing as the water level in the well was raised by 9 inches.

The oil engine class trained 22 cultivator students in the running of oil engines and pumps.

In general there were varied sorts of activities in the Department throughout the year in which preparation of famine sets and the overhauling and getting ready of the old Fowler and Wyles motor plough for further trials were included.

The staff has been all along very satisfactory and most willing and enthusiastic.

(Signed) W. M. SCHUTTE,

Agricultural Engineer to Government, Poona.

## APPENDIX No. 22.

| No. | Name of probationer. | Caste. | Date of birth. | Place of residence. |
|---|---|---|---|---|
| 1 | W. N. Bakhtyar .. | Mahomedan .. | 7 2 1894 | Savnur. |
| 2 | Nawabzada Meer Saeed Alam Khan. | Do. .. | 28 12 1892 | Surat. |
| 3 | Ishvarlal Thakorlal Almaula. | Brahma Kshatriya. | 1 4 1900 | Broach. |
| 4 | Shankar Balvant Chavan. | Maratha .. | 25 7 1898 | Poona. |
| 5 | Mahomed Ismail Abdul Hakim Kadri. | Mahomedan .. | 25 4 1897 | Abdul Hakim's village, taluka Rato Dero, district Larkana. |

| No. | Name of probationer. | Educational qualifications. | Class in which the probationer stood at the University Examinations by him. | Date of appointment as probationer. |
|---|---|---|---|---|
| 1 | W. N. Bakhtyar .. | B.A., LL.B. .. | Pass Class .. | 28 7 1921. |
| 2 | Nawabzada Meer Saeed Alam Khan. | B.A. (Oxon), Bar.-at-Law. | .... | 15 10 1923. |
| 3 | Ishvarlal Thakorlal Almaula. | B.A., LL.B. .. | Pass Class .. | 16 10 1923. |
| 4 | Shankar Balvant Chavan. | B.A. (Dakshina Fellow), Fergusson College. | First Class Honours. | 22 10 1923. |
| 5 | Mahomed Ismail Abdul Hakim Kadri. | B.A. .. | Pass Class .. | 30 11 1923. |

## APPENDIX No. 23.

*Statement showing the number of new primary schools opened in the Northern Division.*

| District. | Government. | | | | | District Local Board. | | | | | Municipalities. | | | | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1920-21. | 1921-22. | 1922-23. | 1923-24. | 1924-25. | 1920-21. | 1921-22. | 1922-23. | 1923-24. | 1924-25. | 1920-21. | 1921-22. | 1922-23. | 1923-24. | 1924-25. | |
| Ahmedabad | .. | 4* | .. | 1 | .. | .. | .. | 3 | .. | .. | .. | .. | .. | 1 | .. | *Opened when the Municipalities non-co-operated and absorbed into the Municipal schools since then. |
| Kaira .. | 6* | .. | .. | 1 | .. | .. | .. | 4 | 1 | .. | .. | 10 | .. | 2 | .. | |
| Panch Mahals. | .. | .. | .. | 1 | .. | .. | .. | .. | .. | .. | .. | 4 | .. | .. | .. | |
| Broach .. | .. | .. | .. | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Surat .. | .. | .. | .. | .. | .. | 1 | .. | 1 | .. | .. | 1 | .. | .. | 1 | .. | |
| | 6 | 4 | .. | 4 | .. | 1 | .. | 8 | 1 | .. | 1 | 14 | .. | 4 | .. | |

## APPENDIX No. 24.

### STATEMENT A.

*Amount of building grant for District Local Board primary schools given to each of the districts in the Northern Division during the last five years.*

| Name of District. | Year. | | | | |
|---|---|---|---|---|---|
| | 1919-20. | 1920-21. | 1921-22. | 1922-23. | 1923-24. |
| Ahmedabad .. | 33,017 | .. | 8,599 | .. | 4,225 |
| Broach .. | 11,445 | .. | 762 | .. | 3,235 |
| Kaira .. | .. | .. | 8,065 | .. | .. |
| Panch Mahals .. | 11,138 | .. | .. | .. | .. |
| Surat .. | .. | .. | .. | .. | .. |
| Total .. | 55,600 | .. | 17,426 | .. | 7,460 |

### STATEMENT B.

*Amount of building grant for Municipal primary schools given to each of the Districts in the Northern Division during the last five years.*

| Name of District. | Year. | | | | |
|---|---|---|---|---|---|
| | 1919-20. | 1920-21. | 1921-22. | 1922-23. | 1923-24. |
| Ahmedabad .. | 4,02,060 | .. | .. | .. | .. |
| Broach .. | .. | .. | .. | .. | 11,492 |
| Kaira .. | 4,807 | .. | .. | .. | 23,628 |
| Panch Mahals .. | .. | .. | .. | .. | .. |
| Surat .. | 2,737 | .. | .. | .. | .. |
| Total .. | 4,09,604 | .. | .. | .. | 35,120 |

## APPENDIX No. 24—*contd.*

### STATEMENT C.

*Amount of building grant for recognised primary schools given to each of the Districts in the Northern Division during the last five years.*

| Name of District. | Year. | | | | | Remarks. |
|---|---|---|---|---|---|---|
| | 1919-20. | 1920-21. | 1921-22. | 1922-23. | 1923-24. | |
| Ahmedabad .. | .. | .. | .. | .. | .. | Besides these amounts the following grants were paid for hostels :— |
| Broach .. | .. | .. | .. | .. | .. | |
| Kaira .. | .. | .. | .. | .. | .. | (1) Panch Mahals. 1921-22 4,860 |
| Panch Mahals .. | .. | .. | .. | 1,910 | 6,914 | (2) Kaira .. 1920-21 10,000 |
| Surat .. | .. | .. | .. | .. | .. | (3) Kaira .. 1921-22 11,799 |
| | | | | | | Total .. 26,659 |
| Total .. | .. | .. | .. | 1,910 | 6,914 | The last two items are on account of the Talukdari Hostel at Nadiad which is intended for Talukdari pupils attending secondary as well as primary schools. |

## APPENDIX No. 24.

### PRESS NOTE.

The question of co-ordination of the Agricultural and Co-operative Departments has been engaging the attention of the Minister of Agriculture and Co-operative Societies for some time past. A joint note on the subject prepared by the Registrar of Co-operative Societies and the Director of Agriculture, was discussed at the last meeting of the Provincial Board of Agriculture held in August 1921. The Government of Bombay (Transferred Departments) are pleased to pass the following orders.

1. Six Divisional Boards will be constituted for the following divisions :—

(*a*) Sind,

(*b*) Gujarat,

(*c*) Khandesh and Nasik,

(*d*) Deccan,

(*e*) Southern Maratha Country,

(*f*) Konkan.

Each Board is to consist of two officials and four non-officials, two of whom shall represent the co-operative movement and two shall be representatives of agriculture.

The Chairman of each Board will ordinarily be the Senior Official for the time being, who will be responsible for calling meetings and conducting correspondence. The Chairman shall have a casting vote in case of equality.

The Boards will control the portions of the Government grant for loans to Agricultural Societies now in the charge of the Registrar of Co-operative Societies and of the discretionary grants for propaganda purposes now in the charge of the Director of Agriculture, as distributed by those two officers among the divisions. The Boards will also advise on the application of the policy of the two Departments within the division and will have power to call for any information and data required from the Assistant Registrar or Assistant Registrars and the Deputy Director of Agriculture.

The Boards will meet at least once in a quarter, will keep regular proceedings and will report through the Chairman to the Director of Agriculture and the Registrar jointly.

All recommendations of the Boards will be considered by the Director and the Registrar sitting jointly, and orders on the proceedings or recommendations of the Boards will be issued by those officers jointly. In case of disagreement, the matter will be referred to the Minister for decision.

These Boards will not deal with the research work of the Agricultural Department or the Agricultural College.

2. The propaganda work of the Agricultural Department should be, by preference, done in connection with Co-operative Unions, or where they do not exist, with isolated Co-operative Societies. For this purpose :–

(*a*) A list of the Unions and Societies in each Division, with suggestions for openings for work, should be supplied to the Deputy Director of Agriculture for the Division concerned, and to the Director of Agriculture.

(*b*) A list of the Propaganda Agricultural Officers, and the special work they can do, with their range of action should be supplied to the Assistant Registrar for the Division concerned, and to the Registrar of Co-operative Societies.

(*c*) The work of the Agricultural Organizers appointed for Co-operative work should be controlled by the Director of Agriculture, their pay and travelling allowances being, however, met by the Co-operative Department on the certificate of the officer under whom they are working. Their diaries will be submitted to the Director of Agriculture, and their appointments should be made on the latter's recommendations. The Director of Agriculture will also be responsible for moving the Registrar to withhold their increments or to give them special promotions, and the Registrar will transfer, promote and reduce such officials or give them leave on the advice of the Director.

(*d*) A report on the work done by the Propaganda staff including Agricultural Organisers will be submitted to the Divisional Board by the department concerned every quarter and forwarded to the Director of Agriculture and the Registrar of Co-operative Societies, with the Board's remarks.

(*e*) The primary duty of the organizing members of the Propaganda staff will be to encourage co-operative development whenever possible and suitable.

(*f*) While the members of the Propaganda staff will, in general work through Co-operative Unions wherever existing as the most promising means of spreading agricultural improvements, yet they will not be precluded from giving their services to individuals where this is desirable, either from the absence of Co-operative organizations or from other exceptional circumstances.

(*g*) The work in any division should be normally under the control of the Assistant Registrar or the Deputy Director of Agriculture each in his sphere, and where there is an expert Propaganda Officer for the Presidency, directed from Poona, his services should be used in consultation with, and with the knowledge of the Assistant Registrar and the Deputy Director concerned.

No. 2962.

REVENUE DEPARTMENT.

Secretariat, Fort, Bombay.

Dated the 21st October 1921.

Forwarded to—

The Commissioner in Sind (with a request that the Press Note may be published in the *Sind Official Gazette*, and that printed copies of the translation of it into Sindhi may be distributed to the Editors of Sindhi Newspapers in Sind),
The Commissioners of Divisions,
All Collectors, including the Deputy Commissioner, Upper Sind Frontier,
The Director of Agriculture,
The Registrar of Co-operative Societies,
The Director of Information,
The Director of Industries,
The Accountant General,
The Oriental Translator to Government (with a request that the Press Note may be translated into Gujarati, Marathi and Kanarese and that printed copies of the translations may be distributed to the Editors of the Vernacular Newspapers in those languages in the Presidency proper including the Town and Island of Bombay),
The Manager, Government Central Press (with a request that the Press Note may be published in the *Bombay Government Gazette*),
The Superintendent, Government Printing and Stationery, Bombay,
The Editors' Tables and the Editors of Newspapers,
All Registered Libraries,
The Secretary to the Legislative Council (for the Reading Room for the Members of the Legislative Council),
The Non-Official Members of the Legislative Council,
The General Department,
The Political Department,
The Public Works Department,
The Financial Department.

By order of the Government of Bombay (Transferred Departments),

SHAMRAO D. MANKAR,
Under Secretary to Government.

## APPENDIX No. 26.

No. 2563—F.

EDUCATIONAL DEPARTMENT.

Bombay Castle, 13th October 1923.

Subject.—*Discharge*—
Ghate, Mr. G. S.
Application for re-instatement.

MEMORANDUM.

The undersigned presents compliments to the Director of Public Instruction and with reference to the correspondence ending with his letter no. B. 6867, dated the 21st August 1923, on the above subject, is directed to state that the following rule may be observed in future in discharging employees as a result of retrenchment, *viz.*, that the services of all acting men should be dispensed with first before any probationers are discharged, unless the work of the latter is reported to be *unsatisfactory* subsequently to their being made probationers.

2. In the case of the probationers already discharged Government are of opinion that subject to the proviso in paragraph 1 above the following procedure should be adopted :—

(*a*) they should be re-employed with as little delay as possible in accordance with the rule in paragraph 1 above if this can be done without causing more injustice;

(*b*) where this cannot be done they should be given the *first refusal* of any post which may fall vacant hereafter;

(*c*) if re-employed their previous probationary service should count for increments in fixing their initial pay on re-employment;

(*d*) the usual age limit should not be enforced.

The Director of Public Instruction is accordingly requested to consider all such cases and refer them to Government at a *very early* date for orders.

By order of the Government of Bombay
(Transferred Departments),

(Signed) G. WILES,
Secretary to the Government of Bombay,
Educational Department.

## APPENDIX No. 27.

*Statement showing the names, qualifications, etc., of officers promoted from the Subordinate Educational Service to the Bombay Educational Service during the last five years.*

| No. | Name. | Designation. | Qualifications. | Service on 1st July 1924. | | | Remarks. |
|---|---|---|---|---|---|---|---|
| | | *Administrative Branch—Men.* | | Y. | M. | D. | |
| 1 | K. G. Pundlik .. | Principal, Training College for Men, Poona. | B.A. | 27 | 2 | 25 | |
| 2 | *R. D. Advani.. | Deputy Educational Inspector, Hyderabad. | B.A. | 28 | 11 | 12 | Acting Head Master, N. J. High School, Karachi. |
| 3 | *L. G. Bhojwani. | Do. Karachi .. | B.A. | 24 | 6 | 20 | |
| 4 | *G. G. Padhye.. | Do. Ahmednagar. | B.A. | 26 | 10 | 16 | |
| 5 | *K. G. Gidwani . | First Superintendent, Director of Public Instruction's Office. | B.A. | 27 | 5 | 30 | |
| 6 | S. D. Contractor. | Personal Assistant to the Educational Inspector in Sind. | B.A. | 20 | 7 | 11 | Acting Educational Inspector in Sind. |
| 7 | J. P. Shroff .. | Head Master, High School, Godhra. | B.A. | 29 | 0 | 21 | |
| 8 | V. N. Nabar .. | Do. Bijapur .. | B.A. | 25 | 10 | 22 | Doing duty as Head Master, High School, Sholapur. |
| 9 | Rao Saheb S. L. Ugrankar. | Do. Karwar .. | B.A. | 23 | 10 | 15 | Doing duty as Head Master, High School, Belgaum. |
| 10 | *S. M. Dalal .. | Deputy Educational Inspector, Panch Mahals. | B.A. | 33 | 6 | 9 | |
| 11 | *C. N. Merani .. | Do. Sukkur .. | B.A. | 31 | 5 | 2 | |
| 12 | *D. C. Lakhumalani. | Do. Larkana .. | B.A. | 30 | 11 | 7 | |
| 13 | S. S. Deodhar .. | Principal, Training College, Dhulia. | B.A. | 29 | 5 | 29 | |
| 14 | *K. B. Shahani . | Deputy Educational Inspector, Thar and Parkar. | B.A. | 28 | 5 | 18 | |
| 15 | *H. K. Gokhale . | Do. Bijapur .. | B.A. | 23 | 8 | 17 | |
| 16 | *R. S. Dikshit . | Do. Poona .. | B.A. | 24 | 11 | 27 | |

*As Deputy Educational Inspectors were technically in the Subordinate service prior to 1st April 1921, the names of those who were permanent before that date have also been included. An asterisk has been placed against their names.

APPENDIX No. 27—*contd.*

| No. | Name. | Designation. | Qualifications. | Service on 1st July 1924. Y. | M. | D. | Remarks. |
|---|---|---|---|---|---|---|---|
| | | *Administrative Branch—Men—contd.* | | | | | |
| 17 | V. V. Sathaye .. | Personal Assistant to the Educational Inspector, C. D. | B.A. | 26 | 5 | 29 | |
| 18 | *G. P. Shah .. | Deputy Educational Inspector, Surat. | B.A. | 29 | 4 | 0 | |
| 19 | D. V. Joglekar.. | Head Master, High School, Thana. | B.A. | 31 | 10 | 30 | |
| 20 | N. A. Ghulamally. | Principal, Training College for Men, Hyderabad. | Matriculate. | 9 | 11 | 15 | |
| 21 | *Rao Saheb V. G. Sant. | Deputy Educational Inspector, Sholapur. | L.Ag. | 21 | 11 | 0 | |
| 22 | *D. V. Gangal .. | Do. Thana .. | B.A. | 24 | 5 | 10 | |
| 23 | *K. S. Dikshit .. | Do. Satara .. | B.A. | 24 | 0 | 16 | |
| 24 | M. N. Sabnis .. | Do. East Khandesh. | B.A. | 23 | 2 | 15 | |
| 25 | D. V. Mirchandani. | Head Master, High School, Hyderabad. | B.A. | 20 | 10 | 27 | |
| 26 | *G. I. Shah .. | Deputy Educational Inspector, Kaira. | B.A. | 21 | 11 | 21 | Doing duty as Personal Assistant to the Educational Inspector, Northern Division. |
| 27 | A. R. Sirdesai .. | Finance Superintendent, Director of Public Instruction's Office. | B.A. | 17 | 4 | 0 | |
| 28 | Ata Hussain .. | Deputy Educational Inspector, Aden. | B.A., L.T. | 16 | 6 | 20 | |
| 29 | G. B. Jamkhindi | Do. Dharwar .. | B.A. | 24 | 11 | 20 | |
| 30 | D. S. Naravala.. | Head Master, High School, Nadiad. | B.A. | 25 | 11 | 0 | |
| 31 | S. M. Advani .. | Do. Shikarpur | B.A. | 24 | 10 | 13 | |
| 32 | L. P. Wadhwani | Do. Larkana .. | B.A. | 23 | 9 | 14 | |
| 33 | *Khan Saheb Shaikh Bakerali Amerali. | Deputy Educational Inspector, Nasik. | Matriculate. | 26 | 11 | 30 | |
| 34 | Gulamnabi Dinmahomed Kazi. | Head Master, Nau shahro Madressah & High School. | B.A. | 11 | 2 | 30 | |
| 35 | D. R. Bapat .. | Personal Assistant to the Educational Inspector, B. D. | B.A. | 23 | 3 | 0 | |
| 36 | M. S. Tirodkar.. | Head Master, High School, Ratnagiri. | B.A. | 24 | 0 | 19 | |

* As Deputy Educational Inspectors were technically in the Subordinate service prior to 1st April 1921, the names of those who were permanent before that date have also been included. An asterisk has been placed against their names.

## APPENDIX No. 27—*contd.*

| No. | Name. | Designation. | Qualifications. | Service on 1st July 1924. | | | Remarks. |
|---|---|---|---|---|---|---|---|
| | | *Administrative Branch—Men—contd.* | | | | | |
| | | | | Y. | M. | D. | |
| 37 | S. R. Tawde .. | Deputy Educational Inspector, Ratnagiri. | B.A. (Bom.) M.A. T. Ed. (Columbia University). | 1 | 3 | 10 | |
| 38 | C. D. Daru .. | Head Master, High School, Ahmedabad. | B.A. | 27 | 10 | 22 | |
| 39 | A. C. Bangi .. | Head Master, Anglo-Urdu High School, Hubli. | B.A. | 14 | 0 | 19 | |
| 40 | *R. N. Perur .. | Deputy Educational Inspector, Kanara. | B.A. | 24 | 0 | 19 | |
| 41 | *M. I. M. K. Soomra. | Deputy Educational Inspector, Mulla Schools, Sukkur Division. | B.A. | 17 | 8 | 9 | |
| 42 | *Abdul Hak Abdula Shaikh. | Deputy Educational Inspector, Upper Sind Frontier. | Matriculate. | 19 | 2 | 24 | |
| 43 | *A. M. Divanji | Do. Broach .. | B.A. | 26 | 11 | 4 | |
| 44 | *Shaikh Abdul Kadar Ahmadi. | Do. Urdu Schools, N. D. | Matriculate. | 33 | 2 | 23 | |
| 45 | *A. H Kher .. | Deputy Educational Inspector, Kolaba. | B.A. | 24 | 0 | 0 | |
| 46 | *I. A. K. Ahmadi. | Do. Urdu Schools, Bombay. | B.A. | 22 | 10 | 20 | |
| 47 | *N. A. Khalique | Do. do. C. D. | B.A. | 6 | 6 | 14 | |
| 48 | *H. L. Lalwani | Deputy Educational Inspector, Nawabshah. | B.A. | 20 | 6 | 27 | |
| 49 | *M. R. Dabeer | Do. Urdu Schools, S. D. | Matriculate. | 18 | 4 | 13 | |
| 50 | B. V. Shah .. | Do. Ahmedabad. | B.A. | 20 | 2 | 24 | Doing duty as Dy. Edcl. Inspr., Kaira. |
| 51 | M. Hidayatulla | Head Master, Anglo Urdu High School Poona. | B.A. | 12 | 5 | 19 | |
| 52 | *V. S. Toro .. | Deputy Educational Inspector. for Visual Instruction. | B.A. | 10 | 0 | 17 | |

*As Deputy Educational Inspectors were technically in the Subordinate service prior to 1st April 1921, the names of those who were permanent before that date have also been included. An asterisk has been placed against their names.

## APPENDIX No. 27—*contd.*

| No. | Name. | Designation. | Qualifications. | Service on 1st July 1924. | | | Remarks. |
|---|---|---|---|---|---|---|---|
| | | *Collegiate Branch*— | *Men.* | Y. | M. | D. | |
| 53 | G. G. Narke .. | Professor of Chemistry & Geology, College of Engineering. | M.A. (Cal.) B.Sc. Mining (Man.) M.Sc. Geology Man). | 5 | 0 | 21 | |
| 54 | Mons. P. L. Charlier. | Professor of French, Gujarat College. | Bes. L. Brevet Superieur (Paris) | 11 | 11 | 16 | |
| 55 | K. V. Abhyankar. | Professor of Sanskrit, Gujarat College. | M.A. | 11 | 5 | 29 | |
| 56 | C. P. Saldanha.. | Professor of Mathematics, Karnatak College. | M.A. | 10 | 0 | 10 | |
| 57 | Khan Saheb A. M. Moulvi. | Professor of Persian. Karnatak College. | M.A. | 5 | 11 | 0 | |
| 58 | N. B. Mehta .. | Professor of Economic, History and Administration, Sydenham College of Commerce and Economics. | M.A. (Bom.) A.M. (Harward U.S.A) | 5 | 0 | 12 | On leave without pay. |
| 59 | M. G. Shastri .. | Lecturer in Sanskrit, Deccan College. | M.A. | 21 | 2 | 24 | |
| 60 | N. G. Mohile .. | Lecturer in Physics, Royal Institute of Science. | M.A., B.Sc. | 10 | 5 | 29 | |
| 61 | S. G. Deshpande | Lecturer in History and Political Economy, Gujarat College. | M.A. | 11 | 2 | 27 | |
| 62 | J. S. Commissariat. | Lecturer in English and Political Economy, Gujarat College. | M.A., LL.B. | 8 | 5 | 22 | |
| 63 | J. J. Asana .. | Lecturer in Zoology, Gujarat College. | M.A. | 9 | 0 | 10 | |
| 64 | J. C. P. D'Andrade. | Lecturer in Philosophy, Elphinstone College. | M.A., LL.B. | 11 | 5 | 29 | |
| 65 | M. H. Khare .. | Master in Engineering, College of Engineering. | L.C.E. | 8 | 6 | 15 | |
| 66 | S. V. Apte .. | Lecturer in Physics, College of Engineering. | M.A., B.Sc. | 11 | 7 | 0 | |
| 67 | S. N. Datar .. | Lecturer in Physics, Gujarat College. | M.A., B.Sc. | 7 | 0 | 1 | |

APPENDIX No. 27—*concld.*

| No. | Name. | Designation. | Qualifications. | Service on 1st July 1924. | | | Remarks. |
|---|---|---|---|---|---|---|---|
| | | *Collegiate Branch* — *Men*— contd. | | Y. | M. | D. | |
| 68 | S. M. Shah .. | Lecturer in Mathematics, Deccan College. | M.A. | 9 | 0 | 10 | |
| 69 | V. H. Anklesaria | Lecturer in English, Secondary Training College. | B.A. | 17 | 4 | 9 | |
| 70 | R. L. Alimchandani. | Lecturer in Chemistry. | M.Sc. | 6 | 0 | 11 | |
| | | *Special Branch—Men.* | | | | | |
| 71 | J. G. Mehta .. | Principal and Teacher of Textile Work, R. C. Technical Institute, Ahmedabad. | L.T.M. & 1st Class Mechl. Engng. | 7 | 5 | 12 | |
| 72 | M. V. Dhurandhar. | Teacher of Drawing, School of Art. | 3rd Gr. Art, Drg. Teacher's & Art Master's Cert. | 28 | 5 | 0 | |
| 73 | A. X. Trindade | Superintendent, Reay Art Workshops, School of Art. | Do. | 26 | 4 | 18 | |
| 74 | L. N. Taskar .. | Teacher of Normal Class, School of Art. | Do. | 24 | 7 | 0 | |
| | | *Administrative Branch* — *Women.* | | | | | |
| 75 | Miss M. J. Wadia. | 1st Assistant, Training College for Women, Poona. | B.A. | 16 | 5 | 9 | |
| 76 | Miss K. Laxton | Head Mistress, Anglo-Vernacular Girls' School, Dharwar. | P.E. | 16 | 4 | 12 | |
| 77 | Miss H. M. Fielding. | Assistant Lady Superintendent and Head Mistress of the Training College for Women and Girls' High School, Ahmedabad. | Cam. Higher Local and Cam. Teachers' Diploma. | 10 | 10 | 0 | |

## APPENDIX No. 28.

### Bombay Port Trust.

*Statement showing the new major works sanctioned by Government for the Bombay Port Trust during the last ten years.*

| Work. | Remarks. |
|---|---|
| Oil Pier at Trombay with pipe line communication to Sewri. | This work was undertaken as an urgent war measure to provide facilities for the discharge of petrol in bulk at this port. Wharfage charges on oils have been fixed taking capital expenditure on this scheme into account. |
| Lay-out of the Ballard Estate. | The work has not yet been completed, but most of the plots have been leased at very advantageous rates to the Port Trust. |
| New Cotton Depot at Mazagon. | This Depot will be completed during the current year. The rentals of the godowns and jaithas have been fixed to give an economic return on the capital expenditure. |
| Lay-out of the Wadala Reclamation. | This work is not yet complete, but a few plots have been leased at good rentals. |
| Liquid fuel pipe lines for discharge and bunkering of vessels in docks. | This work has been undertaken in view of the growing importance of oil fuel. Wharfage on liquid fuel has been fixed to cover the interest and sinking fund charges on the capital expenditure and other services. |
| New bunder for coal, etc., at Mazagon.<br>New Manganese ore depot on the Mazagon Sewri Reclamation.<br>Lay-out of the Colaba Cotton Green and filling in Oliver's Folly and Arthur Basin. | These works are in progress. |

*Note.*—It is not possible to work out accurately the percentage return on the capital outlay of each individual work, as charges levied generally cover not only the expenses of the particular work but also the working expenses of the Port as a whole.

APPENDIX

*Statement showing the number of dacoities committed in Bombay City*

| Year. | Total No. of dacoities. | No. of dacoities committed by | | | |
|---|---|---|---|---|---|
| | | Pathans. | Other than Pathans. | Pathans and others together. | Persons unknown. |
| 1921 .. | 9 | 2 | 7 | .... | .... |
| 1922 .. | 17 | 5 | 12 | .... | .... |
| 1923 .. | 14 | 4 | 7 | 3 | .... |
| 1924 (up to the end of May). | 6 | 1 | 3 | .... | 2 |

No. 29.

*in the years 1921, 1922, 1923 and up to the end of May 1924.*

| No. of victims of the dacoities. | | | | | No. of dacoities in which the perpetrators were | | | |
|---|---|---|---|---|---|---|---|---|
| Hindus. | Mahomedans. | Parsees. | Indian Christians. | Europeans. | Traced. | Convicted. | Discharged. | Remarks. |
| 12 | 1 | .. | .. | .. | 5 | 3 | 2 | |
| 12 | 4 | .. | 1 | 1 | 7 | 6 | 1 | |
| 17 | 2 | .. | .. | .. | 9 | 7* | 2 | *In one of these cases some of the accused were convicted while the others were discharged. |
| 5 | .. | 1 | .. | .. | 1 | 1 | .. | |

## APPENDIX

*Statement showing the number of dacoities committed in the Bombay*

| Year. | Total No. of dacoities. | No. of dacoities committed by | | |
|---|---|---|---|---|
| | | Pathans. | Other than Pathans. | Persons unknown. |
| 1921, 1922, 1923 up to the end of May. | 12 | 2 | 5 | 5 |

No. 29—*contd.*

*Suburban District in 1921, 1922, and 1923 up to the end of May.*

| No. of victims of dacoits. | | | No. of dacoities in which the perpetrators were | | Remarks. |
|---|---|---|---|---|---|
| Hindus. | Mahomedans. | Parsis. | Arrested. | Punished in a Court of Law. | |
| 9 | 1 | 2 | 25* | 14* | * In 7 dacoities. |

## APPENDIX No. 30.

*Statement showing the area irrigated on Mŭthrao and the expenditure incurred on its maintenance and repairs.*

| Year. | Area irrigated. | | | Area under | | Expenditure on maintenance and repairs. |
|---|---|---|---|---|---|---|
| | Kharif. | Rabi. | Total. | Rice. | Cotton. | |
| | Acres. | Acres. | Acres. | Acres. | Acres. | Rs. |
| 1908-09 .. | 102,961 | 8,190 | 111,151 | 69,768 | 15,440 | 60,106 |
| 1909-10 .. | 82,931 | 20,412 | 103,343 | 66,597 | 5,908 | 64,220 |
| 1910-11 .. | 93,954 | 19,114 | 113,068 | 70,714 | 13,205 | 64,813 |
| 1911-12 .. | 98,591 | 24,620 | 123,211 | 67,990 | 21,849 | 90,578 |
| 1912-13 .. | 107,570 | 13,89[illegible] | 121,468 | 66,150 | 22,250 | 64,940 |
| 1913-14 .. | 115,975 | 13,187 | 129,162 | 66,668 | 32,132 | 72,485 |
| 1914-15 .. | 108,093 | 23,409 | 131,502 | 61,451 | 31,033 | 49,744 |
| 1915-16 .. | 99,907 | 29,458 | 129,365 | 69,389 | 11,190 | 67,413 |
| 1916-17 .. | 104,052 | 23,337 | 127,389 | 55,094 | 24,859 | 59,257 |
| 1917-18 .. | 97,026 | 19,429 | 116,455 | 52,870 | 29,345 | 35,265 |
| 1918-19 .. | 101,216 | 5,163 | 106,379 | 48,986 | 40,992 | 1,02,813 |
| 1919-20 .. | 96,306 | 9,439 | 105,745 | 36,183 | 37,890 | 1,09,407 |
| 1920-21 .. | 89,573 | 632 | 90,205 | 38,010 | 35,374 | 1,34,754 |
| 1921-22 .. | 70,780 | 5,848 | 76,628 | 18,802 | 11,401 | 1,33,215 |
| 1922-23 .. | 88,259 | 9,510 | 97,769 | 30,182 | 33,677 | 1,45,238 |

## APPENDIX No. 31.

*Establishments.*

*Collector of Thana.*

Reduction of nine posts of clerks on the subordinate Revenue — and transfer to District Local Board, Thana.

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Resolution No. 7935.

Bombay Castle, 20th June 1923.

Letter from the Collector of Thana No. E. S. T.-140 dated 13th December 1922 :—

"With reference to your No. E. S. T. -743 of 30th March 1921, I have the honour to state that the number of posts to be transferred to the District Local Board is nine and not ten as reported in this office No. E.S.T.-140 of 26th November 1920. The number of clerks doing Local Board work is actually ten but the post of one clerk sanctioned for Umbergaon Mahal was not amalgamated with the Land Revenue Establishment of this district as sanctioned in Government Resolution, General Department, No. 7551 of 29th September 1915 and consequently only nine posts and not ten are now to be transferred to the District Local Board, Thana.

"2. The nine posts amalgamated as per Government Resolution No. 7551 of 29th September 1915 and their pay according to the recent revision are as shown below :—

| No. of posts. | Pay according to old scale. | Pay according to revision. |
|---|---|---|
| | Rs. | Rs. |
| 2 .. | .. 30 | 50 |
| 1 .. | .. 25 | 45 |
| 6 .. | .. 20 | 35 |

All these posts are in the grade of Rs. 30—$\frac{5}{2}$—80 according to the recent revision. Prior to 1917 it was the practice, it appears, to show clearly in each office order of promotion or appointment the names of clerks borne on the Local Board Establishment. Since 1917 this practice has been discontinued and it is not possible to ascertain what particular clerks hold the Local Board posts amalgamated with the Revenue Establishment. The information as regards the length of service of the clerks to be transferred cannot therefore be supplied unless the names of clerks to be transferred are fixed in the first instance.

"3. The Local Board is willing to accept any clerks in the grade of Rs. 30—$\frac{5}{2}$—80 and even candidates. It appears that the Board will not be prepared to accept clerks on pay higher than that shown in paragraph 2 as thereby the sanctioned amount will be exceeded.

"4. None of the clerks now working as Local Board clerks are willing to have their services transferred to the Local Board as the Board is not prepared to pay pension contribution for the posts but intends to make Provident Fund arrangements. It is not therefore possible to select nine clerks either from the bottom of the permanent establishment list or from the bottom of the required stages in the grade of Rs. 30—$\frac{5}{2}$—80 and transfer them to the Local Board establishment against their will.

"5. It will thus be seen that the separation cannot be effected in the way suggested by the Accountant General in paragraph 1 of his letter to your address No. Pen-Con-6-3531 dated 25th February 1921. The question of the separation is thus rather difficult but it seems possible to adopt one of the following courses :—

(1) To select nine men from the list most junior in service and order their transfer to the Local Board irrespective of their unwillingness under article 436 of the Civil Service Regulations.

(2) To allow the District Local Board to fill up vacancies as they occur in the Revenue Establishment till they get the required number.

(3) To suspend the liens of nine out of 13 clerks on deputation in the Bombay Development and Building sites department under Rule 13 of the Fundamental Rules.

"6. Out of the three courses suggested I am not in favour of the second one as it will take nearly three years to effect complete separation owing to retrenchment and I shall have no opportunity to strengthen my establishment during the period by employing graduates and qualified men who are now seeking employment. I therefore consider that the first course will be the most suitable. I have the honour to request you to issue orders whether the first course may be adopted."

Memorandum from the Commissioner, N. D., No. E.S.T.—743 dated 17th April 1923 :—

"Copy with a copy of the Accountant General, Bombay's No. T.A. III-Thana-9-3852 dated 27th March 1923 submitted to Government with a request that in the circumstances reported by the Collector sanction may be accorded to the separation of the nine clerks from the Collector of Thana's Revenue establishment and to their transfer to the District Local Board, Thana, as suggested by the Collector in paragraph 5 (1) of his above letter. It is not possible to transfer the services of these nine clerks to the Board on Foreign Service conditions either under article 763 or article 805 of the Civil Service Regulations as the Board is not prepared to pay leave and pension contribution in respect of these clerks."

RESOLUTION.—Sanction is accorded to the reduction of nine posts of clerks in the grade of Rs. 30—5/2—80 in the Subordinate Revenue Service

of the Thana District. The present incumbents should be given the option of transfer of their services to the District Local Board, Thana. They should be informed that if they refuse to accept the offer, they will have no claim to pension or gratuity under article 436 of the Civil Service Regulations.

2. The Commissioner, Northern Division, should be requested to report whether in view of the abolition of these posts reduction cannot be effected in the next higher grade by bringing some posts down to the grade of Rs. 30—5/2—80 in order to keep up the existing proportion.

By order of the Governor in Council,

A. R. DALAL,

Deputy Secretary to Government.

To

The Commissioner, N. D.,
The Collector of Thana,
The Accountant General,
The General Department,
The Finance Department.

## APPENDIX No. 32.

*Statement showing the Pasture lands in charge of the Forest Department in the Satara District.*

| Name of Range. | Number of villages. | Area under Forest proper in which cattle are allowed to graze on payment of fees. | Amount of grazing fees received annually from lands in Column 3. | Remarks. |
|---|---|---|---|---|
| | | Acres. | Rs. | |
| Karad .. .. | 132 | 43,522 | 8,356 | |
| Patan .. .. | 147 | 105,063 | 3,298 | |
| Dahiwadi .. .. | 89 | | 5,676 | |
| Satara .. .. | 259 | 91,295 | 15,262 | |
| Koregaon .. .. | | | | |
| Khatav .. .. | | | | |
| Mahableshwar .. | 224 | 57,283 | 3,622 | |
| | 851 | 297,163 | 36,214 | |

## APPENDIX No. 32—*contd.*

*Statement showing the Pasture lands in charge of the Revenue Department in the Satara District.*

| Name of Taluka. | Number of villages. | Area of pasture land wherein cattle are allowed to graze on payment of fees. | Amount of grazing fees received annually from lands in column 3. | Remarks. |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | | A. g. | Rs. a. p. | |
| Satara .. .. | 15 | 571 37 | 1,644 12 0 | |
| Wai .. .. | 4 | 84 36 | 5 4 6 | |
| Khatav .. .. | 31 | 14,713 20 | 885 0 0 | An average of the last 3 years is given in some cases where the amounts of grazing fees are not fixed. |
| Tasgaon .. .. | 22 | 18,395 17 | 1,385 10 8 | |
| Walwa .. .. | 10 | 3,129 0 | 235 15 0 | |
| Khanapur .. .. | 47 | 16,246 0 | 2,025 0 0 | |
| Karad .. .. | 9 | 1,153 2 | 90 0 0 | |
| Man .. .. | 72 | 46,963 23 | 1,953 5 8 | |
| Jaoli .. .. | *Nil.* | .... | .... | |
| Koregaon .. .. | 4 | 165 8 | 31 4 0 | |
| Satan .. .. | 1 | 139 39 | 10 0 0 | |
| Shirala .. .. | 9 | 66 3 | .... | |
| Mahableshwar .. | *Nil.* | .... | .... | |
| Khandala .. .. | 8 | 2 345 27 | 159 6 0 | |

APPENDIX

| No. | Name of the residential bungalows. | Year in which it was acquired or built. | Total cost of the bungalow including land and outhouses. | Rent of the bungalow calculated on the basis of the usual percentage of its capital cost. | Registered rent of the bungalow. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | Rs. | Rs. a. p. | Rs. a. p. |
| 1 | Executive Engineer's bungalow and outhouses. | Unknown .. | B. 9,894<br>L. 13,050 | 41 0 0 | 53 5 0 |
| 2 | Bungalow for Assistant Collector of Salt and Excise. | Purchased in 1918-1919. | B. 24,950<br>L. 3,354 | 104 0 0 | 66 11 0 |
| 3 | Main Shahi Bagh .. | Unknown .. | B. 55,141<br>L. *Nil.* | 230 0 0 | 170 0 0 |
| 4 | Chhota Shahi Bagh.. | Do. .. | B 19,424<br>L. *Nil.* | 81 0 0 | 53 0 0 |
| 5 | Collector's bungalow with outhouses. | 1912-13 .. | B. 33,653<br>L. 47,765 | 140 0 0 | 140 4 0 |
| 6 | Bungalow No. 33 Camp. | 1913-14 .. | B. 5,457<br>L. 18,634 | 22 0 0 | 38 0 0 |
| 7 | Bungalow No. 35 for the residence of the District Judge. | Do .. | B. 24,169<br>L. 49,247 | 100 0 0 | 107 0 0 |
| 8 | Bungalow No. 47 for Telegraph Supdt. Now used as residence of Civil Surgeon. | 1910-11 .. | B. 18,482<br>Cantonment land on lease. | 77 0 0 | 66 15 0 |
| 9 | Bungalow No. 1-A Camp. | 1923-24 .. | B. 34,994<br>L. 29,040 | 364 0 0 | Please see note (1) |
| 10 | Bungalow No. 2-A Camp. | Do. .. | B. 35,122<br>L. 40,656 | 422 0 0 | |
| 11 | Bungalow No. 3-A Camp. | Do. .. | B. 34,992<br>L. 40,414 | 421 0 0 | |
| 12 | Bungalow No. 4-B | Do. .. | B. 27,258<br>L. 31,460 | 327 0 0 | |
| 13 | Bungalow No. 5-B | Do. .. | B. 27,289<br>L. 34,848 | 344 0 0 | |

33.

| Name and designation of the officer who was occupying the bungalow on the 1st July 1924. | Salary of the officer occupying the bungalow. | Rent (exclusive of rent in respect of sanitary and electric installation, etc.), which the officer is paying. | Difference between the rent as calculated on capital basis and the rent paid by the officer. | Percentage loss on the officer's salary. |
|---|---|---|---|---|
| 7 | 8 | 9 | 10 | 11 |
| | Rs. a. p. | Rs. a. p. | Rs. a. p. | |
| Vacant, as the acting Ex. Engr. lives in the upper floor of the Gujarat Irrigation Ex. Engr's bungalow, *vide* item No. 20. | 1,250 0 0 | .. | 125 0 0 | .. |
| Mr. Joseph Dyas, Superintendent of Salt and Excise. | 460 0 0 | 46 0 0 | 58 0 0 | 12·6 |
| Mr. F. G. Pratt, Commissioner, N. D. | 3,500 0 0 | 170 0 0 | 60 0 0 | 1·7 |
| Mr. W. L. K. Hirapath, Superintendent of Police. | 1,000 0 0 | 53 0 0 | 28 0 0 | 2·8 |
| Mr. J. H. Garrett, Collector .. | 2,350 0 0 | 140 4 0 | .. | .. |
| Mr. J. L. Pinto, Assistant Dir. of Public Health. | 933 5 0 | 38 0 0 | .. | .. |
| Mr. E. Clements, District Judge .. | 2,650 0 0 | 107 0 0 | .. | .. |
| Mr. N. M. Kamte, Pro. Asstt. Supdt. of Police. | 325 0 0 | Rent not charged. | 77 0 0 | 23·7 |
| Mr. M. D. Bhat, Assistant Collr. .. | 700 0 0 | 70 0 0 | 294 0 0 | 42 |
| Navabzada Sayad Alam Khan, Pro. Deputy Collector. | 250 0 0 | 25 0 0 | 397 0 0 | 158·8 |
| Mr. K. L. Panjabi, Supernumerary Asstt. Collector. | 650 0 0 | 65 0 0 | 356 0 0 | 54·7 |
| Mr. W. H. Philips, Inspr. of Factories. | 550 0 0 | 55 0 0 | 272 0 0 | 49·4 |
| Mr. G. R. Barve, Asstt. to the Commissioner, N. D. | 500 0 0 | 50 0 0 | 294 0 0 | 58·8 |

APPENDIX

| No. | Name of the residential bungalows. | Year in which it was acquired or built. | Total cost of the bungalow including land and outhouses. | Rent of the bungalow calculated on the basis of the usual percentage of its capital cost. | Registered rent of the bungalow. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | Rs. | Rs. a. p. | |
| 14 | Bungalow No. 6-B | 1923-24 .. | B. 26,900<br>L. 13,310 | 235 0 0 | Please see note (1). |
| 15 | Bungalow No. 7-A | Do. .. | B. 34,407<br>L. 35,090 | 390 0 0 | |
| 16 | Bungalow No. 8-B | Do. .. | B. 27,386<br>L. 29,040 | 316 0 0 | |
| 17 | Bungalow No. 9-B | Do. .. | B. 27,361<br>L. 19,360 | 268 0 0 | |
| 18 | P. W. D. Subdte. Bungalow, Camp. | 1900-01 .. | 5,428 | 22 9 0 | 22 9 0 |
| 19 | Old Dhulia Kote Jail Buildings at Ahmedabad. | Unknown .. | B. 5,668<br>L. 30,831 | 24 0 0 | 23 9 4 |
| 20 | Bungalow for the Ex. Engr., Gujarat Irrign. Dist., upper floor occupied by Mr. P. S. Chokshi, Acting Ex. Engr., Ahmedabad District. | 1913 .. | B. 6,152<br>L. 13,974 | 26 0 0 | 26 0 0 |

*Note* (1).—Rent statements for bungalows, items 9 to 17 both inclusive, are yet

33—*contd.*

| Name and designation of the officer who was occupying the bungalow on the 1st July 1924. | Salary of the officer occupying the bungalow. | Rent (exclusive of rent in respect of sanitary and electric installation, etc., which the officer is paying. | Difference between the rent as calculated on capital basis and the rent paid by the officer. | Percentage loss on the officer's salary. |
|---|---|---|---|---|
| 7 | 8 | 9 | 10 | 11 |
| | Rs. a. p. | Rs. a. p. | Rs. a. p. | |
| Mr. J. R. Allan, Inspector of Boiler & Smoke Nuisance. | 660 0 0 | 66 0 0 | 169 0 0 | 25·6 |
| Mr. H. M. Willis, Assistant to the Collector. | 1,100 0 0 | 110 0 0 | 280 0 0 | 25·4 |
| Mr. A. F. Clarke, Dy. Supdt. of Police. | 400 0 0 | 40 0 0 | 276 0 0 | 69 |
| Captain, F. R. Ommaney, Pro. D. S. P. | 550 0 0 | Rent free | 268 0 0 | 48·7 |
| Mr. S. G. Pandya, Assistant Engineer. | 370 0 0 | 22 9 0 | .. | .. |
| Mr. B. N. Seal, Pro., Gujarat College. | 700 0 0 | 23 9 4 | .. | .. |
| Mr. P. S. Chokshi, L.C.E., Ag. Ex. Engr., Ahmedabad District. | 1,000 0 0 | 26 0 0 | .. | .. |

to be sanctioned. The registered rent has therefore not been filled in.

## APPENDIX No. 34.

*Statement showing the details regarding Vethias or Vartanias in the Gujarat Districts, asked for in clauses (e) to (g) of the Question.*

| Serial No. | Name of Taluka. | No. of Vethias or Vartanias. | Total remuneration. | Cash remuneration received by Vethias or Vartanias. | Remuneration received by Vethias or Vartanias in the form of remission of the land revenue demand of lands in their possession. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | *Ahmedabad District.* | | Rs. a. p. | Rs. a. p. | Rs. a. p. |
| 1 | North Daskroi .. | 197 | 7,323 8 6 | 945 15 6 | 6,377 9 0 |
| 2 | South Daskroi .. | 131 | 8,474 10 4 | 1,285 7 4 | 7,189 3 0 |
| 3 | Viramgam .. | 173 | 4,083 12 5 | 1,582 12 5 | 2,501 0 0 |
| 4 | Prantij .. | 219 | 5,042 13 1 | 213 12 6 | 4,829 0 7 |
| 5 | Dhandhuka .. | 39 | 1,526 9 10 | 556 5 10 | 970 4 0 |
| 6 | Dholka .. | 124 | 7,113 2 0 | 2,680 8 0 | 4,432 10 0 |
| 7 | Sanand .. | 60 | 2,166 14 0 | 696 0 0 | 1,470 14 0 |
| 8 | Modasa .. | 97 | 2,576 0 0 | 376 0 0 | 2,200 0 0 |
| 9 | Gogho .. | 9 | 272 4 0 | 216 0 0 | 56 4 0 |
| | Total .. | 1,049 | 38,579 10 2 | 8,552 13 7 | 30,026 12 7 |
| | *Kaira District.* | | | | |
| 1 | Mehmadabad .. | 146 | 7,344 0 0 | 7,344 0 0 | *Nil.* |
| 2 | Matar .. | 183 | 8,952 0 0 | 8,952 0 0 | *Nil.* |
| 3 | Kapadvanj .. | 178 | 8,851 0 0 | 8,793 0 0 | 58 0 0 |
| 4 | Nadiad .. | 251 | 12,278 6 0 | 11,779 2 0 | 499 4 0 |
| 5 | Anand .. | 209 | 10,648 0 0 | 10,584 0 0 | 64 0 0 |
| 6 | Borsad .. | 270 | 12,035 7 6 | 10,090 6 6 | 1,945 1 0 |
| 7 | Thasra .. | 155 | 7,315 7 0 | 6,730 5 0 | 585 2 0 |
| | Total .. | 1,392 | 67,424 4 6 | 64,272 13 6 | 3,151 7 0 |
| | *Panch Mahals District.* | | | | |
| 1 | Godhra .. | 320 | 3,308 12 0 | 1,793 10 0 | 1,515 2 0 |
| 2 | Kalol .. | 42 | 1,549 1 0 | 1,319 5 0 | 229 12 0 |
| 3 | Halol .. | 69 | 1,635 12 0 | 822 0 0 | 813 12 0 |
| 4 | Dohad .. | 96 | 1,759 6 0 | 431 0 0 | 1,328 6 0 |
| 5 | Jhalod .. | 80 | 1,359 11 3 | 308 3 3 | 1,051 8 0 |
| | Total .. | 607 | 9,612 10 3 | 4,674 2 3 | 4,938 8 0 |

APPENDIX No. 34—*contd.*

| Serial No. | Name of Taluka. | No. of Vethias or Vartanias. | Total remuneration. | Cash remuneration received by Vethias or Vartanias. | Remuneration received by Vethias or Vartanias in the form of remission of the land revenue demand of lands in their possession. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | *Broach District.* | | Rs. a. p. | Rs. a. p. | Rs. a. p. |
| 1 | Jambusar .. | 453 | 10,946 13 2 | 2,407 15 2 | 8,538 14 0 |
| 2 | Amod .. | 264 | 5,874 8 3 | 1,945 10 3 | 3,928 14 0 |
| 3 | Wagra .. | 338 | 5,455 12 0 | 1,644 15 0 | 3,810 13 0 |
| 4 | Broach .. | 450 | 8,991 11 8 | 3,172 3 8 | 5,819 8 0 |
| 5 | Ankleshwar .. | 294 | 5,119 14 11 | 2,522 10 11 | 2,597 4 0 |
| 6 | Hansot .. | 116 | 4,320 0 0 | 3,109 0 0 | 1,211 0 0 |
| | Total .. | 1,915 | 40,708 12 0 | 14,802 7 0 | 25,906 5 0 |
| | *Surat District.* | | | | |
| 1 | Pardi .. | 140 | 4,748 2 6 | 2,527 6 0 | 2,220 12 6 |
| 2 | Chikli .. | 166 | 4,339 3 0 | 1,019 9 0 | 3,319 10 0 |
| 3 | Jalalpur .. | 559 | 10,550 0 0 | 2,099 2 6 | 8,450 13 6 |
| 4 | Bulsar .. | 265 | 9,034 6 0 | 3,583 7 6 | 5,450 14 6 |
| 5 | Valod .. | 101 | 2,927 15 0 | 745 0 0 | 2,182 15 0 |
| 6 | Olpad .. | 248 | 7,840 10 10 | 2,983 1 5 | 4,857 9 5 |
| 7 | Mandvi .. | 179 | 5,910 14 0 | 1,175 12 0 | 4,735 2 0 |
| 8 | Bardoli .. | 239 | 8,132 8 0 | 1,744 7 3 | 6,388 0 9 |
| 9 | Chorasi .. | 78 | 2,808 0 0 | 962 14 0 | 1,845 2 0 |
| | Total .. | 1,975 | 56,291 11 4 | 16,840 11 8 | 39,450 15 8 |

## APPENDIX No. 35.

*Educational qualifications of Europeans and Anglo-Indians holding appointments of Rs. 500 and over in the Bombay Port Trust.*

| Educational qualifications. | No. of Officers. |
|---|---|
| *General Administration.* | |
| B.A. (Cantab.) .. .. | 2 |
| Public School (England) .. | 15 |
| B.A. (Bombay) .. .. | 1 |
| Undergraduate (Bombay) and examination in advanced accountancy and Book-keeping with distinction .. .. | 1 |
| Matriculate .. .. | 1 |
| Matriculate and School Final .. | 1 |
| Senior Cambridge .. .. .. | 3 |
| Government High School and Entrance Examination Survey of India .. .. | 1 |
| Matriculation Standard .. | 11 |
| Matriculation Standard and professional education in Accountancy and Auditing, etc. | 1 |
| P.A.S.I., M.R.S.I. .. .. | 1 |
| Bengal Government Entrance Examination .. .. | 1 |
| *Civil, Mechanical and Electrical Engineering.* | |
| M.A., M.A.I., M Inst.C.E., M.I. Mech.E. .. .. | 1 |
| M.Inst.C.E. .. .. | 3 |
| M.A., A.M.I.C.E. (Mechanical Science Tripos (Cambridge) .. | 1 |
| B.Sc. (Hons.), A.M.I.C.E. .. | 1 |
| M.S.A. .. .. | 1 |
| A.M.I.C.E. .. .. | 2 |
| A.M.I.E.E. .. .. | 1 |
| M.I.Mech.E. .. .. | 1 |
| A.M.I.Mech.E., A.M.I.E. (India) Extra 1st class, B.O.T. 1st class and B.B.A. Certificate .. | 1 |
| *Civil, Mechanical and Electrical Engineering*—contd. | |
| M.I.Mar. E., B.O.T. 1st class and B.B.A. Certificate .. .. | 1 |
| B.O.T. 1st class and B.B.A. Certificate .. .. | 8 |
| B.O.T. 1st class .. .. | 13 |
| B.O.T. 2nd class and B.B.A. Certificate .. .. | 2 |
| B.O.T. 2nd class .. .. | 5 |
| Shipwright 1st class .. .. | 1 |
| Technical College .. .. | 5 |
| Mechanical Engineering Motor Power .. .. | 1 |
| Entrance Examination, Civil Engineering College, Roorkee .. | 1 |
| Mechanical and Structural Engineering .. .. | 1 |
| Architectural Course H. M.'s Dockyard, and 2nd class B.O.T. Certificate for Naval Architecture .. .. | 1 |
| Apprenticeship served in various trades .. .. | 4 |
| Professional Diver .. .. | 1 |
| *Navigation.* | |
| Master Mariners .. .. | 22 |
| 1st class Inland Master's Certificate .. .. | 1 |
| B.O.T. Certificate for Master of Foreign-going vessels .. | 3 |
| Signalmen .. .. | 4 |
| Naval Apprenticeship .. | 4 |

# APPENDIX No. 36.

APPENDIX

*Assistant Surgeons*

| (*a*) Number of Assistant Surgeons in the Bombay Provincial Service in | | (*b*) Number of appointments held by | | Number of temporary last three years (from and Sind respec | |
|---|---|---|---|---|---|
| Presidency proper. | Sind. | Sindhi Hindus. | Sindhi Musalmans. | Sindhis. | Service put in. |
| 53 | 11 | 4 | *Nil.* | 4 | One had put in 6 years' service, one 5 years, one 4 years and one one and half years. |

*N.B.*—There are 10 Bombay Medical Service Officers

No. 36.

*in Bombay Presidency.*

| (c) hands discharged during the the Presidency proper tively). | | (d) Number of discharged hands taken back into Government service. | | | |
|---|---|---|---|---|---|
| Non-Sindhis. | Service put in. | Sindhis. | Service put in. | Non-Sindhis. | Service put in. |
| 13 | One had put in 5 years' service, five 4 years, three 3 years, one 2 years and one 3 years. | 1 | 4 years | *Nil.* | |

in addition to the above number of appointments.

APPENDIX

*Statement showing establishment*

| Name of Department. | Class of appointment gazetted or non-gazetted. | Grade. | Euro-pean. | Hin-dus. |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | *Gazetted.* | | | |
| P. W. Deptt. .. | Chief Engineer .. | 2,750—125—3,000 | 1 | .. |
| | Superintending Engineers .. | 1,750—100—2,150 | 3 | 1 |
| | Executive Engineers and Assistant Executive Engineers. | 300—50—1,300 | 4 | 8 |
| | Assistant Engineers .. | 250—20—750 | 1 | 23 |
| | Temporary Executive Engineers .. | 800—50—1,700 | 2 | .. |
| | Temporary Assistant Executive Engineers. | 550—50—900 | .. | 1 |
| | Temporary Assistant Engineers .. | 310—20—750 | 4 | 11 |
| Rev. Deptt. .. | Revenue Officer .. | Superior time scale p. 2,250. | 1 | .. |
| | Chitnis to the Revenue Officer .. | 200—15—2—260 275—15—350 | .. | .. |
| | Land Acquisition Officer .. | Do. | .. | 1 |
| | Special Mukhtiarkar for preparation of records in recess season. | 200—15—2—260 275—15—350 | .. | 1 |
| Audit Officer L.B. & C.C. .. | Audit Officer .. | Pay 1,750 .. | 1 | .. |
| | Assistant Audit Officer .. | Pay 740 .. | .. | 1 |
| | Total (Gazetted) .. | | 17 | 50 |
| | *Non-Gazetted.* | | | |
| P. W. Deptt. .. | Upper Subordinate Permanent .. | 100—12—460 | .. | 19 |
| | Upper Subordinate Temporary .. | 126—12—510 | 1 | 24 |
| | Lower Subordinate Permanent .. | 60—5—150 | .. | 7 |
| | Lower Subordinate Temporary .. | 80—5—200 | .. | 78 |
| | Special Senior Superintendent .. | 600—50—700 | .. | 1 |
| | Senior Superintendent .. | 350—25—500 | .. | .. |
| | Junior Superintendent .. | 300—10—350 | .. | 1 |
| | Head clerks and First Assistants (Administrative Offices). | 220—10—300 | .. | 7 |
| | Junior Assistants .. | 150—5—200 | .. | 6 |
| | Head clerks to Executive Engineers and Senior clerks in Administrative Offices. | 130—5—180 | .. | 17 |
| | Other clerks .. | 30—5/2—70 to 105—5—125 | .. | 137 |
| | Draftsman and Tracers .. | .... | .. | 43 |
| | Store-keepers .. | .... | .. | 12 |
| Rev. Deptt. .. | Clerk .. | 105—5—140 | .. | .. |
| | Clerk .. | 80—½—100 | .. | .. |
| | Typist .. | 70—½—80 | .. | .. |
| | Clerks .. | 80 | .. | 2 |
| | Tapedars .. | 50 Consolidated | .. | 1 |
| | Head classers .. | 100 to 130 | .. | 1 |
| | Clerks .. | 80 | .. | 2 |

No. 37.

*employed on the Lloyd Barrage.*

| Mahomedans. | Other castes. | Total. | Sindhis. | Non-Sindhis. | Remarks. |
|---|---|---|---|---|---|
| 6 | 7 | 8 | 9 | 10 | 11 |
| .... | .... | 1 | .... | 1 | |
| .... | 1 | 5 | .... | 5 | |
| .... | 1 | 13 | 3 | 10 | |
| .... | 1 | 25 | 12 | 13 | |
| .... | .... | 2 | .... | 2 | |
| .... | 1 | 5 | 3 | 2 | |
| 4 | 2 | 21 | 7 | 14 | |
| .... | .... | 1 | .... | 1 | |
| 1 | .... | 1 | 1 | .... | |
| .... | .... | 1 | 1 | .... | |
| .... | .... | 1 | 1 | .... | |
| .... | .... | 1 | .... | 1 | |
| .... | .... | 1 | .... | 1 | |
| 5 | 6 | 78 | 28 | 50 | |
| 2 | .... | 21 | 16 | 5 | |
| 5 | 2 | 32 | 4 | 28 | |
| 1 | .... | 8 | 6 | 2 | |
| 31 | .... | 109 | 35 | 74 | |
| .... | .... | 1 | .... | 1 | |
| .... | 1 | 1 | .... | 1 | |
| .... | .... | 1 | 1 | .... | |
| .... | .... | 7 | 6 | 1 | |
| 1 | .... | 7 | 5 | 2 | |
| .... | .... | 17 | 16 | 1 | |
| 35 | 8 | 180 | 138 | 42 | |
| 21 | 8 | 72 | 31 | 41 | |
| 2 | 1 | 15 | 10 | 5 | |
| 1 | .... | 1 | 1 | .... | |
| 1 | .... | 1 | 1 | .... | |
| 1 | .... | 1 | 1 | .... | |
| .... | .... | 2 | 2 | .... | |
| 3 | .... | 4 | 4 | .... | |
| 2 | .... | 3 | 3 | .... | |
| 4 | .... | 6 | 6 | .... | |

APPENDIX

| Name of Department. | Class of appointment gazetted or non-gazetted. | Grade. | European. | Hindus. |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | *Non-Gazetted.* | | | |
| Audit Officers.. | Supervisors .. | 270 to 450 | 1 | 1 |
| L. B. & C.C. | Supervisors .. | 150 to 450 | .. | 1 |
| | Supervisors .. | 80 to 270 | .. | 3 |
| | Clerks .. | 75 to 150 | .. | 30 |
| Genl. Deptt. .. | Subordinate Medical Officers .. | 60—7—200 | .. | 1 |
| | Total (Non-gazetted) .. | | 2 | 394 |
| | Grand Total .. | | 19 | 444 |

No. 37—*contd.*

| Mahomedans. | Other castes. | Total. | Sindhis. | Non-Sindhis. | Remarks. |
|---|---|---|---|---|---|
| 6 | 7 | 8 | 9 | 10 | 11 |
| .... | .... | 2 | .... | 2 | |
| .... | .... | 1 | .... | 1 | |
| .... | .... | 3 | 1 | 2 | |
| .... | .... | 30 | 5 | 25 | |
| 1 | .... | 2 | 2 | .... | Services of the Civil Surgeon, Sukkur, are being utilised as medical officer in connection with these works. |
| 111 | 20 | 528 | 294 | 233 | |
| 116 | 26 | 605 | 322 | 283 | |

## APPENDIX No. 38.

*Statement showing the expenditure incurred on agricultural improvement in the Ratnagiri District during the last ten years.*

| Year. | Expenditure on the Ratnagiri Farm. | Expenditure by the propaganda staff in the Ratnagiri District. | Expenditure on account of Hydraulic experiments based on the figures supplied by the Deputy Director. | Total expenditure. |
|---|---|---|---|---|
| | Rs. | Rs. | Rs. | Rs. |
| 1914-15 .. | 5,113 | 1,172 | .... | 6,285 |
| 1915-16 .. | 5,898 | 1,687 | .... | 7,585 |
| 1916-17 .. | 7,166 | 1,005 | .... | 8,171 |
| 1917-18 .. | 7,088 | 1,336 | .... | 8,424 |
| 1918-19 .. | 9,420 | 2,248 | 710 | 12,378 |
| 1919-20 .. | 10,591 | 2,525 | 710 | 13,826 |
| 1920-21 .. | 13,317 | 2,507 | 710 | 16,534 |
| 1921-22 .. | 15,167 | 4,382 | 710 | 20,259 |
| 1922-23 .. | 11,466 | 2,988 | 710 | 15,164 |
| 1923-24 .. | 11,805 | 4,017 | 707 | 16,529 |
| Total .. | 97,031 | 23,867 | 4,257 | 1,25,155 |

# APPENDIX No. 38A.

## APPENDIX

### *Bombay City*

| Name of Scheme. | Original estimates. | Estimates as (for land and works) revised from time to time. | Final estimates (for land and works) as revised from time to time. | Actual cost up to 31st December 1923. | Balance of the estimated cost of completing the schemes. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | Rs. | Rs. | Rs. | Rs. | Rs. |
| Bombay Scheme No. 1, Back Bay Reclamation. | (b) 7,02,43,321 | *Nil* .. | (b) 7,02,43,321 | 3,00,38,116 | (b) 4,02,05,205 |
| Bombay Scheme No. 2, Housing Naigaum (42 chawls). | (b) 61,10,460 | (b) 61,18,440 | (b) 64,27,978 | (a) 44,73,754 | (b) 19,54,224 |
| Bombay Scheme No. 3, Housing Delisle Road (32 chawls). | (b) 53,45,000 | (b) 56,46,227 | (b) 59,44,590 | (a) 46,33,540 | (b) 13,11,050 |
| Bombay Scheme No. 4, East Colaba Reclamation. | (d) 1,06,38,900 | *Nil* .. | (d) 1,06,38,900 | (a) 1,06,407 | (d) 1,05,32,493 |
| Bombay Scheme No. 5, Housing Worli (163 chawls). | (b) 2,42,05,770 | *Nil* .. | (b) (f) 2,42,05,770 | (a) 61,70,271 | (b) 1,80,35,499 |
| *Bombay Scheme No. 6, Clare Road. | (b) and (c) 1,05,630 | *Nil* .. | (b) and (c) 1,05,630 | (b) 95,767 | 9,863 |
| †Bombay Scheme No. 7, Hornby Road. | (b) 7,70,263 | *Nil* .. | (b) 7,70,263 | (a) 7,22,703 | (d) 47,560 |

No. 38A.

*Scheme.*

| Time of commencement. | Progress, *i.e.*, work done up to 31st December 1923. | Time when schemes are expected to be completed. | Expected profit (*plus*) or loss (*minus*). | Remarks. |
|---|---|---|---|---|
| 7 | 8 | 9 | 10 | 11 |
| January 1921. | Plant for the scheme practically complete. Sea wall to R. L.-9-4, 50 per cent. compete. Filling in commenced. Storm water drains 8 commenced. | 1931 | For the two reclamation schemes B-1 and B-4 + 2¼ crores. | (*a*) Exclusive of interest and establishment, etc., charges.<br>(*b*) Exclusive of interest but inclusive of establishment, etc., charges.<br>(*c*) For works only.<br>(*d*) Inclusive of interest and establishment, etc., charges. |
| 19 chawls in June 1921 and 23 in February 1923. | 2,160 tenements equivalent to 27 chawls were completed. | December 1924 .. | There will be no loss, as the deficit resulting from the letting of rooms below economic rents is met from the cotton cess revenue allotted for Industrial Housing Scheme. | |
| February 1922. | 2,320 rooms equivalent to 29 chawls were completed. | June 1924 .. | Do. .. | |
| January 1923. | Railway connection from Marine Lines-Colaba Railway under construction. | 1931 .. | See No. B-1. | |
| February 1922. | 4,800 rooms equivalent to 60 chawls were completed. | December 1925 .. | Same as No. B-2 .. | (i) This is for 163 chawls at Worli. The programme has been limited to 121 chawls. |
| 1921 .. | New male workhouse at Agripada already completed. | 1925 .. | .... | * Under this scheme a new male workhouse has been constructed at Agripada. It is proposed to recoup the cost by the sale of the existing site of the workhouse at Clare Road. |
| 1921 .. | Roads in the scheme have not so far been undertaken. | 1926 .. | It is not in the public interest to supply figures for the valuable lands in these schemes but it is estimated that these schemes will pay for themselves with a fair interest on capital. | † Under this scheme the Indo-British Institution site at Hornby Road was purchased at Rs. 7,22,138 and the cost is to be recouped from the sale of the land. |

## APPENDIX

| Name of Scheme. | Original estimates. | Estimates as (for land and works) revised from time to time. | Final estimates (for land and works) as revised from time to time. | Actual cost up to 31st December 1923. | Balance of the estimated cost of completing the schemes. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | Rs. | Rs. | Rs. | Rs. | Rs. |
| *Bombay Scheme No. 8 (Murzban Road). | (a) and (c) 1,58,595 | *Nil* .. | (a) and (c) 1,68,555 | (a) 1,62,810 | (a) 5,745 |
| Bombay Scheme No. 9 (Dadar Distillery). | (a) 6,00,405 | *Nil* .. | (d) 7,56,022 | (a) 5,67,227 | (d) 1,88,795 |
| Bombay Scheme No. 10, Housing Raoli. | | | | 891 Scheme is held in abeyance and | |
| Bombay Scheme No. 11, Housing Sewri (16 chawls). | (b) 23,16,480 | *Nil* .. | (b) 23,16,480 | 7,251 (for preliminary arrangements). | (b) 23,09,229 |

No. 38A—*contd.*

| Time of commencement. | Progress, *i.e.*, work done up to 31st December 1923. | Time when schemes are expected to be completed. | Expected profit (*plus*) or loss (*minus*). | Remarks. |
|---|---|---|---|---|
| 7 | 8 | 9 | 10 | 11 |
| September 1922. | New temporary P. W. D. stores in the Charni Road gardens already completed. | 1926 .. | ..... | * Under this scheme a new temporary P. W. D. stores in the Charni Road gardens has been constructed and it is proposed to recoup the cost by the sale of the existing site of the stores at Murzban Road. |
| 1922 .. | Roads in the scheme have not so far been undertaken. | 1925 .. | ..... | (*a*) Exclusive of interest and establishment, etc., charges. |
| no estimates | have been framed. | | | (*b*) Exclusive of interest but inclusive of establishment, etc., charges. |
| February 1924. | *Nil* .. | February 1926 .. | Same as No. B-2. | (*c*) For works only. |
| | | | | (*d*) Inclusive of interest and establishment, etc., charges. |

## APPENDIX

*Suburban*

| Name of Scheme. | Original estimates. | Estimates (for land and works) revised from time to time. | Final estimates (for land and works) as expected at present. | Actual cost up to 31st December 1923 exclusive of interest and establishment charges. | Balance of the estimated cost of completing the schemes. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | Rs. | Rs. | Rs. | Rs. | Rs. |
| Suburban Scheme No. 1, Kurla-Kirol. | (a) 38,67,544 | (b) 55,91,765 | (b) 55,91,765 | 6,97,353 | (b) 48,94,413 |
| Suburban Scheme No. 2, (Trombay North-East). | (c) 23,50,000 | Only a part of the scheme mentioned below has been under | | | |
| Suburban Scheme No. 2, Tannery and Dye-Works Area. | (b) 21,75,259 | *Nil* .. | (b) 21,75,259 | 8,06,803 | (b) 13,68,456 |
| Suburban Scheme No. 3 (Trombay North-West). | (c) 18,46,000 | Only a part of the scheme mentioned below has been under | | | |
| Suburban Scheme No. 3, Chembur Sector. | (b) 15,99,408 | *Nil* .. | (b) 15,99,408 | 9,07,458 | (b) 6,91,950 |
| Suburban Scheme No. 4, Trombay West. | (c) 28,18,000 | Further estimates have not been framed, as no works have | | | |
| Suburban Scheme No. 5, Malavni. | (c) 3,14,000 | The scheme has been postponed indefinitely. | | | No expendi |
| Suburban Scheme No. 6, Danda. | (a) 3,23,350 | (b) 4,39,258 | (b) 4,39,258 | 2,40,916 | (b) 1,98,342 |
| Suburban Scheme No. 7, Khar Model Suburb. | (c) 15,26,225 | (b) 36,18,184 | (b) 36,18,184 | 16,07,860 | (b) 20,10,324 |
| Suburban Scheme No. 8, Bandra-Chapel Road. | (a) 3,45,197 | (b) 2,41,179 | (b) 2,41,179 | 1,83,159 | (b) 58,020 |
| Suburban Scheme No. 9, Murzbanabad. | No estimates have been prepared, as the scheme is to be undertaken in the | | | | |

No. 38A—*contd.*

*Schemes.*

| Time of commencement. | Progress, i.e., work done up to 31st December 1923. | Time when schemes are expected to be completed. | Expected profit (*plus*) or loss (*minus*). | Remarks. |
|---|---|---|---|---|
| 7. | 8 | 9 | 10 | 11 |
| No works h | ave yet been under- | 6 years .. | *Plus* 8,26,075. | (a) Exclusive of interest and establishment, etc., charges. (b) Inclusive of interest and establishment, etc., charges on the whole work. (c) For land only, without interest and establishment, etc., charges. |
| taken at pres | ent. | | | |
| 1922 .. | All the filling required in this area has been completed. | 2 years .. | *Plus* 68,203. | |
| taken at pres | ent. | | | |
| 1923 .. | Five out of 21 roads in this sector have been completed. | 6 years . | *Plus* 6,05,080. | |
| s o far been u | ndertaken in this sc | heme. | | |
| ture has been | incurred. | | | |
| 1924 .. | Work on roads is being just started. | 3 years .. | *Plus* 58,835. | |
| 1922 .. | The filling of the whole of Sector A and the construction of Station Road in it have been completed while in Sector B, the roads have all been completed and the filling required in some low plots is in progress. | 5 years .. | *Plus* 5,12,350. | |
| 1923 .. | All roads, etc., in in the scheme have been constructed. | 2 years .. | *Plus* 53,870. | |
| event of the | owners agreeing to | finance it. | | |

## APPENDIX

| Name of Scheme. | Original estimates. | Estimates (for land and works) revised from time to time. | Final estimates (for land and works) as expected at present. | Actual cost up to 31st December 1923 exclusive of interest and establishment charges. | Balance of the estimated cost of completing the schemes. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | Rs. | Rs. | Rs. | Rs. | Rs. |
| Suburban Scheme No. 10, Aerodrome at Gilbert Hill. | 8,14,240 (a) | 15,94,000 (a) | Under preparation. | 9,34,611 | In view of column 4 this information cannot be given at present. |
| Suburban Scheme No. 11, Bann of Juhu. | 12,200 (a) | Further estimates have not been prepared, as no works have so far been undertaken the Scheme. | | 660 | |
| Suburban Scheme No. 12, Suburban Trunk Roads. | 18,04,352 (a) | *Nil* .. | 18,04,352 (a) | 8,88,574 | 9,15,778 (a) |
| Suburban Scheme No. 13, Salsette Drainage. | 30,00,000 (a) | Further estimates have not been prepared. It is not intended to make a start with this scheme at present. | | 27,480 | |
| Suburban Scheme No. 14, Mogra. | | | This scheme has been dropped. | | |
| Suburban Scheme No. 15, Ambernath Development Scheme. | 35,50,000 (a) | 35,96,228 (a) | 35,96,228 (a) | 8,70,765 | 27,25,463 (a) |
| Suburban Scheme No. 16, Shahar. | | | Only a part of the scheme as mentioned | | |
| Suburban Scheme No. 16, Andheri Sector. | 22,43,793 (c) | 53,94,585 (b) | 53,94,585 (b) | 1,13,753 | 52,80,832 (b) |

No. 38A—*contd.*

| Time of commencement. | Progress, i.e., work done up to 31st December 1923. | Time when schemes are expected to be completed. | Expected profit (*plus*) or loss (*minus*). | Remarks. |
|---|---|---|---|---|
| 7 | 8 | 9 | 10 | 11 |
| 1919 .. | Filling of Aerodrome completed. | Under investigation. | In view of column 4, this information cannot be given at present. | Government have decided that further work on all suburban schemes should be stopped or postponed as far as possible until an effective demand for land arises. The figures in columns 9 and 10 are for the completion of the schemes according to the original programmes which assumed that they would be proceeded with without interruption. |
| *Vide* | columns 3 and 4. | | | (*a*) Exclusive of interest and establishment, etc., charges. (*b*) Inclusive of interest and establishment, etc., charges on the whole work. (*c*) For land only, without interest and establishment, etc., charges. |
| 1920 .. | Widening and tar macadaming the surface completed in the greater portion of the length of Bandra-Ghodbunder Road in charge of the Development Department. Malad-Marve Road has been completed and the reconstruction of the bridge is in progress. Kolwada-Borla Road, Section I, has been completed. | 6 years .. | The scheme being for improvement of communications, it will not pay for itself. It is proposed to meet a part of the cost by a small charge per square yard on developed land in the schemes served by them. In the meantime the interest on the expenditure is being charged to the Rs. 4 lakhs per annum set apart out of the cotton-cess to cover losing schemes in the suburbs. | |
| *Vide* | columns 3 and 4. | | | |
| 1921 .. | Practically all land has been acquired and 20 per cent. of the work has been completed. | 10 years .. | *Plus* 1,88,506. | |
| elow is proposed to be undertak | en. | | | |
| Works have taken. | not yet been under- | 6 years .. | *Plus* 4,29,981. | |

## APPENDIX

| Name of Scheme. | Original estimates. | Estimates (for land and works) revised from time to time. | Final estimates (for land and works) as expected at present. | Actual cost up to 31st December 1923 exclusive of interest and establishment charges. | Balance of the estimated cost of completing the schemes. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | Rs. | Rs. | Rs. | Rs. | Rs. |
| Suburban Scheme No. 17, Salsette-Trombay Railway. | 68,58,542 (*a*) | *Nil* .. | 68,58,542 (*a*) | 30,74,380 | 37,84,162 (*a*) |
| Suburban Scheme No. 18, Kirol North. | 4,62,280 (*a*) | Only a part of the scheme mentioned below has been under | | | |
| Suburban Scheme No. 16, Eastern Sector. | 4,05,965 (*b*) | *Nil* .. | 4,05,965 (*b*) | 2,72,564 | 1,93,401 (*b*) |
| Suburban Scheme No. 19, Salsette Water Supply. | 25,00,000 (*a*) | Further estimates have not been prepared. | | 6,83,174 | 18,16,826 (*a*) |
| Suburban Scheme No. 20, Khopoli.* | 2,72,865 (*a*) | *Nil* .. | 2,72,865 (*a*) | 2,68,179 | 4,686 (*a*) |
| Suburban Scheme No. 21, Ambernath Water Supply. | (*b*) 53,50,000 (*a*) | *Nil* .. | 53,50,000 (*a*) | | |
| | The above estimate is for a supply of 6 million gallons per day. Only has been undertaken at present. | | | | |
| | 35,93,070 (*a*) | *Nil* .. | 35,93,070 (*a*) | 22,72,452 | 13,20,618 |
| Suburban Scheme No. 22, Kurla-Trombay Railway. | 13,23,792 | *Nil* .. | 13,23,792 | 1,26,726 | 11,97,066 |
| Suburban Scheme No. 23, Ambernath Electric Supply. | 6,30,473 (*a*) | *Nil* .. | 6,30,473 (*a*) | 1,68,021 | 4,62,452 (*a*) |

No. 38A—*contd.*

| Time of commencement. | Progress, i.e., work done up to 31st December 1923. | Time when schemes are expected to be completed. | Expected profit (*plus*) or loss (*minus*). | Remarks. |
|---|---|---|---|---|
| 7 | 8 | 9 | 10 | 11 |
| 1922 .. | The greater portion of the land required for the railway has been acquired, and 45 per cent. of the work has been completed. | To be completed when required. | The scheme will not be able to pay for itself for some years. It is intended to meet a part of the cost by a small charge per square yard on developed land in the schemes served by the railway. In the meantime the interest on the expenditure is being charged to the Rs. 4 lakhs per annum set apart out of the cotton-cess to cover losing schemes in the suburbs. | (*a*) Exclusive of interest and establishment, etc., charges. (*b*) Inclusive of interest and establishment, etc., charges on the whole work. (*c*) For land only, without interest and establishment, etc., charges. |
| taken at present. | .... | | | |
| 1923 .. | All roads, etc., in the scheme have been completed. | 2 years .. | *Plus* 73,558. | |
| 1920 .. | Santa Cruz water supply completed. Also temporary water supply to Suburban Schemes Nos. 2 and 3. | Time for supply of water to the remaining areas cannot be fixed at present. | The scheme will eventually be self-supporting and expenditure will ultimately fall on the local authorities of the areas served. | |

* As the tail water at Khopoli is not likely to be utilised in the near future, the accounts of the scheme have been closed and the expenditure written off against the 4 lakhs per annum set apart from the cotton-cess to meet losing schemes in the suburbs.

| | | | |
|---|---|---|---|
| a part of the | scheme, *viz.*, for 3 million gallons per day, | | mentioned below |
| 1921 .. | 60 per cent. of the work has been completed. | 1925 .. | The cost will be met by the proceeds of sale of water. |
| 1923 .. | Embankment completed. | Cannot be fixed at present. | *Vide* remarks in this column against Suburban Scheme No. 17. |
| 1923 .. | 25 per cent. of the work completed. | 1924 .. | The cost will be met by proceeds of sale of electric current. |

## APPENDIX No. 39.

### *Circular.*

With a view to give effect to High Court Circular No. 2132, dated 3rd August 1920, regarding the supply of Typed copies in all cases where certified copies of Judgments are given, the District Judge has bought on the instalment system eight type-writing machines for the use of the Section writers in this District; and in order to raise the money for paying the instalments he has obtained the High Court's sanction under Section 41 of the Bombay Civil Courts Act (XIV of 1869) for the levy of fees for English copies at a slightly enhanced rate.

2. The District Judge is therefore pleased to direct that pending further orders, fees in the case of English copies applied for on or after 20th August 1921, shall be charged at one anna (instead of at nine pies) for every 25 words or a fraction thereof. Three-fourths of the fee thus collected during a month shall be distributed amongst the Section-writers in the manner mentioned in paragraph 3 (iv) Chapter XIII of the Manual of High Court Civil Circulars; and the remaining one-fourth (which shall be called the type-writer fund) shall be remitted to the Nazir District Court on or before the 5th of every month. The Nazir should keep account of this fund and should arrange to pay from it the monthly instalments to the owners of the machines as well as the cost of purchasing the necessary type-writer accessories for these machines.

3. Out of these eight machines, three are allotted to the District Court, two to the First Class Sub-Judge's Court, and one to each of the Courts at Baramati, Khed and Junnar.

4. As the work of preparing English copies is very little in the Courts at Vadgaon, Talegaon, and Saswad, it is not possible to supply these Courts with machines at present. The District Judge is therefore pleased to direct that all applications for English copies received in these Courts on and after 20th August 1921 shall, after they are entered in the proper register be forwarded to the District Court together with the original documents of which copies are applied for; and that the Record Keeper in the District Court shall cause the copies to be prepared by the Section-writers under him, and then transmit those copies with the copying fee endorsed thereon together with the applications for the same to the Courts concerned. The fees for such copies shall be collected by the Courts in which applications for the same are presented, and shall be sent to the Record Keeper District Court, who should arrange to dispose of the same in the manner indicated in paragraph 2 of this Circular.

5. The owners of the machines have undertaken to send a competent instructor to teach the "use and care" of the machines to the operators in the District Court. The Sub-Judges of Poona, Baramati, Khed and Junnar are therefore requested to at once depute the English Section.

writers from their Courts to Poona to receive the necessary instructions and to take delivery of the machines.

Poona District Court,
17th August 1921.

(Signed) G. D. FRENCH,
District Judge, Poona.

No. 1065 of 1921.
Poona District Court
17th August 1921.

Copy forwarded for information and guidance.

(By order,)

(Signed) R. R. SANE,
Registrar.

To

The F. C. Sub-Judge and the Additional Sub-Judges, Poona.
The Sub-Judge, Saswad.
The Sub-Judge, Junnar.
The Nazir, District Court, Poona.
The Sub-Judge of Vadgaon.
The Sub-Judge of Talegaon.
The Sub-Judge of Khed.
The Sub-Judge of Baramati.
The Record Keeper, District Court, Poona.

*Rules for the preparation of paper books in Civil Appeals.*

1. As soon as notice in a Civil Appeal is served on a Respondent copies should be made by Sectioners of—

1. The Roznama (when recorded in English).
2. The Judgment.
3. The depositions recorded in English by the Subordinate Judge.

2. There shall also be prepared two lists of documentary evidence filed on either side in the following form :—

*List of documents filed by Plaintiff/Defendant.*

| Exhibit. | Date. | Names of parties. | Contents. |
|---|---|---|---|
| | | | |

*Note* :—This should be as brief as possible, *e.g.*

Exhibit 63 1st June 1899—

By Tukaram Bapu.
Shivlingappa Rayappa.

Sale deed of S. N. 69 in village of Uchgaon Rs. 350.—

3. The above copies and lists should be typewritten and in triplicate or more according to the number of pleaders engaged by separate parties.

4. These copies should be uncertified and a charge of 3 annas per folio (half sheet) should be levied from either party.

5. The papers should be bound in a paper book in the following order :—

1. Roznama
2. Judgment
3. Deposition.
4. List of documents.

Nos. 1, 2 and 3 should be paged and every fifth line should be numbered.

6. As soon as the paper books are ready one copy each should be given to the parties' Pleaders on payment of the charges as above. One copy is for the use of the Judge and should be placed before him when the Appeal comes on for hearing.

7. The District Judge has discretion to vary the rate chargeable under Rule 4 to provide reasonable remuneration for the Sectioners and to meet the expenses of the purchase and reparation, etc., of the Type-writers.

8. The Record Keeper is appointed to be Superintendent of copies. It will be his duty, under the general control of the Shirastedar, to see that the paper books are correctly and promptly prepared, and that the lists of documents are accurate and intelligible.

9. One-fourth of the fees collected should be set apart as "Type-writer Fund" to meet the costs of purchasing separate Type-writers for this purpose and of maintaining or renewing the same.

10. A separate account of the fees to be kept by the Nazir to whom the Record Keeper will send the fees collected every month.

11. A comparing fee of 3 pies per folio to be given to the Sectioners for comparing copies and 3 pies per half sheet of paper to be charged to the parties as that will be the least average cost of papers.

(Signed) C. M. JHAVERI,
Registrar.
5th January 1922.

(Signed) G. D. FRENCH,
District Judge.
6th January 1922.

## APPENDIX No. 40.

*List showing names of land-owners in Town Planning Scheme No. IV of Santa Cruz.*

1. Mr. V. De. P. Rebeire.
2. The Catholic Housing Society.
3. Mr. Cyprian De'Souza.
4. Mr. S. M. De'Souza.
5. Mr. A. X. Nazareth.
6. Mr. E. D. Mendenea.
7. Mr. V. F. X. Soares.
8. Mr. Sabino Vellose.
9. Mr. J. A. Vaz.
10. Mrs. M. C. Pinto.
11. Miss L. Leeks.
12. Mr. J. X. Soares.
13. Mr. Emil Piers.
14. Mr. J. F. Miranda.
15. Mrs. D. F. Menezies.
16. Mr. Espisiosa D'Souza.
17. Mr. C. D. Pinto.
18. Capt. C. Raymond.
19. Mr. J. A. Roberio.
20. Mrs. Mary Evilin Pereira.
21. Mr. S. B. Decruz.
22. Mr. E. N. Da V. Menezes.
23. Mr. C. Vaz.
24. Mr. P. A. Gonsalves.
25. Mr. L. C. D'Silva.
26. Mr. A. Fernandes.
27. Mr. F. Saldhana.
28. Dr. J. A. Collaco and Mrs. E. R. Collaco.
29. Mrs. M. J. DeSouza.
30. Mr. W. Cooper.
31. Mr. Joseph Selwyn.
32. Mr. F. Selwyn.
33. Mr. F. X. Pereira.
34. Dr. Cosmos Fernandes.
35. Mr. A. F. Barney.
36. Mr. A. C. D'Souza.
37. Mr. F. Silva.
38. Mr. X. Moraes.
39. Mr. Ramdas Kalyandas.
40. Mrs. Monbai Gokuldas K.
41. Mr. Kanji Malji.
42. Mr. Prabhashankar Motiram.
43. Mr. Vithalji Jethabhoy.
44. Mr. Jamnadas Morarji.

45. Mr. Hormasji Dorabji Gazdar.
46. Mr. G. B. Trivedi.
47. Mr. Premchand Tribhuwandas.
48. Mr. Rustomji Ardesar Mukadam.
49. Mr. Kishorchand Manekchand Bhanji.
50. Dr. Bapuji B. Narialwalla.
51. Mr. Kaikhushru Dossabhoy Randelia.
52. Mr. Adarji Jamshetji Panthaki.
53. Mr. Manikji Sorabji Kapadia.
54. Mr. Allen Frank.
55. Mr. Jaffer Kasam Musa.
56. Bai Fatmabai Jaffer Adamji Karachiwalla.
57. Mr. Abdulkadar Husseinalli and Mr. Mohemed Hussein.
58. Bai Laxmibai Harischandra Kirtikar.
59. Mr. Karamalli Mohomed Hussein.
60. Bai Lilawantibai Manilal Ichharam.

# APPENDIX No. 41.

APPENDIX

*Statement showing approximate expenditure on reduction of karia heads, Distributaries, ex-Mithrao Canal.*

| Name of the Distributary. | 1916-17. | | | 1917-18. | | | 1918-19. | | | 1919-20. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Reduction of karia heads. | Construction of profiles. | Silt clearance. | Reduction of karia heads. | Construction of profiles. | Silt clearance. | Reduction of karia heads. | Construction of profiles. | Silt clearance. | Reduction of karia heads. | Construction of profiles. | Silt clearance. |
| | | | | | Rs. | | | | | | | Rs. |
| 30th Mile Left Bank Distributary. | .. | .. | .. | .. | 2,491 | .. | .. | .. | .. | .. | .. | 430 |
| 45th Mile Left Bank Distributary. | .. | .. | .. | .. | .. | .. | .. | .. | 1,344 | .. | .. | .. |

No. 41.

*construction of profiles and silt clearance on 30th and 45th miles Left Bank since their construction.*

| 1920-21. | | | 1921-22. | | | 1922-23. | | | 1923-24. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Reduction of karia heads. | Construction of profiles. | Silt clearance. | Reduction of karia heads. | Construction of profiles. | Silt clearance. | Reduction of karia heads. | Construction of profiles. | Silt clearance. | Reduction of karia heads. | Construction of profiles. | Silt clearance. |
| | | | | | Rs. | | | | Rs. | | Rs. |
| .. | .. | .. | .. | .. | 1,670 | .. | .. | .. | 633 | .. | 117 |
| .. | .. | 2,179 | .. | .. | 2,142 | .. | .. | 2,000 | 745 | .. | .. |

## APPENDIX No. 42.

*Extract paragraphs 1 and 2 of the reply dated 5th October 1921 given by Government to the first representation.*

*Subject.*—Construction of a landing place, Dharamshala, road, etc., at Purnagad.

MEMORANDUM.

With reference to his letter dated 22nd June 1921, on the subject mentioned above, Mr. N. R. Phadake is informed that Purnagad is an exposed port with a dangerous bar across the mouth of the creek, and that the construction of a landing place there will therefore require expert advice. The work will be considered when the other works at present under contemplation are completed.

2. With regard to the dharamshala and road Mr. Phadake is informed that funds have been provided in the current year's budget of the Landing and Wharfage Fees Fund to construct a dharamshala through the agency of the District Local Board and that the construction of a road is within the province of the same Board. The Landing and Wharfage Fees Fund will, however, be willing to make a part contribution towards its cost. Steps are being taken to arrange for fresh water supply to passengers at the port.

* * * *

## APPENDIX No. 43.

Bhatgar, 25th April 1924.

To—The Special Land Acquisition Officer,
Lake Whiting District, Bhatgar.

Sir,

As desired by you we the representatives of the Government beg to submit our considered opinion as regards the average yields of crops of different kinds as under :—

The Ambemohor Rice 15 to 16 maunds per acre average.
The Varangal Rice 12 to 14 ,, ,, ,,
The Jirayet Crops 4 to 5 ,, ,, ,,
The Warkas Crops 1 to 2 ,, ,, ,,

Waste or grass lands gross worth Rs. 2 per acre.

2. The statement giving information as regards the yields, value, etc., as given by the different villagers of the several villages inspected is herewith attached for your perusal. You have also personally heard them along with us.

We have the honour to be,
Sir,
Your most obedient servants,

(Signed) V. N. GODBOLE,
Assistant Engineer.

25th April 1924.

(Signed) G. G. MHALSHE,
Upper Subordinate.

25th April 1924.

## APPENDIX

### LAKE WHITING

*Statement of the yields of crops for the few typical lands and other details*

| Name of Village. | Name of the owner or his neighbour. | Survey No. | Area. | | Yield of crops from | | | |
|---|---|---|---|---|---|---|---|---|
| | | | | | Ambe Mohor Rice. | | Warangal Rice. | |
| | | | A. | g. | Kh. | Md. | Kh. | Md. |
| Mashivali (G) .. | Gynba Gopala .. | 24 | 1 | 12 | .. | | 1 | 10 |
| | Mahar (Gynba-Gopala). | 21 | 0 | 7 | 0 | 10 | .. | |
| Jogawadi .. | Maruti Bhau (Shankarrao Deshmukh). | 29 | 0 | 11 | 0 | 11 | .. | |
| Do. .. | Do. do. .. | 29 | 1 | 30 | .. | | .. | |
| Majgaon .. | Bala Mahadu Padwal. | .. | 0 | 20 | 0 | 12 | .. | |
| | Do. do. .. | .. | 1 | 0 | .. | | .. | |
| Brahmanghar .. | Narayan Balwant Dhor. | 61 | 0 | 38 | 1 | 10 | .. | |
| Do. .. | Do. do. .. | .. | 0 | 10 | .. | | 0 | 7 |
| Do. .. | Do. do. .. | 61 | 3 | 30 | .. | | .. | |
| Do. .. | Hari Bhagaji .. | .. | 0 | 20 | .. | | .. | |
| Narhe .. | Vishnu Ganu .. | .. | 0 | 38 | 1 | 0 | .. | |
| Do. .. | Genu Bahiru .. | .. | 0 | 32 | .. | | 0 | 16 |
| Do. .. | Vishnu Khandu .. | .. | 1 | 20 | .. | | .. | |
| Do. .. | Do. .. | .. | 1 | 0 | | | .. | |

No. 43—*contd.*

DISTRICT.

*given by the several villagers we the Panchas visited the villages concerned.*

| the acre in Khandi and Maund. | | | Cost of land in Rupees. | Remarks. |
|---|---|---|---|---|
| 2nd crop *Duso tax.* | Bajari, Argad, etc. | Nagali, Sava Veri. | | |
| Kh. Md. | Kh. Md. | Kh. Md. | Rs. | |
| 0 10 | .. | .. | 3,000 | "Varkas" changed into gadi since five or six years. The tal required Rs. 1,000 for construction. |
| .. | .. | .. | 1,000 | "Dusota" cannot be had owing to too much water. |
| .. | .. | .. | 1,000 | "Varkas" changed into gadi since eight years. Rs. 400 were required to prepare the land. |
| .. | 0 17 | 1 5 | 2,000 | Argad or Nagali or ground nut can be grown. |
| 0 4 | .. | .. | 1,000 | Rs. 400 were required to make the lands. |
| .. | 0 12 | .. | 2,000 | Ground nut can also be grown. |
| .. | .. | .. | 2,000 | "Varkas" changed into gadi since twelve years. Dusota *nil.* |
| .. | .. | .. | 500 | Do. do. do. |
| .. | .. | 1 10 | 1,000 | Rs. 1,500 required to construct the tal for the land of the Survey No. 61. |
| .. | 0 11 | .. | 1,500 | Rs. 300 were required to prepare the land. |
| 0 3 | .. | .. | 2,000 | |
| 0 3 | .. | .. | 1,200 | |
| .. | 0 12 | .. | 1,500 | |
| .. | .. | 0 12 | 800 | |

(Sd.) V. N. GODBOLE,
Assistant Engineer, 25th April 1924.

(Sd.) G. G. MALSHE,
Upper Subordinate, 25th April 1924.

APPENDIX No. 43—*contd.*

Translation of the Note given in Vernacular by the two Panchas of the people in the Velvand Valley.

In pursuance of the orders of the Government that two Panchas of the people and two Representatives on behalf of Government should inspect crops in typical cases of lands in the Velvand valley and make estimate of their yields and should give their opinion of the same to the Land Acquisition Officer, a meeting of the Panchas was held on 22nd April 1924, at Bhatgar, in which it was decided to inspect lands of two or three kinds in each village in the five villages named below and lands were accordingly inspected in the villages of Mhashivali, Jirad, Jogwadi, Majgaon, Brahmanghar and Narhe. The information of the same and the opinion of the representatives of the people is communicated to the Land Acquisition Officer as follows :—

(At the time of inspection of these lands, Meherban Godbole and Mhalshe, representatives of Government, Messrs. Potnvis and Shete, representatives of the people, and Mr. Awati, Land Acquisition Officer, principal men of the villages and surrounding villages were present at each village.)

*Information given by the people.*

Lands in the three villages of Mhashivali, Jorad, Jogwadi and Majgaon were inspected on 23rd April 1924. The people of these villages gave the following information.

*Mhashivali, Survey No. 24, 1 acre 12 gunthas, Mahadevachi Khachar.*—This being newly formed rice land, one khandi and half. Varangal rice is produced. This year in this *Khachar* (piece of rice land) was produced *Tur*, 10 maunds, and Sava 12 maunds. As there was not sufficient rice seedling these crops were raised instead of rice. The assessment on this land is 10 annas. To turn this land into new rice land an embankment had to be built at an expense of Rs. 1,000. This information was given by Genu Gopala Gorad Patil. This was corroborated by Tukaram Raoji Dhor Deshmukh, and the valuation of this piece of land was told to be Rs. 3,000.

*Mhashivali, Survey No. 21, 0 acre 7¼ gunthas.*—Mharaki Genu Gopala Gorad informed that 10 maunds of Ambemohor rice is produced in this field. Assessment is not known. This was corroborated by Mahadu Sakharam of Tale Mhashivali. The piece of land was said to be Rs. 1,000.

*Jogawadi.—Survey No. 29* belongs to Maruti Bhau Dhor. This 0 acre 11 gunthas. Assessment 4 annas. This is newly rice made land since 8 years. Rs. 400 were spent to build an embankment. The land cannot be valued, so said Shankarrao Raojirao Dhor Deshmukh. Keshavrao Ganaba Dhor Deshmukh, when questioned, said that he would pay Rs. 1,000 for this land. No sound crop is grown in this land.

*Jogawadi, Survey No. 29.*—1 acre 30 gunthas, assessment 0-4-0. In this land crops of Nachani, Argad, Pavata, groundnut are produced. There is water available by channel from the hills 1 khandi 4 maunds of Nachani, or 5 khandis of groundnuts or 18 maunds of Argad with 400 bushels of fodder and two maunds of Chavali are produced. The land cannot be valued, such was the information given by Shankarrao Deshmukh. Govindrao Deshmukh said that money-lenders do not dare to advance money for Warkas land, Rambhau Mahipatrao Deshmukh said he would give willingly Rs. 2,000 for this land as price.

*Majgaon.*—Rice Ambemohor newly formed belonging to one Nana Mahadu Padval. In this piece of land 12 maunds of Ambemohor and four maunds of wheat and gram as second crop are grown. Assessment is Rs. 1-8-0, Bala Mahadu Padval said he would give Rs. 1,000 for this land. Rs. 800 were spent to construct an embankment. It was told, this land must be 20 gunthas (but it must be much less than that). *Majgaon, Warkas land,* 1 acre 0 guntha. Bala Mahadu Padval said 12 maunds of Javari or Bajri or two khandis of groundnuts are grown in this land. He would purchase such land for Rs. 2,000.

On 24th April 1924 lands at Brahmanghar and Narhe were inspected.

*Brahmanghar Warkas.*—20 gunthas, assessment 0-1-9.

*Janavicha Paitha.*—Hari Bhagaji Dhor informed that Udid, Pavata, Javari, groundnuts are produced in the land, 11 maunds of Javari or two khandis of groundnuts are produced. I will pay for this land Rs. 1,500 or Rs. 1,725 in cash.

*Brahmanghar, Survey No. 61, Choli.*—0 acre 38 gunthas Ambemohor new rice land. Narayan Balwant Dhor Deshmukh informed that 33 maunds of rice were produced in this land in the last but one year, 30 maunds in the last year. Assessment is Re. 1 for five acres of land out of this, seven maunds of rice are produced in ¼ acre of this. In the above-mentioned piece of 38 gunthas, 14 maunds of wheat or Satu are produced as second crop. In the remaining Warkas land 1½ khandi of Nachani or Argad is produced. I will pay Rs. 1,000 for rice land of 38 gunthas and Rs. 1,000 for the remaining Warkas land. This was corroborated by Hari Bhagaji Deshmukh.

*Narhe, Adache Thal.*—Old rice landowners Vishnu Ganu and Bayaji Mahadu Vir. 0 acre 38 gunthas, one khandi. Rice and four maunds of wheat or gram as a second crop are produced in this land. Assessment is Rs. 2. The price of this land is Rs. 2,000.

In another piece of land measuring 32 gunthas, 16 maunds of Varangal rice and four maunds of gram are produced. The price is Rs. 1,500. In one acre of Jirayat land 12 maunds of Javari and 700 bundles of fodder and other second crops are produced. Price Rs. 1,500. If required sale deeds will be produced.

In Warkas land of one acre, 18 maunds of Nachani and four maunds of Pavata are produced. In worst land of Warkas, 12 maunds of Nachani and three maunds of Pavata are produced. Price of such land is Rs. 900.

Expenditure requires to be incurred for Tools. We will consent to price that will be settled by the Panchas. Such was the information given by Dadu Patil and Kalba Patil.

This information is submitted as given by the people. There being no crops standing on the lands, there are no means to verify these figures by taking actual tests. The areas of the lands inspected are not actually measured.

*Opinion of the representatives of the people.*—We the two representatives of the people are travelling in this part of the valley—nay—in the whole Bhor State for the last two three years and we two have experience of agriculture at home. We have also seen crops here from time to time. We have therefore formed the following opinion regarding crops in valley.

The lands and crops will have to be classified as follows :—

*Classification of land and crops.*

*Class I.*—Ambemohor rice land. The Divisions—

(*i*) Newly made and (2) Old.

We think that in the newly rice land from 1¼ to 1½ khandis of rice is produced in one acre of lands. In a best year even two khandis of rice are produced. In a famine year, Javari is produced. In such a year they derive immense profit from fodder. Besides in this new rice lands, Wheat, Gram, Satu, Watana, Masura are produced as second crop. Five maunds to 10 maunds are produced in one acre. Besides 150 bundles of rice fodder are available.

In the old rice lands we think one khandi to 1¼ khandi of rice of Ambemohor is produced in one acre. In a good year even 1½ khandi is produced. Besides rice fodder to the extent of 150 bundles is obtained. Also Wheat, Gram, Satu, Watana, Masura are produced from 6 to 11 maunds per acre. In a famine year Javari is produced in this land.

*Class II—Varangal rice.*—This may be divided into two classes—Newly made and old. In this land rice is produced two or four maunds more than Ambemohor. Rice fodder is the same as in Ambemohor. In a famine year, Javari is produced. In this land Wheat, Gram and Satu are produced as second crops to the same extent as Ambemohor lands.

*Class III—Jirayat.*—This may be divided into classes *one* wheat Jirayat and Mavali Jirayat. In wheat Jirayat lands, Javari, Wheat, Bajari, Argad, Tur, Chavali, Udid, Gram are produced. If crops are good from 10 to 15 maunds of Javari and from 500 to 800 bundles of fodder and from two to 8 maunds of Chavali, Udid, Tur are produced in one acre of land. In an ordinary year from 8 to 10 maunds of Javari and 300 bundles on fodder and 5 maunds of *Udid* or Tur are produced. If groundnut is sown from 3 to 5 khandis of groundnuts are available. In this Wheat Jirayat land, Shravani Ghevada, Udid, Chavali are first produced and again Javari is sown, but this Javari crop is less. If the season is favourable, and if the rains permit manuring, the second crop is bumper. In the

second sort of land namely in Mavali Jirayat land, Argod, Nachani Pavata, groundnut, Udid, Chavali, Tur are produced to the same extent as in wheat Jirayat land. In Mavali Jirayat lands, Javari and Wheat are not produced. But Argad and Nilva are grown excellently. Fodder is also obtained in ample quantities.

*Class IV—Warkas.*—In this land no other crop than Nachani, Wari, Sava, Kothali, Til are produced. It is not cultivable every year. Such land is on slope of the hills. In this land, Nachani is produced in the first year, Wari, Sava, Kothali in the second year and Til in the third year. After than three years the land has to be left fallow for two or three years. In same excellent lands, even fallow for one year is sufficient. If the harvest season is favourable, 15 maunds of Nachani in one acre in the first year, in an ordinary season, from ten to twelve maunds of Nachani are produced. In the second and third years, 3/4 of the quantity of crops availbable in the first year is produced.

*Class V—Grass land.*—This land is kept for cattle to graze or for reserving grass to cut. In this land income is derived by selling grass or by grazing cattle. If grass is reserved, from 2,500 to 3,000 bundles of grass is available in one acre of land.

*Class VI— Pot-Kharab.*—This includes stoney, rocky land in Survey Nos. which are only used for village sites, cattle sheds, farm yards, or threshing floors. In this land good stones are available for constructing embankment, houses, etc.

*Class VII—Paradi.*—These lands adjoin houses. In these lands vegetables such as Kakadi, Bhopala, Chillies, Ratali, Padval, Karli, Dhodake, Maize, Rajgira are grown, also bamboo trees are produced. The area of such Paradi lands extends from 2 to 3 gunthas. The lands are equal in value to good garden lands.

The lands in the valley area thus divided into seven classes. We have our opinion regarding yields of crops from each of them. We are firmly of opinion that people should receive compensation for these lands and we think that people will be put to immense loss.

If the estimates of yields we have given above for each class requires to be verified actually, the crops may be inspected and the yields verified next year through Panchas.

Lands in each village should be classified as mentioned above by us through Panchas, and the classification of each Survey No. should be notified in each village so that people will have opportunity to put in their complaints if they have any. The reason for this suggestion is that Genu Patil of Gorad Mhashivali complained to the people that his land though rice land has been classed as Warkas land. There are several complaints of this sort.

In the same way rates of compensation for land for each class as suggested by us should be first notified to the people. Those who will not consent to receive compensation at the notified rates, they should be given compensation at rates which the Panchas will determine. The people of

Brahmanghar and Jogawadi wanted compensation after inspection of their houses and settlement of valuation by Panchas. But the Government Panchas declined to do this as they said it was beyond their jurisdiction. We therefore think that those who wish that their houses should be valued by Panchas should be given compensation according to Panch valuation.

We also think that the Panchas should fix yields of trees and people should receive compensation according to their yields.

We the two representatives of Panchas record our opinion as above. Dated 26th April 1924.

(Signed) Gopinath Balkrishna Potnvis,
Inamdar, 26th April 1924.

(Signed) Dhondo Amritrao Shete, Patil,
26th April 1924.

Panchas on behalf of people Velvand Valley.

(True translation.)
(Signed) G. R. AWATI,
Special Land Acquisition Officer,
Lake Whiting District.
28th April 1924.

## APPENDIX 43.-A.

*List of newspapers and periodicals in the Bombay Presidency supplied with Press Notes, Bombay Government Gazette and Selected Administration Reports of the Government of Bombay.*

1. Times of India, Bombay.
2. Bombay Chronicle, Bombay.
3. Advocate of India, Bombay.
4. Daily Gazette, Karachi.
5. Indian Daily Mail, Bombay.
6. Indian Social Reformer, Bombay.
7. Mahratta, Poona.
8. Servant of India, Poona.
9. Sind Observer, Karachi.
10. Voice of India, Bombay.
11. Young India, Ahmedabad.
12. Gujarat Mitra, Surat.
13. Gujarat Punch, Ahmedabad.
14. Hindustan, Bombay.
15. Jam-e-Jamshed, Bombay.
16. Kasier-i-Hind, Bombay.
17. Kathiawar Opinion, Rajkot.
18. Parsi Sansar and Loka Sevak, Karach
19. Praja Bandhu, Ahmedabad.
20. Praja Mitra and Parsi, Bombay.
21. Rast Goftar and Praja Mitra, Bombay.
22. Sanj Vartaman, Bombay.
23. Karnatak Times, Dharwar.
24. Vibhakar, Belgaum.
25. Dnyanodaya, Poona.
26. O Anglo-Lusitano, Bombay.
27. Akhbar-e-Islam, Bombay.
28. Bombay Samachar, Bombay.
29. Deshi Mitra, Surat.
30. Navjivan, Ahmedabad.
31. Saurashtra, Ranpur.
32. Shri Venkateshwar Samachar, Bombay.
33. Karnatak Vaibhav, Bijapur.
34. Dnyan Prakash, Poona.
35. Indu Prakash, Bombay.
36. Jagaruk, Poona.
37. Kesari, Poona.
38. Lokamanya, Bombay.
39. Lokasangraha, Poona.
40. Sandesh, Bombay.
41. Rashtra Vir, Belgaum.
42. Satya Shodhak, Ratnagiri.
43. Swarajya, Poona.

APPENDIX 43-A—*contd.*

44. Vijaye Maratha, Poona.
45. Muslim Herald, Bombay.
46. Gujarati, Bombay.

*List of newspapers in the Bombay Presidency supplied with th Sind Official Gazette.*

1. The Parsi Sansar, Karachi.
2. The Sind Sudhar, Karachi.
3. The Sind vasi, Hyderabad.
4. The Alhaq, Sukkur.
5. The Sind Zamindar, Sukkur.

## APPENDIX No. 44.

*Statement of purchases made in England by the Bombay Port Trust during the year 1923-24.*

| Name of article. | Name of supplier. | Cost. |
|---|---|---|
| | | £ s. d. |
| Chain cable stud link 1" .. | Thomas Perrins .. | 83 8 11 |
| Steelwire measuring lines .. | R. S. Newall & Son, Ltd. | 59 7 0 |
| Short link crane chains 1¾" and 1 5/16" dia. | Thomas Perrins .. | 223 19 2 |
| Vaporizing tubes .. | Barbier Benard Turenne, Paris. | 70 8 9 |
| Collodion mantles .. | Chance Bros. Co., Ltd. .. | 64 5 0 |
| 4 Wick and 2 Wick Douglass Chimneys. | Chance Bros. Co., Ltd. .. | 54 17 6 |
| Larch planking ¼" .. | R. Morley & Co. .. | 55 8 0 |
| C. S. Wheels .. | Hadfield, Ltd. .. | 176 1 0 |
| Jerseys and sweaters .. | Harrods, Ltd. .. | 213 5 4 |
| Wicks for lighthouse .. | Chance Bros. Co., Ltd. .. | 56 15 0 |
| Greenheart timber .. | Miller's Timber & Trading Co. | 739 15 9 |
| Greenheart timber .. | David Robertson & Co. . | 568 17 6 |
| Chains 1 3/4" dia. and iron bars 1¼" dia. | Thomas Perrins .. | 222 2 3 |
| Minor items (under £ 50) .. | .... | 217 13 9 |
| *Payments in connection with Dredging Plant.* | | Rs. a. p. |
| Dredger "Priestman" .. | Priestman Bros., Ltd. .. | 1,70,059 15 0 |
| Hopper Barge "Bustard" .. | Lobnitz & Co. .. | 1,44,680 12 4 |
| Dredger "Barbus" .. | Wm. Simons & Co. .. | 11,09,896 5 0 |
| Hopper Barge "Redshank" .. | Lobnitz & Co. .. | 2,72,646 1 4 |
| Hopper Barge "Widgeon" .. | Lobnitz & Co. .. | 3,46,979 3 4 |
| Dredger "Chelura" .. | Wm. Simons & Co. .. | 3,40,470 8 0 |
| Hopper Barge "Spotbill" .. | Lobnitz & Co. .. | 1,03,086 2 0 |
| *Payments in connection with Locos. and Wagons.* | | Rs. a. p. |
| Locos. .. | Vulcan Foundry Co., Ltd. | 3,962 1 0 |
| Wagons .. | Craven Railway Carriage and Wagon Co., P. & W. Mclellan & Co., Ltd. | 2,05,691 12 0 |
| *Special Plant.* | | Rs. a. p. |
| 2 Screwing machines .. | Buck and Hickman .. | 1,782 12 0 |
| Grouting machines .. | Side Groove Steel Piling Supply Co., Ltd. | 1,725 0 0 |
| Points and crossings .. | Kilmarnock Engineering Co. | 1,771 7 0 |
| Steel sleepers and rails .. | Francis Theakston, Ltd. . | 16,425 0 0 |
| Portable S. Pumping Fire Engine .. | Merewether & Sons, Ltd. | 4,099 0 0 |
| 40 side Tip Wagons .. | Light Railway, Ltd. .. | 7,096 14 0 |
| Other minor items .. | .... | 6,604 12 0 |

## APPENDIX No. 44—*contd.*

| Name of article. | Name of supplier. | Cost. |
|---|---|---|
| *Miscellaneous stores.* | | Rs. a. p. |
| Portland Cement .. | Aberthaw & Bristol Channel Cement Co. | 36,877 13 0 |
| Steelwork for workshops .. | Redpath Brown & Co. .. | 52,650 0 0 |
| Bon Accord Centrifugal pumps .. | Drysdale & Co. .. | 19,248 12 0 |
| Chains for dredging plant .. | Thos. Perrins & Sons .. | 18,936 7 0 |
| 5-Ton Hand Travelling Crane .. | Samuel Butler & Co. .. | 6,923 14 0 |
| Chains for salvage barges .. | Thos. Perrins & Sons .. | 9,094 10 0 |
| 5-Ton Steam Travelling Crane .. | Cowen Sheldon & Co. .. | 13,219 11 0 |
| Hoisting engine .. | Clark Chapman & Co. .. | 14,911 0 0 |
| Other miscellaneous stores .. | .... | 88,309 2 0 |

# APPENDIX No. 45.

APPENDIX

*List of officers engaged in the Development Department*

| Name of officer. | Monthly pay. | Nationality. | Designation. | Qualification. |
|---|---|---|---|---|
| | Rs. | | | |
| 1. Sir Lawless Hepper, Kt. | 6,000 | British .. | Director of Development . | R.E. (Retired) .. |
| 2. Mr. J. R. Martin, C.I.E., I.C.S. | 3,000 | Do. .. | Secretary to Government, Development Department, Deputy Director of Development and Commissioner, Bombay Suburban Division. | I.C.S. .. |
| 3. Mr. H. St. C. Smith. | 1,500 | Anglo-Indian. | Deputy Secretary to Government, Development Department, Secretary to the Development Directorate and Assistant Commissioner, Bombay Suburban Division. | P.C.S. .. |
| | | | *Reclamation Branch.* | |
| 4. Mr. H. A. Elgee .. | 3,000 | British .. | Acting Chief Engineer, Reclamation Branch, *vice* Mr. Ll. W. Lewis, C.I.E., on leave preparatory to retirement. | M.I.C.E., 18 years' experience on dock and harbour works. |
| 5. Mr. G. M. O'Rorke, C.I.E., M.B.E. | 2,000 | Do. .. | Deputy Chief Engineer, Reclamation Branch, Marine Lines and Quarry Section. | B.A.I., A.M.I.C.E. .. |
| 6. Mr. P. Billinton .. | 2,000 | Do. .. | Deputy Chief Engineer, Reclamation Branch, Colaba Section. | .... |
| 7. Mr. C. R. Brims.. | 2,000 | Do. .. | Deputy Chief Engineer, Dredging Section. | Has general experience in harbour and other marine works, has for some years specialised in dredging and admiralty works at Rosyth and elsewhere. |
| 8. Mr. W. H. Thomas | 1,400 | Do. .. | Executive Engineer, Projects. | A.C.G.I., A.M.I.C.E. |
| 9. Mr. W. F. Anderson. | 1,300 | Do. .. | Executive Engineer, Reclamation Branch. | A.M.I.C.E. .. |
| 10. Mr. W. S. Spiers . | 1,000 | Do. .. | Dredging Master .. | .... |
| 11. Mr. C. G. Croudsee. | 1,200 | Do. .. | Executive Engineer in charge Quarry. | Special experience in Quarry works, received training of Mining Engineer in a large English Engineering shop. |
| | | | *No 1 Housing and Materials Division.* | |
| 12. Mr. T. Harvey .. | 2,000 | British .. | Superintending Engineer, No. 1 Housing and Materials Division. | M.Sc., M.I.C.E. .. |
| 13. Mr. J. R. Colabawala. | 1,400 | Indian Parsi | Executive Engineer, Bombay Housing District No. 1. | M.S.E. (Lond.), M.I.E., (India), Assoc. M Soc. I.E. Assoc. A.I.E.E. |

No. 45.

*on a salary of Rs. 1,000 and above per month.*

| Date of appointment. | On what pay he was appointed. | By whom appointed. | What pay he used to draw in the service or Department in which he was last engaged. |
|---|---|---|---|
| | Rs. | | |
| 8th November 1920 .. | 6,000 | Secretary of State .. | He was drawing Rs. 4,000 per mensem, with Provident Fund, as Agent, G. I. P. Railway Coy. |
| 11th July 1922 .. | 3,000 | Government of Bombay. | He was drawing his grade pay and allowances as Collector of Surat. |
| 23rd January 1922 .. | 1,150 | Do. .. | He drew his grade pay and allowances in the Provincial Civil Service as Assistant Commissioner, Northern Division. |
| 1st August 1921 .. | 2,000 as Deputy Chief Engineer. | Government of Bombay. | Private employment. |
| 11th April 1921 .. | 2,000 | Government of Bombay with the approval of the Secretary of State. | Formerly Port Engineer, Basrah, and was drawing Rs. 1,800. |
| 20th August 1921 .. | 1,750 | Gover ment of Bombay. | Rs. 1,400 per month, with allowances. Formerly Resident Engineer, Construction, G. I. P. Railway. |
| 24th August 1923 .. | 2,000 | Do. .. | Private employment. |
| 31st March 1921 .. | 1,200 | Director of Development. | Rs. 600 *plus* Rs. 450 maintenance allowance. |
| 11th December 1922 .. | 1,200 | Government of Bombay. | Private employment. |
| 3rd March 1922 .. | 1,000 | Do. .. | Information not available. |
| 31st October 1921 .. | 800 | Director of Development. | He was drawing Rs. 750 *plus* Rs. 295 acting allowance as Divisional Work Officer, Military Service. |
| 26th February 1921 .. | 2,000 | Government of Bombay. | He was drawing Rs. 1,175 *plus* Rs. 150 duty allowance *plus* Rs. 100 as acting allowance *plus* Rs. 220 motor car allowance as Executive Engineer, P.W.D. (Madras) and New Delhi. |
| 6th November 1921 .. | 1,200 | Director of Development. | He was drawing Rs. 650 per month as Assistant Member, Board of Revenue-in-Charge, Irrigation Department, Gwalior State. |

APPENDIX

| Name of officer. | Monthly pay. | Nationality. | Designation. | Qualification. |
|---|---|---|---|---|
| | Rs. | | *No. 1 Housing and Materials Division*—contd. | |
| 14. Mr. A. Hamid .. | 1,400 | Indian Mahomedan. | Executive Engineer, Bombay Housing District No. 2. | F.Sc. .. |
| 15. Rao Saheb P. S. Krishna Swami Ayyar. | 1,200 | Indian Hindoo. | Executive Engineer, Bombay Sanitary District. | .... |
| 16. Mr. W. K. Caldwell. | 1,450 | British .. | Executive Engineer, Mechanical District. | Mechanical training in Paisley and West of Scotland Technical College. Apprentice to and trained by M. S. John Macdowell & Co., Johnstone. |
| | | | *No. 2 Suburban Division.* | |
| 17. Mr. A. F. Macdonald Clark. | 2,000 | Do. .. | Superintending Engineer, No. 2 Suburban Division. | M.A., B.Sc., M.I.C.E. |
| 18. Mr. T. S. Soormal. | 1,400 | Indian Hindoo. | Executive Engineer, Andheri and Suburban Sanitary District. | B.E., Formerly Municipal Engineer, Allahabad. |
| 19. Rao Saheb K. C. Advani. | 1,200 | Do. .. | Acting Executive Engineer, Kurla-Trombay District *vice* Mr. G.W. T. Squires on leave. | L.C.E. .. |
| 20. Mr. A. Lennox Stanton. | 1,450 | British .. | Electrical and Mechanical Engineer. | M.I.E., (India), M. Ams. M.E., A.M.I.M.E., A.M. I.E.E. Formerly Deputy Power-House Superintendent, B. E. S. and T. Company. |
| 21. Mr. T. A. Pereira. | 1,400 | Indian Christian. | Executive Engineer, Central Salsette Railway. | 25 years' experience of railway construction, water works, etc. |
| | | | *Suburban Survey.* | |
| 22. Mr. W. J. Newland. | 1,800 | British .. | Superintendent, Bombay Suburban Survey. | He belongs to the Government of India, Survey Department. |
| | | | *Land Acquisition, Bombay.* | |
| 23. Mr. G. C. Rowe.. | 1,600 | Do. .. | Land Acquisition Officer for the City of Bombay. | F.S.I. Has worked for 20 years as surveyor and land valuer in England. |
| | | | *Land Manager, Development Directorate.* | |
| 24. Mr. E. M. Gilbert-Lodge. | 2,500 | Do. .. | Land Manager, Development Directorate. | F.S.I., F.I.A., F.A.I. |
| | | | *Salsette Development.* | |
| 25. Mr. E. W. Perry, I.C.S., Acting *vice* Mr. G.E.L. Carter, on leave preparatory to retirement. | 1,400 | Do. .. | Collector, Bombay Suburban District, and Salsette Development Officer. | I.C.S. |

No. 45—*contd.*

| Date of appointment. | On what pay he was appointed. | By whom appointed. | What pay he used to draw in the service or Department in which he was last engaged. |
|---|---|---|---|
| | Rs. | | |
| 10th October 1921 .. | 1,200 | Director of Development. | Rs. 570 as permanent Executive Engineer in the service of H. E. H. the Nizam of Hyderabad. |
| 5th August 1922 .. | 600 | Do. .. | Rs. 420 including allowances in the grade of Rs. 250—20—750 as Assistant Engineer, P.W.D. (Madras). |
| 2nd April 1921 .. | 1,200 | Do. .. | He was drawing Rs. 1,200 as Works Manager and Deputy General Manager with Messrs. The Omiar Foundry and Engineering Co. |
| 17th January 1921 .. | 2,000 | Government of Bombay. | Rs. 1,880 as Superintending Engineer, Construction, B.B. C.I. Railway. |
| 12th March 1920 .. | 1,200 | Do. .. | Rs. 850 and allowances. |
| 16th October 1922 .. | 550 as an Assistant Engineer. | Director of Development. | Rs. 390 in Sind as an Assistant Engineer in the P.W.D. He is now eligible for acting Executive Engineer's post in the P.W.D. |
| 20th September 1921 .. | 1,200 | Do. .. | Rs. 1,260 per month as Deputy Power-House Superintendent, Bombay Electric Supply and Tramways Company. |
| 8th February 1921 .. | 900 | Do. .. | Rs. 665 per month. |
| 19th March 1921 .. | 1,500 | Government of Bombay. | Rs. 1,150 *plus* Rs. 150 as permanent Superintendent, Bombay City Survey and Land Records Office. |
| 1st July 1921 .. | 1,200 | Do. .. | Rs. 1,300 including pay and allowances. |
| 11th November 1920 .. | 2,000 | Do. .. | Rs. 1,200 formerly Assistant Land Acquisition Officer, Bombay. |
| 27th May 1924 .. | 1,400 | Do. .. | He was drawing Rs. 1,469 as pay and allowances in the I.C.S 3rd grade, as Deputy Secretary to Government, Finance Department. |

APPENDIX

*Statement showing the information about the rates levied per head on 1913-14 to 1923-24*

| Serial No. | Name of Jahagirdar who owns a ferry. | Name of place where ferry is situated. | Particulars of rates. | Rates levied per head | | | |
|---|---|---|---|---|---|---|---|
| | | | | 1913-14. | 1914-15. | 1915-16. | 1916-17. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | Sardar K. D. Hingane Chandori. | Chandori .. | During low water in the river. | 0 0 6 | 0 0 6 | 0 0 6 | 0 0 6 |
| | | | During high water in the river. | 0 1 0 | 0 1 0 | 0 1 0 | 0 1 0 |
| 2 | Shrimati Girjabai Shivdevrao Vinchurkar, Saykheda. | Saykheda .. | .... | 0 0 3 | 0 0 3 | 0 0 3 | 0 0 3 |

No. 46.

*the ferries at Saykheda and Chandori by the Jahagirdars from the year Nasik District.*

| during the year of | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1917-18. | 1918-19. | 1919-20. | 1920-21. | 1921-22. | 1922-23. | 1923-24. | Remarks. |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 0 0 6 | 0 0 6 | 0 1 0 | 0 1 0 | 0 1 0 | 0 1 6 | 0 1 6 | |
| 0 1 0 | 0 1 0 | 0 2 0 | 0 2 0 | 0 2 0 | 0 3 0 | 0 3 0 | |
| 0 0 3 | 0 0 3 | 0 0 3 | 0 0 3 | 0 0 3 | 0 0 3 | 0 0 3 | Below 12 years. |
| 0 0 6 | .... | .... | .... | .... | 0 0 6 | 0 0 6 | Over 12 years. |

## APPENDIX No. 46 A.

*List of newspapers published in Sind in receipt of Government advertisements and their estimated circulation.*

| Name of paper. | Circulation. | Daily, Weekly, etc. |
|---|---|---|
| 1 The Daily Gazette .. .. .. | 4,000 | Daily. |
| 2 The Sind Sudhar .. .. .. | 850 | Weekly. |
| 3 The Sind Observer .. .. .. | 850 | Daily. |
| 4 The Parsi Sansar .. .. .. | 1,000 | Bi-weekly. |
| 5 The Sind Zamindar .. .. .. | 1,200 | Do. |
| 6 The Musafir .. .. .. | 500 | Weekly. |
| 7 The Sindvasi .. .. .. | 500 | Daily. |
| 8 The Frontier Gazette .. .. .. | 500 | Weekly. |
| 9 The Ali Haq. .. .. .. | 450 | Do. |
| 10 The Ali Hakikaat .. .. .. | 800 | Do. |
| 11 The Mirpukha Gazette .. .. .. | 600 | Do. |
| 12 The Dharam Vir .. .. .. | 650 | Do. |
| 13 The Kanya .. .. .. | 650 | Do. |
| 14 The Bhatia Pritam .. .. .. | 300 | Do. |

## APPENDIX No. 46 B.

### STATEMENT OF DEMAND FOR SUPPLEMENTARY GRANTS TO COVER THE EXCESSES SHOWN IN THE APPROPRIATION REPORT ON THE ACCOUNTS OF THE BOMBAY PRESIDENCY FOR THE YEAR 1922-23.

**No. 7.** Honourable Mr. H. S. LAWRENCE.

In his Appropriation Report on the accounts of the Bombay Presidency (including Sind) for the year 1922-23 the Accountant General, Bombay, has pointed out excess expenditure in the final accounts under the following heads, which requires the sanction of the Legislative Council :—

| | Amount of excess. |
|---|---|
| | Rs. |
| (1) 22, General Administration .. .. | 39,82,623 |
| (2) 9A, Scheduled Taxes .. .. .. | 185 |
| (3) 45, Superannuation allowances and pensions .. | 1,88,433 |
| (4) 52, Miscellaneous adjustments between the Central and Provincial Governments .. .. | 19,757 |
| (5) 43, Famine Relief and Insurance .. .. | 2,76,914 |

The excesses are briefly explained below :—

(1) 22, *General Administration.*—The bulk of the excess under this major head was due to a change in the classification of accounts directed by the Auditor General, and explained to the Council at the last budget sessions. In accordance therewith there was a mutual exchange of charges between the heads "5, Land Revenue" and "22, General Administration". This accounts for Rs. 38,89,979. Of the balance, Rs. 48,000 is on account of tour expenses of His Excellency the Governor ;

Rs. 33,000 for supplies to the Bodyguard and Rs. 12,000 on account of travelling allowances for Ministers for which no provision had been made. The excesses could not be brought to the notice of the Finance Department in time to obtain supplementary grants during the year. Full explanation of the excesses was given to the Public Accounts Committee.

(2) *9A, Scheduled Taxes.*—Provision for expenditure in connection with the administration of the Entertainments Duty Act was made under the major head "7, Stamps", but in the final accounts the net expenditure of Rs. 185 was debited by the Accountant General to a new major head "9A, Scheduled Taxes" opened under orders of the Auditor General. There was, therefore, actually no excess, as the provision under "7, Stamps" was not utilised.

(3) *Superannuation Allowances and Pensions.*—The excess under this head was due mainly to two causes, (1) expenditure on commuted value of pensions to be paid to other Provincial Governments, and (2) expenditure on account of Exchange, provision for which was made under the head "40, Exchange". In the final accounts this expenditure was debited to the head "Superannuation Allowances and Pensions" owing to the abolition of the head "40, Exchange".

(4) *Miscellaneous adjustments between the Central and Provincial Governments.*—The excess was due to adjustments in the accounts for March Final, 1923, of the expenditure incurred by the Central Government in respect of Forest Probationers allotted to this Presidency.

(5) *Famine Relief and Insurance.*—The statutory annual assignment of Rs. 63,60,000 for Famine Relief and Insurance was provided in the budget as a non-voted item. Under paragraph 3 of schedule IV to the Devolution Rules such portion of the annual assignment as is likely to be spent during the year on famine charges is to be included in the demands for grants to be submitted to the Legislative Council, but such charges could not be known before the close of the year 1922-23 in time to enable Government to obtain a vote of the Legislative Council.

2. Some of the excesses mentioned above were brought to the notice of Government before the close of the year 1922-23, and a statement for supplementary grants was actually prepared, but it was subsequently decided to get them regularized through the Appropriation Report and the Public Accounts Committee. The Government of India obtain a vote of their Legislature to cover such excesses, and on the advice of the Auditor General, the same procedure is proposed to be followed by this Government. The formal sanction of the Legislative Council to the aforesaid excesses is accordingly necessary and may be accorded. In this connection, it may be observed that supplementary grants to cover similar excesses anticipated in the latest revised estimates for 1923-24 were obtained from this Council in the Sessions of March 1924.

Finance Department,
Bombay Castle, 2nd October 1924.

G. WILES,
Secretary to Government.

## APPENDIX 46 C.

## STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT COVERED BY RE-APPROPRIATION.

**TRANSFERRED 8.** Honourable Mr. B. V. JADHAV.

In view of a strong demand for the teaching of science at the Karnatak College, Dharwar, Government have sanctioned a scheme for the opening of Inter Science classes at the Karnatak College, Dharwar, for a period of two years with effect from June 1924, on the understanding that the non-recurring expenditure involved in the scheme is met from the amount of the grant of Rs. 34,000 promised by the Dharwar Recruiting Fund Committee. The average annual expenditure involved in the scheme is Rs. 11,934 while the non-recurring expenditure involved in the scheme is Rs. 34,000 as under :—

| | | Rs. |
|---|---|---|
| Furniture .. .. .. | | 10,000 |
| Fittings .. .. .. | | 3,000 |
| *Apparatus*— | Rs. | |
| Physics .. .. | 6,000 | |
| Chemistry .. .. | 6,000 | |
| Biology .. .. | 6,500 | |
| Books for Physics .. .. | 1,000 | |
| Books for Chemistry .. .. | 1,000 | |
| Books for Biology .. .. | 500 | |
| | | 21,000 |
| | | 34,000 |

The recurring expenditure of Rs. 7,425 in the current year will be met from the provision of Rs. 34,910 made in the current year's budget for "Scholarships in Professional Colleges". According to account rules the amount of Rs. 34,000 contributed by the Recruiting Fund Committee will have to be credited to Government in the first instance and it cannot be directly spent towards the non-recurring expenditure involved in the scheme. In these circumstances and as no provision has been made on this account in the current year Government sanctioned, in anticipation of the vote of the Legislative Council, the expenditure which was urgent, to be met from the Reserve with Government (Finance Department). This involves a re-appropriation of funds from "47, Miscellaneous" to "31, Education" and requires the sanction of the Legislative Council.

*Re-appropriation suggested.*

| Demand voted and now reduced— | Demand voted and now increased— |
|---|---|
| "47, Miscellaneous". | "31, Education". |
| Rs. 44,50,805 *minus* Rs. 34,000. | Rs. 1,81,35,456 *plus* Rs. 34,000. |

Finance Department,
Bombay Castle, 8th October 1924.

G. WILES,
Secretary to Government.

## APPENDIX 46 D.

## STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT COVERED BY RE-APPROPRIATION.

**TRANSFERRED. 12.** Honourable Mr. ALI MAHOMED KHAN DEHLAVI.

### Stores required from England for the photo-copying of documents in the Registration Department.

A provision of £ 700 has been made in the current year's estimates of the High Commissioner for India under the head "9, Registration" for the purchase of paper and chemicals required for the photo-copying of documents. The system has since been extended to some more offices, and stores of the value of £ 1,670 are required for all the offices. Out of this amount £ 700 (= Rs. 7,000 at the rate of Rs. 10 per pound) have been provided in the High Commissioner's estimates. It is necessary to provide a further sum of £ 970 (= Rs. 9,700) in the High Commissioner's estimates. The additional sum can be transferred from the provision of Rs. 33,000 for temporary establishment and of Rs. 1,28,292 for pay of clerks under the head "9-B, Registration". The saving in permanent establishment alone on account of the introduction of the photo-copying system is Rs. 28,320, besides leave allowances, pension liabilities, etc., and there has been a considerable saving in temporary establishment as no copying has to be done by clerical labour.

*Re-appropriation suggested.*

| Demand voted and now reduced— | Demand voted and now increased— |
|---|---|
| "9, Registration". | Expenditure in England, High Commissioner for India. |
| Rs. 7,45,000 *minus* Rs. 9,700. | Rs. 11,44,000 *plus* Rs. 9,700. |

Finance Department,
Bombay Castle, 15th October 1924.

G. WILES,
Secretary to Government.

## APPENDIX No. 47.

*List of contractors and firms who have been given contracts of the amount of Rs. 25,000 and above for work on the Lloyd Barrage and Canals Construction Scheme.*

| | Name of work. | Name of contractor or firm. | Amount of contract. |
|---|---|---|---|
| | | | Rs. |
| 1. | Constructing buildings at mile 20 of the Khirthar Branch. | Mr. Allahbux Haji Mohamed Umar. | 33,558 |
| 2. | Do. do. at Garhi Yasin. | Mr. Kishenchand Metharam. | 42,807 |
| 3. | Do. do. at Shahdadkot. | Do. do. .. | 60,962 |
| 4. | Supplying burnt bricks .. | Messrs. Gopaldas and Ladharam. | 43,050 |
| 5. | Supplying stone at Barrage Township .. | Messrs. Ratansingh Deomal and Kundandas. | 1,00,000 |
| 6. | Supplying pitching stone and cleaning overburden from Rohri Quarries. | Messrs. Ardeesar and Co... | 25,000 |
| 7. | Constructing bungalows in the Barrage Township, Sukkur. | Messrs. The Tata Construction Co., Limited. | 3,15,000 |
| 8. | Constructing establishment and menial quarters in Barrage Township, Sukkur. | Do. do. .. | 2,47,000 |
| 9. | Constructing First Class Inspection Bungalow and other buildings at Dadu. | Mr. Hassanand Hotchand. | 41,500 |
| 10. | Constructing First Class Inspection Bungalow with subsidiary buildings at Tando Allahyar. | Mr. Bulchand Chandiram. | 36,064 |
| 11. | Constructing First Class Inspection Bungalow with subsidiary buildings at Shahdadpur. | Mr. Menghraj H. Gidwani. | 33,248 |
| 12. | Constructing Second Class Inspection Bungalow, out-office and Subordinates Rest House at Bulgai. | Do. do .. | 26,067 |
| 13. | Constructing First Class Inspection Bungalow with subsidiary buildings at Sakrand. | Mr. Hundraj Thadharam. | 26,216 |

APPENDIX No. 48.

*Excise Advisory Committees : Poona.*
Recommendations made by —.

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Resolution No. L.C.-1593.

Bombay Castle, 9th October 1924.

Memorandum from the Commissioner of Excise No. 18-20/24 dated 5th September 1924—Forwarding, together with copies of the papers specified in the margin, a copy of the proceedings of a meeting of the Excise Advisory Committees, Poona City and Cantonment, held at the Collector's Office, Poona, on 12th June 1924, showing the recommendations* made by the Committees.

Letter from the Collector of Poona No. Ex.-197 dated 18th June 1924 to the Commissioner of Excise.
Letter from the Commissioner of Excise No. 4-4/24 dated 12th July 1924 to the Collector of Poona.

RESOLUTION.—Government are pleased to pass the following orders on the recommendations made by the Excise Advisory Committees, Poona City and Cantonment :—

*Recommendation No. 1.*—Country liquor shops in Poona are now closed on about 77 days per year. If the Committees' recommendation were accepted they would have to be closed on about 95 days per year. The closing of the shops on five consecutive days during the festivals of Ganpati, Mohurram and Holi would however cause serious inconvenience to the drinking classes. Government are of opinion that the present orders as to closing days are sufficiently stringent. No further action is therefore necessary.

*Recommendation No. 2.*—Government have at present under consideration the recommendation made by the Excise Committee to the effect that all shops in industrial areas should be closed on pay days, provided a substantial majority of factory owners agree to fix a particular day for the payment of wages. The Excise Advisory Committees, Poona, go further than the Excise Committee by recommending closing also on pay days of public bodies. Orders on this point will be passed when a decision has been arrived at on the recommendation of the Excise Committee.

*Recommendation No. 3.*—Government are of opinion that the control of excise arrangements should be exercised through their executive officers and that it cannot be transferred to Advisory Committees. They are therefore unable to accept this recommendation of the Committees.

* Printed as accompaniments to this Resolution.

*Recommendation No. 4.*—The question of revising the hours fixed for opening and closing liquor shops is under the consideration of Government in connection with the recommendations of the Excise Committee.

*Recommendations Nos. 5 and 6.*—Pending consideration of the Excise Committee's Report, Government are inclined to think that the total number of shops in Poona City, *viz.*, 6, is not excessive for a town having a population of over one lakh. The closure of the Narayan Peth shop does therefore not appear to be necessary. An attempt will however be made to remove this shop to a site beyond the Lakdi Pul if a suitable site can be found.

*Recommendation No. 7.*—The Collector of Poona has been asked to select suitable sites and give effect to the Committee's recommendation from the next year if possible.

*Recommendation No. 8.*—In accordance with the present policy of Government, 2 out of the 6 shops situated within the limits of Poona City and one shop in the Poona Cantonment are authorized to sell 60° U.P. country liquor only; while in the remaining shops both 40° U.P. and 60° U.P. liquor is allowed to be sold. Government are advised that the Committee's proposal to restrict all the shops within this area to the sale of 60° U.P. liquor only will have the effect of driving the drinking classes to the use of foreign liquor of a higher strength, a result which is to be deprecated on several grounds. Government are therefore of opinion that the change proposed should be introduced gradually. The Commissioner of Excise should be requested to select a few more shops within this area which should be restricted to the sale of 60° U.P. liquor only with effect from the ensuing year.

By order of the Government of Bombay
(Transferred Departments),

H. K. KIRPALANI,
Deputy Secretary to Government.

To

The Commissioner of Excise,
The Collector of Poona.

**Accompaniment to Government Resolution, Revenue Department, No. L.C.-1593 dated the 9th October 1924.**

*Recommendations of the Excise Advisory Committees, Poona City and Cantonment.*

*No. 1.*—That all country spirit shops be closed, besides Sundays, on all public holidays, and all Hindu and Mahomedan sectional holidays and on the last five days of Ganpati and Mohurram, for five days of Shimga and the day following Makar Sankrant.

*No. 2.*—That all country spirit shops be closed for half the day (from 4 p.m.) on the pay days of public bodies and mills, provided that all such bodies agree to make payments on a fixed day in each month.

*No. 3.*—That powers be given to members of the Advisory Committee to inspect country spirit shops in the City and Cantonment.

*No. 4.*—That all country spirit shops should be opened at 3 p.m. and closed at 6-30 p.m. from September 1st to February 28th and at 7 p.m. on the remaining days.

*No. 5.*—That the Narayan Peth shop should be closed immediately; the proportionate amount of the license fee being refunded.

*No. 6.*—That one shop in addition to the abovenamed shop should be closed from the beginning of the next year.

*No. 7.*—That the sites of the Mangalwar and Khadak shops should be changed if possible from next year.

*No. 8.*—That only 60° U.P. liquor should be sold within the City and Cantonment.

## APPENDIX No. 49.

*Statement showing the sums placed to the credit of the Village Fund of each of the Village Panchayats in the Nasik District under clauses (a), (f), (g) and (h) of section 25 of the Village Panchayats Act, for 1922-23, 1923-24 and 1924-25.*

| Name of Village Panchayat. | Sums credited under clause (a) of section 25. | | | Sums credited under clause (f) of section 25. | | |
|---|---|---|---|---|---|---|
| | 1922-23. | 1923-24. | 1924-25. | 1922-23. | 1923-24. | 1924-25. |
| Dindori .. | .. | .. | .. | 224 | 150 | 150 |
| Niphad .. | .. | .. | .. | 232 | 150 | 150 |
| Lasalgaon .. | .. | .. | .. | 152 | 150 | 150 |
| Chandor .. | .. | .. | .. | 160 | 150 | 150 |
| Kalwan .. | .. | .. | .. | 240 | 150 | 150 |
| Satana .. | .. | .. | .. | 402 | 150 | 150 |
| Malegaon Camp .. | .. | .. | .. | 261 | 150 | 150 |
| Ghoti .. | .. | .. | .. | 150 | .. | 150 |
| Peint .. | .. | .. | .. | 150 | 150 | 150 |

| Name of Village Panchayat. | Sums credited under clause (g) of section 25. | | | Sums credited under clause (h) of section 25. | | |
|---|---|---|---|---|---|---|
| | 1922-23. | 1923-24. | 1924-25. | 1922-23. | 1923-24. | 1924-25. |
| | | | | Rs. a. p. | | |
| Dindori .. | .. | 30 | .. | 447 6 10 | .. | .. |
| Niphad .. | .. | .. | .. | 512 1 10 | .. | .. |
| Lasalgaon .. | .. | .. | .. | 335 6 10 | .. | .. |
| Chandor .. | .. | .. | .. | 568 11 8 | .. | .. |
| Kalwan .. | .. | .. | .. | 944 9 2 | .. | .. |
| Satana .. | .. | .. | .. | 1,243 4 0 | .. | .. |
| Malegaon Camp .. | .. | .. | .. | 6,500 7 6 | .. | .. |
| Ghoti .. | .. | .. | .. | .. | .. | .. |
| Peint .. | .. | .. | .. | .. | .. | .. |

## APPENDIX No. 50.

### PRESS NOTE.

At the session of the Legislative Council of this Presidency held in July 1919, the Honourable Mr. Shridhar Balkrishna Upasani moved a resolution which was accepted on behalf of Government and passed by the Council in the following modified form :—

> "This Council recommends to His Excellency the Governor in Council to be pleased to represent to the Government of India to rule that in the case of teachers in vernacular schools their whole service as teachers be recognized as superior for purposes of pension even if it be on a salary of less than Rs. 10 a month."

The minimum pay of untrained primary school teachers in this Presidency, which was a few years back Rs. 9 per mensem and was raised to Rs. 10 per mensem in 1917-18, was further raised to Rs. 12 a month in 1918-19. From that year, therefore, these teachers would be treated as in "superior" service and they would consequently be entitled to pension on the "superior" scale. The Honourable Mr. Upasani's resolution, however, referred specially to the *existing* untrained primary school teachers who had rendered service in the past on a pay of Rs. 10 per mensem and below, and it recommended that this past service which had till then been treated as "inferior" should thereafter be treated as "superior" for the purposes of pension, so that these teachers might be entitled to count for pension on the "superior" scale the whole of their service including that on a pay of Rs. 10 and below.

2. The proposal required the sanction of the Secretary of State. The Government of India were accordingly addressed on the subject in October 1919. Correspondence regarding certain subsidiary matters ensued, and these matters having been satisfactorily settled, the Secretary of State has now sanctioned the treatment of the past service (as teachers) on Rs. 10 per mensem and below of untrained primary school teachers in this Presidency as "superior" for the purposes of pension.

No. 4349.

EDUCATIONAL DEPARTMENT.

Secretariat, Fort, Bombay.

Dated the 3rd August 1921.

Forwarded to—

The Commissioner in Sind (with a request that arrangements may be made for the translation of the Press Note into Sindhi and for the distribution of printed copies of the translation to the Editors of Vernacular Newspapers in Sind to whom copies of Press Notes are generally supplied),

The Commissioner, Northern Division,
The Commissioner, Central Division,
The Commissioner, Bombay Suburban Division,
All Collectors, including the Collector, Bombay Suburban District, and the Deputy Commissioner, Upper Sind Frontier,
The Director of Public Instruction,
The Agency Educational Officer, Kathiawar,
The Agent to the Governor, Kathiawar,
The Accountant General,
The Political Department,
The Financial Department,
The General Department,
The Superintendent of Government Printing, Bombay,
The Manager, Government Central Press,
The Director of Information, Bombay,
The Editors' Tables and Editors of Newspapers,
The Editor, *Educational Review*, Madras,
The Oriental Translator to Government (with a request that the Press Note may be translated into Marathi, Gujarati, Kanarese and Urdu and that printed copies of the translations may be distributed to the Editors of Vernacular Newspapers to whom copies of Press Notes are generally supplied),
The Non-official Members of the Legislative Council,
The Secretary to the Legislative Council (for the Reading Room for the Members of the Legislative Council),
All Registered Libraries.

By order of the Government of Bombay
(Transferred Departments),

S. N. ZIMAN,
Deputy Secretary to the Government of Bombay,
Educational Department.

## APPENDIX No. 51.

*Information required by Mr. H. A. Lalji, M.L.C.*

| — | Number of schools. | Number of scholars. | Annual average cost to Government per pupil. | Total expenditure. |
|---|---|---|---|---|
| | | | Rs. | Rs. |
| English teaching schools .. | 44 | 10,499 | 21·0 | 8,34,171 |
| A.-V. Schools .. .. | 416 | 69,176 | 22·9 | 45,62,624 |
| Primary schools .. .. | 12,578 | 835,221 | 13·6 | 1,66,86,720 |

## APPENDIX No. 52.

*List showing the names of Sardars and Inamdars who are exempted from payment of toll at the toll-bars in this Presidency.*

| District. | Taluka. | Names of Sardars and Inamdars. | Names of villages of the Sardars and Inamdars. |
|---|---|---|---|
| Satara .. | Satara .. | Sardar Swami of Chafal. | 1 Savagaon, 2 Songaon and 3 Wavde. |
| | Patan .. | Do. do. .. | 1 Chafal, 2 Jalgewadi, 3 Nanegaon Bk., 4 Nanegaon Khd., 5 Padloshi, 6 Dervan and 7 Khonoli. |
| | Satara .. | Sardar Bhau Saheb *alias* Pratapsinh Bhosle of Satara. | 1 Limb, 2 Arfal, 3 Ninan. |
| | Wai .. | | Bavdhan. |
| | Wai .. | Sardar Gulam Jilani of Pasarni. | Pasarni. |
| | Patan .. | Lieut. Sardar Bhimrao *alias* Bhau Saheb Nagojirao Patankar of Patan. | 1 Patan, 2 Chopadi, 3 Surul, 4 Mavshi, 5 Amrule, 6 Sakhari, 7 Mendhoshi, 8 Deoshi Khd., 9 Nivakane, 10 Kusavade, 11 Ambeghar, 12 Navel, 13 Goshatvadi, 14 Kaloli, 15 Chirambe, 16 Chiteghar, 17 Ambavane, 18 Pimploshi, 19 Ghanava, 20 Chafoli, 21 Gojegaon, 22 Tambkhana, 23 Mulgaon, 24 Wanzoli, 25 Belvade, 26 Dastan, 27 Gadhav Khop, 28 Bibi, 29 Tamkada, 30 Baje, 31 Nahimbe, 32 Devshi Bk., 33 Ghanbi, 34 Deoghar, 35 Gokul, 36 Kati, 37 Aral, 38 Keral, 39 Mandure, 40 Tripudi, 41 Vajegaon. |
| | Karad .. | Do. do. .. | 1 Potale, 2 Belvade Bk. |

NOTE.—There are no Sardars and Inamdars in the other districts of the Presidency who are exempted from payment of toll at the toll-bars.

## APPENDIX No. 53.

*Statement showing the recommendations of the Retrenchment Committee which were stated to be under consideration in the statement laid before the Legislative Council and the further action taken thereon.*

| Serial No. in the original statement. | Recommendations. | Savings estimated by the Committee. | Action taken by Government. |
|---|---|---|---|
| | *General Administration.* | Rs. | |
| II .. | Abolition of the posts of Secretaries, Revenue and General Departments. | 70,500 | The question of the re-organization of the Secretariat is under the consideration of Government. |
| III .. | Abolition of the posts of Deputy Secretaries, Revenue, General and Home Departments. | 76,500 | |
| IV .. | Abolition of the posts of five Assistant Secretaries, *viz.*, two of Revenue Department, two of General Department and one of Home Department. | 46,800 | |
| V .. | Abolition of two-thirds of the whole cost of clerical establishment in the Revenue Department. | 1,00,080 | |
| VI .. | Abolition of two-thirds of the clerical establishment in the General Department excluding one Branch dealing in Ecclesiastical and Marine work. | 95,260 | |
| VII .. | Abolition of two-thirds of three-fifths of the whole cost of clerical establishment in Home Department. | 51,768 | |
| | Discontinuance of tentage allowance and supply of Government tents to be made to those officers for whom they are really necessary. | .. | The reports of the Commissioners were called for on this recommendation and the report of the Commissioner, S. D., has been received while those of other Commissioners are still awaited. |
| | Revision of classification of officers for the purpose of travelling allowance and the adoption of the system of fixed travelling allowance as far as possible. | .. | The whole question of revising the rules about travelling allowance is under the consideration of Government and the opinions of all Heads of Offices and the Secretariat Departments were called for on the question. The reports from the General and Educational Departments are still awaited. |

APPENDIX No. 53—*contd.*

| Serial No. in the original statement. | Recommendations. | Savings estimated by the Committee. | Action taken by Government. |
|---|---|---|---|
| | *Agricultural Department.* | Rs. | |
| II .. | Substitution of 7 Provincial Officers on Rs. 250—500 per mensem for 7 Imperial Officers on Rs. 500—1,750 per mensem as Deputy Directors. | 63,000 | No action has yet been taken. |
| III .. | Abolition of the post of 3 Expert Officers out of the 5 posts of Soil Physicist, Plant Pathologist, Plant Breeding Expert, Horticulturist and District Horticultural Officer. | 27,900 | It has been decided to retain the 2 posts of the Horticulturist and District Horticultural Officer. |
| VII .. | Abolition of 8 Experimental and Demonstration Farms as well as those at Larkana and Sukkur. | 1,06,720 | The abolition of the Kopargaon Farm as a demonstration farm has been sanctioned. A part of it is however likely to be retained as a sugarcane experimental farm. The Tegur farm is to be retained as a bull breeding farm. The Sukkur farm is also likely to be retained as a fruit growing farm. The question of the Mirpurkhas farm has not yet been considered. |
| X .. | Twenty per cent. reduction in clerical establishment of the Director's office. | 6,558 | An officer from the Secretariat has been deputed to examine and reorganise the office. His report is awaited. |
| | *Civil Veterinary Department, Presidency Proper.* | | |
| II .. | Reduction of the pay of Deputy Superintendent, C.V.D., Bombay Presidency, from Rs. 250—25—750 to Rs. 250—20—450—25/2—500. | 1,500 | No action has yet been taken. |
| | *Co-operative Department.* | | |
| V .. | Reduction in the pay of 6 Assistant Registrars and 2 Special Auditors from Rs. 300 to Rs. 750 to Rs. 250—500 per mensem. | 14,400 | The pay of Assistant Registrars of the Co-operative Societies has since been fixed at Rs. 250—20—750 with an efficiency bar at Rs. 550. |

APPENDIX No. 53—*contd.*

| Serial No. in the original statement. | Recommendations. | Savings estimated by the Committee. | Action taken by Government. |
|---|---|---|---|
| | *Educational Department.* | Rs. | |
| VI .. | Discontinuance of Government grant to Manora School (European). | 1,176 | The report called for from the Commissioner in Sind regarding the arrangement usually made by the Military authorities for the education of children of soldiers has not yet been received. |
| XIII .. | Further reduction of clerical establishment from Educational institutions. | 13,200 | No further retrenchment has been made. |
| | Government should retire from the management of Arts Colleges in favour of private enterprise wherever facilities for such education exist and in particular this principle should be applied immediately to the Elphinstone and Deccan Colleges. | Not known. | Still under consideration. |
| | The present staff of Government Arts Colleges should be reduced by concentrating courses of instruction at particular colleges. | Do. | One Indian Educational Service post of Professor of Logic and Moral Philosophy at the Deccan College has been held in abeyance. No further reduction is possible. |
| | Government should retire from the management of Government High Schools wherever their transference to private bodies or municipalities is possible or wherever there are well conducted and efficient High Schools managed by established Educational Societies. | Do. | Still under consideration. |
| | The Middle Schools at Surat and Ahmedabad should be abolished or amalgamated with the High Schools. | Do. | Do. |
| | Menial establishments should be reduced in accordance with the proposals already before Government. | Do. | No change in the situation. |
| | *Excise Department.* | | |
| II .. | Abolition of 1 post of Deputy Commissioner. | 19,700 | One of the two posts of Deputy Commissioners of Excise has been abolished. |

## APPENDIX No. 53—*contd.*

| Serial No. in the original statement. | Recommendations. | Savings estimated by the Committee. | Action taken by Government. |
|---|---|---|---|
| | *Excise Department*—contd. | Rs. | |
| III .. | Reduction of preventive staff, including menials and clerks to strength required for detection only and redistribution of their grades. | 4,00,000 | Still under consideration. |
| IV .. | Reduction of 5 Inspectors' posts in the grade of Rs. 400—20—500 and 4 in the grade of Rs. 350—10—400 to the grade of Rs. 220—10—300. | 16,932 | One appointment of Chief Inspector on Rs. 400—20—500 and 5 appointments of Inspectors on Rs. 150—10/2—220 have been abolished. |
| V .. | Replacement of Inspectors in charge of warehouses at Ratnagiri, Ahmedabad, Satara and Sholapur and the Assistant Inspectors in charge of the warehouses at Jalgaon and Thana by Sub-Inspectors. | 7,910 | Still under consideration. |
| VI .. | Abolition of Excise clerks in Revenue Offices. | 18,000 | It has been found that the contribution of Rs. 36,500 (to which the original amount of Rs. 18,000 has since been raised) cannot be stopped as the number of Excise clerks in Revenue offices cannot be reduced with the exception of about 3 in Thana, the possibility of which is being ascertained. |
| VII .. | Reduction of Patta establishment in excess of the scale of 6 peons for a Deputy Commissioner and 4 for a Superintendent and abolition of 6 peons of the office of the Deputy Commissioner reduced. | 4,730 | Still under consideration. |
| VIII .. | Adoption of Police rules for travelling allowance of menials and adoption of permanent travelling allowance for Excise officers. | 50,000 | Do. |
| | FACTORY, BOILER AND SMOKE NUISANCES DEPARTMENT. | | |
| | *Smoke Nuisances Department.* | | |
| II .. | Cost of Smoke Nuisances Inspection to be recovered from Municipalities. | 22,000 | It has since been decided not to recover the cost from the Municipalities but to amend the Smoke Nuisances Act with a view to recovering the cost from the Millowners. |

APPENDIX No. 53—*contd.*

| Serial No. in the original statement. | Recommendations. | Savings estimated by the Committee. | Action taken by Government. |
|---|---|---|---|
| | DEPARTMENT OF LAND REVENUE. | Rs. | |
| | *Presidency Proper.* | 5,25,000 | Still under consideration. |
| I .. | Reduction of 33 per cent. of talatis .. | | |
| II .. | Abolition of 19 District Deputy Collectors. | 2,75,000 | Do. |
| III .. | Abolition of 9 Huzur Deputy Collectors from districts where branches of the Imperial Bank are situated. | 50,000 | Do. |
| XI .. | Reorganization of village establishment in Sind. | 3,00,000 | Do. |
| | *Medical Department.* | | |
| I .. | Replacement of 8 officers of the Indian Medical Service by officers of the Bombay Medical Service. | Not reported. | Still under consideration. |
| VI .. | Expenditure on account of the pay and allowances of officers in the Medical Department should be curtailed by employment of agencies less expensive than those engaged at present. | 60,000 | Do. |
| II .. | Reduction of one-half present strength of Medical School, Hyderabad. | 17,940 | Government have postponed their decision regarding the future of this school and asked the Surgeon General to submit proposals for continuing the school at a reduced cost after he has an opportunity of studying the question locally. |
| IV .. | Abolition of the Personal Assistant (Captain or Major) to Surgeon General. | 13,170 | Still under consideration. |
| V .. | Abolition of the present post of Office Superintendent and its conversion into that of a Non-medical Personal Assistant. | | |
| X .. | The present practice of dispensary inspections by Civil Surgeons should be abolished and this work should be transferred to District Health Officers when such officers are appointed (as separately recommended by the Committee in connection with their recommendation on the Public Health Department). | Not reported. | No change in the situation. |

APPENDIX No. 53—*contd.*

| Serial No. in the original statement. | Recommendations. | Savings estimated by the Committee. | Action taken by Government. |
|---|---|---|---|
| | *Police Department.* | Rs. | |
| III .. | Abolition of 62 Executive Sub-Inspectors. | 1,42,104 | The Inspector General of Police's revised proposals regarding the Sub-Divisional Scheme have since been received and they are at present under the consideration of Government. |
| V | Abolition of 60 District Inspectors of rural circles. | 3,27,156 | The Inspector General of Police's revised proposals regarding the Sub-Divisional Scheme have since been received and they are at present under the consideration of Government. |
| XI (*a*) .. | The more extensive employment of the village Police for the duties performed by the unarmed District Police. | Not reported. | The Inspector General of Police's report on the subject has not been received as yet. He had promised to submit it in September 1924. As the report has not been received as yet, it has already been expedited. |
| (*b*) .. | Reduction of the clerical staff in the mofussil Police offices by the adoption of improved methods of audit. | Do. | The orders on the Inspector General of Police's report are being issued. Government have decided not to make any reduction in the clerical establishment of the Police Department in the mofussil until final order on the Auditor General's letter No. 1796 Admn. 637-23 dated $\frac{\text{23rd November}}{\text{3rd December}}$ 1923 dealing with the procedure to be adopted to ensure adequate financial control within a province are issued by Government in the Finance Department. |

APPENDIX No. 53—*contd.*

| Serial No. in the original statement. | Recommendations. | Savings estimated by the Committee. | Action taken by Government. |
|---|---|---|---|
| | | Rs. | |
| (c) .. | Any increase in the Railway Police recommended by the Railway Police Committee should not be undertaken without careful consideration of what may be done by a re-distribution of the existing staff. | Not reported. | The provision of Rs. 1,05,000 made in the current year's budget for additional establishment for detective work, training courses and night passengers guards on the Railways in the Bombay Presidency including Sind has since been passed by the Legislative Council and the orders sanctioning the entertainment of the staff have already been issued under Government Resolution, Home Department, No. 331 dated 16th April 1924. As regards the contribution to be recovered from the Government of India on account of the cost of the Railway Police it may be noted that information on certain points which was called for from the Government of India in October 1923 has not been received as yet, though the Government of India were expedited more than six times. |
| (d) .. | Employment of the Local Sub-Government Pleaders in the places of Prosecuting Sub-Inspectors. | Do. | The Commissioner in Sind's report called for on the experiment made in the Hyderabad District has not been received. The Commissioner had promised to submit his report by 17th September 1924. |

APPENDIX No. 53—*contd.*

| Serial No. in the original statement. | Recommendations. | Savings estimated by the Committee. | Action taken by Government. |
|---|---|---|---|
| | | Rs. | |
| (e) .. | Reduction may be effected in the clerical staff of the Commissioner of Police, Bombay. | Not reported. | The Commissioner's report has not been received as yet. It is understood that the report will be shortly submitted to Government. |
| (f) .. | An investigation may be made whether some economy of personnel can be effected by the amalgamation of the Bombay City Criminal Investigation Department staff with the Bombay Presidency Criminal Investigation Department. | Do. | The Inspector General of Police's revised proposals for the reorganization of the Criminal Investigation Department have not been received as yet. The Inspector General of Police had intimated in December 1923 that as the scheme involves many controversial points it might take a year to come to definite final proposals. |
| (g) .. | Retrenchment may be made in the expenditure on travelling allowances by the grant of permanent travelling allowances to all officers of and above the rank of Sub-Inspectors and the introduction of the reduced rates of travelling allowance for the constabulary. | Do. | The permanent revised rules for travelling allowance are still under the consideration of Government. |
| | *Public Health Department.* | | |
| VIII .. | Abolition of Personal Assistant to Director of Public Health. | 4,466 | The post has been abolished from 1st April 1924. |
| | *Public Works Department.* | | |
| XIII (c) .. | Abolition of Architectural District (half). | .. | The Architectural District has been abolished from 1st April 1924, and the saving resulting therefrom amounts to Rs. 27,684. |
| 1 .. | A strong Committee should be appointed in order to revise thoroughly the present method of procedure and to eliminate unnecessary work. | .. | The Committee has since been appointed and is carrying on its investigations. |

## APPENDIX No. 54.

Pro forma *account of the surplus excise revenue up to the end of 1920-21.*

(Figures in thousands of rupees.)

| *Receipts.* | Rs. |
|---|---|
| 1917-18, Actuals .. .. .. | 16,58 |
| 1918-19, Actuals .. .. .. | 55,55 |
| 1919-20, Actuals .. .. .. | 31,60 |
| 1920-21, Revised .. .. .. | 33,59 |
| Total .. | 1,37,32 |

The share of the Educational Department for recurring expenditure is 13,50 per annum = 40,50 for three years.

The share of the Medical and Sanitary Departments for recurring expenditure is 4,50 per annum = 13,50 for three years.

The share of the Educational Department for non-recurring expenditure is (1,37,32 — 54,00) ÷ 2 = 41,66.

The share of the Medical and Sanitary Departments for non-recurring expenditure is 41,66.

Total share of the Educational Department, 40,50 + 41,66 = 82,16.

Total share of the Medical and Sanitary Departments 13,50 + 41,66 = 55,16.

| Expenditure, Educational Department— | Rs. |
|---|---|
| 1918-19, Actuals .. .. .. | 13,43 |
| 1919-20, Actuals .. .. .. | 22,74 |
| 1920-21, Revised .. .. .. | 20,35 |
| Total .. | 62,52 |

Balance at the credit of the Educational Department at the end of 1920-21 .. .. 82,16 — 62,52 = 19,64

| Expenditure, Medical and Sanitary Departments— | Rs. |
|---|---|
| 1918-19, Actuals .. .. .. | 4,62 |
| 1919-20, Actuals .. .. .. | 10,32 |
| 1920-21, Revised .. .. .. | 12,53 |
| Total .. | 27,47 |

Balance at the credit of the Medical and Sanitary Departments at the end of 1920-21 .. 55,16 — 27,47 = 27,69

Total balance .. 47,33

## APPENDIX No. 55.

*Statement showing information about assistance Suits filed by Inamdars in 1922-23.*

| Name of the District. | Number of assistance suits filed by inamdars. | The total amount of arrears of revenue for which the suits were instituted. | The total amount levied as process fees in the suits. | The amount of penalty under section 148 of the Land Revenue Code levied in the suits. |
|---|---|---|---|---|
| | | Rs. a. p. | Rs. a. p. | Rs. a. p. |
| *Northern Division.* | | | | |
| Ahmedabad .. .. | 205 | 3,857 0 0 | 78 0 0 | .... |
| Kaira .. .. | 376 | 6,163 0 0 | 118 0 0 | 167 0 0 |
| Panch Mahals .. .. | 131 | 11,958 0 0 | 244 0 0 | 676 0 0 |
| Broach .. .. | 22 | 2,321 0 0 | 14 0 0 | .... |
| Surat .. .. | 8 | 557 0 0 | 10 0 0 | .... |
| Thana .. .. | 36 | 7,064 0 0 | 185 0 0 | 279 0 0 |
| *Central Division.* | | | | |
| Ahmednagar .. .. | 23 | 6,575 11 5 | 126 7 0 | 142 0 0 |
| East Khandesh .. .. | 9 | 1,214 6 8 | 6 12 0 | .... |
| West Khandesh .. .. | 40 | 3,835 6 5 | 82 10 0 | 253 1 0 |
| Poona .. .. | 70 | 13,639 15 11 | 335 13 0 | 915 3 1 |
| Nasik .. .. | 32 | 2,571 4 3 | 82 15 0 | 197 2 8 |
| Sholapur .. .. | 14 | 1,925 0 1 | 39 9 0 | 70 3 0 |
| Satara .. .. | 371 | 28,849 15 5 | 918 4 6 | 623 7 4 |
| *Southern Division.* | | | | |
| Belgaum .. | 143 | 30,823 6 8 | 212 2 0 | 326 6 10 |
| Bijapur .. .. | 211 | 13,984 12 4 | 121 13 0 | 166 1 6 |
| Dharwar .. .. | 108 | 12,718 5 7 | 157 9 0 | 312 14 6 |
| Kolaba .. .. | 235 | 16,214 3 11 | 209 13 0 | 1,064 14 3 |
| Ratnagiri .. .. | 17 | 5,940 1 2 | 135 11 0 | 494 7 4 |
| *Bombay Suburban Division.* | | | | |
| Bombay Suburban District .. | 28 | 24,270 0 0 | 380 0 0 | 4 0 0 |

## APPENDIX No. 56.

*Statement showing the Resolutions passed by the Bombay Legislative Council at the Sessions of February-March 1924 and action taken by Government with regard to them.*

| Serial No. | Name of the Mover. | Subject matter. | Action taken by Government. |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| | | *Revenue Department.* | |
| 2 | Mr. H. B. Shivdasani. | Constitution of Surat District as one Protected Area under the Cotton Transport Act. | The question of the re-constitution of the Surat Cotton Zones was discussed at a conference recently held in Surat and the revised proposals are being laid before the Council. |
| 3 | Mr. R. G. Pradhan .. | Land Revenue Assessment Committee. | Government have appointed a Committee to consider the question of bringing the process of revision of land revenue assessment under closer regulation by statute. The Committee has already commenced its proceedings. It has been asked to submit its report before the end of March 1925. |
| 5 | Khan Saheb A. M. Mansuri. | Application of Wakf Act to the Bombay Presidency. | Certain preliminary points require to be settled before effect can be given to the recommendation of the Council. |
| 6 | Mr. N. E. Navle .. | Anna Valuation of crops. | The Committee consisting of officials appointed in pursuance of the Resolution has submitted its report to Government. The report is under consideration. |
| | | *Home Department.* | |
| 7 | Mr. G. L. Patel .. | Adequate compensation to sufferers from dacoits in Borsad and Anand Talukas. | Orders have been issued sanctioning extraordinary family pensions for the support of the families of persons killed by dacoits in the Kaira District. |
| 8 | Mr. V. A. Dabholkar. | Salaries of Presidency Magistrates, other than the Chief Presidency Magistrate, to be fixed at Rs. 1,000—50—1,500. | The Government of India has been moved to revise the salaries of the Presidency Magistrates as recommended by the Council. |

## APPENDIX No. 56—*contd.*

| Serial No. | Name of the Mover. | Subject matter. | Action taken by Government. |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| | | *General Department.* | |
| 9 | Mr. M. K. Dixit .. | Restoration of Surat Municipality. | It was resolved to re-establish the Surat Municipality on 15th December 1924 while the original period of supersession would expire in February 1925. In view however of the representation of Mr. M. K. Dixit that the Municipal electoral roll could not be properly prepared in time owing to the non-payment of municipal taxes by the rate-payers, Government have decided that the Municipality should be re-established on the 15th February 1925. |

## APPENDIX No. 57.

| | Percentage of Indian Christians to their population in | | | |
|---|---|---|---|---|
| | Arts Colleges. | Secondary Schools. | Technical and Industrial Schools. | Training Institutions. |
| 1 | 2 | 3 | 4 | 5 |
| Indian Christians .. .. | ·02 | 1·1 | ·3 | ·3 |
| Brahmins .. .. | ·1 | 2·1 | ·05 | ·06 |
| Non-Brahmins .. .. | ·01 | ·26 | ·007 | ·003 |
| Mahomedans .. .. | ·01 | ·4 | ·002 | ·02 |
| Parsis .. .. | ·4 | ·7 | ·07 | .... |

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## APPENDIX 58.

### BILL No. 1 OF 1924.

*A Bill to make further provision for the custody and protection of children and young persons and for the custody, trial and punishment of youthful offenders and for the amendment of the Reformatory Schools Act, 1897, in its application to the Presidency of Bombay.*

### REPORT OF THE SELECT COMMITTEE.

We, the undersigned members* of the Select Committee appointed to consider Bill No. 1 of 1924 (a Bill to make further provision for the custody and protection of children and young persons and for the custody, trial and punishment of youthful offenders and for the amendment of the Reformatory Schools Act, 1897, in its application to the Presidency of Bombay), have the honour to report as follows :

2. Reasons for the principal amendments made in the Bill are given in the Notes on clauses appended hereto.

3. A copy of the Bill as amended is appended to this Report. We recommend that this Report with a copy of the Bill as amended by us be published in the vernaculars of this Presidency, as well as in Urdu, in the *Bombay Government Gazette* and the *Sind Official Gazette.*

#### NOTES ON CLAUSES.

*Clause 3.*—We have extended the definition of 'certified school' to include educational institutions which do not give industrial training, as it is possible that it may be necessary to certify such institutions in some cases.

The definition of 'place of safety' has also been altered. The word 'orphanage' has been inserted in place of 'police station' and provision has been made that a child shall only be detained in a police station in the contingency of there being no other possible place available. We have thought it advisable to allow a police station to be used for this purpose to this extent, as it has been represented to us that in some places to which the Act may be extended there may be no other alternative.

*Clause 5.*—In clause 5 an amendment consequential on the deletion of clause 45 has been made, and we have also deemed it advisable to restrict the powers conferred by the Act to courts not lower in rank than those of first class magistrates and juvenile courts. We have also made it clear that the powers exerciseable under the Act may be used when a case comes before a court by way of an application for revision.

*Clause 7.*—Extensive alterations have been made in clause 7 of the Bill. Part of sub-section 2, and also sub-section 3, of section 27 of the Bengal Children Act, 1922, have been inserted as sub-clauses 2 and 3. The new sub-clauses make the procedure to be followed clearer.

* The signatures of Mr. D. R. Patil, Mr. B. K. Dalvi, Mr. G. B. Pradhan, Mr. W. S. Mukadam, Mr. D. B. Adwani, and Mr. Hoosenbhoy A. Laljee will be notified when received.

The original sub-clause 4 has been made more definite by deleting the first half, the provisos of sub-clause (1) being applied to 'young persons' by the insertion in it of those words.

(*d*) of sub-clause (1) has been extended to include the case of a child or young person frequenting the company of a prostitute.

We have had some difficulty in amending (*e*) of sub-clause (1), but we think that, as amended, it applies to the case of the actual 'house' or residence, of a prostitute and not to any separate residences of other persons in the same house or 'chawl'.

The remaining changes are verbal and self-explanatory.

*Clause 9.*—Clause 9 has also been extensively modified. We have confined the penal liabilities imposed by it to the cases of wilful, that is, intentional ill-treatment or neglect of a child, and have reduced the penalty to one of six months, with or without fine up to Rs. 200. We have also added a new sub-clause (4) which is taken from section 37 of the Children Act, 1908, and which makes it clear that the parental right to correct a child remains unaffected.

*Clause 10.*—Clause 10 has been amended by the insertion of the words 'for his own profit' in sub-clause (1), to secure that the provisions shall only apply to the cases of persons who, for their own ends, cause children or young persons to beg, that is, to the employers of children as beggars. We think that this change, read with the power of exemption of any class of persons in any district from the provisions of the section, conferred on the Governor in Council in sub-clause 3, will sufficiently safeguard any hard cases which may be found, in practice, to exist.

*Clause 11.*—The punishment imposable on a conviction under clause 4 has been increased, from six months to two years, and the fine from Rs. 200 to Rs. 1,000. We think this offence is sufficiently serious to justify this increase.

*Clause 12.*—For similar reasons, we have also increased the punishment awardable under clause 12 to three, instead of two years.

*Clause 13.*—The new clause 13 inserted in the Bill has been taken from section 30 of the Bengal Children Act, as we believe that some such provision should be made.

*Clause 14.*—The amendment to clause 14 has been made with the object of securing that a child or young person detained shall be produced before a court having jurisdiction at the earliest possible moment.

*Clause 16.*—We have thought it advisable to restrict the power of issuing a search warrant and a warrant of arrest under this section to magistrates, who under clause 5 will all be first class magistrates. It would not ordinarily be practicable for the higher courts to issue such warrants, and we think that juvenile courts, which are to be of a special character, should not have these powers. The substitution of 'wilfully' for 'assaulted' is consequential on other amendments in the Bill. Sub-clause 2 has been re-drafted so as to allow the magistrate to issue a bailable warrant in such cases: and we have also provided that the name of the child or young person in respect of whom proceedings are taken shall, if known, be inserted in the warrant.

*Clause 17.*—Some members of the select committee have represented that the powers under this clause might be abused by unscrupulous persons laying false information from malicious motives, and we have therefore inserted, after this clause, a new one framed on the lines of section 250 of the Criminal Procedure Code, 1898, allowing the magistrate who finds such an information to have been false, and frivolous or vexatious to direct the informer to pay compensation to the person against whom a false, and frivolous or vexatious information has been laid.

*Clause 18.*—The changes made in this clause are intended to secure that, in the cases of children or young persons, the ordinary rule should be to release them on bail, except in the cases of charges of very serious offences. A special proviso has also been inserted for the cases of girls under sixteen. This is taken from section 17 of the Bengal Act.

*Clause 21.*—A new sub-clause (5), also taken from the Bengal Act, has been added to this clause to guard against women who do not appear in public being required to attend the court under these provisions.

*Clause 25.*—We have provided for an appeal in cases under this section.

*Clause 28.*—The new sub-clause (2) is taken from section 31 (2) of the Bengal Children Act.

*Clause 39.*—The committee have thought it better expressly to state that before a certificate is withdrawn the manager of the school shall have an opportunity to show cause against such withdrawal.

*Clause 42.*—The words inserted widen the discretion of the Governor in Council in such cases. The clause, as it stood, provided for a discharge or a transfer, only.

*Clause 45.*—The amendments made in this clause are designed to show the object of the inspection provided for. We have deleted the word 'papers' in sub-clause 2, in view of the possibility of some of these being confidential.

*Old clause 45.*—The committee have thought it better to delete this clause: principally on the ground that its effect would be to make a decision, by perhaps an inferior court, final on the point of the age of a child or young person.

*Clause 47.*—The words 'endeavour to' have been omitted in two places so as more definitely to throw the duty of ascertaining the religious denomination of the child or young person on the court: and section 39 (3) of the Bengal Children Act has been inserted as sub-clause (4), to ensure that a child or youthful offender shall be brought up within the religion to which he or she belongs.

*Clause 51.*—The sections mentioned have been renumbered in accordance with the proposed draft of the Bill, and amendments consequential on those in clause 5 have been made in sub-clauses (*a*) and (*b*).

*Clause 52.*—Sub-clause (*p*) of this clause has been added to, in order to give power to call for periodical reports on the conduct of children and youthful offenders who have been boarded out or who have been allowed out on a licence.

The Select Committee have thought it expedient to subject the rule making power to the further condition that any rule made under this clause may be modified or annulled by a resolution of the Legislative Council. The rules made will come into force at once, but it is left to the Council, at its next session after their issue, to annul or modify any of them.

(Signed) M. H. W. HAYWARD.
( „ ) S. J. MURPHY.
( „ ) A. MONTGOMERIE.
( „ ) S. K. BOLE.
( „ ) A. M. MANSURI.
( „ ) J. P. BUNTER.
( „ ) K. E. DADACHANJI.
( „ ) S. T. KAMBLI.
( „ ) J. ADDYMAN.
( „ ) R. G. PRADHAN (*subject to a minute of dissent*).
( „ ) L. B. BHOPATKAR (*subject to a minute of dissent**)
( „ ) NOOR MAHOMED.

(*Minute of Dissent by Mr. R. G. Pradhan, M.L.C.*)

I am of opinion that section 45 should be deleted. My reasons are: (1) the power given thereunder is likely to be abused, particularly in times of political agitation; (2) it is unnecessary, since, in case a manager of an institution, such as is contemplated by the section wilfully neglects or ill-treats children or young persons who are in his charge or under his control, he can be dealt with under the penal clauses of the Bill; and (3) on the ground of principle, Government should not be given the power of inspecting private institutions of this kind, to which they give no financial assistance at all.

The avowed object of the inspection is to secure the health and welfare of the children and sanitation of the premises. Cannot the managers of the institutions and those who subscribe to their funds be trusted to secure this object? In case the managers do not properly discharge their duties, and wilfully neglect or ill-treat children or young persons in a manner likely to cause injury to their health, they can be dealt with under section 9 of the Bill.

(Signed) R. G. PRADHAN.

* To be published when received.

*(Minute of Dissent by Mr. Hooseinbhoy Abdoolabhoy Lalljee, M.L.C.)*

Before I write my views on the few points on which I have differed and before I put down a few suggestions which I consider ought to be incorporated in this Bill, I wish to say that we have had a full and free discussion on almost all the sections of this Bill in the Select Committee and that the Honourable the Home Member has met with our views to a great extent. I must also say that the provision made for an orphanage instead of a police-station as the first place of safety, the provision made for not keeping of young girls at the police-station and of their immediate release on bail, as also the provision made for the preservance of the religion of a child or a young person, were the important provisions which my community had desired. The addition of the word "wilful" wherever any charge of neglect is preferred against the parents or guardian and of the addition of the words "regular and proper guardianship" and the provision giving the right of appeal to the parents and guardian and an addition of a provision preserving the right of parents over their children are also desirable additions and I think that if the Government will accept a few more suggestions of the non-official members this Bill which is bound to be of great good to the people will be received by the people with such a good feeling that it would make Government proud of it.

Now, in taking up the points on which I had differed and also the suggestions which I wish to make, I will deal with them in the order in which they appear in this Bill :—

Section 3 (*g*).

In section 3 (*g*), line 56, I wish to add after the word "place" the words "or institution" and after the word "occupier", "or manager or person in charge of such institution", the addition I wish to make is a simple one and quite apparent.

Section 7.

In section 7, I wish to add a new sub-clause (*f*) and it should run as under :—

"(*f*) is found drunk or taking drug or smoking in any highway or public place or on a licensed premises or is found in the habit of taking intoxicating liquor or drug or smoking in a manner as would inculcate in such young person the habit of drink or taking of drug or smoking."

I had suggested in the select committee to incorporate this but unfortunately it was not accepted ; I make bold to suggest this again as I feel that it is essential. We are told that almost the whole of this Bill is on the lines and principles of the English Act and that is so, but I fail to see why when such provisions have been actually made in the English Act, they should have been omitted or left out in this Bill. Can it be said that these habits are impervious in England and not so in this country ? Certainly not. The sentiment of this country and its climate and the poverty of the people demand the eradication of these evils much more and as early as possible than in any other country and I strongly press for the same.

For the very reasons stated above, I suggest an addition of the following Section 10 (*1*). in section 10, clause 1, after the line 12 :—

" or causes or incites or abets for the purpose of inciting young person to bet or to gamble or to borrow money or whoever for his own benefit takes an article or pawn from a young person whether offered by that person on his or her own behalf or on behalf of any other person or whoever employs or allows a young person in the bar of licensed premises or in premises specially licensed only for the sale of tobacco or such other drug, or whoever causes or encourages or incites in a young person a habit of taking any intoxicating liquors or drug or smoking in a manner as would inculcate in a young person the habit of drinking or taking drug or smoking, or whoever employs a child or a young person in a theatre in a manner likely to cause such child or young person suffering or injuries to his or her health or causes or allows such child or young person to take part in a proceeding in a play which would likely cause or incite in such child or young person looseness of morality or who fails to provide for such child or young person employed in a theatre some educational facility or proper care or residence separate from ill-famed person."

It was suggested in the select committee that my above suggestions were not acceptable because those had not been circulated for public opinion nor had they been placed before the Government of India. As I have said above, I fail to see why Government have omitted these provisions in this Bill when they appear in the English Act and when as has been declared that this Bill is on the lines of the English Act and I think it was the duty of the Government to have drawn the attention of the public to that fact if there is at all any genuine need for obtaining public opinion and if they wish to put forward really this plea.

Those who know anything of the religious and sentimental feelings of the people of this country, I am sure, will not only agree with me that the addition of those clauses is very essential and will be most welcomed but that without those clauses this Bill will not be received by the public in a manner which would enable Government, as also this legislature, to feel proud of it. I had heard a rumour that whenever anything was desired to be done for the benefit of the public, Government were willing to do so provided it did not touch their revenue and specially the Excise or the Imperial revenue. I had no belief in this rumour, but I am sorry to say that I did find Government showing a great deal more concern for the Excise revenue and Imperial revenue than for the welfare of the people when the Excise policy was being discussed. However, in this case I can never believe that the Government will ever think of Excise revenue and therefore I trust Government will accept the suggestions and meet the public desire. As for the Government of India, sure enough when the Government of India can show so much magnanimity as to give away an annual revenue of seven crores of a poor country like that of ours for humanitarian object of not being party to supplying a drug which is injurious to the health of Chinese people, they cannot refuse to accept these suggestions but I hope they will welcome the incorporation of these suggestions in the Bill.

I suggest that after the word "exceeding" in line 10, the words "five hundred" be substituted for the words "one hundred" and after the words "was laid" in line 13, the following words should be added :—

Section 17 (1).

"and may direct prosecution against such informant under section 182 or 211 of the Indian Penal Code."

I had suggested in the select committee that in view of the fact that in cities there are persons who are tempted to trouble respectable people, therefore some deterrent provision should be made as would deter mischief-makers from making false or frivolous statement. The clause 17 has been added with this view, but I submit that in large cities unless drastic punishment is held out it is very difficult to stop mischief-makers from attempting to do so. The suggestion I have made will entirely be at the discretion of the magistrate and therefore no harm could be done without due care and attention. There have been instances in Bombay where well-to-do persons have put up men worth nothing to trouble both respectable people with good means as also respectable people but of poor means and, in case of the former, it could be presumed that such a person would no doubt move the court and obtain sanction for the prosecution but in latter case it would be impossible for the party to incur cost and get the culprit punished. It is the latter class of persons who ought to be protected and if powers were given to the trying magistrate to direct prosecution under section 182 or 211 of the Indian Penal Code the ends of the justice would be met. It may be said that the magistrate has inherent powers without making any such provision to order prosecution but it is a well known fact that the magistrates very very seldom exercise such powers and as a matter of fact there have been instances where magistrates have not exercised such powers and poor and respectable persons have not only been harassed but have been ruined under the cost of defending themselves in such trials, and it has been impossible for them to incur any cost for prosecuting or obtaining any compensation.

Section 27 (f). I submit that this must be deleted.

The whipping punishment is now being removed from the statutes in all civilized countries and in case of juvenile offenders when Acts like the present one are to be enacted to prevent cruelty to children and young persons such a clause providing such a punishment, is in my humble opinion quite contrary to the spirit of the Bill. It is now a common knowledge what a great stir the whipping punishment meted out in Amritsar and Lahore had created in the country and it is high time that the Government realises that such a punishment must be done away with at once.

I have objected in the first place to the section 45 but on the addition to clause 1 of the last lines in the said section, I do not wish to oppose the same; but I do insist that in clause 2 the following words after the word "thereof" in line 18 be deleted :—

Section 45 (2).

"and of all registers and accounts relating thereto."

My reasons for objecting to these are it is at present the duty of the Government to encourage the formation of institutions which would

undertake the protection of children and young persons as provided for in this Bill; there is no reason why Government should keep the right to look into the registers and accounts. The whole object of the Government, as has been declared, is that they want the right of inspection for the purpose of securing the health and welfare of the children and the sanitation of the premises. It is a well known fact that public view the Government inspection with not a very happy mind and this will retard the initiation from the public towards the establishment of new institutions. It was said in the select committee that charitable institutions must be able to render accounts and I agree to this view provided action is taken against offending trustees or managers of charitable or endowment institutions under the provisions of already existing Acts which have been enacted for the purpose. It will be, I submit, not at all in the interests of unprotected children or young persons if any such provisions are made in this Bill. I think it necessary that all encouragement and inducement must be held out and given so that institutions may be formed for the purposes of this Bill.

(Signed) HOOSEINBHOY ABDOOLABHOY LALLJEE.

(*Minute of Dissent by Mr. G. B. Pradhan, M.L.C.*)

The wording of section 10 is very much drastic. It will include all the young children who perform in circuses as well as in streets such as Bhorpis, etc. It will also include professional singing girls who are poor and who go about singing to music. It will also include young students who go about seeking charity for their school-fees and for buying books. I will add an exception to this section in the following words :—

*Exception.*—But this section shall not apply to children or young persons who seek aid for mental, moral, physical or intellectual development. It shall not also apply to such classes of persons who are by profession given to acrobatic performances or who maintain themselves by music or singing.

I am quite aware of the power of exemption given to His Excellency in Council. By it certain classes of persons may be exempted, but that power will not be a safeguard for persons referred to in the exception. So long as there are no poor-houses in India, I am inclined to think that such a drastic provision as section 10 contemplates is out of place. But we come across such peculiar and hard-hearted cases that some protection is necessary and I am not inclined to delete the section altogether.

(Signed) G. B. PRADHAN.

(*Minute of Dissent by Mr. D. R. Patil, M.L.C.*)

In my opinion clause (2) of section 10 should be deleted as it does away with the sound principle of law, namely, onus of proof should be on the prosecution.

(Signed) D. R. PATIL.

*(Minute of Dissent by Mr. L. B. Bhopatkar, M.L.C.)*

The following amendments are proposed with a view to carry out more effectively the objects underlying the Bill without leaving any room for the interests of the persons concerned to be prejudiced in the least :—

(1) In clause 3, sub-clause (*g*), after the word " hospital " which occurs in two places, add " hotel, hostel, boarding and lodging house ".

(2) In clause 7, sub-clause (1) (*a*), after the word " regular " put a comma, and add " continuous ".

(3) In clause 7, sub-clause (1) (*d*), after the word " thief " add " or a person of known criminal habits ".

(4) In the proviso to clause 7, sub-clause (1), after the word " police-officer " add " below the rank of Inspector in the city of Bombay and outside of it ".

(5) In clause 7, sub-clause (3), delete " not ".

(6) I still feel that clause 10 is most likely to be abused, unless it is hedged in by necessary and salutary restrictions and limitations.

Thus, in clause 10, sub-clause (1), omit the words from " whether " to " otherwise ".

The wording of sub-clause (2) is rather unhappy. Also it should be such as to raise the presumption the other way. Thus I propose that the sub-clause should be as follows :—" If a person having the actual charge of or control over a child or young person is charged with an offence under this section, it shall be proved that the child or young person was in any street, premises or place for any such purpose as aforesaid and that the person charged allowed the child or young person to be in the street, premises, or place for that purpose."

I propose that sub-clause (3) should be made obligatory in nature by the substitution of " shall " for " may ", and for the words " any class of persons " should be substituted the words " all such classes of persons excepting professional beggars ".

(7) In the matter of the inspection of schools contemplated by clause 34, I feel that it is absolutely necessary to associate public opinion with the official element. I therefore propose that in clause 37 at the end should be added " and by the members of the Bombay Legislative Council and by such members of the Legislative Assembly and the Council of State as represent the presidency of Bombay therein ".

(8) The wording of clause 47 should be so explicit and definite as not to leave any loophole for any officer to pass an order which will even indirectly affect the religion of the child or young person concerned.

I therefore propose that the words " if possible " should be deleted from clauses (1) and (2) of clause 47.

(9) In the matter of the rule-making power the select committee have certainly improved the original clause, but I think that they have not gone further enough. I therefore propose that for the words

"and shall be . . . session" should be substituted the words "and shall not come into operation unless passed at such next session".

(Signed) L. B. BHOPATKAR.

(*Minute of dissent by Mr. Durgdas B. Adwani, M.L.C.*).

"I am of opinion that the provisions of the bill need to be changed in some important respects.

"For instance, it is necessary that, in the case of children or young persons who are living with their parents, guardians or husbands, a report should, in the first instance, be made by a police officer not being lower in rank than a sub-inspector, to the district police officer. The district officer may depute a police officer who should not be lower in rank than an inspector, to investigate. On a satisfactory report being received, sanction to produce the child before a court should be given.

"With regard to 'places of safety', a police station should be altogether deleted from the definition. The machinery for the working of the bill should include committees drawn from the people of particular localities who should fix the places of safety for each locality, failing which the civil officer or judge of the station should do so.

"Further it should also be possible for husbands of young persons who may be married and for parents and guardians of other young persons or children to have the said children or young persons with themselves during the period of detention, where the court is satisfied on the recommendation of the committee referred to above or of other sound sureties, that the child or young person would be safe during the period of detention and would be produced in court. This will give the husbands, parents, or guardians the advantage of the doubt with regard to their behaviour towards the children or young persons, till the court is satisfied that the child should be removed from the custody of such husbands, parents or guardians."

(Signed) D. B. ADWANI.

APPENDIX 58—*contd.*

## BILL No. I OF 1924.

*A Bill to make further provision for the custody and protection of children and young persons and for the custody, trial and punishment of youthful offenders and for the amendment of the Reformatory Schools Act, 1897, in its application to the Presidency of Bombay.*

**(As amended by the Select Committee.)**

[Where not otherwise specified the marginal references are to the sections of the Madras Children Act, 1920.]

WHEREAS it is expedient to make further provision for the custody and protection of children and young persons and for the custody, trial and punishment of youthful offenders and for the amendment of the Reformatory Schools Act, 1897, in its application to the Presidency of Bombay; and whereas the previous sanction of the Governor General required by clauses (*e*), (*f*) and (*h*) of sub-section (*3*) of section 80A of the Government of India Act has been obtained to the passing of this Act; It is hereby enacted as follows:—

VIII of 1897.

5 & 6 Geo. V, c. 61.

## PART I.

### PRELIMINARY.

Short title and extent.

1. (*1*) This Act may be called the Bombay Children Act, 192 .

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

(*3*) Notwithstanding the introduction of this Act in any local area

the Government may by notification exclude any class of children, young persons or youthful offenders from the operation of all or any of the provisions of this Act.

Commencement.

**2.** Section 1 shall come into operation at once. The rest of the Act shall come into operation in the City of Bombay on such date as the Governor in Council may, by notification in the *Bombay Government Gazette*, appoint: the Governor in Council may further, by notification in the *Bombay Government Gazette*, direct that the rest of the Act, or any part thereof, shall come into operation in any District or place other than the City of Bombay on such date as may be specified in such notification.

*Cf.* s. 3;

Interpretation clause.

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

(*a*) "child" means a person under the age of fourteen years and when used with reference to a child sent to a certified school applies to that child during the whole period of his detention, notwithstanding that the child may have attained the age of fourteen years;

(*b*) "young person" means a person who is fourteen years of age or upwards but under the age of sixteen years;

(*c*) "youthful offender" means any person who has been convicted of an offence punishable with transportation or imprisonment and who, at the time of such conviction, was under the age of sixteen years;

(*d*) "certified school" means an industrial school established under sub-section (*1*) or certified under sub-section (*2*) of section 32 of this Act *or any other educational institution certified in this behalf by the Governor in Council*;

(*e*) "guardian" in relation to a youthful offender, child or young person includes any person who in the opinion of the court having cognizance of any proceedings in relation to the youthful offender, child or young person or in which the youthful offender, child or young person is concerned, has for the time being the actual charge of or control over the youthful offender, child or young person;

(*f*) "fit person" in relation to the care of any child or young person includes any society or body corporate established for the reception or protection of poor children or the prevention of cruelty to children; *Cf.* s. 38 (*1*) of the Children Act, 1908.

(*g*) "place of safety" ~~means~~ *includes* any ~~police station~~ *orphanage*, hospital, surgery or any other suitable place the occupier of which is willing temporarily to receive a child or young person; *or where such orphanage, hospital, surgery or other suitable place is not available, a police station*;

(*h*) "brothel" means any house, room or place which the occupier or person in charge thereof habitually allows to be used by any other person for the purposes of prostitution; and

(*i*) "prescribed" means prescribed by rules under this Act.

Amendment of section 4 of VIII of 1897.

**4.** For the word "fifteen" in the definition of "youthful offen-

der" in section 4 of the Reformatory Schools Act, 1897, the word "sixteen" shall be substituted. VIII of 1897.

*Cf.* s. 4.

Powers of courts.

**5.** The powers conferred on courts by this Act ~~with the exception of the power under section 45 to inquire into the age of a person who is apparently a child or young person~~ shall be exercised only by—(*a*) the High Court; (*b*) a Court of Session; (*c*) a District Magistrate; (*d*) a Sub-divisional Magistrate; (*e*) a salaried Presidency Magistrate; (*f*) any Juvenile Court constituted under section 44, *46*; and (*g*) any magistrate of the first ~~or second~~ class ~~specially authorized by the Governor in Council to exercise all or any of such powers~~; and may be exercised by such courts whether the case comes before them originally or on appeal *or revision*.

*Cf.* s. 5.

Procedure when magistrate is not empowered to pass an order under this Act.

**6.** (1) When any magistrate not empowered to pass an order under this Act is of opinion that a child or young person brought before him or convicted by him is a proper person to be sent to a certified school or to be dealt with in any other manner in which the case may be dealt with under this Act, he shall record such opinion and submit his proceedings and forward the child or young person to the District Magistrate or Sub-divisional Magistrate to whom he is subordinate or to the magistrate presiding over the nearest juvenile court having jurisdiction in the case or in the City of Bombay to a salaried Presidency Magistrate.

(2) The magistrate to whom the proceedings are so submitted may make

such further inquiry, if any, as he may think fit and may pass such order dealing with the case as he might have passed if the child or young person had originally been brought before or tried by him.

## PART II.

### MEASURES FOR THE CUSTODY AND PROTECTION OF CHILDREN AND YOUNG PERSONS WHO ARE DESTITUTE, ETC.

*Cf.* s. 29.

Children found wandering, etc.

**7.** (*1*) Any police-officer or other person authorized in this behalf in accordance with rules made by the Governor in Council may bring before a court any person who in his opinion is a child *or young person* and who—

(*a*) is found wandering and has no home, settled place of abode or visible means of subsistence, or is found wandering and has no parent or guardian ~~or has no parent or guardian~~ who exercises *regular and* proper guardian-ship; or

(*b*) is found destitute and his parents or surviving parent *or other guardian*, or in the case of an illegitimate child his mother *or other guardian*, are or is, as the case may be, undergoing transportation or imprisonment; or

(*c*) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of such person; or

(*d*) frequents the company of any reputed thief or *prostitute or;*

(*e*) is lodging or residing in a house ~~or part of a house~~ used by a prostitute for the purposes of prostitution ~~or is otherwise living in circumstances calculated to cause, encourage or favour the seduction or prostitution of such person~~;

Provided that no police-officer below the rank of sub-inspector shall bring before a court under this sub-section a child who has a parent or legal guardian who has the actual charge of or control over the child.

*(2) The court before which a child is brought as coming within one of these descriptions shall examine the information and record the substance of such examination and shall if it thinks that there are sufficient grounds for inquiry further fix a date for such inquiry.*

*(3) On the date fixed for the production of the child or for the inquiry or on any subsequent date to which the proceedings may be adjourned the court shall hear and record all evidence which may be adduced and consider any cause which may be shown why an order sending the child to a certified school should not be passed and make any further inquiry it thinks fit.*

(2) (*4*) If the court is satisfied on *the* inquiry that such person is a child and is as above described and that it is expedient so to deal with him, the court may order him to be sent to a certified school.

(3) (*5*) Instead of ordering such ~~person~~ *child* to be sent to a certified school the court may in the prescribed manner order him to be committed to the care of a relative or other fit person named by the court (such relative or other

person being willing to undertake such care) until he attains the age of sixteen years or for any shorter period.

(4) (6) ~~Any police officer as aforesaid or other person authorised as aforesaid may similarly bring before a court any person who in his opinion is a young person and who is as above described in one or other of the clauses (a) to (e) of sub section (f) apparently of the age of fourteen or sixteen years and if.~~ *If* the Court is satisfied on *the* inquiry that such person is a young person and is as above described and that it is expedient so to deal with him, the court may in the prescribed manner order him to be committed to the care of a relative or other fit person named by the court (such relative or other person being willing to undertake such care) until he attains the age of sixteen years or any shorter period.

(5) (7) The court which makes an order committing a person to the care of a relative or other fit person under this section may, in addition, order that he be placed under the supervision of a person named by the court.

*Cf.* s. 30.

**Uncontrollable children.**

8. Where the parent or guardian of a child proves to a court that he is unable to control the child, and that he desires the child to be sent to a certified school, the court, if satisfied on inquiry that it is expedient so to deal with the child and that the parent or guardian understands the results which will follow, may order him to be sent to any such school.

## PART III.

### OFFENCES AGAINST CHILDREN AND YOUNG PERSONS AND THEIR PREVENTION.

*Cf.* The Children Act, 1908, s. 12.

Punishment for cruelty to children and young persons.

9. (*1*) Whoever having the actual charge of or control over a child or young person ~~assaults, ill-treats,~~ abandons, exposes or wilfully neglects *or ill-treats* such child or young person in a manner likely to cause such child or young person unnecessary suffering or injury to his health shall be punishable with imprisonment of either description for a term which may extend to ~~two years~~ *six months* or with fine which may extend to ~~one thousand~~ *two hundred* rupees or with both.

(*2*) For the purposes of this section injury to health includes injury to, or loss of, sight or hearing and injury to limb or organ of the body and any mental derangement, and a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if he *wilfully* fails to provide adequate food, clothing, medical aid or lodging for the child or young person.

(*3*) A person may be convicted of an offence under this section notwithstanding that actual suffering or injury to health was obviated by the action of another person.

(*4*) *Nothing in this section shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child or young person to*

*administer punishment to such child or young person.*

Causing or allowing child or young person to beg.

**10.** (*1*) Whoever *for his own profit* causes any child or young person, or having the actual charge of or control over a child or young person allows that child or young person to be in any street, premises or place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether or not there is a pretence of singing, playing, performing, offering anything for sale, or otherwise, shall be punishable with imprisonment of either description for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

*Cf.* The Children Act, 1908, s. 14,

(*2*) If a person having the actual charge of or control over a child or young person is charged with an offence under this section and it is proved that the child or young person was in any street, premises or place for any such purpose as aforesaid and that the person charged allowed the child or young person to be in the street, premises or place, he shall be presumed to have allowed him to be in the street, premises or place for that purpose unless the contrary is proved.

(*3*) The Governor in Council may by notification in the *Bombay Government Gazette* exempt from liability to punishment under this section any class of persons in any district or place where this Act may be in operation.

*Cf.* The Children Act, 1908, s. 16

Allowing child or young person to be in brothel.

**11.** Whoever having the actual charge of or control over a child or young person between the ages of four and sixteen allows that child or young person to reside in or frequent a brothel shall be punishable with imprisonment of either description for a term which may extend to ~~six months~~ *two years* or with fine which may extend to ~~two hundred~~ *one thousand* rupees or with both.

*Cf.* s. 17 of the Children Act, 1908, as subsequently amended.

Causing or encouraging seduction, etc., of young girl.

**12.** (*1*) Whoever having the actual charge of or control over a girl under the age of sixteen years causes or encourages the seduction or prostitution of that girl or causes or encourages any one other than her husband to have sexual intercourse with her shall be punishable with imprisonment of either description for a term which may extend to ~~two~~ *three* years and *shall also be liable to fine.*

(*2*) For the purposes of this section a person shall be deemed to have caused or encouraged the seduction or prostitution of, or the unlawful sexual intercourse with a girl who has been seduced or become a prostitute or with whom such sexual intercourse has been had if he has knowingly allowed the girl to consort with, or to enter or continue in the employment of any prostitute or person of known immoral character.

*Young girls exposed to risk of seduction, etc., or cruelly treated.*

*13. If it appears to a court on the complaint of any person that a girl under the age of sixteen is being treated with cruelty by her parent or guardian or that such girl*

*with the knowledge of her parent or guardian is exposed to the risk of seduction or prostitution or living a life of prostitution the court may direct the parent or guardian to enter into a recognizance to exercise due care and supervision in respect of such girl.*

~~13.~~ *14.* (*1*) Any police-officer, not below the rank of Sub-Inspector or a police officer or a person authorised in this behalf in accordance with rules made by the Governor in Council may take to a place of safety any child or young person in respect of whom an offence punishable under this act or under Chapter XLV of 1860. XVI of the Indian Penal Code, 1860, has been, or there is reason to believe has been, committed.

Detention of child or young person in place of safety.

*Cf.* The Children Act, 1908, s. 20.

(*2*) A child or young person so taken to a place of safety and also any child or young person who seeks refuge in a place of safety may there be detained until he can be brought before the court *but such detention shall not in the absence of a special order of the court exceed a period of twenty-four hours exclusive of the time necessary for the journey from the place of detention to the court* and the court may make such order as is mentioned in the next following sub-section or may cause the child or young person to be dealt with as circumstances may admit and require until the charge made against any person in respect of any offence as aforesaid with regard to the child or young person has been determined by the conviction, discharge or acquittal of such person.

(*3*) Where it appears to the court that an offence as aforesaid has been committed in respect of any child or young person who is brought before

the court and that it is expedient in the interests of the child or young person that an order should be made under this sub-section, the court may make such order as circumstances may admit and require for the care and detention of the child or young person until a reasonable time has elapsed for a charge to be made against some person for having committed the offence and if a charge is made against any person within that time, until the charge has been determined by the conviction, discharge or acquittal of that person and in case of conviction for such further time not exceeding one month as the court which convicted may direct and any such order may be carried out notwithstanding that any person claims the custody of the child or young person.

*Cf.* The Children Act, 1908, s. 21.

Disposal of child or young person by order of court.

14. *15.* (*1*) Where any person having the actual charge of or control over a child or young person has been —

(*a*) convicted of committing in respect of such child or young person an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860; or XLV of 1860.

(*b*) committed for trial for any such offence; or

(*c*) bound over to keep the peace towards such child or young person by any court, that court may either at the time when the person is so convicted, committed for trial or bound over at any other time, order that the child or young person be taken out of the charge and control of the person so convicted, committed for trial or bound over and be committed to the care of a relative

of the child or young person or other fit person named by the court (such relative or other person being willing to undertake such care) until he attains the age of sixteen years or for any shorter period and that court or any court of like jurisdiction may, of its own motion or on the application of any person, from time to time by order renew, vary and revoke any such order.

(*2*) The court which makes an order committing a child or young person to the care of a relative or other fit person under this section may, in addition, order that the child or young person be placed under the supervision of a person named by the court.

(*3*) If the child or young person has a parent or legal guardian, no order shall be made under this section unless the parent or legal guardian has been convicted of or committed for trial for the offence or is under committal for trial for having been, or has been proved to the satisfaction of the court making the order to have been, party or privy to the offence or has been bound over to keep the peace towards the child or young person or cannot be found.

(*4*) Every order under this section shall be in writing and any such order may be made by the court in the absence of the child or young person; and the consent of any person to undertake the care of the child or young person in pursuance of any such order shall be taken in such manner as the court may think sufficient to bind him.

(*5*) Where an order is made under this section and the conviction or order binding the person to keep the peace is set aside or the person is acquitted,

the order shall forthwith be void except with regard to anything that may have been lawfully done under it.

(*6*) In the case of a child the court may, instead of ordering the child to be committed to the care of a relative or other fit person, order that the child shall be sent to a certified school.

*Cf.* The Children Act, 1908, s. 24.

~~15.~~ *16.* (*1*) If it appears to a ~~court~~ *magistrate duly empowered under this Act* from information on *oath or* solemn affirmation laid by any person who in the opinion of the ~~court~~ *magistrate* is acting in the interests of a child or young person, that there is reasonable cause to suspect that—

Warrant to search for child or young person ill-treated.

(*a*) the child or young person has been or is being ~~assaulted~~, *wilfully* ill-treated or neglected in any place within its jurisdiction in a manner likely to cause the child or young person unnecessary suffering or to be injurious to his health; or

(*b*) that an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860, XLV of 1860. has been or is being committed in respect of the child or young person,

the ~~court~~ *magistrate* may issue a warrant authorizing any police-officer named therein to search for such child or young person and if it is found that he has been or is being ~~assaulted~~, *wilfully* ill-treated or neglected in manner aforesaid or that any offence as aforesaid has been or is being committed in respect of the child or young person, to take him to and detain him in a place of safety until he can be brought before the ~~court~~ *magistrate*, or authorizing any police-officer to remove

the child or young person, with or without search, to a place of safety and detain him there until he can be brought before the ~~court~~ *magistrate*; and the ~~court~~ *magistrate* before whom the child or young person is brought may commit him to the care of a relative or other fit person in like manner as if the person in whose charge or control he was had been committed for trial for an offence punishable under this Act.

(2) ~~A court issuing a warrant under this section may by the same warrant cause any person accused of any offence in respect of the child or young person to be apprehended and brought before the court~~

*(2) A magistrate issuing a warrant under this section may in his discretion by the same warrant direct that any person accused of any offence in respect of the child or young person be apprehended and brought before him, or direct that if such person executes a bond with sufficient sureties for his attendance before the magistrate at a specified time and thereafter until otherwise directed by the magistrate the officer to whom the warrant is directed shall take such security and shall release such person from custody.*

(3) The police-officer executing the warrant shall be accompanied by the person laying the information if such person so desire, and may also, if the ~~court~~ *magistrate* by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

(4) ~~It shall not be necessary in~~ *In* any information or warrant under this section ~~to~~ *the* name *of* the child or young person *shall be given if known.*

*Compensation for false and frivolous or vexatious information.*

*17. (1) If in any case in which an information has been laid by any person under the provisions of section 16 the magistrate after such inquiry as he may deem necessary is of opinion that such information was false and either frivolous or vexatious the magistrate may for reasons to be recorded in writing direct that compensation to such an amount not exceeding one hundred rupees as he may determine be paid by such informer to the person against whom the information was laid.*

*(2) Before making any order for the payment of compensation the magistrate shall call upon the informer to show cause why he should not pay compensation and shall consider any cause which such informer may show.*

*(3) The magistrate may by the order directing payment of the compensation further order that in default of payment the person ordered to pay such compensation shall suffer simple imprisonment for a period of 30 days.*

*(4) When any person is imprisoned under sub-section (3) the provisions of sections 68 and 69 of the Indian Penal Code, 1860, shall so far as may be apply.* *XLV of 1860.*

*(5) No person who has been directed to pay compensation under this section shall by reason of such order be exempted from any civil or criminal liability in respect of the information given by him but any amount paid as compensation shall be taken into account in any subsequent civil suits relating to such matter.*

*(6) An informer who has been ordered to pay compensation exceeding fifty rupees may appeal from the order as if such informer had been convicted on a*

*trial held by the magistrate directing the payment of compensation.*

(7) *When an order for the payment of compensation is made in a case which is subject to appeal under sub-section* (6) *the compensation shall not be paid to the person ordered to receive it before the period allowed for the presentation of the appeal has elapsed or if an appeal is presented before the appeal has been decided and where such order is made in a case which is not subject to appeal the compensation shall not be paid before the expiration of one month from the date of the order.*

## PART IV.

### YOUTHFUL OFFENDERS.

~~16.~~ *18.* Where a person apparently under the age of sixteen years is arrested on a charge of a non-bailable offence and cannot be brought forthwith before a court, the officer in charge of the police station to which such person is brought ~~shall~~ *may in any case and shall unless the charge is one of culpable homicide or any other offence punishable with death or transportation* release him on bail if sufficient security is forthcoming, unless for reasons to be recorded in writing the officer believes that such release ~~would defeat the~~ *ends of justice or that the release of such person* would bring him into association with any reputed criminal.

*cf.* s. 18.

Bail of children and young persons arrested.

*Provided that when any girl apparently under the age of sixteen years is arrested the officer in charge of a police station who has made the arrest or before whom the girl is produced shall release her at once if any person who in his*

*opinion is a sufficient surety enters into a bond for such sum of money as the officer considers sufficient to produce her before the court and to appear in her stead if required at the police station.*

~~17.~~ *19.* Where a person apparently under the age of sixteen years having been arrested is not released under section ~~16~~ *18* or otherwise, the officer in charge of the police station shall cause him to be detained in the prescribed manner, until he can be brought before a court.

Custody of children and young persons not discharged on bail after arrest.

*Cf. s. 18.*

~~18.~~ *20.* A court, on remanding or committing for trial a child or young person who is not released on bail, shall order him to be detained in the prescribed manner.

Remand or committal to custody.

*Cf. s. 19.*

~~19.~~ *21.* (*1*) Where a child or young person is charged with any offence or where a child is brought before a court on an application for an order to send him to a certified school, his parent or guardian may in any case, and shall, if he can be found and resides within a reasonable distance and the person so charged or brought before the court is a child, be required to attend at the court before which the case is heard during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

Attendance at court of parent of child or young person charged with an offence, etc.

(*2*) Where the child or young person is arrested, the officer in charge of the police station to which he is brought shall cause the parent or guardian

of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

(*3*) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual charge of or control over the child or young person:

Provided that if that person is not the father, the attendance of the father may also be required.

(*4*) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

(*5*) *Nothing in this section shall be deemed to require the attendance of the mother or the female guardian of a child or young person if such mother or female guardian does not according to the customs and manners of the country appear in public, but any such person may appear before the court by a pleader or agent.*

Sentences that may not be passed on a child or young person.

~~29.~~ *22.* Notwithstanding anything to the contrary contained in any law no child or young person shall be sentenced to death or transportation or committed to prison:

*Cf. s. 22.*

Provided that a young person may be committed to prison where the court certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a reformatory school and that none of

the other methods in which the case may legally be dealt with is suitable.

*Cf.* s. 23.

21. *23.* (*1*) Where a child is found to have committed an offence punishable with transportation or imprisonment, the court, if satisfied on inquiry that it is expedient so to deal with the child, may order him to be sent to a certified school.

Commitment of child to a certified school.

(*2*) Where a child has been ordered by a court to give security under section 106 or section 118 of the Code of Criminal Procedure, 1898, and has failed to do so, the court which passed the order may order such child to be sent to a certified school. V of 1898.

(*3*) Where prior to the commencement of this Act a youthful offender has been sentenced to transportation or imprisonment, the Governor in Council may direct that in lieu of undergoing or completing such sentence, he shall, if under the age of fourteen years, be sent to a certified school; and thereupon the offender shall be subject to all the provisions of this Act as if he had been originally sentenced to detention in such school.

*Cf.* s. 25.

22. 24. A court may, if it shall think fit, instead of directing any youthful offender to be detained in a certified school, order him to be—

Power to discharge youthful offender or to commit him to suitable custody.

(*a*) discharged after due admonition, or

(*b*) committed to the care of his parent or guardian or other adult relative or other fit person on such parent, guardian, relative or person executing a bond, with or without

sureties, as the court may require, to be responsible for the good behaviour of the youthful offender for any period not exceeding twelve months, and the court may in either case pass a further order that the youthful offender be placed under the supervision of a person named by the court.

23. *25.* (*1*) Where a child or young person is convicted of an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall if the offender is a child, order that the fine be paid by the parent or guardian of the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.

*Cf.* s. 26

Power to order parent to pay fine, etc., instead of child or young person.

(*2*) An order under this section may be made against a parent or guardian who, having been required to attend has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(*3*) Where a parent or guardian is directed to pay a fine under this section the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898.

V of 1898.

(*4*) *A parent or guardian may appeal against any such order as if it had been an order passed in proceedings against himself.*

*Cf.* s. 27.

24. *26.* (*1*) When a child or young person is convicted of an offence of so serious a nature that the court is of opinion that no punishment which under the provisions of this Act or of the Reformatory Schools Act, 1897, VIII of 1897. it is authorized to inflict is sufficient, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Governor in Council.

Detention in the case of certain crimes committed by children or young persons.

(*2*) Notwithstanding the provisions of section 20 22, the Governor in Council may order any such child or young person to be detained in such place and on such conditions as he thinks fit, and while so detained the child or young person shall be deemed to be in legal custody:

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child or young person could have been sentenced for the offence committed.

*Cf.* s. 28.

25. *27.* Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether,

Methods of dealing with children and young persons charged with offences.

(*a*) by discharging the offender after due admonition; or

(*b*) by committing the offender to the care of his parent, guardian, other adult relative or other fit person on

such parent, guardian, relative or person executing a bond to be responsible for his good behaviour; or

(*c*) by so discharging or committing the offender and placing him under the supervision of a person named by the court; or

(*d*) by sending the offender to a certified school; or

(*e*) by sending the offender to a reformatory school; or

(*f*) by ordering the offender to be whipped; or

(*g*) by ordering the offender to pay a fine; or

(*h*) by ordering the parent or guardian of the offender to pay a fine; or

(*i*) where the offender is a young person, by sentencing him to imprisonment; or

(*j*) by dealing with the case in any other manner in which it may legally be dealt with:

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

## PART V.

### MAINTENANCE AND TREATMENT OF PERSONS SENT TO CERTIFIED SCHOOLS OR COMMITTED TO THE CARE OF RELATIVES OR OTHER FIT PERSONS.

*Cf.* s. 31.

Contribution of parent.

26. *28.* (*1*) The court which makes an order for the detention of a child or youthful offender in a certified school or for the committal of a child or young person or youthful offender to the care of a relative or other fit

person may make an order on the parent or other person liable to maintain the child, young person or youthful offender, to contribute to his maintenance, if able to do so, in the prescribed manner.

*(2) The court before making any order under sub-section (1) shall inquire into the circumstances of the parent or other person liable to maintain the youthful offender, child or young person and shall record the evidence if any in the presence of the parent or such other person as the case may be or when his personal attendance is dispensed with in the presence of his pleader.*

(2) (3) Any order made under this section may from time to time be varied by the court.

(3) (4) The persons liable to maintain a child, young person or youthful offender shall for the purposes of sub-section (1) include in the case of illegitimacy his putative father:

Provided that where the child, young person or youthful offender is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1898, V of 1898. the court shall not ordinarily make an order for contribution against the putative father but may order the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named, to be applied by him or them, as the case may be, towards the maintenance of the child, young person or youthful offender.

(4) (5) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1898. V of 1898.

27. *29.* The managers of a certified school to which a child under the age of eight years is sent may, with the consent of the chief inspector, board the child out with any suitable person until the child reaches the age of ten years and thereafter for such longer period, with the consent of the chief inspector, as the managers consider to be advisable in the interests of the child, subject to the exercise by the managers of such powers as to supervision, recall, and otherwise as may be prescribed; and where a child is so boarded out he shall nevertheless be deemed for the purposes of this Act to be a child detained in the school, and the provisions of this Act shall apply accordingly, subject to such necessary adaptations as may be made by the Governor in Council.

Boarding out of children. *Cf.* s. 32.

28. *30.* (*1*) Where a child or youthful offender is detained in a certified school, the managers of the school may at any time with the consent of the chief inspector, or after the expiration of eighteen months of the period of detention without any such consent, by licence permit the child or youthful offender on the conditions prescribed in this behalf to live with any trustworthy and respectable person named in the licence willing to receive and take charge of him.

Placing out on licence. *Cf.* s. 33.

(*2*) Any licence so granted shall be in force until revoked or forfeited by the breach of any of the conditions on which it was granted.

(*3*) The managers of the school may at any time by order in writing revoke any such licence, and order the child or youthful offender to return to

the school and shall do so at the desire of the person with whom the child or youthful offender is licensed to live. If the child or youthful offender refuses or fails to return to the school, the managers of the school may, if necessary, arrest, or cause to be arrested the child or youthful offender and take him or cause him to be taken back to the school.

(*4*) When a licence has been revoked or forfeited and the child or youthful offender refuses or fails to return to the school, the court may, if satisfied by information on solemn affirmation that there is reasonable ground for believing that his parent or guardian could produce the child or youthful offender, issue a summons requiring the parent or guardian to attend at the court on such a day as may be specified in the summons and to produce the child or youthful offender, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be punished with a fine which may extend to fifty rupees.

(*5*) Where a parent or guardian is directed to pay a fine under this section the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898. V of 1898.

(*6*) The time during which a child or youthful offender is absent from a certified school in pursuance of a license under this section shall be deemed to be part of the time of his detention in the school: provided that, where a child or youthful offender has failed to return to the school on the

licence being revoked or forfeited, the time which elapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the school.

~~29.~~ *31.* Whoever— *Cf.* s. 34.

Penalty for abetting escape of youthful offender or child.

(*a*) knowingly assists or induces, directly or indirectly, a child or youthful offender detained in or placed out on licence from a certified school to escape from the school or from any person with whom he is placed out on licence, or any child or young person to escape from the person to whose care he is committed under the provisions of this Act;

(*b*) knowingly harbours, conceals, or prevents from returning to school, or to any person with whom he is placed out on licence or to whose care he is committed under this Act, a child, young person or youthful offender, who has so escaped, or knowingly assists in so doing shall be punishable with imprisonment of either description for a term which may extend to two months or with a fine which may extend to two hundred rupees, or with both.

~~30.~~ *32.* The period for which a child or youthful offender is to be detained in a certified school shall be specified in the order in pursuance of which he is sent there and shall be such period as to the court may seem proper for his teaching and training but not in any case extending beyond the time when he will, in the opinion of the court, attain the age of sixteen years. *Cf.* s. 24.

Period of detention.

*Cf.* s. 35.

31. *33.* (*1*) The Governor in Council may at any time order a child or youthful offender to be discharged from a certified school, either absolutely or on such conditions as the Governor in Council approves.

Discharge and transfer.

(*2*) The Governor in Council may order—

(*a*) a child over the age of twelve years detained in a certified school, who is found to be exercising an evil influence over the other children in the school or who is guilty of a serious breach of the rules of the school or of escaping from the school, to be transferred to a reformatory school;

(*b*) a youthful offender under the age of fourteen years detained in a reformatory school to be transferred to a certified school;

(*c*) a child or youthful offender to be transferred from one certified school to another:

Provided that the whole period of the detention of the child or youthful offender shall not be increased by the transfer.

(*3*) The Governor in Council may at any time in his discretion discharge a child or young person from the care of any person to whose care he is committed under this Act, either absolutely or on such conditions as the Governor in Council approves, and may, if he thinks fit, make rules in relation to children or young persons so committed to the care of any person and to the duties of such persons with respect to such children or young persons.

## PART VI.

### CERTIFIED SCHOOLS AND OTHER INSTITUTIONS.

32. *34.* (*1*) The Governor in Council may establish and maintain industrial schools for the reception of children and youthful offenders. *Cf.* s. 6.

Establishment and certification of schools.

(*2*) The Governor in Council may certify that any industrial school *or other educational institution* not established under sub-section (*1*) is fit for the reception of children or youthful offenders.

33. *35.* (*1*) For the control and management of every school established under sub-section (*1*) of section 32, *34* a superintendent and a committee of visitors shall be appointed by the Governor in Council and such superintendent and committee shall be deemed to be the managers of the school for the purposes of this Act. *Cf.* s. 7.

Management of schools.

(*2*) Every school certified under sub-section (*2*) of section 32, *34* shall be under the management of a governing body who shall be deemed to be the managers of the school for the purposes of this Act.

34. *36.* (*1*) The Governor in Council may appoint a chief inspector of certified schools and such number of inspectors and assistant inspectors as he thinks advisable to assist the chief inspector; and every person so appointed to assist the chief inspector shall have such of the powers and duties of the chief inspector as the Governor in *Cf.* s. 8.

Inspection of schools.

Council directs but shall act under the direction of the chief inspector.

(2) Every certified school shall, at least once in every ~~year~~ *six months*, be inspected by the chief inspector of certified schools, or by an inspector or assistant inspector; provided that where any such school is for the reception of girls only and such inspection is not made by the chief inspector, the inspection shall where practicable be conducted by a woman.

*Cf.* s. 9.

35. *37.* A certified school shall be liable to inspection at all times and in all its departments by the chief inspector and by the inspector and assistant inspector.

Power of inspectors.

*Cf.* s. 10.

36. *38.* Any registered medical practitioner empowered in this behalf by the Governor in Council may visit any certified school at any time with or without notice to its managers in order to report to the chief inspector on the health of the inmates and the sanitary condition of the school.

Medical inspection.

*Cf.* s. 11.

37. *39.* The Governor in Council, if dissatisfied with the condition, rules, management or superintendence of a certified school, may at any time by notice served on the managers of the school declare that the certificate of the school is withdrawn as from a time specified in the notice and at that time the withdrawal of the certificate shall take effect and the school shall cease to be a certified school:

Power of Governor in Council to withdraw certificate.

Provided that the Governor in Council may, if he thinks fit, instead of so

withdrawing the certificate, by notice served on the managers of the school, prohibit the admission of children or youthful offenders to the school for such time as may be specified in the notice or until the notice is revoked.

*Provided also that before the issue of notice under this section or under the first proviso thereto a reasonable opportunity shall be given to the managers of the school to show cause why the certificate shall not be withdrawn or admission to the school shall not be prohibited as the case may be.*

38. *40.* The managers of a certified school may, on giving six months' notice in writing to the Governor in Council through the chief inspector of their intention so to do, resign the certificate of the school and accordingly at the expiration of six months from the date of the notice, unless before that time the notice is withdrawn, the resignation of the certificate shall take effect, and the school shall cease to be a certified school.

*Cf.* s. 12

Resignation of certificate by managers.

39. *41.* A child or youthful offender shall not be received into a certified school in pursuance of this Act after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate or after the date of a notice of resignation of the certificate; but the obligation hereinafter mentioned of the managers to teach, train, lodge, clothe, and feed any children or youthful offenders detained in the school at the respective dates aforesaid shall, except so far as the Governor in Council otherwise directs, continue until the withdrawal

*Cf.* s. 13.

Effect of withdrawal or resignation of certificate.

or resignation of the certificate takes effect.

*Cf* s. 14.

40. *42.* When a school ceases to be a certified school, the children or youthful offenders detained therein shall be either discharged *absolutely or on such conditions as the Governor in Council may impose* or transferred by order of the Governor in Council to some other certified school in accordance with the provisions of this Act relating to discharge and transfer.

Disposal of inmates on withdrawal or resignation of certificate.

*Cf* s. 15.

41. *43.* The Governor in Council may establish auxiliary homes for the reception of any inmates or any classes of inmates of certified schools or may certify any other such home heretofore established or which hereafter may be established by any other agency, and the certificate may be withdrawn or resigned in like manner as a certificate of a school and every such home shall, for such purposes as are specified by the Governor in Council, be treated as part of the school or schools to which it is attached.

Auxiliary homes.

*Cf.* s. 16.

42. *44.* The managers of a certified school not established by the Governor in Council may decline to receive any child or youthful offender proposed to be sent to them in pursuance of this Act, but when they have once accepted any such child or youthful offender, they shall be deemed to have undertaken to teach, train, lodge, clothe, and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school.

Liabilities of managers.

43. *45.* (*1*) The Governor in Council may cause any institution for the reception of poor children or young persons supported wholly or partly by voluntary contributions, and not liable to be inspected by or under the authority of any Government department, to be visited and inspected from time to time by persons appointed by it for the purpose *of securing the health and welfare of the children and the sanitation of the premises.* *Cf.* s. 17.

Inspection of institutions for reception of poor children.

(*2*) Any person so appointed shall have power to enter the institution at all reasonable hours and to make a complete inspection thereof and of all ~~papers~~, registers and accounts relating thereto. Any person who obstructs him in the execution of his duties shall be liable on conviction to a fine not exceeding fifty rupees.

(*3*) Where any such institution is carried on in accordance with the principles of any particular religious denomination, the Governor in Council shall, if so desired by the managers of the institution, appoint, where practicable, a person of that denomination to visit and inspect the institution.

(*4*) Where any such institution is for the reception of girls only, the inspection shall, where practicable, be conducted by a woman.

## PART VII.

### JUVENILE COURTS.

44. *46.* (*1*) The Governor in Council may provide for the establishment in any area of one or more *Cf.* s. 36.

Juvenile Courts.

separate courts for the conduct of proceedings under this Act at which the attendance of the child or young person is required.

(2) Where no such separate court has been established the court before which a child or young person is brought shall unless the child or young person is tried jointly with any other person not being a child or young person, whenever practicable, sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

## PART VIII.

### MISCELLANEOUS.

Cf. s. 37.

~~45.—(1) Where a person, whether charged with an offence or not is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due inquiry as to the age of that person and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person, and, where it appears to the court that the person so brought before it is of the age of sixteen years or upwards, the person shall for the purposes~~

Presumption and determination of age.

~~of this Act be deemed not to be a child or young person.~~

~~(2) No court shall in appeal or revision interfere with any presumption or declaration as to age made under sub-section (1)~~

46. *47.* (*1*) In determining the certified school to which a child or youthful offender is to be sent under this Act, the court shall ~~endeavour to~~ ascertain the religious denomination of the child or youthful offender and shall, if possible, select a school in which facilities are afforded for instruction in his religion. *Cf.* s. 38

Provision as to religion.

(*2*) In determining on the person to whose care the child or young person shall be committed under this Act, the court shall ~~endeavour to~~ ascertain the religious denomination of the child or young person and shall, if possible, select a person of the same religious denomination or a person who gives such undertaking as seems to the court sufficient that the child or young person will be brought up in accordance with the religion of the child or young person and such religion shall be specified in the order.

(*3*) In any case where the child or young person has been committed pursuant to any such order to the care of a person who is not of the religious denomination of the child or young person or who has not given such undertaking as aforesaid, the court which made the order or any court of like jurisdiction shall, on the application of any person in that behalf and on its appearing that a fit person of the religious denomiation of the child or young person or who will give such undertaking as aforesaid is willing

to undertake the care of the child or young person, make an order committing him to the care of such fit person.

(4) *Where a child or a youthful offender is boarded at or is permitted by licence to live with any other person the manager of the school shall select for this purpose a person of the same religion as the child or youthful offender or a person who gives a satisfactory undertaking that the child or the youthful offender shall be brought up in accordance with the religion of such child or youthful offender.*

(4) (*5*) Where a child or young person has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not observed, the child or young person shall be deemed to have been committed to the care of a person not of his religious denomination who has given no such undertaking.

*Cf. s. 39.*

47. *48.* The conviction of a child or young person shall not be regarded as a conviction for the purposes of any disqualification attaching to a conviction for any offence.

Removal of disqualification attaching to convictions or offences.

*Cf. s. 40.*

48. *49.* Any person to whose care a child or young person is committed under the provisions of this Act shall, while the order is in force, have the like control over the child or young person as if he were his parent, and shall be responsible for his maintenance, and the child or young person shall continue in his care notwithstanding that he is claimed by his parent or any other person.

Control of custodian over child or young person.

~~49.~~ *50.* The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to bonds taken under this Act. *Cf.* s. 41.

Bonds taken under the Act.

V of 1898.

~~50.~~ *51.* (*1*) An appeal from an order made by a court under sections 7, 8, 9, 10, 11, 12, ~~14~~, *15*, ~~24~~, *26*, ~~26~~ *28*, ~~or 28~~, *30 or 47* shall lie *Cf.* s. 42.

Appeals.

(*a*) if passed by a juvenile court ~~or by any Magistrate other than a District or Presidency Magistrate~~, to a District Magistrate;

(*b*) if passed by ~~a District Magistrate~~, *any Magistrate not being a Presidency Magistrate*, to the court of Session; and

(*c*) if passed by a Court of Session or a Presidency Magistrate, to the High Court.

(*2*) No appeal shall lie from any order passed in any such appeal.

(*3*) Any order passed under the provisions of this Act and not subject to appeal under sub-section (*1*) may be revised by the High Court.

~~51.~~ *52.* (*1*) The Governor in Council may make rules for the purpose of carrying into effect the provisions of this Act. *Cf.* s. 44

Rules.

(*2*) In particular, and without prejudice to the generality of the foregoing, such rules may be made with regard to

(*a*) the establishment and maintenance of certified schools and auxiliary homes and the certification of schools as certified schools and of auxiliary homes;

(*b*) the management of certified schools and auxiliary homes;

(*c*) the appointment of visitors and their tenure of office;

(*d*) the inspection of certified schools;

(*e*) the maintenance, education and industrial training of the inmates of certified schools;

(*f*) the conveyance of youthful offenders and children to certified schools;

(*g*) the grant of permission to the inmates of certified schools to absent themselves for short periods;

(*h*) visits to and communication with the inmates of certified schools;

(*i*) the punishment of offences committed by the inmates of certified schools;

(*j*) the inspection of the institutions referred to in section ~~43~~ *45*;

(*k*) the manner of detention of children and young persons under arrest or remanded or committed for trial;

(*l*) the procedure to be adopted in any case or inquiry under this Act before any court other than a juvenile court;

(*m*) the persons who may be authorized to act under section 7 or ~~13~~ *14*;

(*n*) the manner in which a child or young person may be committed to the care of a relative or other fit person, and the duties of such persons and the supervision of such children and young persons;

(*o*) the contribution by parents and other persons liable to maintain

youthful offenders, children and young persons;

(*p*) the boarding out of children and the licensing and supervision of youthful offenders and children; *and the submission of reports on such youthful offenders or children.*

(*q*) the procedure to be adopted in juvenile courts; and

(*r*) the time within which appeals under section ~~59~~ *51* shall be filed.

(*3*) All rules made under clauses (*k*) and (*q*) of sub-section (*2*) shall be subject to the previous approval of the Governor General in Council.

(*4*) The power to make rules under this Act shall be subject to the condition of previous publication *and to the further condition that the rules so made shall be laid on the table of the Bombay Legislative Council for one month previous to the next session of the Council. and shall be liable to be modified or annulled by a resolution of the said Council, passed at such next session.*

## APPENDIX 59.

## BILL NO. XIV OF 1924.

*A Bill to consolidate and amend the law relating to Co-operative Societies in the Presidency of Bombay.*

### REPORT OF THE SELECT COMMITTEE.

We, the undersigned members* of the Select Committee appointed to consider Bill No. XIV of 1924 (a Bill to consolidate and amend the law relating to Co-operative Societies in the Presidency of Bombay), have the honour to report as follows :—

2. Reasons for the principal amendments made in the Bill are given in the Notes on Clauses appended hereto. But we may mention here some of the main alterations we have introduced in the Bill.

3. We have made the classification in clause 3 more comprehensive, provided for an appeal against the Registrar's orders in the Bill itself (clause 63), made an annual audit of every registered society compulsory (clause 22), and have also provided safeguards in respect of the powers for summoning witnesses and other persons and as regards the institution of prosecutions(clauses 22, 31 and 64).

4. By a majority of six to five, we are of opinion that the rule-making power under clause 71 should be restricted by providing that the rules shall not come into force until approved by the Legislative Council.

5. A copy of the Bill as amended is appended to this Report. We recommend that this report with a copy of the Bill as amended by us be published in English and in the vernaculars of the Presidency as well as in Urdu in the *Bombay Government Gazette* and the *Sind Official Gazette.*

### NOTES ON CLAUSES.

*Clause* 3—

(*e*) The word" registered" has been omitted in order to avoid repetition in the various sections of the Bill.

(*h*) The classification has been made more comprehensive by the addition of sub-clause (5), which is meant to include societies formed for propaganda, educational, and other similar purposes.

In sub-clause (1), the definition of "Resource Society" has been widened so as to include societies composed of mill-hands and salary-earners.

(*i*) The definition of " special resolution" has been omitted altogether as being unnecessary. Sufficient safeguards have been provided in the clauses where special resolutions were thought necessary in the original Bill.

*The signatures of Mr. M. D. Karki, Mr. H. H. Narielwala, Mr. W. S. Mukadam, Khan Bahadur S. N. Bhutto and Mr L. S. Chaudhari will be notified when received.

*Clause* 5.—Provision has been made to the effect that the joint liability is to be enforced, if necessary, only on the liquidation of a society.

*Clause* 10.—Some words have been omitted as being redundant.

*Clause* 12.—Paragraph 2 has been omitted, as it contained details which can better be provided for in the Rules.

*Clause* 13.—The provision for half-yearly meetings has been omitted as being unnecessary in the case of most societies.

*Clause* 15.—The changes in sub-clauses (1) and (2) have been necessitated by the omission of the definition of a" special resolution" in clause 3 (*i*).

Sub-clauses (3) and(4) have been omitted as it was considered undesirable to give facilities enabling co-operative societies to convert themselves into Joint Stock Companies.

*Clause* 18.—The Committee were of opinion that voting by proxy was objectionable even in the cases of delegates from societies.

*Clause* 22.—In sub-clause (1), instead of the word "any" the word "every" has been substituted to secure that the account of every society shall be audited at least once every year.

In sub-clauses (3) and (4) , all reference to inspection has been omitted as it was thought undesirable to extend the power of summoning witnesses and other persons to inspecting officers.

*Clause* 24.—Some words have been added to make the intention clear.

*Clause* 26.—The concession is proposed to be extended to such provident funds as may be established under section 41 of the Act.

*Clause* 31.—A new clause (*b*) has been added on the lines of section 5 of the Bankers' Books Evidence Act. It was thought necessary to do this in order to safeguard the interests of large urban and central Banks, the business of which might be considerably dislocated if their officers were summoned or their books were called for in all legal proceedings to which they might be parties.

*Clause* 34.—Sub-clause (1) has been redrafted in order to enable societies with the general or special sanction of the Registrar to make advances to non-members.

*Clause* 36.—Sub-clause (2) has been omitted as being both redundant and impracticable.

*Clause* 39.—Sub-clause (2). The majority of the Committee were of opinion that the reserve fund should be used only for the purposes of local or communal interests.

*Clause* 40.—Sub-clause (*a*). An addition has been made on the lines of proviso 2 of the corresponding section of the present Act.

*Clause* 45.—The words" members or past members" have been added, as there may be cases of such persons having been responsible for the working or the financial condition of a society.

*Clause* 46.—The power to make a reference to a Magistrate for the recovery of a fine has been allowed to the Registrar only.

*Original Clause* 48.—This has been omitted as a special provision for appeals has been made in the new clause 63.

*Original Clause* 52.—This has been omitted as the Committee objected to such powers being given to the Registrar.

*Clause* 52.—An addition has been made to provide for consultation with the members of a liquidated society regarding the disposal of its surplus assets.

*Clause* 55.—The taking of adequate security has been provided as an alternative to the attachment of property.

*Original Clause* 59.—This has been omitted as a special provision for appeals has been made in the new clause 63.

*Clause* 58.—As the Registrar can authorize even non-officials like honorary organizers to hold an enquiry, the words " an auditor, liquidator or arbitrator " have been omitted.

*Clause* 59.—This has been redrafted so as to make its meaning cleare. A new sub-clause has been added which provides a safeguard against combinations of persons for the purpose of preventing the sale of any attached property.

*Clause* 60.—Some additions have been made.

*Clause* 61.—The maximum fine has been reduced to Rs. 50.

*Clause* 62.—A new clause (3) has been added, providing that no person shall be prosecuted without the Registrar's previous sanction.

*Clause* 63.—This is new. It provides for appeals against the orders of the Registrar. It was thought desirable that a provision for such appeals should be made in the Act itself.

*Clause* 66.—A new proviso has been added.

*Clause* 67.—This is the same as old clause 63.

*Clause* 69.—This is new and is meant to apply to societies outside the Presidency which may have or may establish a branch or place of business in this Presidency.

*Clause* 70.—This is also new.

*Clause* 71.—Sub-clause (5). This new sub-clause has been added as the majority of the Committee were of opinion that Rules should not come into force until approved by the Legislative Council.

(Signed) A. M. K. DEHLAVI (*subject to a minute of dissent*).*
(Signed) B. V. JADHAV.
(Signed) S. K. BOLE (*subject to a minute of dissent*).*
(Signed) A. U. MALJI (*subject to a minute of dissent*).*
(Signed) L. B. BHOPATKAR (*subject to a minute of dissent*).
(Signed) R. G. PRADHAN (*subject to a minute of dissent*).
(Signed) S. T. KAMBLI.
(Signed) V. N. JOG.
(Signed) MAHOMED AYOOB S. KHUHRO.
(Signed) D. P. DESAI (*subject to a minute of dissent*).
(Signed) J. A. MADAN (*subject to a minute of dissent*).*

* To be published when received.

*(Minute of dissent by Mr. L. B. Bhopatkar, M. L. C.)*

Apart from the several amendments which the Bill requires in its details, there are three principles which it fails to recognise, and for want of which the whole co-operative movement is not progressing as rapidly and vigorously as it should have done. They are: (1) the State's obligation to render financial aid to the movement and the co-operative societies, while they are in their infant stage; (2) the increasing association of popular element with the working of the Co-operative Department; and (3) the desirability of throwing open the ordinary Civil Tribunals in the Presidency at least once and at some stage to parties feeling themselves to be aggrieved by the decisions of the authorities concerned. The total lack of these principles has greatly retarded the progress of the co-operative movement in the past, and is sure to do so also in future. The whole Bill strongly smells of officialdom from start to finish, and if it be passed into an Act without embodying the principles mentioned above, it will fail to attract the vivifying touch of all disinterested and intelligent endeavour for the promotion of the co-operative cause.

The various amendments that I propose to move are as follows:—

(1) In Clause 3, sub-clause (4) for the words "with dwelling houses" substitute the words "with houses for residential or business purposes."

(2) Before the present clause 4 insert a clause as follows:—

"4. (1) There shall be constituted for each revenue division and the Province of Sind a Board of Control consisting of the Registrar, another Member elected by the Societies in the Division or Province, and a third Member elected by the Members of the Divisional Branch of the Central Co-operative Institute, Bombay."

And convert the present Clause 4 into sub-clause "(2)".

(3) Delete the words "whose decision shall be final" from Clause 8.

(4) In Clause 13, line 14 after the word "called" add "within one month" and in line 15 after the word "requisition" add "in writing".

(5) In Clause 16, sub-clause (2) for "may" substitute "shall".

(6) In Clause 18 after "affairs" add "except the Chairman who shall have a casting vote in case of equal division".

(7) After (*b*) of Clause 19 add a sub-clause as follows:—

"(*c*) In the event of the failure to secure for this purpose a Member of the Society or a person whose application for membership is accepted by the Society within two months from the application for transfer, the Society shall transfer the share or interest in its own name."

(8) In Clause 21 after "inspection" add "to its Members free of charge."

(9) Delete from Clause 24, sub-clause (*b*) the words "as also upon the moveable property held by him on the premises of such Society".

(10) In Clause 27, sub-clause (2) for "may" substitute "shall" and after the word "Society" add "if so required by him".

(11) Delete altogether clause 38.

(12) In Clause 39, sub-clause (2) for "¼" and "1/10" substitute respectively "⅛" and "1/16".

(13) In Clauses 43 to 46 wherever the word "Registrar" occurs, substitute "Board of Control" and make the necessary consequential changes.

(14) Similarly, in Clauses 47 to 51 wherever the word "Registrar" occurs, substitute the words "Board of Control".

(15) In Clause 52 for "Registrar" substitute "Board of Control"; and delete "any or all of" and after "following" add "in the order in which they are mentioned hereunder".

(16) In Clauses 54 to 59 wherever the word "Registrar" occurs, substitute "Board of Control".

If my amendment regarding the constitution of the Board of Control is not accepted by the House, then I propose an amendment to Clause 56 as follows:

After the word "Registrar" add "or to the District Court within the limits of whose local jurisdiction the cause of action has arisen". And from Clause 57 delete the words from "the" to "Court"; and substitute therefor the following: "But the Government reserve to themselves the power to revise any order mentioned in Clause 56".

(17) In Clause 62, sub-clause (3) for "Registrar" substitute "Board of Control".

(18) In Clause 71 add a sub-clause at the end as follows:

"(*ee*) provide for the formation, maintenance and continuation of the Board of Control referred to in Clause 4."

(19) In the Preamble I suggest the following amendment as proposed by Rao Saheb D. P. Desai, *viz.*:

"(1) Delete all the words between 'whereas' in the first line and 'whereas' in the tenth line of the Preamble and insert instead the following words:

"It is expedient further to facilitate the formation and working of Co-operative Societies with a view that they might serve to bring about better living, better business, and better methods of production for the agriculturists and other persons with common economic needs, and whereas it is necessary for that purpose to enable Government to render effective aid to Co-operative Societies and"

22nd September 1924. (Signed) L. B. BHOPATKAR.

*(Minute of Dissent by Mr. R. G. Pradhan, M.L.C.)*

I am of opinion that the words " to some public purpose likely to promote the objects of this Act ", which occur in section 39(2), should not be omitted. If there is any public purpose for which the reserve fund of a society may well be spent wholly or in part, it is some public purpose which will, or is likely to, promote the objects for which the Co-operative Societies Act is enacted. At the same time, I realize that a society should have the liberty to use the fund if it chooses, for some purposes of local or communal interest. But I fail to see why its choice should be restricted to such purpose, and why it should not be allowed to use the fund for some purpose of provincial interest, as well. My view, therefore, is that the section should be amended, not in the way in which the Select Committee has done, but as follows :—

The last four lines of the section should read " used in whole or in part for some public purpose likely to promote the objects of this Act, or for some purpose of provincial, local or communal interest".

As regards section 67 of the bill as amended, I am of opinion that it should be deleted altogether. The prohibition embodied in the section is, in my judgment, an adjustifiable interference with individual liberty of action. The Co-operative Societies Act of 1904 did not contain the section. It was enacted for the first time in the Act of 1912. I do not see the necessity for the provision, and I believe a provision of that kind does not obtain in the laws relating to co-operative societies in progressive European countries. I do not think that the use of the word " Co-operative " or of its vernacular equivalent should be a monopoly of the Government.

The clause (2) of the section read along with section 60 presents a difficulty which I am afraid has escaped the notice of the select committee. Section 60 mentions the acts or omissions which would constitute offences under the Act. It does not include prohibition of the use of the word "co-operative" as an offence under the Act. Nevertheless, clause (2) of section 67 penalizes the use of the word "co-operative" or "its vernacular equivalent" without the sanction of Government. Now, by whom is the penalty to be inflicted ? Is it to be inflicted by the executive Government or by a magistrate, on conviction ? I do not think it can be intended that the Government should have the power to inflict the penalty. In that case, is it not necessary to amend section 60 so as to include the use of the word "co-operative" in the categories of offences under the Act ?

I am, further, of opinion that every conviction under this Act should be appealable and provision made accordingly.

I would substitute the word "knowingly" for "wilfully" in section 60, clause (*c*).

Nasik, 21st September 1924. (Signed) R. G. PRADHAN.

*(Minute of Dissent by Rao Saheb D. P. Desai, M.L.C.)*

(1) I differ. The Bill as modified by the Select Committee, though it improves in a slight degree the retrograde measure introduced at the first reading, does nothing either to expand or liberalize the policy governing the co-operative movement in this country. The few new clauses that appear in the bill either give more powers to the Registrar and officers under him or put further restrictions on the freedom of the societies or strangely enough what were rules under the Act of 1912 have been introduced as new clauses in the bill before the Council (*vide* clauses 12, 13, 14, 22 read with 60, 40, 38, 42, 52, 54, 56, 59, 60, 64). I therefore fail to perceive any reason for bringing it before the Council except it be to get the sanction of a more democratic body, for a measure more autocratic than its predecessor the Co-operative Act of 1912. In short all the defects of the old Act are there with new ones added which if passed, will, I fear, greatly hamper the progress of the co-operative movement in this presidency. It makes not the slightest effort to bring this beneficent movement in line with that existing in almost all advanced countries. All this in my view is due to the constant touch of the Government with their subordinate officers unrelieved by an equally powerful intercourse with the non-official element. Hence I strongly recommend that a Board composed only of non-official members should be attached to the Ministry of Co-operation to advise the Minister in all matters connected with the rural and urban economic development on co-operative lines.

(2) The principle of direct financial aid has not been embodied in the Bill though the Provincial Co-operative Conference has emphatically passed a resolution in its favour. The past experience clearly proves that without such help the *fundamental objects* for which co-operative movement has been brought into existence will remain unfulfilled. Permanent improvements in agriculture, removal and prevention of indebtedness of the agriculturists, provision of cheap and sufficient capital for agriculture and small industries and such other allied objects will remain dreams never to be realized. While all the civilized countries make huge sacrifices in this direction and finance the co-operative societies with a lavish hand, our Government takes refuge under a principle recommended by some writers but followed by none. It is such blind adherence to abstract and obsolete theories that prevents the economic progress of a country and ultimately ruins it.

(3) The undue haste with which such an important measure is being hurried through appears to me to be a matter of grave suspicion and so I recommend that in order to give the public the fullest possible opportunity to discuss and criticise it, the consideration of it be postponed till the March session. The Provincial Co-operative Conference is to be held in December and it is but fair that that body should be allowed an opportunity of criticising a Bill that vitally affects its constituents.

(Signed) DADUBHAI P. DESAI.

*(Minute of dissent by the Honourable Mr. A. M. K. Dehlavi, Bar-at-Law, the Honourable Mr. B. V. Jadhav, M.A., LL. B., Mr. J. A. Madan, I.C.S., M.L.C., Mr. S. K. Bole, M.L.C., Mr. S. T. Kambli, M. L. C., Mr. M. S. Khuhro, M.L.C. and Khan Bahadur S. N. Bhutto, M.L.C.)*

"*Clause 71, sub-clause* (5).—We are of opinion that while it would be desirable to lay the rules on the table of the Legislative Council and allow resolutions to be moved thereon, the sub-clause as amended in the Committee would lead to serious delay, administrative inconvenience and would take up a considerable amount of the time of the Council in discussion of details. The object in view would be best served by laying it down that the rules should be placed on the table of the Council, and should be liable to be modified or annulled by a resolution of the Council.

The procedure suggested by us will, we believe, be in accordance with Parliamentary practice in England."

*(Minute of dissent by Mr. M. D. Karki, M.L.C.)*

" I am of honest opinion that without sufficient provisions in the Act itself for adequate state-aid to societies for building up of home and other small industries in the country and of working capital at the initial stage in the case of deserving rural societies the Act will not be perfect one to meet the necessity of the time.

I am in favour of original clause 52 the provisions of which are in my opinion salutary but the order of the Registrar should be made appealable to the District Court having jurisdiction in the matter.

In clause 52 it was agreed—if I remember right—that instead of 'The Central Co-operative Institute' in old sub-clause (*a*) the wording 'A Central Co-operative Bank' should be inserted. Even if that change was not agreed upon, I am in favour of such a change.

If the intention of clause 54 is to exclude civil courts from trying cases therein provided, it seems to me that there should be a clear-cut provision as provided in clause 51 barring the jurisdiction of civil courts over such cases.

*Clauses 64.—66* should be deleted altogether. Such provisions should not find place in an Act like Co-operative Societies Act which is after all a people's Act as observed by the Honourable the Minister in charge.

I quite agree with those members who say that rule-making powers should not be entirely left in the hands of Government as our past experience shows that the rules framed under that power do take away what little benefit the Act confers on the subjects. But the provisions in clause No. 5 to section 71 will give rise to a dilatory process causing inconvenience and hardship in the working of the Act. I would therefore suggest that the rules framed and published shall not have the force of law if they are modified or annulled by the Legislative Council.

I am of further opinion that the words 'surplus assets' in clause 52 are liable to have various meaning. It is therefore suggested that that term should be defined in the Act."

*(Minute of dissent by Rao Bahadur A. U. Malji, M.L.C.)*

"The provision about the Rules made in the Select Committee was carried by a majority of one vote only. It is likely to delay business start and the procedure too will be found cumbrous. All matters of detail are left to Rules and unless these are soon passed for operation, there will be a number of difficulties felt. Either the Rules should continue to operate until rescinded or modified or many of these Rules should be translated to the Act itself. I am therefore inclined to agree with the Honourable Mr. Jadhav that the Rules shall, after previous publication in the Gazette, be laid on the Council table and shall be liable to be modified or annulled by a Resolution of the Council passed at its next sessions."

*(Minute of dissent by Mr. H. H. Narielvala, M.L.C.)*

"I differ. The bill was hurried through and no sufficient time was allowed in the Select Committee to consider the measure. Also most important suggestions were not allowed to be discussed in the Select Committee. I, therefore, am of opinion that it should be referred back to the Select Committee with instructions to take evidence of persons interested in the Co-operative movement on the merits and demerits of the bill and to embody the suggestions made by the Provincial Co-operative Conference which is to be held in month of December.

The bill even though amended still contains objectionable features which in my opinion should be thoroughly discussed with prominent members of the Co-operative movement before introducing them in the bill.

The report is incomplete and premature. In clause 33 (2) (*b*) it was also provided in the Select Committee so far as my notes and memory help me, that exemption of any fee payable under the law of court fees should also be extended along with the exemption of any fee payable under the law of registration. The amendment is not embodied in the report. The omission of the amendment cannot be allowed to pass when the Select Committee has accepted it."

*(Minute of dissent by Mr. W. S. Mukadam, M.L.C.)*

"It is my painful duty to differ from some of my Council comrades in certain items of this bill. I am not going to touch those items in this minute of dissent. Most reluctantly I make a note that this bill was hurried through and unfortunately sufficient time was not given to the Select Committee for its deep consideration. Even the discussion of certain important suggestions was not allowed in the Select Committee.

To make this bill more useful to the people for whose benefit it is drafted it was necessary for the Select Committee to consult certain persons deeply interested in this Co-operative work. The Select Committee ought to have been given sufficient time to take evidence of persons well read and well experienced in the Co-operative movement. I am told

that the Provincial Co-operative Conference is to be held in the month of December and it would have been in the interests of the people if the Select Committee was to take advantage of some valuable suggestions of this Conference too.

After going through the bill as amended by the Select Committee and after deep consideration on every item and clause of it my humble opinion in the matter is this that the bill should be again referred to the same Select Committee which will do everything in its power to make it a complete success."

## BILL No. XIV OF 1924.

*A Bill to consolidate and amend the law relating to co-operative societies in the Presidency of Bombay.*

**(As amended by the Select Committee.)**

WHEREAS it is expedient further to facilitate the formation and working of co-operative societies for the promotion of thrift, self-help, and mutual aid among agriculturists and other persons with common economic needs and for that purpose to consolidate and amend the law relating to co-operative societies in the Presidency of Bombay; and whereas the previous sanction of the Governor General required by sub-section (*3*) of section 80-A of the Government of India Act has been obtained for the passing of this Act: It is hereby enacted as follows:—

5 & 6 Geo. V, C. 61.

### *Preliminary.*

1. This Act may be called the Bombay Co-operative Societies Act, 192 . Short title.

2. This Act extends to the whole of the Presidency of Bombay. Extent.

3. In this Act, unless there is anything repugnant in the subject or context, Definitions.

(*a*) "by-laws" means by-laws registered under this Act and for the time being in force and includes a registered amendment of such by-laws:

(*b*) "Committee" means the Committee of Management or other directing body to whom the manage-

ment of the affairs of a ~~registered~~ society is entrusted:

(*c*) "Member" includes a person joining in the application for the registration of a society or a person admitted to membership after registration in accordance with the rules and by-laws applicable to such society:

(*d*) "Officer" includes a chairman, secretary, treasurer, member of committee or other person empowered under the rules or under the by-laws of a ~~registered~~ society to give directions in regard to the business of such society:

(*e*) "~~Registered~~ Society" means a society registered or deemed to be registered under this Act:

(*f*) "Registrar" means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Act:

(*g*) "Rules" means rules made under this Act:

(*h*) (1) a "Resource society" means a ~~registered~~ society formed with the object of obtaining for its members the credit, goods or services required by them ~~in the prosecution of their trade or business~~ or with the object of facilitating the operations of such societies;

(2) a "~~p~~*P*roducers' society" means a ~~registered~~ society formed with the object of producing and disposing of goods as the collective property of its members and includes a ~~registered~~ society formed with the object of the collective disposal of the labour of the members of such society;

(3) a "~~registered~~ Consumers' society" means a ~~registered~~ society formed with the object of obtaining and distributing goods to its members, as well as to other consumers and of dividing among its members and customers in a proportion prescribed by the rules or by the by-laws of such society the profits accruing from such supply and distribution;

(4) a "Housing society" means a registered society formed with the object of providing its members with dwelling houses on conditions to be determined by its by-laws;

*(5) a "General society" means a society not falling under any of the four classes above-mentioned.*

The Registrar shall classify all ~~registered~~ societies under one or other of the above heads and his decision shall be final.

A list of all such societies so classified shall be published annually in the *Bombay Government Gazette.*

~~(i) A "special resolution" means a resolution,~~

~~(1) of which due notice has been given as required by the by-laws,~~

~~(2) which has been passed by a three-fourth majority of the members entitled to vote either in person or by proxy at a special general meeting of a registered society, and~~

~~(3) which has been confirmed by a majority of the members entitled to vote at a subsequent~~

~~special general meeting of which due notice has been given and which has been held not less than 15 days nor more than one month from the date on which the resolution was passed.~~

~~The Chairman's declaration that a resolution has been passed shall be deemed conclusive evidence of the fact.~~

*Registration.*

The Registrar.

**4.** Government may appoint a person to be Registrar of Co-operative Societies for the presidency or any portion of it, and may appoint a person or persons to assist such Registrar, and may, by general or special order, confer on any such person or persons all or any of the powers of a Registrar under this Act.

Societies which may be registered.

**5.** Subject to the provisions hereinafter contained, a society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such a society, may be registered under this Act with or without limited liability:

Provided that, unless Government by general or special order otherwise directs—

(1) the liability of a society of which a member is a registered society shall be limited:

(2) the liability of a society of which the primary object is the creation of funds to be lent to its members, and of which the majority of the members are agriculturists,

and of which no member is a registered society, shall be unlimited and the members of such a society shall, *on its liquidation*, be jointly and severally liable for and in respect of all obligations of such a society.

Restrictions on interest of member of society with limited liability and a share capital.

6. Where the liability of the members of a society is limited by shares, no member other than a ~~registered~~ society shall

(*a*) hold more than such portion of the share capital of the society, subject to a maximum of one-fifth, as may be prescribed by the rules: or

(*b*) have or claim any interest in the shares of the society exceeding three thousand rupees: provided that if the society is a housing society a member may have or claim an interest in the shares of the society not exceeding Rs. 10,000.

Conditions of registration.

7. (1) No society, other than a society of which a member is a ~~registered~~ society, shall be registered under this Act, which does not consist of at least ten persons above the age of eighteen years and, where the object of the society is the creation of funds to be lent to its members, unless such persons—

(*a*) reside in the same town or village or in the same group of villages; or

(*b*) save where the Registrar otherwise directs, are members of the same tribe, class, caste or occupation.

(2) The word "limited" shall be the last word in the name of every society with limited liability registered under this Act.

Power of Registrar to decide certain questions.

**8.** When any question arises whether for the purpose of this Act a person is an agriculturist or a non-agriculturist, or whether any person is a resident in a town or village or group of villages, or whether two or more villages shall be considered to form a group, or whether any person belongs to any particular tribe, class, caste or occupation, the question shall be decided by the Registrar, whose decision shall be final.

Application for registration.

**9.** (1) For purposes of registration an application to register shall be made to the Registrar.

(2) The application shall be signed

(*a*) in the case of a society of which no member is a registered society, by at least ten persons qualified in accordance with the requirements of section 7, sub-section (1); and

(*b*) in the case of a society of which a member is a registered society, by a duly authorised person on behalf of every such ~~registered~~ society and where all the members of the society are not registered societies, by ten other members or, when there are less than ten other members, by all of them.

(3) The application shall be accompanied by a copy of the proposed by-laws of the society, and the persons

by whom or on whose behalf such application is made shall furnish such information in regard to the society as the Registrar may require.

Registration.

**10.** If the Registrar is satisfied that a society has complied with the provisions of this Act and the rules and that its proposed by-laws are not contrary to this Act or to the rules, he may ~~if he thinks fit~~ register the society and its by-laws.

Evidence of registration.

**11.** A certificate of registration signed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered unless it is proved that the registration of the society has been cancelled.

Annual general meeting.

**12.** Every ~~registered~~ society shall within a period of ~~two~~ *three* months after the date ~~on which~~ *fixed for making up* its accounts for the year ~~are made up~~ under the rules for the time being in force call a general meeting of its members.

~~The committee shall at such meeting submit a report of the previous year's working of the society. The general meeting shall elect a committee for the ensuing year and shall perform such other duties as it is required by the rules or by its by-laws to perform. The business of the general meeting shall be conducted by resolution and the decision shall go by a majority of votes.~~

Half-yearly meetings.

**13.** ~~Every registered society shall also hold a special general meeting annually within six months of the date of the annual general~~

~~meeting to consider the half-yearly accounts and to perform such other duties as may be imposed upon it by the rules or by the by-laws of the society.~~

A special general meeting may be called at any time by a majority of the committee and shall be called—

Special general meetings.

(1) on the requisition of one-fifth of the members of the society, or,

(2) at the ~~orders~~ *instance* of the Registrar.

**14.** A ~~registered~~ society may, with the approval ~~in writing~~ of the Registrar and by ~~special~~ *a* resolution *of a general meeting*, change its name: but such change shall not affect any right or obligation of the society, or of any of its members, or past members and any legal proceedings pending may be continued by or against the society under its new name.

Change of name: its effect.

**15.** (1) Any two or more ~~registered~~ societies ~~may by special resolution of both or all such societies~~ *may, with the approval of the Registrar by a resolution passed by a three-fourths majority of the members present at a special general meeting of each such society held for the purpose,* amalgamate as a single ~~registered~~ society; *provided that each member has had clear fifteen days' written notice of the resolution and the date of the meeting.* Such an amalgamation may be effected without a dissolution, or a division of the funds, of the amalgamating

Amalgamation or transfer of societies ~~or their conversion into companies.~~

societies. The ~~special~~ resolution of the societies concerned shall *on such amalgamation* be a sufficient conveyance to vest the property of the amalgamating societies in the amalgamated society ~~on such an amalgamation~~.

(2) Any ~~registered~~ society may by ~~special~~ a resolution *passed in accordance with the procedure laid down in clause (1)* transfer its assets and liabilities to any other ~~registered~~ society which is prepared to accept them.

~~(3) A registered society may by special resolution by which its members subscribe their names to a memorandum of association and otherwise comply with the requirements of the Indian Companies Act, 1913, convert itself into a company under the said Act; or may amalgamate with or transfer its assets and liabilities to any such company.~~

~~VII of 1913~~

~~(4) If a registered society is registered as or amalgamates with or transfers all its assets and liabilities to any such company the registration of such society under this Act shall thereupon become void, and the same shall be cancelled by the Registrar, but the registation of a society as a company shall not affect any right or claim for the time being subsisting against such society or any penalty for the time being incurred by such society, and for the purposes of enforcing any such right, claim or penalty the society may be sued and proceeded against in the same manner as if it had not become registered as a company; and every such right, claim or liability to such penalty shall have priority as against the property of any such company over all other rights, claims or liabilities of any such company.~~

Amendment of the by-laws of a ~~registered~~ society.

**16.** (1) No amendment of the by-laws of a ~~registered~~ society shall be valid until approved by the resolution of ~~an annual or~~ a ~~special~~ general meeting, and registered under this Act, for which purpose a copy of the amendment shall be forwarded to the Registrar.

(2) If the Registrar is satisfied that any amendment of the by-laws is not contrary to this Act or to the rules, he may, ~~if he thinks fit~~, register the amendment.

(3) When the Registrar registers an amendment of the by-laws of a ~~registered~~ society, he shall issue to the society a copy of the amendment certified by him, which shall be conclusive evidence that the same is duly registered.

*Rights and liabilities of members.*

No rights of membership to be exercised till due payments are made.

**17.** No person shall exercise the rights of a member of a ~~registered~~ society unless or until he has made such payment to the society in respect of membership, or acquired such interest in the society as may be prescribed by the rules or the by-laws of such society.

Votes of members.

**18.** (1) No member of any ~~registered~~ society shall have more than one vote in its affairs.

(2) A ~~registered~~ society which has invested any part of its funds in the shares of another ~~registered~~ society, may appoint one of its members ~~or a member of some other registered society~~

~~having a similar interest~~ to vote ~~by proxy~~ in the affairs of such a registered society.

Restrictions on transfer of share or interest.

**19.** (1) The transfer or charge of the share or interest of a member in the capital of a ~~registered~~ society shall be subject to such conditions as to maximum holding as may be prescribed by this Act or by the rules.

(2) A member shall not transfer any share held by him or his interest in the capital or property of any ~~registered~~ society or any part thereof unless

(*a*) he has held such share or interest for not less than one year; and

(*b*) the transfer or charge is made to the ~~registered~~ society or to a member of the ~~registered~~ society *or to a person whose application for membership has been accepted by the society.*

*Duties of* ~~registered~~ *societies.*

Address of societies.

**20.** Every ~~registered~~ society shall have an address registered in accordance with the rules, to which all notices and communications may be sent, and shall send notice in writing to the Registrar of any change in the said address within 30 days of such change.

Copy of Act, ~~rules and by-laws~~, *etc.*, to be open to inspection.

**21.** Every ~~registered~~ society shall keep open to inspection at all reasonable times at the registered address of the society—

(*a*) a copy of this Act,

(*b*) a copy of the rules governing such society,

(*c*) a copy of the by-laws of such society, and

(*d*) a register of its members.

Audit.

22. (1) The Registrar shall by himself or by some person authorized by him in writing by general or special order in this behalf audit the accounts of ~~any registered~~ *every* society once at least in every year.

(2) The audit under sub-section (1) shall include an examination of overdue debts, if any, the verification of cash balance and securities, and a valuation of the assets and liabilities of the society.

(3) The Registrar or other person auditing the accounts of any ~~registered~~ society shall ~~at all times~~ have free access to the books, accounts and vouchers of such society and shall be allowed to verify its cash balances *and securities.*

The Directors, Managers, and other officers of the society shall furnish to the Registrar or other person appointed to audit ~~or inspect~~ the accounts of a ~~registered~~ society all such information as to its transactions and working as the Registrar or such person may require.

(4) The Registrar and every other person appointed to audit ~~or inspect~~ the accounts of a ~~registered~~ society shall have power, *when necessary*

(i) to summon ~~and enforce the attendance~~ at the time of his audit ~~or inspection of~~ any officer, agent, servant or member of the ~~registered~~ society who he has reason to believe can give valuable information in

regard to any transaction of the society or the management of its affairs, or

(*ii*) to require the production of any book or document relating to the affairs of, or any cash belonging to, the society by the officer, agent, servant or member in possession of such book, document or cash.

*Privileges of ~~registered~~ societies.*

Societies to be bodies corporate.

**23.** The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purposes of its constitution.

Prior claim of society.

**24.** Subject to any prior claim of Government in respect of land revenue or any money recoverable as land revenue or of a landlord in respect of rent or any money recoverable as rent,

(*a*) any debt or outstanding demand owing to a ~~registered~~ society by any member or past member shall be a first charge (*i*) upon crops or other agricultural produce ~~of~~ *raised in whole or in part with a loan taken from the society by* such member or past member, and (*ii*) upon any cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials for manufacture or workshops, godown or place of business, supplied to or purchased by such member or past member in whole or in

part from any loan whether in money or goods given him by the society; and

(*b*) any outstanding demands or dues payable to a ~~registered~~ *housing* society by any member or past member in respect of rent, shares, loans, or purchase money or any other rights or amounts payable to ~~a housing~~ *such* society shall be a first charge upon ~~the property, moveable or immoveable, of such member or past member~~ *his interest in the immoveable property of the society as also upon the moveable property held by him on the premises of such society.*

Charge and set-off in respect of shares or interest of member.

**25.** A ~~registered~~ society shall have a charge upon the share or interest in the capital and on the deposits of a member or past member and upon any dividend, bonus or profits payable to a member or past member in respect of any debt due from such member or past member to the society, and may set off any sum credited or payable to a member or past member in or towards payment of any such debt.

Shares or interest not liable to attachment.

**26.** Subject to the provisions of section 25, the share or interest of a member in the capital of a ~~registered~~ society *or in any provident fund established under section 41 of this Act* shall not be liable to attachment or sale under any decree or order of a court of justice in respect of any debt or liability incurred by such member, and neither the Official Assignee under the

Presidency Towns Insolvency Act, 1909, nor a Receiver under the III of 1909. Provincial Insolvency Act, 1920, shall V of 1920. be entitled to or have any claim on such share or interest.

Transfer of interest on death of member.

27. (1) On the death of a member of a ~~registered~~ society such society may within a period of one year from the death of such member transfer the share or interest of the deceased member to a person or persons nominated in accordance with the by-laws of the society, if duly admitted a member of the society, in accordance with the rules or the by-laws of the society, or, if there is no person so nominated, to such person as may appear to the Committee to be the heir or legal representative of the deceased member if duly elected a member of the society, or may pay to such nominee, heir or legal representative, as the case may be, a sum representing the value of such member's share or interest as ascertained in accordance with the rules or by-laws:

Provided that such nominee, heir or legal representative, as the case may be, may require that payment shall be made by the society within one year from the death of the member of the value of the share or interest of such member ascertained as aforesaid.

(2) A ~~registered~~ society may pay to such nominee, heir or legal representative, as the case may be, all other moneys due to the deceased member from the society.

(3) All transfers and payments made by a ~~registered~~ society in accordance with the provisions of this section

shall be valid and effectual against any demand made upon the society by any other person.

Liability of past member.

**28.** The liability of a past member for the debts of a ~~registered~~ society as they existed at the time when he ceased to be a member, shall continue for a period of two years from the date of his ceasing to be a member.

Liability of the estates of deceased members.

**29.** The estate of a deceased member shall be liable for a period of one year from the date of his decease for the debts of a ~~registered~~ society as they existed at the time of his death.

Register of members.

**30.** Any register or list of members or shares kept by any ~~registered~~ society shall be *prima facie* evidence of any of the following particulars entered therein:—

(*a*) the date at which the name of any person was entered in such register or list as a member;

(*b*) the date at which any such person ceased to be a member.

Admissibility of *copy of* document or entry as evidence.

**31.** (*a*) A copy of any ~~receipt~~ ~~application,—plan,—notice, order or other document—or—of—any~~ entry in a *any book*, register or list *regularly kept in the course of business* in the possession of a ~~registered~~ society shall, if duly certified in such manner as may be prescribed by the rules, be admissible in evidence of the existence of the document or entry and shall be admitted as evidence

of the matters and transactions therein recorded in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters.

(*b*) *In the case of such societies as Government by general or special order may direct, no officer of a society shall in any legal proceedings to which the society is not a party be compelled to produce any of the society's books, the contents of which can be proved under clause* (*a*), *or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the Court or a Judge made for special cause.*

Exemption from compulsory registration of instruments relating to shares and debentures of ~~registered~~ society.

XVI of 1908.

**32.** Nothing in section 17, sub-section (1), clauses (*b*) and (*c*), of the Indian Registration Act, 1908, shall apply to —

(1) any instrument relating to shares in a ~~registered~~ society, notwithstanding that the assets of such society consist in whole or in part of immoveable property ; or

(2) any debenture issued by any such society and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the society has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property or any interest therein to trustees

upon trust for the benefit of the holders of such debentures ; or

(3) any endorsement upon or transfer of any debenture issued by any such society.

Power to exempt from income-tax, stamp-duty and registration-fees.

**33.** (1) The Governor General in Council, by notification in the *Gazette of India*, may, in the case of any ~~registered~~ society or class of ~~registered~~ societies, remit the income-tax or super-tax payable in respect of the profits of the society, or of the dividends or other payments received by the members of the society on account of profits or in respect of interest on securities held by the society.

(2) The Local Government by notification in the *Bombay Government Gazette* may, in the case of any ~~registered~~ society or class of ~~registered~~ societies,

(*a*) remit the stamp-duty with which, under any law for the time being in force, instruments executed by or on behalf of a ~~registered~~ society or by an officer or member and relating to the business of such society, or any class of such instruments or awards of arbitrators under this Act are respectively chargeable ; and

(*b*) any fee payable under the law of registration for the time being in force.

*Property and funds of ~~registered~~ societies.*

Restrictions on loans.

**34.** (1) *Except with the general or special sanction of the Registrar a* ~~A~~ ~~registered~~ society shall not make a loan to any person other than a member.

~~Provided that, with the general or special sanction of the Registrar, a registered society may make loans to another registered society.~~

(2) Save with the sanction of the Registrar, a ~~registered~~ society with unlimited liability shall not lend money on the security of moveable property.

(3) Government may, by general or special order, prohibit or restrict the lending of money on mortgage of immoveable property by any ~~registered~~ society or class of ~~registered~~ societies.

Restrictions on borrowing.

**35.** A ~~registered~~ society shall receive deposits and loans from persons who are not members only to such extent and under such conditions as may be prescribed by the rules or by the by-laws of such society.

Restrictions on other transactions with non-members.

**36.** (1) Consumers', Producers' and Housing Societies may to the extent permitted by their by-laws trade with persons who are not members but the transactions of a Resource society with persons other than members except as provided under section 34 or 35 shall be subject to such prohibitions and restrictions, if any, as Government may by rules prescribe.

~~(2) Except as otherwise provided in its by-laws a Consumers' society may sell to customers who are not members as well as to its members such goods as it stocks for sale provided that the purchase is made for the consumption of the customer and not for purposes of re-sale.~~

**37.** A ~~registered~~ society may invest or deposit its funds

Investment of funds.

(*a*) in the Government Savings Bank, or

(*b*) in any of the securities specified in section 20 of the Indian Trusts Act, 1882; or

II of 1882.

(*c*) in the shares or on the security of any other ~~registered~~ society, provided that no such investment shall be made in the shares of any society other than one with limited liability; or

(*d*) with any bank or person carrying on the business of banking approved for this purpose by the Registrar; or

(*e*) in any other mode permitted by the rules.

**38.** (1) No ~~registered~~ society shall pay a dividend to its members at a rate exceeding 10 per cent.

Restrictions on dividend:

~~Reserve Fund.~~

(2) *39.* (*1*) Every ~~registered~~ society which does or can lawfully derive a profit from its transactions shall maintain a reserve fund.

*Reserve Fund.*

~~39.~~ (*2*) In the case of a Resource or Producers' society at least $\frac{1}{4}$th of the net profits of the society each year shall be carried to the reserve fund and in the case of a Consumers' or Housing society at least 1/10th of the net profits of the society each year shall be carried to the reserve fund, and such reserve fund may be used in the business of the society or may be invested, subject to

~~Contribution to reserve fund.~~

the provisions of section 37, as Government may by general or special order direct, or may, with the previous sanction of Government, be ~~donated~~ *used* in whole or in part ~~to some public purpose likely to promote the objects of this Act~~ *for some purposes of local or communal interest.*

Restrictions on distribution of profits.

**40.** Subject to the provisions of section 38 (~~1~~) the balance of the profits of a ~~registered~~ society after making the prescribed provision for the reserve fund may together with any available profits of past years be distributed among its members, and in the case of Consumers' and Producers' societies, also among persons who are not members, to the extent and under the conditions prescribed by the rules or by the by-laws of such societies provided that :—

(*a*) in the case of a Resource society on a basis of unlimited liability in which the members do not hold shares no distribution of profits shall be made *without the general or special order of Government in this behalf*; and

(*b*) in the case of a Resource society on a basis of unlimited liability in which the members do hold shares no such distribution of profits shall be made until 10 years from the date of registration of the society have elapsed.

Provident Fund.

**41.** Any ~~registered~~ society may establish a provident fund for its members out of contributions from such members in accordance with by-laws made by the society in this behalf and may contribute to such

provident fund from its net profits, after the prescribed payments have been made to the reserve fund, provided that such provident fund shall not be used in the business of the society but shall be invested under the provisions of section 37; and provided further, that no part of such provident fund shall be considered as an asset of the society.

Contribution to charitable purpose.

**42.** With the sanction of the Registrar and after the payments prescribed by section 39 have been made to the reserve fund any ~~registered~~ society may—

(*a*) set aside a sum not exceeding 20 per cent. of its net profits, and

(*b*) utilize from time to time the whole of such sum in contributing to any public *or* co-operative *purpose*, or *a* charitable purpose, *as defined in section 2 of the Charitable Endowments Act, 1890.*

VI of 1890.

*Inspection of affairs.*

Inquiry by Registrar.

**43.** (1) The Registrar may of his own motion by himself or by a person duly authorised by him in writing in this behalf hold an inquiry into the constitution, working and financial condition of a ~~registered~~ society.

(2) The Registrar shall hold such an inquiry as is contemplated in sub-section (1) of this section:—

(*a*) on the requisition of a ~~registered~~ society, duly authorised by rules made in this behalf to make such requisition, in respect of one

of its members, such member being itself a ~~registered~~ society,

(*b*) on the application of a majority of the Committee of a ~~registered~~ *the* society,

(*c*) on the application of ⅓rd of the members of a ~~registered~~ *the* society.

(3) All officers and members of the society whose affairs are investigated shall furnish such information *in their possession* in regard to the affairs of the society as the Registrar or the person authorised by the Registrar may require.

(4) The result of any inquiry under this section shall be communicated to the society whose affairs have been investigated.

Inspection of books of indebted society.

**44.** (1) The Registrar may, on the application of a creditor of a ~~registered~~ society, inspect or direct some person authorized by him by order in writing in this behalf to inspect the books of the society:

Provided that—

(*a*) the applicant satisfies the Registrar that the debt is a sum then due, and that he has demanded payment thereof and has not received satisfaction within a reasonable time; and

(*b*) the applicant deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may require.

(2) The Registrar shall communicate the result of any such inspection to the creditor.

**45.** Where an inquiry is held under section 43 or an inspection is made under section 44 the Registrar ~~or person authorised by him to hold the inquiry or make the inspection~~ may apportion the costs, or such part of the costs, as he may think right, between the society, the members or creditor demanding the inquiry or inspection, ~~and~~ the officers or former officers, *and members or past members* of the society.

Costs of inquiry.

**46.** Any sum awarded by way of costs under section 45 may be recovered, on application by the Registrar ~~or person holding an inquiry~~ to a Magistrate having jurisdiction in the place where the person from whom the money is claimable actually and voluntarily resides, or carries on business, by the distress and sale of any moveable property within the limits of the jurisdiction of such Magistrate belonging to such person, and such Magistrate shall proceed to recover the same in the same manner as if it were a fine imposed by himself.

Recovery of costs.

*Liquidation and Arbitration.*

**47.** If the Registrar, after an inquiry has been held under section 43 or after an inspection has been made under section 44 or on receipt of an application made by ¾ths of the members of a ~~registered~~ society present at a general meeting, or of his own motion, in the case of societies that have not commenced working, or have ceased working, or possess shares or members' deposits not exceeding Rs. 500, is of opinion that the society ought to be wound up, he may issue an order directing it to be wound up,

~~Dissolution order~~. *Winding up.*

and when necessary, may appoint a liquidator for the purpose.

~~48.—(1) Any member of society may within two months of the date of an order under section 47 appeal from such order to Government.~~

~~Appeal.~~

~~(2) If such an appeal is made the society shall not be dissolved until such order has been confirmed by Government.~~

**49. 48.** Where it is a condition of the registration of a society that it shall consist of at least ten members who are majors the Registrar may by order in writing direct the society to be wound up, if at any time it is proved to his satisfaction that the membership has been reduced to less than 10.

**Society may be wound up if membership is reduced.**

**~~50.~~ 49.** When the affairs of a society for which a liquidator has been appointed under section 47 have been wound up, or, where no liquidator has been appointed, after two months from the date of an order under section 47, or after ~~the~~ confirmation of such order ~~under section~~ 45 *in appeal*, the Registrar shall make an order cancelling the registration of the society, and the society shall be deemed to be dissolved from the date of such order.

**Effect of cancellation of registration.**

**~~51.~~ 50.** A liquidator appointed under section 47 shall have power with the sanction of the Registrar to do all or any of the following things:—

~~Winding up.~~

*Liquidation procedure.*

(*a*) pay any class or classes of creditors in full;

(*b*) make any compromise or arrangement with creditors or persons claiming to be creditors or having or alleging themselves to have any claim, present or future, whereby the society may be rendered liable;

(*c*) to compromise all calls or liabilities to calls and debts, and liabilities capable of resulting in debts and all claims, present or future, certain or contingent, subsisting or supposed to subsist between the society and a contributory or alleged contributory or other debtor or person apprehending liability to the society and all questions in any way relating to or affecting the assets or the winding up of the society on such terms as may be agreed and take any security for the discharge of any such call, liability, debt, or claim and give a complete discharge in respect thereof;

(*d*) from time to time to determine the contribution to be made or remaining to be made by the members or past members or by the estates or nominees, heirs or legal representatives of deceased members or by any officer, to the assets of the society, such contribution including debts due from such members or persons. In a society with unlimited liability such contributions shall be determined at the discretion of the liquidator and not necessarily in any definite proportion as between the contributories;

(*e*) to institute and defend suits and other legal proceedings on behalf of the society in the name of his office;

~~Bom V of 1879.~~

(*f*) to issue requisitions under section ~~187 of the Bombay Land Revenue Code, 1879~~, *59* upon the Collector for the summary recovery as arrears of land revenue of any sum ordered by him to be recovered as dues from members or as a contribution to the assets of the society or to the cost of liquidation;

(*g*) ~~to move the Registrar~~ to *get* disputes *referred* to arbitration;

(*h*) to investigate all claims against the society and subject to the provisions of this Act to decide questions of priority arising out of such claims;

(*i*) to determine by what persons and in what proportion the cost of the liquidation shall be borne;

(*j*) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society;

(*k*) to fix the time or times within which creditors shall prove their debts or claims or be included for the benefit of any distribution made before those debts are proved;

(*l*) to carry on the business of the society so far as may be necessary for the beneficial winding up of the same.

~~52.—(1) Where, in the course of the winding up of a society it appears that any person who has taken part in the organization or management of the society or any past or present chairman, secretary, member of the managing committee or officer of the~~

~~Power of Registrar to assess damages against delinquent promoters, etc.~~

~~society has misapplied or retained or become liable or accountable for any money or property of the society or has been guilty of misfeasance or breach of trust in relation to the society, the Registrar may, on the application of the liquidator or of any creditor or contributory, examine into the conduct of such person and make an order requiring him to repay or restore the money or property or any part thereof respectively with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in regard to the misapplication, retainer, misfeasance or breach of trust as the Registrar thinks just.~~

~~(2) This section shall apply notwithstanding that the act is one for which the offender may be criminally responsible.~~

~~53.~~ **51.** Save in so far as is expressly provided in this Act no civil court shall take cognizance of any matter connected with the winding up or dissolution of a ~~registered~~ society under this Act and when a winding up order has been made no suit or other legal proceeding shall lie or be proceeded with against the society except by leave of the Registrar and subject to such terms as he may impose.

Bar of suit in winding up and dissolution matters.

~~54.~~ *52.* After all the liabilities of a society which has been wound up, not being a housing society, have been met the surplus assets shall not be divided among its members but ~~may either be assigned by the Registrar to~~ *may in consultation with them either be assigned by the*

Disposal of surplus assets.

*Registrar in whole or in part to any or all of the following:—*

~~(b)~~ *(a)* ~~to~~ an object of public utility *of local or communal interest,* ~~or~~

~~(c)~~ *(b)* ~~to~~ a charitable purpose as defined in section 2 of the Charitable Endowments Act, 1890, VI of 1890.

~~(a)~~ *(c)* the Central Co-operative Institute, Bombay; or

may be placed on deposit ~~into the Bombay~~ *a* Central Co-operative Bank until such time as a new society with similar conditions of registration is registered when if the Registrar thinks proper such surplus may be credited to the reserve fund of such new society.

~~55.~~ *53.* Where the society that has been wound up is a housing society all the surplus assets including both moveable and immoveable property shall, subject to all existing rights and equities, vest in the Central Co-operative Institute, Bombay, until such time as a new society with similar conditions of registration is registered when with the previous sanction of Government such surplus assets may be transferred to the new society.

Surplus assets of housing society.

~~56.~~ *54.* If any dispute touching the business of a ~~registered~~ society arises between members or past members of the society or persons claiming through a member or past member or between members or past members or persons so claiming and any officer, agent, or servant of the society or between the society or its committee, and any officer, agent, member or servant of the society, it shall be referred to the Registrar for decision, and if he so directs, to arbitration; and the Registrar on receiving

Arbitration.

notice of such dispute may at his discretion either decide the dispute himself or may appoint an arbitrator or arbitrators to decide it.

A dispute shall include claims by a society for debts or demands due to it from a member or past member or the heirs or assets of a past member whether such debts or demands be admitted or not:

Provided that if the question at issue between a ~~registered~~ society and a claimant, or between different claimants, is one of inheritance involving complicated questions of law and fact, the Registrar may, if he thinks fit, suspend proceedings in the matter until the question has been tried by a regular suit instituted by one of the parties or by the ~~registered~~ society. If no such suit is instituted within six months of the Registrar's order suspending proceedings the Registrar shall appoint an arbitrator to decide the question.

~~57.~~ *55.* Where a dispute has been referred to arbitration under section ~~56~~ *54 or clause (g) of section 50*, the Registrar or arbitrator or arbitrators, as the case may be, may, if satisfied on inquiry or otherwise, that a party to such arbitration with intent to delay or obstruct the execution of any award that may be made,—

Attachment before award.

*Cf.* O. 38, Rule 5 C. P. C., 1908.

(*a*) is about to dispose of the whole or any part of his property, or

(*b*) is about to remove the whole or any part of his property from the jurisdiction of the Registrar,

the Registrar or arbitrator or arbitrators may *unless adequate security is furnished* direct the conditional

attachment of the said property; *and such attachment shall have the same effect as if made by a competent Civil Court.*

~~58.~~ *56.* Any party aggrieved by ~~the~~ *an* award ~~of an arbitrator or arbitrators~~ *made* under section ~~56~~ *54 or an order passed under section 55 by an arbitrator or arbitrators* may within one month of the date of the award appeal to the Registrar.

Appeal against award of arbitrator.

~~59. Where the Registrar has himself under the provisions of section 56 decided a dispute any person aggrieved by the decision may appeal to Government within one month of such decision.~~

~~Appeal against order of Registrar.~~

~~60.~~ *57.* An order passed in appeal under section ~~58 or section 59~~ *56* shall be final and conclusive. The award of an arbitrator or arbitrators or a decision by the Registrar under section ~~56~~ *54* shall not be liable to be called in question in any civil or revenue court.

Finality of order.

~~61.~~ *58.* Wherever in this Act it is provided that the Registrar or person duly authorized by general or special order in writing by the Registrar in this behalf ~~being an auditor, liquidator or arbitrator appointed under this Act,~~ shall hold an inquiry *under section 43* or shall make an inspection *under section 44* or shall wind up a registered society or shall arbitrate, such Registrar, *or* person authorized, ~~auditor, liquidator or arbitrator~~, as the case may

~~Award or decision how enforced.~~

*Powers to enforce attendance.*

be, shall have the power to summon and enforce the attendance of witnesses including the parties interested or any of them and to compel them to give evidence, and to compel the production of documents by the same means and as far as possible in the same manner as is provided in the case of a civil court by the Code of Civil Procedure, 1908. V of 1908.

Money how recovered.

~~62.~~ *59.* (*1*) ~~All money ordered by a liquidator~~ *All orders issued by a liquidator* under section ~~51~~ *50* ~~or by the Registrar under section 52~~ or by an arbitrator under section ~~56~~ *54* ~~to be recovered as a debt owed to a registered society or as a contribution to the assets of such society or as the costs incurred in the determination of a dispute~~ shall, if not ~~paid when demanded, be recoverable~~ *carried out, be executed*

(*a*) on a certificate signed by the Registrar or a liquidator by any civil court in the same manner as a decree of such court; or

(*b*) according to the law and under the rules for the time being in force for the recovery of arrears of land revenue, provided that any application for the recovery in such manner of any such sum shall be made to the Collector and shall be accompanied by a certificate signed by the Registrar or by an Assistant Registrar to whom the said power has been delegated by the Registrar.

(*2*) *When the property attached in execution of an order referred to in clause* (*1*) *cannot be sold for want of buyers, the same may be handed over to a society with the previous consent of the Registrar on such terms and conditions as may be agreed upon*

*between the Collector and the said society.*

*Offences.*

~~64.~~ *60.* It shall be an offence under this Act if—

Offences.

(*a*) a ~~registered~~ society or an officer or member thereof fails *without any reasonable excuse* to give any notice, send any return or document, do or allow to be done anything which the society, officer or member is by this Act required to give, send, do or allow to be done: or

Default by a ~~registered~~ society, officer or member.

*cf.* sec. 84, Friendly Societies' Act.

(*b*) a ~~registered~~ society or an officer or a member thereof wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the Registrar or other person duly authorized by him in writing in this behalf: or

Wilful neglect or default by a ~~registered~~ society, etc.

(*c*) a ~~registered~~ society or an officer or member thereof *wilfully* makes a false return or ~~wilfully~~ furnishes *false* information ~~in any respect false or insufficient~~: or

Wilful furnishing of false or insufficient information.

(*d*) any person *wilfully or without any reasonable excuse* disobeys any summons, requisition or lawful written order issued under the provisions of this Act or does not furnish any information lawfully required from him by a person

Disobedience of summons, requisition or order.

authorized to do so under the provisions of this Act.

~~65.~~ *61.* Every society, officer or member of a society or other person guilty of an offence under this Act for which no penalty is expressly provided herein shall be liable to a fine not exceeding Rs. ~~200~~ *50.*

Penalty for offences not otherwise provided for.

~~66.~~ *62.* (1) No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

Cognizance of offences.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, every offence under this Act shall, for the purposes of the said code, be deemed to be non-cognizable.

V of 1898.

*(3) No prosecution under this Act shall be lodged without the previous sanction of the Registrar, which shall not be given except after hearing the party concerned.*

*Appeals.*

*63. An appeal against an order or decision of the Registrar under section 10, 16, 45, 47 or 54 may be made by any party aggrieved or affected by the order to Government within two months of the date of the communication of the order.*

*Appeals.*

*Miscellaneous.*

~~67.~~ *64.* (1) All sums due from a ~~registered~~ society or from an officer or member or past member of a ~~registered~~ society as such to Government, including any costs awarded to Government under section 45, may be recovered according to the

Recovery of sums due to Government.

law and under the rules for the time being in force for the recovery of arrears of land revenue.

(2) Sums due from a ~~registered~~ society to Government and recoverable under sub-section (1) may be recovered, firstly, from the property of the society; secondly, in the case of a society of which the liability of the members is limited, from the members or past members subject to the limit of their liability; and, thirdly in the case of other societies, from the members or past members.

(3) The liability of past members shall in all cases be subject to the provisions of section 28.

~~68.~~ *65.* Notwithstanding anything contained in this Act, Government may, by special order in each case and subject to such conditions, if any, as it may impose, exempt any society from any of the requirements of this Act as to registration.

Power to exempt societies from conditions as to registration.

~~69.~~ *66.* Government may, by general or special order to be published in the *Bombay Government Gazette*, exempt any ~~registered~~ society or class of ~~registered~~ societies from any of the provisions of this Act, or may direct that such provisions shall apply to such society or class of societies with such modifications as may be specified in the order; *provided that no order to the prejudice of any society shall be passed without an opportunity being given to such society to represent its case.*

Power to exempt ~~registered~~ societies from provisions of Act.

63. *67.* (1) No person other than a ~~registered~~ society *registered under this Act* shall without the sanction of Government trade or carry on business under any name or title of which the word "co-operative" or its vernacular equivalent forms part:

Prohibition of the use of the word "co-operative".

Provided that nothing in this section shall apply to the use by any person or his successor in interest of any name or title under which he traded or carried on business at the date on which this Act comes into operation.

(2) Whoever contravenes the provisions of this section shall be punishable with fine which may extend to fifty rupees and in the case of a continuing offence with further fine of five rupees for each day on which the offence is continued after conviction therefor.

70. *68.* The provisions of the Indian Companies Act, 1913, shall not apply to ~~registered~~ societies, *registered under this Act.*

Indian Companies Act not to apply.

VII of 1913.

*69. Every Co-operative Society registered outside the Bombay Presidency, which has or establishes a branch or place of business in the Bombay Presidency shall within six months from the commencement of this Act or from the establishment of such branch or place of business, file with the Registrar a certified copy of the bye-laws and amendments and, if these are not written in the English language, a certified translation thereof, and shall submit to the Registrar such returns and information as are submitted by similar societies in the*

*Branches, etc., of Societies outside the Presidency.*

*Bombay Presidency in addition to those submitted to the Registrar of the place where it is registered.*

Notice necessary in suits.

*70. No suit shall be instituted against a society or any of its officers in respect of any act touching the business of the society until the expiration of two months next after notice in writing has been delivered to the Registrar or left at his office, stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims; and the plaint shall contain a statement that such notice has been so delivered or left.*

Rules.

**71.** (1) Government may, for the whole or any part of the presidency and for any ~~registered~~ society or class of such societies, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

(*a*) subject to the provisions of section 6, prescribe the maximum number of shares or portion of the capital of a society which may be held by a member;

(*b*) prescribe the forms to be used and the conditions to be complied with in the making of applications for the registration of a society and the procedure in the matter of such applications;

(*c*) prescribe the matters in respect of which a society may or shall make by-laws and the procedure to be followed in making, altering and abrogating by-laws and the conditions to be satisfied prior to such making, alteration or abrogation;

(*d*) prescribe the conditions to be complied with by persons applying for admission or admitted as members and provide for the election and admission of members and the payment to be made and the interests to be acquired before the exercise of the right of membership;

(*e*) provide for ascertaining the value of a deceased member's share or interest;

(*f*) provide for general meetings of the members and for the procedure at such meetings and the powers to be exercised by such meetings;

(*g*) provide for the appointment, suspension and removal of the members of the committee and other officers and for the procedure at meetings of the committee and for the powers to be exercised and the duties to be performed by the Committee and other officers;

(*h*) prescribe the accounts and books to be kept by a society and provide for the audit of such accounts and the charges, if any, to be made for such audit, and for the periodical publication of a balance sheet showing the assets and liabilities of a society;

(*i*) prescribe the returns to be submitted by a society to the Registrar and provide for the persons by whom and the form in which such returns shall be submitted;

(*j*) provide for the persons by whom and the form in which copies of entries in books of societies may be certified, *and for the charges to be levied for the supply of such copies;*

(*k*) provide for the formation and maintenance of a register of members

and where the liability of the members is limited by shares, of a register of shares;

(*l*) prescribe the payments to be made and the conditions to be complied with by members applying for loans, and the period for which loans may be made, and the amount which may be lent to an individual member;

(*m*) prescribe the prohibitions and restrictions subject to which ~~re-souree~~ societies may trade with persons who are not members;

(*n*) provide for the formation and maintenance of reserve funds, and the objects to which such funds may be applied, and for the investment of any funds under the control of a society;

(*o*) prescribe the extent to which a society may limit the number of its members;

(*p*) prescribe the conditions under which profits may be distributed to the members of a ~~registered~~ society and the maximum rate of dividend which may be paid by societies;

(*q*) ~~subject to the provisions of section 48 determine in what cases an appeal shall lie from the orders of the Registrar and~~ prescribe the procedure to be followed in presenting and disposing of ~~such~~ appeals;

(*r*) provide for securing that the share capital of any ~~registered~~ society shall be variable in such a way as may be necessary to secure that shares shall not appreciate in value and that necessary capital shall be available for the society as required;

(*s*) provide that persons qualified under the by-laws of a society shall not be excluded from membership without due cause;

(*t*) prescribe the procedure to be followed by a liquidator appointed under section 47;

(*u*) prescribe the mode of appointing an arbitrator or arbitrators and the procedure to be followed in proceedings before the Registrar or such arbitrator or arbitrators and for fixing and levying the expenses of determining the dispute;

(*v*) provide for the issue and service of ~~summons~~ *processes* and for proof of service thereof;

(*w*) provide for the writing off of bad debts;

(*x*) regulate the manner in which funds may be raised by means of shares or debentures or otherwise;

(*y*) provide for the withdrawal and expulsion of members and for the payments to be made to them and for the liabilities of past members;

(*z*) provide for the nomination of a person to whom the interest of a deceased member may be paid or transferred;

(*aa*) prescribe the cases in which an appeal shall lie from the order of a liquidator appointed under section 47; ~~and~~

(*bb*) provide for the inspection of documents in the Registrar's office and the levy of fees for granting certified copies of the same;

*(cc) prescribe the procedure to be followed for the custody of property attached under section 55; and*

*(dd) provide for the payment of contributions at such rates and subject*

*to such conditions as may from time to time be prescribed by Co-operative Societies to any provident fund which may be established for the benefit of officers and servants employed by them.*

(3) Government may, subject to such conditions, if any, as it thinks fit, delegate all or any of its powers to make rules under this section to any authority specified in the order of delegation.

(4) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

~~(5) All rules made under this section shall be published in the "Bombay Government Gazette" and on such publication they shall have effect as if enacted in this Act.~~

*(5) No rules made under this section shall be issued by Government unless they have been laid in draft before the Legislative Council and have been approved by a resolution of the Council either with or without modification; on such approval the rules in their final form shall be published in the* Bombay Government Gazette *and shall thereupon have effect as if enacted under this Act.*

Saving of existing societies.

**72.** (1) Every society now existing which has been registered under the Co-operative Credit Societies Act, 1904, or under the Co-operative Societies Act, 1912, shall be deemed to be registered under this Act, and its by-laws shall, so far as the same are not inconsistent with the express provisions of this Act, continue in force until altered or rescinded.

X of 1904.

II of 1912.

(2) All appointments, rules and orders made, notifications and notices issued and suits and other proceedings instituted, under the said Acts shall, so far as may be, be deemed to have been respectively made, issued and instituted under this Act.

Repeal.

**73.** The enactments specified in the Schedule are hereby repealed in so far as they apply to the Bombay Presidency to the extent specified in the fourth column of the said schedule.

## SCHEDULE.

### *Enactments repealed.*

(See section 73.)

| Year. | No. | Short title. | Extent of repeal. |
|---|---|---|---|
| 1912 | II | The Co-operative Societies Act, 1912. | The whole. |
| 1920 | XXXVIII | The Devolution Act, 1920. | So much as relates to Act II of 1912. |
| 1920 | I | The Bombay Land Revenue Code (Amendment) Act, 1920. | The whole. |

APPENDIX 60.

## BILL No. XVIII OF 1924.

*(A Bill to determine the salary of the President of the Bombay Legislative Council.)*

## REPORT OF THE SELECT COMMITTEE.

We, the undersigned members of the Select Committee appointed to consider Bill No. XVIII of 1924 (A Bill to determine the salary of the President of the Bombay Legislative Council), have the honour to report as follows.

2. We think that the elected President of the Bombay Legislative Council should be paid a salary of Rs. 3,000 a month and that unlike the Deputy President the President should be a whole-time servant of the Council. We have therefore amended the Bill to this effect.

3. We recommend that the Bill as amended should be translated into Marathi, Gujarati, Sindhi, Kanarese and Urdu, and should be published with the translations in the *Bombay Government Gazette*.

M. H. W. HAYWARD.
L. S. HUDSON.
L. B. BHOPATKAR.
S. T. KAMBLI.
A. M. MANSURI.
S. N. BHUTTO.
B. G. PAHALAJANI.
(subject to a minute of dissent).
G. B. PRADHAN.

Poona, 12th September 1924.

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*(Minute of dissent by Mr. B. G. Pahalajani, M.L.C.)*

The expression added is indefinite. The President by the words perhaps becomes a public servant which I object to. I would therefore be in favour of omission of the sentence added.

B. G. PAHALAJANI.

Dated 3rd September 1924.

## BILL No. XVIII OF 1924.

*A Bill to determine the salary of the President of the Bombay Legislative Council.*

**(As amended by the Select Committee.)**

WHEREAS in accordance with sub-section (5) of section 72C of the 5 & 6 Geo. 5, C. 61. Government of India Act the salary of the elected President of the Bombay Legislative Council is to be determined by Act of the said Council; It is hereby enacted as follows:—

1. This Act may be called the President's Salary Act, 192 . Short title.

2. There shall be paid to the elected President of the Bombay Legislative Council a salary calculated at the rate of three thousand rupees a month, *so long as he devotes the whole of his time to the us* ... *of the said Council.* Salary of elected President.

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APPENDIX 61.

## BILL No. XXI OF 1924.

*A Bill to make better provision in the City of Bombay and elsewhere in the Bombay Presidency to prevent the adulteration of articles of food and the sale of such adulterated articles.*

**(As published in the "Bombay Government Gazette" of the 13th August 1924.)**

(D. B.=Surgeon General's Draft Bill.) WHEREAS it is expedient to make better provision in the City of Bombay and elsewhere in the Bombay

Presidency to prevent the adulteration of articles of food and the sale of such adulterated articles; AND WHEREAS the previous sanction of the Governor General required by section 80A (3) (*e*) and (*h*) of the Government of India Act 5 & 6 Geo. 5, c. 61. has been obtained for the passing of this Act; It is hereby enacted as follows :—

Short title, extent and operation.

1. (*1*) This Act may be called the Bombay Prevention of Adulteration Act, 192 . *Cf.* s. 1, Bom. II of 1899.

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

(*3*) It shall come into operation in the first instance only in the City of Bombay and thereafter either in respect of any specified article of food or generally in respect of all articles of food in such other local area and from such date as the Governor in Council may by notification in the *Bombay Government Gazette* direct.

Definitions.

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

(*a*) "Food" includes every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food and also includes flavouring matters and condiments; *Cf.* s. 26, 62 & 63 Vict., c. 51.

(*b*) "Local Area" means the City of Bombay or the area comprised within the limits of a municipality, cantonment, notified area *Cf.* s. 2 (*f*), D. B.

or village or any place wherein a market or fair is held or any area which the Governor in Council by notification declares to be a local area for the purposes of this Act:

*Cf.* s. 2 (*g*), D. B.

(*c*) "Local Authority" means in the case of the City of Bombay the Municipal Commissioner acting under the general or special orders of the Corporation, in the case of any other municipality the municipality, in the case of a cantonment the cantonment authority, in the case of a notified area the person or committee appointed under section 188 of the Bombay District Municipal Act, 1901, in the case of a local area for which a village panchayat has been established under the Bombay Village Panchayats Act, 1920, the district local board of the district in which the local area is situate, and in the case of any other local area the district magistrate of the district in which such local area is situate or the sub-divisional magistrate in charge of the sub-division in which such local area is situate who is appointed by the district magistrate to be the local authority for the purposes of this Act.

Bom. III of 1901.

Bom. IX of 1920.

*Cf.* s. 3, 38 & 39 Vict., c. 63.

*Cf.* s 4, D. B.

**Prohibition of mixing of food with injurious ingredients or selling the same.**

**3.** Any person who mixes, colours, stains or powders or orders or permits any other person to mix, colour, stain or powder any article of food with any matter or ingredient so as to render the article injurious to health with intent that the same may be sold in that state or sells or offers or exposes for sale any such article so mixed,

coloured, stained or powdered shall be punished for the first offence with a fine which may extend to five hundred rupees and for every subsequent offence with a fine which may extend to one thousand rupees:

Provided that no person shall be liable to be convicted in respect of the sale of any article of food if he proves to the satisfaction of the Court before whom he is charged that he did not know of the article of food being so mixed, coloured, stained or powdered as aforesaid and that he could not with reasonable diligence have obtained such knowledge.

*Cf.* s. 5, 38 & 39 Vict., c. 63.

Exemption in case of proof of absence of knowledge.

4. (*1*) Any person who sells or manufactures, offers or exposes for sale any article of food which is not of the nature, substance or quality which it purports to be shall be punished for every first offence with a fine which may extend to two hundred rupees and for every subsequent offence with a fine which may extend to one thousand rupees.

*Cf.* s. 6, 38 & 39 Vict., c. 63. *Cf.* s. 5, D B

Prohibition of sale or manufacture for sale of food not of the proper nature, substance or quality.

(2) Provided that no offence shall be deemed to have been committed under this section in the following cases, that is to say—

*Cf.* s. 3, Bom. II of 1899.

Protection to persons acting in good faith.

(*a*) where any matter or ingredient not injurious to health has been added to the article of food because such matter or ingredient is required for the production or preparation thereof

as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or conceal the inferior quality thereof;

(*b*) where—

(i) any matter or ingredient not injurious to health has been added to or mixed with or abstracted from any article of food, or

(ii) any article of food is composed of any matter or ingredients not injurious to health

and, before the sale thereof, the seller has brought to the notice of the purchaser, by means of a label conforming to such conditions as may be prescribed by rules in this behalf, the fact that such matter or ingredient has been so added, mixed or abstracted or the article is composed of such matter or ingredients.

*Cf.* s. 3, Bom. II of 1899. *Cf.* s. 7, D. B.

*Explanation 1.*—Ghee or butter which contains any substance not exclusively derived from milk shall be deemed to be an article of food not of the nature, substance or quality it purports to be.

*Cf.* s. 6 (2), D. B.

*Explanation 2.*—The presence upon any premises used for the manufacture of any article of food of any such article shall, until the contrary is proved, raise a presumption that such article was manufactured for sale.

*Cf.* s. 8, D. B. *Cf.* s. 3 (3), Bom. II of 1899.

What is or is not a good defence in prosecutions under this section.

(*3*) In any prosecution under this section it shall be no defence to allege that the seller was ignorant of the nature, substance

or quality of the article of food sold by him, or that the article was not defective in all three respects, namely, nature, substance and quality :

Provided that the seller shall not be deemed to have committed an offence under this section if he proves to the satisfaction of the court—

(*a*) that the article sold was purchased by him as the same in nature, substance and quality, as that demanded by the purchaser and with a written warranty to the effect that it was of such nature, substance and quality ;

(*b*) that he had no reason to believe at the time when he sold it that the article was not of such nature, substance and quality as aforesaid ; and

(*c*) that he sold it in the same state in which he purchased it.

*Cf.* s. 20, 62 & 63 Vict., c. 51.

**Penalty for false warranty.**

5. Any person who in respect of an article of food sold by him as principal or agent gives to the purchaser a false warranty in writing shall be punished for every first offence with a fine which may extend to 100 rupees and for every subsequent offence with a fine which may extend to 500 rupees.

*Cf.* s. 3, D. B. *Cf.* s. 10, 38 & 39 Vict., c. 63.

**Appointment of public analyst.**

6. (*1*) Save as provided in sub-section (*2*) the Governor in Council may by notification in the *Bombay Government Gazette* appoint any person possessing competent knowledge skill and experience to be a public

analyst for the purpose of the Act for any local area.

(2) The Corporation of the City of Bombay may appoint any such person to be a public analyst for the purpose of the Act for the City of Bombay.

*Cf.* s. 12, 38 & 39 Vict., c. 63.
*Cf.* s. 9, D. B.

**Power to purchaser of an article of food to have food analysed.**

**7.** Any purchaser of an article of food shall, within the seven days after the day of the purchase, be entitled, on payment to the public analyst of the local area in which the article is purchased, of such sum as the Governor in Council may in the *Bombay Government Gazette* from time to time notify, to have such article analysed by such analyst and to receive from him in the form specified in Schedule A a certificate of the result of his analysis. The analyst shall forthwith send a copy of every such certificate to the local authority of the local area for which he was appointed.

*Cf.* s. 10, D. B.
*Cf.* s. 13, D. B.

**Appointment of Inspector.**

**8.** A local authority may, subject to rules made by the Governor in Council in this behalf, appoint any person to be an inspector under this Act either specially for any article of food or generally for all articles of food.

*Cf.* s. 13, 38 & 39 Vict., c. 63.
Cf. s. 10, D. B.

**Inspector may obtain sample of food and submit to analyst.**

**9.** An inspector may, himself or by an agent, procure any sample of food, and if he suspects that such food has been sold contrary to the provisions of this Act, shall send such food to be analysed to the

public analyst of the local area within which the food was procured; and such analyst shall, upon receiving payment of the sum specified in section 7, with all convenient speed analyse the same and deliver to such inspector in the form specified in Schedule A a certificate of the result of his analysis. The analyst shall forthwith send a copy of every such certificate to the local authority of the local area for which he was appointed.

**Dealing with the article of food or sample when purchased.**

**10.** (*1*) Any person purchasing any article or sample of food with the intention of sending such article or sample for analysis shall, after the purchase shall have been completed, forthwith notify to the seller or his agent selling the article or sample his intention to have such article or sample analysed by the public analyst; and shall offer to divide the article or sample into three parts to be then and there divided and each part to be marked and sealed and fastened in such manner as its nature permits, and shall, if required to do so, proceed accordingly and shall deliver one of the parts to the seller or his agent. *Cf.* s. 14, 38 & 39 Vict., c. 63. *Cf.* s. 11, D. B.

**Provision when article or sample is not divided.**

(*2*) If the seller or his agent do not accept the offer of the purchaser to divide the article or sample purchased in his presence, the public analyst receiving the article or sample shall divide such article or sample into two parts and shall seal or fasten up one of those parts and shall cause it to be delivered, *Cf.* s. 15, 38 & 39 Vict., c. 63.

either upon receipt of the article or sample or when he supplies his certificate, to the purchaser, who shall retain such part for production in case proceedings under this Act in respect of such article or sample should afterwards be taken.

*Cf.* s. 17, 38 & 39 Vict., c. 63.
*Cf.* s. 12, D. B.

**Person refusing to sell food to inspector liable to penalty.**

**11.** If any inspector duly authorised under section 8 shall apply to purchase any sample of food manufactured, exposed or offered for sale, whether wholesale or retail, and shall tender the price for the quantity which he shall require for the purpose of analysis not being more than shall be reasonably requisite and the person manufacturing, exposing or offering such food for sale refuses to sell such sample the person so refusing shall be punished with a fine which may extend to two hundred rupees.

*Cf.* s. 15, D. B.

**Offence by which magistrate triable.**

**12.** No offence under this Act shall be triable by a magistrate exercising powers less than those of a magistrate of the second class.

*Cf.* s. 17, D. B.
*Cf.* s. 1 (*e*), Bom. III of 1899.

**Summons when to be applied for and what it is to contain.**

**13.** (*1*) No summons shall be issued for the attendance of a person accused of an offence under this Act unless the summons is applied for within thirty days of the date of the grant of the certificate by the public analyst of the result of his analysis.

(*2*) Every such summons shall specify the particulars of the offence charged, the name of the complainant and the date fixed for the

hearing of the case. The case shall not be proceeded with until at least seven clear days have elapsed from the date of the service of the summons.

**14.** (*1*) The production in any proceedings under this Act of a certificate of a public analyst in the form specified in Schedule A shall, until the contrary is proved, be sufficient evidence of the facts therein stated. *Cf.* s. 13(2) D. B. *Cf.* s. 21, 38 & 39 Vict., c. 63.

Certificate of public analyst to be evidence of facts therein stated. Reference to Chemical Analyser to Government.

(*2*) The court may, of its own accord or on the request of the complainant, or the accused, cause any article or sample of food to be sent for analysis to the Chemical Analyser to Government who shall thereupon with all convenient speed analyse the same and report the result of the analysis to the court. The cost of such analysis shall be paid by the complainant or accused as the court shall direct.

**15.** When any person accused of an offence under this Act proposes to produce as evidence a certificate of analysis of an analyst other than a public analyst he shall, at least three days before the date fixed for the hearing of the case, send a copy of such certificate to the person conducting the prosecution. *Cf.* s. 19 D. B.

Certificate of analyst other than public analyst as evidence.

**16.** When any person is accused of an offence under this Act he may require the court to summon as a witness the public analyst who analysed the *Cf.* s. 18 D. B.

Public analyst to attend court in person.

article or sample of food in respect of which he is accused of an offence and the court shall thereupon summon the analyst as aforesaid.

*Cf.* s. 159, Bom. III of 1901.

**17.** It shall be lawful for an inspector appointed under this Act to enter for the purposes of this Act at all reasonable times into or upon any place which he has reason to believe is used for the manufacture or sale of any food :-

Entry for purposes of the Act.

Provided that in the case of buildings used as human dwellings due regard shall be paid to the social and religious customs of the occupiers.

*Cf.* s. 140 (1), Bom. IV of 1902.

**18.** No person shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance or intended pursuance of any duty imposed or authority conferred on him by any provision of this Act or of any rule, order or direction lawfully made or given thereunder.

Liability for acts done in good faith in discharge of duty or exercise of power.

**19.** The Governor in Council may, after previous publication, and in the case of the City of Bombay in consultation with the Corporation of the City of Bombay, make rules, not inconsistent with the provisions of this Act, for—

Rules.

(*a*) regulating the appointment of inspectors under section 8 ;

(*b*) prescribing the qualifications of inspectors ;

(*c*) determining what deficiency in any of the normal constituents of any article of food or what addition of extraneous

matter shall raise a presumption, until the contrary is proved, that such food is injurious to health within the meaning of section 3 or is not of the nature, substance or quality it purports to be within the meaning of section 4 and a public analyst shall have regard to such rules in certifying the result of an analysis under this Act; and

(*d*) generally for carrying out the provisions of this Act.

Repeal.

**20.** On the coming into operation of the provisions of this Act in any local area in respect of any article of food, the enactments specified in Schedule B shall be deemed to have been repealed to the extent specified in the third column of the said Schedule in respect of such article in such local area.

## SCHEDULE A.

(SEE SECTION 14.)

*Form of Certificate.*

To*

I, the undersigned, public analyst for the , do hereby certify that I received on the day of 192 , from† , a sample of for analysis (which then weighed‡ ), and have analysed the same, and declare the result of my analysis to be as follows :—

I am of opinion that the same is a sample of genuine

or,

I am of opinion that the said sample contained the parts as under, or the percentages of foreign ingredients as under.

*Observations.* §

Dated Signature.

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*Here insert the name of the person submitting the article for analysis.

†Here insert the name of the person delivering the sample.

‡When the article cannot be conveniently weighed, this passage may be erased, or the blank may be left unfilled.

§Here the analyst may insert, at his discretion, his opinion as to whether the mixture (if any) was for the purpose of rendering the article portable or palatable. or of preserving it, or of improving the appearance, or was unavoidable, and may state whether in excess of what is ordinary, or otherwise. and whether the ingredients or materials mixed are or are not injurious to health.

In the case of a certificate regarding milk, butter, or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

## SCHEDULE B.

(SEE SECTION 20.)

*Enactments Repealed.*

| No. and year of Act. | Title. | Extent of Repeal. |
|---|---|---|
| III of 1888.. | The City of Bombay Municipal Act, 1888. | In section 417C the number, letter and word "417A or" |
| II of 1899 .. | The Bombay Prevention of Adulteration Act, 1899. | So much as remains unrepealed except section 6. |
| III of 1901.. | The Bombay District Municipal Act, 1901. | Sub-section 2 of section 142. |
| III of 1902.. | The Bombay District Municipal Act (1901) Amendment Act, 1902. | So much of the Schedule as relates to—<br>(*a*) sub-section (*2*) of section 142 of the Bombay District Municipal Act, 1901;<br>(*b*) sections 2, 4 and 5 of the Bombay Prevention of Adulteration Act, 1899. |

## STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to provide adequate means for dealing with the adulteration of food stuffs which is prevalent throughout the Presidency and which prevalence shows the inadequacy of the provisions of the existing law. These provisions are embodied in the Bombay Prevention of Adulteration Act, 1899 (Bom. II of 1899), in section 417A of the City of Bombay Municipal Act, 1888, and in section 142 (2) of the Bombay District Municipal Act, 1901.

2. The Bombay Prevention of Adulteration Act, 1899, was passed many years ago and is very limited in scope. And the provisions incorporated by the Act in the City of Bombay Municipal Act and re-enacted as regards district municipalities by section 142 (2) of the Bombay District Municipal Act, 1901, in effect place in the same

category with diseased and unwholesome food, food which though adulterated may otherwise be harmless.

3. The present bill is designed to deal comprehensively with the question of adulteration and by repealing the provisions of the City of Bombay Municipal Act, 1888, and of the Bombay District Municipal Act, 1901, relating to adulteration to bring within the limits of one bill all proceedings relating thereto.

4. The Bill is based mainly upon the English Sale of Food and Drugs Act, 1875, as amended. It is designed in the first place to operate in Bombay City as regards all kinds of food and thereafter in such local areas and as regards such kinds of food as the Governor in Council may notify. Persons of competent experience, skill and knowledge are to be appointed public analysts by Government except in the case of the city of Bombay where the appointment is to be made by the Corporation subject to the approval of Government, but the appointment of Inspectors is, subject to rules made in this behalf, to vest in the local authorities.

5. Adulteration, as constituted under this bill, is, in addition to the mixing, colouring, staining or powdering of any article of food with any matter or ingredient injurious to health, the sale or the manufacturing, offering or exposing for sale of food of a nature, substance and quality other than that which it purports to be. It is, however, not intended to prohibit the sale of adulterated food if such adulteration is not injurious to health and provided that such food does not purport to be unadulterated and is not sold as such. The giving of a false warranty in respect of any food is also made an offence.

6. Provision is made for the analysis of food purchased by the ordinary person and of food procured by inspectors, for the refusal of the seller to sell food to an inspector requiring it for analysis, for the proof of the analyst's certificate in Court, for further analysis by the Chemical Analyser to Government in case of doubt, for entry by an inspector on private premises and for the protection of officers acting in good faith. Offences under the Act are to be tried by a magistrate not lower in rank than a magistrate of the second class.

7. Lastly, by means of rules injurious and non-injurious adulteration can be defined.

8th July 1924. (Signed) B. V. JADHAV.

## APPENDIX 62.

## BILL No. XVII OF 1924.

*A Bill further to amend the Bombay Smoke-nuisances Act, 1912.*

**(As published in the "Bombay Government Gazette" of the 3rd July 1924.)**

WHEREAS it is expedient further to amend the Bombay Smoke-nuisances Act, 1912, in manner hereinafter appearing; It is hereby enacted as follows:— Bom. VII of 1912.

1. This Act may be called the Bombay Smoke-nuisances (Amendment) Act, 192 . Short title.

2. In clause (*a*) of section 12 of the Bombay Smoke-nuisances Act, 1912, for the words "or with the written authority of the Chief Inspector" the words "an inspector" shall be substituted. Amendment of section 12 of Bom. VII of 1912. Bom. VII of 1912.

### STATEMENT OF OBJECTS AND REASONS.

The Bombay Smoke-nuisances Act, 1912, has been extended to the municipal districts of Karachi and Ahmedabad, but under section 12 of the Act the Inspectors of Smoke-nuisances at these places cannot make a complaint of offences under the Act before a Magistrate without first obtaining the written authority of the Chief Inspector of Smoke-nuisances. This procedure is cumbrous and unnecessary and the amendment will empower Inspectors to make complaints under the Act when authorized to do so by the Smoke-nuisances Commission, or by the Sub-Committees at Karachi and Ahmedabad without such written authority.

COWASJI JEHANGIR (Jun.)

16th June 1924.

## APPENDIX 63.

## BILL No. XXIII OF 1924.

*A Bill further to amend the Cattle-trespass Act, 1871.*

**(As published in the "Bombay Government Gazette" of the 20th September 1924.**

WHEREAS it is expedient further to amend the Cattle-trespass Act, 1871, in its application to the Presidency of Bombay, in manner hereinafter appearing; It is hereby enacted as follows:—

I of 1871.

1. This Act may be called the Cattle-trespass (Amendment) Act, 192 .

Short title.

2. After the proviso to section 6 of the Cattle-trespass Act, 1871, the following shall be inserted, namely:—

Amendment of section 6 of Act I of 1871.

I of 1871.

"Provided further that in the Presidency of Bombay, in any local area which has been declared to be a village under clause (*a*) of section 3 of the Bombay Village Panchayats Act, 1920, when the police patel, or the head of the village, is the Sar-Panch of the panchayat, the panchayat may appoint another person to be pound-keeper."

Bom. IX of 1920.

### STATEMENT OF OBJECTS AND REASONS.

Under section 6 of the Cattle-trespass Act, 1871 (I of 1871), the police patils, or (where there are no police patils) the heads of villages are *ex-officio* the keepers of village pounds. Owing to the transfer in 1921 of the functions of the District Magistrate under sections 5, 6, 12, 14 and 17 of the Act to village panchayats constituted under the Bombay Village Panchayats Act, 1920, village pounds are controlled and pound-keepers are appointed by the village panchayats. The result is that in areas in

which village panchayats have been established under Bombay Act IX of 1920, the village patil who is *ex-officio* a member of the Panchayat and is, in most cases, the Sar-Panch of the Panchayat, controls himself as pound-keeper. The object of this Bill is to remedy this anomaly.

C. V. MEHTA.

3rd September 1924.

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## APPENDIX 64.

## BILL No. XXIV OF 1924.

*A Bill further to amend the Bombay Public Conveyances Act, 1920.*

**(As published in the "Bombay Government Gazette" of the 22nd September 1924.)**

WHEREAS it is expedient to amend the Bombay Public Conveyances Act, 1920, in manner hereinafter appearing; Bom. VII of 1920.
It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Public Conveyances (Amendment) Act, 192 .

Amendment of section 36 of Bom. VII of 1920.

2. For sub-section (*5*) of section 36 of the Bombay Public Conveyances Act, 1920, Bom. VII of 1920. the following sub-section shall be substituted, namely:—

"(*5*) In any area to which this Act or any specified provisions thereof have been extended under sub-section (*1*) of this section, the cost of administering this Act shall be met from the fees charged in such area under this Act, or rules made thereunder.

Any balance remaining after the cost of administering this Act or any specified provisions thereof in

such area has been met, shall be paid to the local authority for such area.

Provided that where there is more than one local authority for such area such balance shall be paid to such local authorities in such proportion as the Commissioner in Sind or the Commissioner of the Division, as the case may be, shall direct."

STATEMENT OF OBJECTS AND REASONS.

Section 36 (5) of the Bombay Public Conveyances Act, 1920, enacts that where the Act or any of its provisions have been extended to any local area the balance remaining from fees charged under the Act or rules shall be paid to the local authority administering the Act in such an area. A 'local authority' is defined in section 3 (26) of the Bombay General Clauses Act, 1904, and includes any authority legally entitled to administer or entrusted by Government with the administration of municipal or local funds. But the Bombay Public Conveyances Act is administered by the police and not by any local authority and this fact has made the meaning of the section obscure. The amendment is intended to remove this difficulty.

M. H. W. HAYWARD.

23rd August 1924.

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## APPENDIX 65.

## BILL No. XXV OF 1924.

*A Bill further to amend the City of Bombay Municipal Act, 1888.*

**(As published in the "Bombay Government Gazette" of the 27th September 1924.)**

WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by sub-section (3) of section

Bom. III of 1888.

80A of the Government of India Act has been obtained for the passing of this Act: It is hereby enacted as follows:— 5 & 6 Geo. 5. c. 61.

Short title.

1. This Act may be called the City of Bombay Municipal (Amendment) Act, 192 .

Amendment of section 3 of Bom. III of 1888.

2. In section 3 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act, Bom. III of 1888.

(*a*) in clause (*c*) for the words "or appointed" the words "appointed or co-opted" shall be substituted; and

(*b*) after clause (*y*), the following clause shall be inserted, namely:—

"(*yy*) 'Trade refuse' means and includes the refuse of any trade, manufacture or business."

Amendment of section 11 of Bom. III of 1888.

3. In section 11 of the said Act—

(*a*) in sub-section (*2*) for the words "occupied as owner or tenant in such ward a building, or part of a building separately occupied, as a dwelling or for the purpose of any trade, business or profession, of which the monthly rental was not less than rupees ten" the words "occupied as owner or part owner or tenant or sub-tenant in such ward a building or part of a building separately occupied of which the monthly rental was not less than rupees ten" shall be substituted;

(*b*) in the second proviso to the said sub-section for the word "dwelling-house" wherever it occurs the words "building or part of a building" shall be substituted.

Amendment of section 14 of Bom. III of 1888.

**4.** In clause (*b*) of sub-section (*2*) of section 14 of the said Act for the words "person duly authorized by power-of-attorney to represent such company or firm" the words "member of such company or firm or any one person holding a general power-of-attorney from such company or firm whose name has been duly communicated to the Assessor and Collector under clause (*e*) of section 28" shall be substituted.

Amendment of section 22 of Bom. III of 1888.

**5.** In section 22 of the said Act after the word "councillors" the words "other than co-opted councillors" shall be inserted.

Amendment of section 23 of Bom. III of 1888.

**6.** In section 23 of the said Act—

(*1*) before the words "the dates" occurring in the beginning of the section the words "except as provided in section 31A" shall be inserted;

(*2*) the fourth paragraph shall be omitted.

Amendment of section 26 of Bom. III of 1888.

**7.** In sub-section (*2*) of section 26 of the said Act—

(*a*) in clause (*a*) after the word "election" where it occurs for the second time the words "and up to 4 p. m. on the date of election" shall be inserted; and

(*b*) in clause (*j*)

(*i*) after the word "nominated" where it occurs for the second time the words "dies or" shall be inserted;

(*ii*) for the words "three days" the words "one day" shall be substituted; and

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

"Provided further that a candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election."

Amendment of section 28 of Bom. III of 1888.

**8.** For section 28 of the said Act, the following section shall be substituted, namely:—

Provisions respecting contested ward elections.

"28. With respect to the contested ward elections the following provisions shall have effect, namely:—

(*a*) Votes shall be given by ballot and in person. No votes shall be received by proxy;

(*b*) no votes shall be received for any candidate whose name has not been published by the Commissioner under sub-section (*2*) of section 27 as having been validly nominated;

(*c*) no votes shall be received from any person whose name is not enrolled in the ward roll as a voter of the ward for which the election is being held;

(*d*) when the name in the ward roll is that of a joint-stock company, a vote on behalf of the said company may be received from its secretary, agent, managing director or manager;

(*e*) when the name in the ward roll is that of any company other than a joint-stock company or of a firm, a vote on behalf of such company or firm may be received from any member of such company or firm whose name has been communicated to the Assessor and Collector as the representative of the company or firm who would be entitled to vote at the election on behalf of the company or firm, or where no such name has been so communicated, from any person who produces to the polling officer a general power-of-attorney from such firm or company;

(*f*) in plural councillor wards every elector shall have as many votes as there are councillors to be elected, at such election for such ward, and may give all such votes to one candidate, or may distribute them among the candidates as he thinks fit;

(*g*) the person, or where there is more than one councillor to be elected, the persons not exceeding the number of councillors to be elected, who have the greatest number of valid votes shall be deemed to be elected;

(*h*) where an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected the determination of the person or persons to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall determine;

(*i*) if a candidate is elected councillor for more than one ward, he shall, within three days after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or in his default the Commissioner shall, when the time for choice has expired, declare, for which of the wards he shall serve and the choice or declaration shall be conclusive;

(*j*) when any such choice or declaration has been made, the votes recorded for the candidate aforesaid in any ward for which he is not to serve shall be deemed not to have been given and the candidate, if any, who but for the said votes would have been declared to have been elected for such ward shall be deemed to have been elected for the same;

(*k*) the Commissioner shall, as soon as may be, declare the result of the poll, specifying the total number of valid votes given for each candidate, and he shall, as soon as may be, hear and decide all objections, if any, to or regarding the poll, made to him in writing not later than 5 o'clock of the afternoon of the day after the poll and shall cause lists to be prepared for each ward, specifying the names of all candidates, and the number of valid and the number of rejected votes given to each candidate. In accordance with such rules as the Commissioner may frame for the purpose and on payment of such fee as may be prescribed by him a copy of

such list shall be supplied to any candidate of the ward and shall be available for inspection to any voter of the ward."

**9.** After section 28 of the said Act, the following section shall be inserted, namely:—

New section 29 of Bom. III of 1888.

"29. (*1*) Subject to the provisions of this Act the Corporation shall, with the sanction of the Local Government, make rules for the conduct of elections, and in particular providing—

Corporation may make rules for the conduct of elections.

(*a*) for the appointment of polling stations for each ward;

(*b*) for the appointment of polling officers and other persons to assist at the poll and for the remuneration of such polling officers and other persons for their services;

(*c*) for the hours during which polling stations shall be open for the recording of votes;

(*d*) for the printing and for the issue of voting papers;

(*e*) for the checking of voters by reference to the electoral roll;

(*f*) for the manner in which votes are to be given and in particular for the case of illiterate voters or of voters under physical or other disability;

(*g*) for the procedure to be followed in respect of challenged votes, or tender of votes by persons representing themselves

to be electors, after other persons have voted as such electors;

(*h*) for the scrutiny of votes;

(*i*) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved and for the inspection and production of such papers;

and may make such other rules regarding the conduct of the elections as it thinks fit."

Repeal of section 30A of Bom. III of 1888.

**10.** Section 30A of the said Act shall be repealed.

New section 31A of Bom. III of 1888.

**11.** After section 31 of the said Act the following new section shall be inserted, namely:—

"31A. The election of co-opted councillors shall be held on a day fixed by the Commissioner subsequent to the elections mentioned in section 23 and the appointment of councillors by Government but prior to the day for retirement, and shall be made in accordance with rules made by the Corporation in this behalf subject to the provisions of sub-section (*l*) of section 5."

Election of co-opted councillors.

Amendment of section 33 of Bom. III of 1888.

**12.** In sub-section (*l*) of section 33 of the said Act, for the words "after the result of the election has been declared" the words "from the date on which the list prescribed under clause (*k*) of section 28 was available for sale or inspection in the Commissioner's office" shall be substituted.

**13.** After section 38 of the said Act the following sections shall be inserted, namely :—

New sections 38A and 38B in Bom. III of 1888.

"38A. (*1*) The Corporation may from time to time appoint, out of their own body, Special Committees and may by specific resolution carried by a vote of at least two-thirds of the members of the Corporation present at the meeting delegate any of their powers and duties to such Committees, and may also by a like resolution define the sphere of business of each Special Committee so appointed, and direct that all matters and questions included in any such sphere shall, in the first instance, be placed before the appropriate committee and shall be submitted to the Corporation with such Committee's recommendation.

Special Committees of the Corporation.

(*2*) Every Special Committee shall conform to any instructions that may from time to time be given to them by the Corporation.

(*3*) The Corporation may, at any time, dissolve or subject to any rules made by them in this behalf alter the constitution of any Special Committee.

(*4*) Every Special Committee shall appoint two of their number to be their Chairman and Deputy Chairman :

Provided that no member shall, at the same time, be the Chairman of more than one Special Committee.

(*5*) In the absence of the Chairman or Deputy Chairman, the members of the Special Committee present shall choose one of their number to preside over their meeting.

(*6*) All the proceedings of every Special Committee shall be subject to confirmation by the Corporation:

Provided that any Special Committee may by a resolution supported by at least one half of the whole number of members of the Committee direct that action be taken in accordance with the decision of such Committee without waiting for confirmation of their proceedings by the Corporation, if the Committee consider that serious inconvenience would result from delay in taking such action; but if the Corporation do not confirm the proceedings of the Special Committee, such steps shall be taken to carry out any orders passed by the Corporation as may still be practicable:

Provided also that, if, in delegating any of their powers or duties to a Special Committee under sub-section (1), the Corporation direct that the decision of the Special Committee shall be final, then so much of the proceedings of the Special Committee as relate to such powers or duties shall not be subject to confirmation by the Corporation, if such decision is supported by at least one half of the whole number of members of the Committee.

(7) The Corporation may make rules for regulating the constitution of Special Committees and the conduct of business at meetings of such Committees, and for the keeping of minutes and the submission of reports.

Special Committees of the Standing Committee.

38B. (1) The Standing Committee may, from time to time, appoint out of their own body Special Committees and may by a resolution carried by a vote of at least two-thirds of the members of the Standing Committee present at the meeting delegate any of their powers and duties to such committees, and may also by a like resolution define the sphere of business of each Special Committee so appointed, and direct that all matters and questions included in any such sphere shall, in the first instance, be placed before the appropriate committee and shall be submitted to the Standing Committee with such Committee's recommendation.

(2) The provisions of sub-sections (2) to (7) of section 38A shall apply to Special Committees appointed by the Standing Committee, the words "Standing Committee" being read in place of the word 'Corporation'."

Amendment of section 57 of Bom. III of 1888.

14. The last seven words of sub-section (1) of section 54 of the said Act shall be omitted.

**15.** For sub-section (*1*) of section 57 of the said Act, the following shall be substituted, namely :—

Amendment of section 57 of Bom. III of 1888.

"57. (*1*) The appointment of the Commissioner shall be for a period of five years in the first instance and thereafter renewable for periods of three years; the salary of the Commissioner for the first year shall be Rs. 2,500 per mensem, for the next two years Rs. 3,000 per mensem, for the subsequent period of two years Rs. 3,500 per mensem and thereafter if his term of office is renewed Rs. 4,000 per mensem. He shall, except as hereinafter provided, devote his whole time and attention to the duties of his office as prescribed in this Act or in any other enactment for the time being in force."

Salary of the Commissioner.

**16.** In section 58 of the said Act, for the words "fifteen hundred" and "twelve hundred" the words "two thousand" and "fifteen hundred" shall respectively be substituted.

Amendment of section 58 of Bom. III of 1888.

**17.** After section 62D of the said Act, the following section shall be inserted, namely :—

New section 62E of Bom. III of 1888.

"62E. The Corporation shall make payments at such rates as Government from time to time by general or special order prescribe, for the

Corporation to provide for maintenance of lunatics.

maintenance and treatment either in the City or at any asylum, hospital or house, whether within or without the City, which Government declares by notification to be suitable for such purpose, of pauper lunatics, not being persons for whose confinement an order under Chapter XXXIV of the Code of Criminal Procedure, 1898, is in force, resident within, or under any enactment for the time being in force removed from, the City :

V of 1898.

Provided that the Corporation shall not be liable under this section for the maintenance and treatment of any lunatic in any such asylum, hospital or house as aforesaid, unless such lunatic, previous to his admission thereto, has been resident in the City for at least one year."

Amendment of section 68 of Bom. III of 1888.

**13.** In sub-section (*2*) of section 68 of the said Act, after the entry "Section 311" the entry "Section 313A" shall be inserted.

Amendment of section 107 of Bom. III of 1888.

**19.** In section 107 of the said Act, the words "under the orders of the Governor General of India in Council" shall be deleted.

Amendment of section 301 of Bom. III of 1888.

**20.** For sub-section (*1*) of section 301 of the said Act, the following sub-section shall be substituted, namely :—

"(*1*) Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under section 298 or 299, for any loss which

such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of the order made by the Commissioner under either of the said sections; provided that any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part likely to accrue from the set-back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation."

New section 313-A in Bom. III of 1888.

**21.** After section 313 of the said Act, the following section shall be inserted, namely:—

Licenses for sale in public places.

"313A. Except under and in conformity with the terms and provisions of a license granted by the Commissioner in this behalf, no person shall hawk or expose for sale in any public place or in any public street any article whatsoever, whether it be for human consumption or not."

Amendment of section 367 of Bom. III of 1888.

**22.** In section 367 of the said Act,

(*1*) the figures "(*1*)" and "(*2*)" shall be omitted.

(*2*) after clause (*a*) the following clause shall be inserted:—

"(*b*) trade refuse;"

(*3*) clause (*b*) shall be renumbered (*c*); and

(*4*) clauses "(*c*)" and "(*d*)" shall be renumbered "(*i*)" and "(*ii*)" respectively.

**23.** For section 368 of the said Act the following section shall be substituted:—

Substitution of a new section for section 368 of Bom. III of 1888.

"368. (*1*) It shall be incumbent on the owners and occupiers of all premises to cause all dust, ashes, refuse, rubbish and trade refuse to be collected from their respective premises and to be deposited at such times as the Commissioner, by public notice, from time to time prescribes in the public receptacle, depôt or place provided or appointed under the last preceding section for the temporary deposit or final disposal thereof.

Duty of owners and occupiers to collect and deposit dust, etc.

(*2*) Provided that the Commissioner may, if he thinks fit, by written notice require the occupier and owner or either of them of any premises, to cause all dust, ashes, refuse and rubbish but not trade refuse to be collected daily, or otherwise periodically, from the said premises and deposited temporarily upon any place forming the part of the said premises which the Commissioner appoints in this behalf, and it shall be incumbent on the said occupier and owner or either of them to cause the said matters to be collected and deposited accordingly.

(*3*) It shall be incumbent on the owners of all premises to provide receptacles of a size to be prescribed by the Commissioner for the collection therein of all dust, ashes, refuse, rubbish and trade refuse to be collected from such premises. Such receptacles shall at all times be kept in good repair and condition and shall be provided in such number and

place and retained in such positions as the Commissioner may, from time to time, by written notice direct.

(*4*) It shall also be incumbent on the owners and occupiers or either of them of all premises when required by the Commissioner by written notice so to do, to employ servants for the purpose of carrying out and complying with the requirements of sub-sections (*1*) and (*2*) of this section."

Amendment of section 372 of Bom. III of 1888.

**24.** In section 372 of the said Act for the words "and rubbish" occurring in clause (*a*) and the words "or rubbish" occurring in clauses (*b*), (*c*) and (*e*) the words "rubbish and trade refuse" and "rubbish or trade refuse" shall respectively be subtituted.

Amendment of section 373 of Bom. III of 1888.

**25.** In section 373 of the said Act for the words "or rubbish" the words "rubbish or trade refuse" shall be substituted.

New section 377-A of Bom. III of 1888.

**26.** After section 377 of the said Act, the following section shall be inserted, namely :—

Nuisance arising from defective roof.

"377A. (*1*) If it shall appear to the Commissioner that any building or any part of a building is in such a state as to constitute a nuisance, or to be likely to give rise to one, by reason of rain-water leaking from its roof or any part of its roof the Commissioner may give a notice in writing to the owner of such building re-

quiring him to abate the nuisance or to prevent its recurrence within the time and by taking the measures and doing the acts to be specified in the notice.

(*2*) If at any time thereafter the Commissioner is of opinion that such a nuisance may recur he may, notwithstanding that the original nuisance may have been abated by the owner of the building under sub-section (*1*) give a further notice in writing to the said owner requiring him to abate the probable recurrence of the nuisance within the time and in the manner specified in the notice.

(*3*) If the owner of the building by whose act, default or sufferance such nuisance has arisen or continues is unknown or cannot be found, the Commissioner may take such measures or cause such work to be executed or such things to be done as shall in his opinion be necessary to abate such nuisance and to prevent its recurrence."

Amendment of section 394 of Bom. III of 1888.

**27.** (*1*) After sub-section (*2*) of section 394 of the said Act, the following sub-section shall be inserted, namely:—

"(*3*) A person shall be deemed to carry on or to allow to be carried on a trade or operation within the meaning of paragraph (ii) of clause (*d*) of sub-section (*1*) if he does any act in furtherance of such trade or is in any way engaged or concerned therein whether as principal, agent, clerk, master, servant, workman, handicraftsman or otherwise."

(2) Sub-sections (3), (4) and (5) of the said section shall be re-numbered (4), (5) and (6) respectively.

Amendment of section 471 of Bom. III of 1888.

**28.** In the table subjoined to section 471 of the said Act,

(1) below the entry relating to section 313 the following entry shall be inserted, namely :—

"

| | | |
|---|---|---|
| Section 313-A.. | Prohibition of hawking articles for sale in a public place or street without a license. | Fifty rupees. |

"

(2) For the entry relating to section 368 the following entry shall be substituted, namely :—

"

| | | |
|---|---|---|
| Section 368, sub-sections (1), (2), (3) and (4). | Collection, removal and deposit of refuse and provision of receptacles. | Twenty rupees. |

and

(3) below the entry relating to section 377 the following entry shall be inserted, namely :—

"

| | | |
|---|---|---|
| Section 377-A, sub-sections (1) and (2). | Requisition to abate or to prevent recurrence of a leakage in the roofs of buildings. | Fifty rupees. |

"

Amendment of section 472 of Bom. III of 1888.

**29.** In the table subjoined to section 472 of the said Act,

(1) below the entry relating to section 358 the following entry shall be inserted, namely :—

"

| | | |
|---|---|---|
| Section 368, sub-sections (1), (2), (3) and (4). | Collection, removal and deposit of refuse and provision of receptacles. | Ten rupees. |

"

and

(*2*) below the entry relating to section 377 the following entry shall be inserted, namely :—

"

| | | |
|---|---|---|
| Section 377-A, sub-sections (*1*) and (*2*), | Requisition to abate or to prevent recurrence of leakage in the roofs of buildings, | Fifty rupees, |

"

Amendment of section 489 of Bom. III of 1888.

**30.** In sub-section (*2*) of section 489 of the said Act,

(*1*) for the entry "section 368, sub-section (*2*)" the entry "section 368, sub-sections (*1*), (*2*), (*3*) and (*4*)" shall be substituted; and

(*2*) after the entry "section 375" the entry "section 375A" and after the entry "section 377" the entry "section 377A" shall be inserted.

Amendment of Schedule M of Bom. III of 1888.

**31.** In Part IV of Schedule M to the said Act, after the word "Gunpowder" the word "Ice" shall be inserted.

## STATEMENT OF OBJECTS AND REASONS.

The objects of this Bill are explained in the following notes on clauses.

*Notes on clauses.*

*Clause 2.*—The Act provides separately for the election of co-opted Councillors and it has been thought desirable to include them specifically in the definition. It makes provision for the disposal of "trade refuse".

*Clause 3.*—This amendment is designed to settle a doubt whether buildings occupied by clubs and associations for charitable, social, literary or political purposes are covered by section 11 of the Act.

*Clause 4.*—This clause is intended to make it clear that the person authorized to represent a company or firm shall be a member of the firm. Opportunity has also been taken to provide, as desired by the Corporation, that a person representing a company or firm need not be authorized by a special power-of-attorney in this behalf, and that it is sufficient if he

holds a general power-of-attorney from the company or firm and is one whose name has been duly communicated to the Assessor and Collector as the representative of the company or firm who is entitled to vote at the election on behalf of the company or firm.

*Clause 5.*—The Act provides separately for the election of co-opted Councillors. And as "Councillors" might be deemed to include co-opted Councillors it has been thought desirable to exclude them specifically from the operation of section 22.

*Clause 5.*—The amendment is consequential; see section 31A.

*Clause 6.*—In view of the new section 31A, paragraph 4 of section 23 becomes unnecessary. The amendment in sub-clause (1) is consequential.

*Clause 7.*—The amendment in sub-clause (*a*) is intended to extend the time for the supply of nomination papers up to 4 p.m. on the day fixed for the election. The amendments in sub-clause (*b*) are intended to save the trouble and expense of a contested election when the death or withdrawal of a candidate before the day of the election makes it an uncontested one.

*Clause 8.*—The Corporation have recommended to Government the system of voting by secret ballot in the elections of Councillors. The adoption of this proposal will bring the procedure in municipal elections in Bombay more into line with that followed in other elections and will modernize it.

*Clause 9.*—The Corporation have also recommended that the procedure at municipal elections shall be regulated by rules made under the Act by the Corporation. In order to carry these recommendations into effect a new section is proposed to be substituted for section 28. This contains all the provisions of the old section which should have statutory authority. The new rule making section 29 is designed to empower the Corporation to introduce the new system of voting and to regulate procedure at elections, by rules made by the Corporation, with the sanction of Government. It is modelled on the provisions of rule 13 of the Bombay Electoral Rules under which the Bombay Electoral Regulations have been framed.

*Clause 10.*—In view of new section 31A, section 30A is unnecessary.

*Clause 11.*—Under section 22 of the Act all general elections must be held before the end of February. General elections might include the elections of co-opted Councillors also. The intention, however, is to allow time for the election of co-opted Councillors up to the end of March. It is therefore considered desirable to make separate provision for the election of co-opted Councillors.

*Clause 12.*—This clause is intended to provide that the period of fifteen days allowed after the result of the election has been declared for making an application to the Chief Judge of the Small Cause Court be counted from the date on which the list under clause (*k*) of section 28 was available for sale or inspection in the Commissioner's office.

*Clause 13.*—

*New Section 38A.*

The question of improving the system of appointment of Committees with a view to expediting business has been engaging the attention of the Corporation since the year 1908, and the increasing volume of work which comes before the Corporation has made the adoption of some such system imperative. At present, there are only two Statutory Committees, the Standing Committee and Schools Committee. Under section 41 of the present Act a Hospital Committee may also be appointed.

Under section 38 committees may be appointed "for inquiry and report and for opinion", and special subjects relating to the purposes of the Act may be referred to them. Under section 36 (*l*) the Standing Committee and the Commissioner may also bring 'urgent business' before the Corporation, with its permission.

But outside of these provisions there are none for the appointment of committees with definite spheres of business. It is intended that, except where the Corporation by specific resolution delegate any of their powers to them, these committees should deal with questions coming before them in a preliminary way and so avoid the inconvenience of a discussion of questions for the first time at Corporation meetings. The inconvenience complained of is sometimes the cause of lengthy and uninformed discussions at meetings, of questions which might, much more conveniently and usefully, first be considered in an informal fashion by a committee.

Another objection taken to the present procedure is, that it causes great delay in the disposal of important business. Questions requiring close examination are necessarily referred to a Special Committee, but this is only done at present after they have been brought before the Corporation.

There is, again, a distinct advantage in appointing Special Committees which gradually become trained and expert in the particular class of business with which they are in the habit of dealing. The present Committees appointed *ad hoc* are necessarily deprived of this advantage.

Lastly, even in business of a formal character, a number of matters require close scrutiny, if the responsiblity of the Corporation as a sanctioning authority is to be properly discharged. It is impossible for Councillors at a meeting adequately to examine plans, estimates and so forth. All these matters should be dealt with carefully by a Special Committee.

The new procedure will also tend to concentrate the attention of Councillors in meeting upon really important questions and it may be expected, as a result, that meetings will become shorter and more business-like.

All the ordinary business which comes before the Corporation will be included within the scope of one Special Committee or another. The amendment does not affect any of the statutory powers of the Standing Committee, or the Schools Committee, or the Commissioner. It has been modelled on the corresponding clauses of the Calcutta Municipal Bill.

*New Section 38B.*

This section is intended to authorize the Standing Committee to delegate any of their powers to cognate Special Committees.

*Clause 14.*—In view of the provision made in section 57 (1) as regards the period of appointment of the Commissioner the words proposed to be omitted become unnecessary.

*Clause 15.*—The amendment is intended to give effect to the wishes of the Corporation as to the pay of the Commissioner. Under section 57 of the Act the pay of the appointment of Commissioner is subject to the minimum of Rs. 2,000 per mensem and maximum of Rs. 2,500 and after three years' service to Rs. 3,000. In the changed conditions of life in Bombay and with the increased cost of living, it is no longer possible for the Corporation to obtain the services of an officer of the necessary standing and ability on the old rate of pay.

*Clause 16.*—This amendment is necessary for the same reasons as the one of section 57.

*Clause 17.*—The charge is one which the Corporation should and are willing to meet and as it is not laid down in the City of Bombay Municipal Act, 1888, that the charges for maintenance and treatment of pauper lunatics should be defrayed by the Municipality, the amendment is intended to bring the provisions of the City Municipal Act into line with those of the Bombay District Municipal Act, 1901, in this respect.

*Clause 18.*—This amendment is necessary on the insertion of new section 313-A.

*Clause 19.*—The object of this amendment is to delegate to the Governor of Bombay in Council the power hitherto reserved to the Governor General in Council to sanction Government loans from provincial revenues to the Municipal Corporation of the City of Bombay.

*Clause 20.*—The manner in which section 301 (1) has been interpreted by the Courts has led to the payment of exorbitant claims as compensation. The proposed amendment will result in owners being fully compensated for the loss sustained by them, but at the same time it will protect the Corporation from inordinate demands. The proviso allows for betterment as well as for damage to the property.

*Clause 21.*—The hawking and exposure for sale of articles in the city streets has so far been allowed to be carried on without license. With the growth of traffic it has been found that hawkers are apt to congregate in certain very busy thoroughfares and so to interfere with the public convenience. The amendment is designed to give the municipal authorities power to deal with these people. Licenses are issued in Calcutta to street hawkers.

*Clauses 22 to 25, 28 (2), 29 (1) and 30 (2).*—It has been represented to Government by the Corporation that the habit of throwing house refuse into the streets and house-gullies in Bombay is ingrained in certain sections of the public and that owing to the difficulty of identifying the offenders prosecutions under section 372 (*e*) of the Municipal Act have small chance

of sucess. It is therefore proposed, in order to check this insanitary practice, to impose on the owners and occupiers of buildings the responsibility of providing suitable receptacles for the temporary collection of such refuse on their premises, whence it will be removed periodically to the travelling or stationary carts which the Municipal Commissioner has to maintain under section 367 (*l*) of the City of Bombay Municipal Act, 1888.

*Clause 26.*—There is no provision in the Act empowering the Municipal Commissioner to require the owners of buildings to keep the roofs in such repair as will prevent rain-water leaking into the buildings. It is necessary, in the interest of public health and comfort, to have such a provision; and the amendment is designed to confer this power.

*Clause 27.*—This amendment has been made necessary by a judicial decision in a recent prosecution instituted by the License Department before the Third Presidency Magistrate under sections 394 (*l*) (*d*) (*ii*) and 472 of the Act, the accused having contended that he was a mere servant of the offending firm, the learned Magistrate acquitted him, holding that the wording of section 394 was quite clear, and intended to apply to owners or managers, and not to mere servants. He also stated that in cases of this kind proceedings are taken, wherever possible, against the actual owners of the offending trades, but in this particular case both the persons who declared themselves to be owners were away from Bombay, and there was no immediate means of compelling their attendance. If a person, who has established or allowed a dangerous trade or operation to be carried on at any premises, chooses to absent himself, his servant or servants employed to do the work can, with impunity, continue to carry on that trade or operation, however dangerous it may be, for however long the person primarily responsible may elect to stay away. The clause remedies this defect.

*Clauses 28 and 29.*—These amendments are necessary on the insertion of new sections 313A and 377A.

*Clause* 30.—The object of the amendment in relation to section 375A is to empower the Municipal Commissioner to exercise in respect of any requisition or order by written notice made by him under section 375A, the powers conferred on him by section 489 of the Act. The Corporation have represented that it is desirable that the Municipal Commissioner should possess these powers to be able to take prompt action in respect of section 375A when necessary.

The amendment in relation to section 377A is necessary on the insertion of that section.

*Clause 31.*—It has been found that the manufacture of ice is not one of the trades which can only be carried on in licensed premises and, on sanitary grounds, it is necessary that this omission should be made good.

GHULAM HUSSAIN HIDAYATALLAH.

21st September 1924.

## APPENDIX 66.

The following report of the Select Committee of the Council of His Excellency the Governor of Bombay on Motion No. I of 1924 to amend Standing Orders of the Bombay Legislative Council and the amendments made by the Select Committee are published for general information :—

*Report of the Select Committee on Motion No. 1 of 1924 to amend Standing Orders.*

We, the undersigned members of the Select Committee appointed to consider the Motion No. 1 to amend Standing Orders have the honour to report as follows :—

The main amendments made by us in the motion are as follows :—

(1) Instead of the original provision that in the case of an equality of votes at the election of the President the person approved by the Governor shall be deemed to have been elected by the Council we have provided for a second election between the persons receiving such votes on the next day, which would thus give the Council an opportunity to reconsider the matter before the Governor may be required to make a decision.

(2) The procedure for the ballot has been laid down in paragraph 1 (5) : it is substantially the same as has been already adopted by the Council for the election of the Deputy President under the rulings of the President.

(3) By a majority the Select Committee have decided to delete the original paragraph III.

The other changes introduced are minor and consequential amendments.

(Signed) IBRAHIM RAHIMTOOLA,

( „ ) B. G. PAHALAJANI,

( „ ) D. P. DESAI,

( „ ) L. B. BHOPATKAR (*subject to a minute of dissent*),

( „ ) G. B. PRADHAN,

( „ ) S. T. KAMBLI,

( „ ) A. M. MANSURI,

( „ ) HOOSEINBHOY A. LALLJEE,

( „ ) S. N. BHUTTO,

( „ ) M. H. W. HAYWARD (*subject to a minute of dissent*).

*(Minute of dissent by Mr. L. B. Bhopatkar, M.L.C.)*

I cannot agree with the principle embodied in the last sentence of sub-clause 3 of clause I. In the case of the equality of votes in the second election for the post of President, I am of opinion that the procedure proposed in the aforesaid provision is not the right one; it may even be said that from the standpoint of the rights of this Council, it is not even safe. I should suggest that the matter should rather be decided by the drawing of lots than be submitted to the approval of the Governor. I have submitted an amendment to that effect.

In the light of the above, sub-clause 4 of clause I will have to be consequentially amended.

(Signed) L. B. BHOPATKAR.

18th October 1924.

*(Minute of dissent by the Honourable Sir Maurice Hayward, Kt., I.C.S.)*

I consider original paragraph III ought to be retained.

(Signed) M. H. W. HAYWARD.

19th October 1924.

AMENDMENTS MADE BY THE SELECT COMMITTEE.

III.—*Council Officials.*—

1. (1) After the members have made an oath or affirmation of allegiance to the Crown in the presence of the Secretary at the beginning of a new Council the Council shall elect one of its members to be President.

Election of President.

(2) Every member who wishes to propose a member for election as President must—

(*a*) ascertain previously that the member he wishes to propose is willing to serve if elected, and,

(*b*) hand to the Secretary a notice containing the name of the member he desires to propose, signed by himself and some other member as seconder.

(3) The Secretary shall read out to the Council the names of the candidates together with those of their proposers and seconders and if only one person has been proposed for election, the Secretary shall submit the name of that person to the Governor for his approval. If more than one person has been proposed the members shall then proceed to vote on the question by ballot, and the Secretary shall submit the name of the person who receives the majority of votes to the Governor for his approval and the meeting shall stand adjourned from day to day pending the Governor's decision.

Provided that in the case of an equality of votes the names of the persons receiving such votes shall not be submitted by the Secretary to the Governor, but the meeting shall stand adjourned to the next following day,

when a second election shall be held, between such two persons. If the second election again results in an equality of votes, the names of the two persons so obtaining an equal number of votes shall be submitted to the Governor, and the person approved by the Governor shall be deemed to have been duly elected by the Council.

(4) On the approval of the Governor being given, the Secretary shall declare the person approved to have been duly elected.

(5) The ballot shall be held in the following manner:—

(*a*) Every member shall be entitled to vote for one person only, at each ballot.

(*b*) If there are only two candidates only one ballot shall be held. If there are more than two candidates the name of the candidate who obtains the fewest number of votes at the first ballot shall be omitted from the list of candidates. The remaining candidates shall then be balloted for, and the name of the candidate obtaining the fewest number of votes at the second ballot shall similarly be omitted from the list of candidates.

This process shall be continued at the third and all succeeding ballots until only two candidates' names remain on the list, when a final ballot shall be held.

(6) If a vacancy occurs in the office of President during the life of a Council, or if the Governor withholds his approval to any election, a fresh election shall be held in accordance with the procedure hereinbefore laid down, provided that if there is a Deputy President he shall preside at such election and shall perform the duties imposed on the Secretary by paragraphs 2, 3 and 4 of this Standing Order. The ballot shall be held as prescribed in paragraph 5 above. The Deputy President shall only vote in the event of an equality of votes.

Election of Deputy President.

2. (1) At the beginning of a new Council after the election of the President, the Council shall also elect one of its members to be Deputy President.

(2) Every member who wishes to propose a member for election as Deputy President must—

(*a*) ascertain previously that the member he wishes to propose is willing to serve if elected, and,

(*b*) hand to the Secretary a notice containing the name of the member he desires to propose signed by himself and some other member as seconder.

(3) The President shall read out to the Council the names of the candidates together with those of their proposers and seconders and if only one person has been proposed for election shall declare that person duly elected. If more than one person has been proposed, the members other than the President shall then proceed to vote on the question by ballot and the President shall declare the person who receives the majority of votes to be duly elected. The ballot shall be held as prescribed in rule I, paragraph 5 above. In the event of an equality of votes the president shall have a casting vote.

(4) If a vacancy in the office of Deputy President occurs in the life of a Council, or if the Governor withholds his approval to any election, a fresh election shall be held in accordance with the procedure hereinbefore laid down.

3. In paragraph 6 of Standing Order IV for the words "the election if any of a Deputy President has" the words "the elections of a President and of a Deputy President have" shall be substituted.

## APPENDIX 67.

The following report of the Select Committee of the Council of His Excellency the Governor of Bombay on motion No. II of 1924 to amend the Standing Orders of the Bombay Legislative Council and the motion as amended by the Select Committee are published for general information :—

*Report of the Select Committee on Motion No. II of 1924 to amend Standing Orders.*

We, the undersigned members of the Select Committee have the honour to report as follows :—

Mr. Pahalajani withdrew both his amendments of Standing Order VIII, 4 and therefore only his amendment of Standing Order VIII 10 (1), *viz.*, "Omit the words 'not being an amendment of principle'" was considered by the Select Committee. We carefully discussed the amendment and came to the conclusion by a majority that it should be accepted.

(Signed) IBRAHIM RAHIMTOOLA,
( „ ) B. G. PAHALAJANI,
( „ ) D. P. DESAI,
( „ ) H. B. SHIVDASANI,
( „ ) L. B. BHOPATKAR,
( „ ) K. F. NARIMAN,
( „ ) HOOSEINBHOY A. LALLJEE,
( „ ) M. H. W. HAYWARD (*subject to a minute of dissent*),
( „ ) C. V. MEHTA (*subject to a minute of dissent*).
( „ ) GHULAM HUSSAIN HIDAYATALLAH (*subject to a minute of dissent*).

(*Minute of dissent by the Honourable Sir Maurice Hayward, Kt., I.C.S. the Honourable Mr. C. V. Mehta, and the Honourable Khan Bahadur Shaikh Ghulam Hussain Hidayatallah.*)

We consider sufficient opportunities for amendments of principle are provided during the First Reading under Standing Order VIII 4 (2) and upon presentation of the report of the Select Committee under Standing

Order VIII 8 (2) (b). We think that amendments of principle ought to be precluded after the Bill has finally left the Select Committee stage and proceeded to the Second Reading. The clause to clause reading is practically unsuitable for amendments other than amendments of detail and ought to be restricted to such as at present. Verbal amendments would be permissible as at present during the Third Reading.

(Signed) M. H. W. HAYWARD.
( „ ) C. V. MEHTA.
( „ ) GHULAM HUSSAIN HIDAYATALLAH.

19th October 1924.

*Motion No. II of 1924 (as amended by the Select Committee).*

~~Standing Order VIII 4.~~

~~Sub-clause (2)~~

~~Omit the words "the principle of the bill and."~~

~~Omit the words "other than amendment of principle."~~

~~Sub-clause (3)~~

~~Omit whole sub-clause 3.~~

*Standing Order VIII* (10) 1:—

Omit the words "not being an amendment of principle".

K. C. SEN,
Secretary to the Legislative Council of the Governor of Bombay.

Poona,
20th October 1924.

## APPENDIX 68.

## A BILL FURTHER TO AMEND THE CITY OF BOMBAY IMPROVEMENT ACT, 1898.

Whereas it is expedient further to amend the City of Bombay Improvement Act, 1898, in manner hereinafter appearing; It is hereby enacted as follows:—

Bom. IV of 1898.

1. This Act may be called the City of Bombay Improvement (Amendment) Act, 1924.

2. In sub-section 1 of section 6 of the City of Bombay Improvement Act, 1898 the words "open vote" shall be substituted by the word "Ballot".

Bom. IV of 1898.

## STATEMENT OF OBJECTS AND REASONS.

The Bombay Municipal Corporation have adopted the system of Ballot voting in all elections by the Corporation except in cases where they are prevented by Law. Under the City of Bombay Improvement Act, 1889,

it is provided that the election by the Corporation of their representatives on the Board of Trustees should be by open vote. The Corporation have passed a resolution to the effect that the Act should be amended to enable them to vote by Ballot. This Bill carries out this object.

HOOSENALLY M. RAHIMTOOLA,

25th September 1924.

SECTION 6 OF THE CITY OF BOMBAY IMPROVEMENT ACT, 1898.

The Election of Trustees—

(1) by the Corporation, the Port Trustees and the Mill-owners' association shall be in accordance with regulations which those bodies may respectively frame, provided that the election by the Corporation shall be by open vote.

APPENDIX 69.

## BILL No. XXII OF 1924.

*A Bill to amend the Bombay District Police Act, 1890.*

**(As introduced on the 28th July 1924 and published in the Bombay Government Gazette of the 21st August 1924.**

WHEREAS it is expedient further to amend the Bombay District Police Act, 1908, in manner hereinafter appearing; It is hereby enacted as follows:—

Bom. IV of 1890.

1. This Act may be called the Bombay District Police (Amendment) Act, 192 .

2. In sub-section (2) of section 25 of the Bombay District Police Act, 1890, after the word "Government" the words "with the approval of the Legislative Council expressed by a resolution" shall be inserted.

Amendment of sub-section (2) of section 25.

## STATEMENT OF OBJECTS AND REASONS.

Section 25 of the Bombay District Police Act, 1890, empowers Government to direct the imposition of a tax or a rate to defray the cost of additional police employed in any local area which appears to it to be in a disturbed or in a dangerous state. The indiscriminate use of this power has led to injustice and hardship. This bill seeks to impose a restriction on the absolute power which at present vests in the Government, and at the same time throws the responsibility on the representatives of the people of judging the justice of the punitive levy.

A. N. SURVE, M.L.C.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

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